

THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING

WEDNESDAY, SEPTEMBER 16, 2020
6:00 p.m.

AGENDA

1. OPENING OF MEETING BY THE MAYOR

2. DISCLOSURE OF PECUNIARY INTEREST

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

p. 1 Recommendation: *Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and That the minutes of the Committee of the Whole and Regular Council meetings held on the 2nd day of September, 2020 be adopted as circulated.*

4. CONSENT AGENDA

Recommendation: *Be it resolved that the items listed in the Consent Agenda dated September 16, 2020 be received for information, and that the necessary action be taken.*

5. COMMITTEE REPORTS

p. 9 Traffic Advisory Committee

Recommendation: *Be it resolved that the minutes of the Traffic Advisory Committee from their meeting of August 25, 2020 be received.*

6. PETITIONS

7. MOTIONS AND NOTICES OF MOTIONS

8. UNFINISHED BUSINESS

9. BY-LAWS

p. 12 a. By-law 2020-56

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-56, that being a By-law to appoint a Zoning Administrator; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 13 **By-law 2020-57**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-57, that being a By-law to appoint a Deputy Chief Building Official; and also a Plumbing Inspector, Property Standards Officer and Zoning Administrator.; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 14 **b. By-law 2020-58**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-58, that being a By-law to appoint a Secretary-Treasurer to the Committee of Adjustment; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 15 **c. By-law 2020-59**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-59, that being a By-law to regulate the use of Fireworks within the Township of Essa); and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

10. QUESTIONS

11. CLOSED SESSION

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

- *Personal Matters about an Identifiable Individual [s.239(2)(b)].*
- *Litigation or Potential Litigation [s.239(2)(e)].*

Motion to Rise and Report from Closed Session Meeting of September 16, 2020.

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

12. CONFIRMATION BY-LAW

p. 16 **By-law 2020-60**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-60, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 16th day of September, 2020; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

13. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of the Council of the Township of Essa adjourn at _____ p.m. to meet again on the 7th day of October, 2020 following Committee of the Whole.*

**THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE**

**WEDNESDAY, SEPTEMBER 2, 2020
6:00 p.m.**

MINUTES

A Committee of the Whole meeting was held on Wednesday, September 2, 2020 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald
Deputy Mayor Michael Smith
Councillor Keith White
Councillor Henry Sander
Councillor Ron Henderson

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer
A. Powell, Manager of Planning and Development (electronic)
M. Mikael, Manager of Public Works (electronic)
J. Coleman, Manager of Parks and Recreation (electronic)
R. Rosilius, Deputy Treasurer (electronic)
K. Pascoe, Deputy Clerk

1. OPENING OF MEETING BY THE MAYOR

Mayor Macdonald opened the meeting at 6:00 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

5. PARKS AND RECREATION/ COMMUNITY SERVICES

- a. **Staff Report PR011-20 submitted by the Manager of Parks and Recreation, re: Thornton Arena Refrigeration Plant.**

Resolution No: CW112-2020 Moved by: Smith Seconded by: Sander

*Be it resolved that Staff Report PR011-20 be received; and
That Council authorize the Manager of Parks and Recreation to immediately proceed with the removal of the failed shell and tube chiller at the Thornton Arena, and replace it with an efficient, low charge plate and frame chiller from Berg Chilling Systems at a cost of \$89,500.00 plus H.S.T to the Township to come from special project reserves; and to seek out all possible avenues for funding.*

----Carried----

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

- a. **Staff Report PW013-20 submitted by the Manager of Public Works, re: Suggested amendments to By-law 98-81, being a By-law for erection of stop signs.**

MOTION AS AMENDED:

Resolution No: CW113-2020 Moved by: White Seconded by: Smith

*Be it resolved that Staff Report PW013-20 be received; and
That Council approve that Schedule "A" to By-law 98-81, concerning stop signs be amended to include stop signs as set out in this Report with respect to the Transport Canada Rail Safety – Crossing Inspection Report (Ref#:7039650); and that new stop signs be placed where required by Transport Canada in order to comply with their standards; and
That the MP be consulted to inquire as to if an exception could be made along this railway where trains are infrequent.*

----Carried----

- b. **Staff Report PW014-20 submitted by the Manager of Public Works, re: Winter Sand Tender.**

Resolution No: CW114-2020 Moved by: White Seconded by: Sander

*Be it resolved that Staff Report PW014-20 be received; and
That Council approve the tender received from JOHN EEK & SON LTD. for the purchase, mixing and stacking of winter sand in the amount of \$153,790.00 plus H.S.T as per the Township specifications.*

----Carried----

- c. **Staff Report PW015-20 submitted by the Manager of Public Works, re: Water Meters System Upgrades.**

Resolution No: CW115-2020 Moved by: White Seconded by: Smith

*Be it resolved that Staff Report PW015-20 be received; and
That Council approve entering into agreement with Signum Wireless Corporation located at the Angus Fire Hall (135 King Street) and Cherwyn Farm Inc. located at 7284 9th line to make use of the tower facility at both locations for the tower - based meter reading system at a total combined rent of \$800 per month.*

----Carried----

8. FINANCE

- a. **Release of Securities – 285 Mill St., Angus**

Resolution No: CW116-2020 Moved by: Henderson Seconded by: White

Be it resolved that Council approve a **Release of Securities** relating to 285 Mill St., Angus, as recommended as follows:

Current Securities Held by Township	\$ 232,743.00
Recommended Reduction	(\$ 232,743.00)
Securities to be Retained	\$ 0

and,

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

----Carried----

- b. Staff Report TR011-20 submitted by the Manager of Finance, re: 2020 Council participation in OMERS.**

Resolution No: CW117-2020 Moved by: Smith Seconded by: Henderson

Be it resolved that Staff Report TR011-20 be received; and
That Council approve enrolling in the Ontario Municipal Employees Retirement Savings Plan (OMERS).

----Carried----

- c. Staff Report TR012-20 submitted by the Deputy Treasurer, re: Asset Management Plan and Software Implementation Funding.**

Resolution No: CW118-2020 Moved by: Sander Seconded by: White

Be it resolved that Staff Report TR012-20 be received; and
That Council approve allocating \$36,400.00 from the Special Projects Reserve for the Asset Management Plan and Software Implementation project identified in the 2020 Treasury Budget.

----Carried----

9. CLERKS / BY-LAW ENFORCEMENT / IT

- a. Staff Report C026-20 submitted by the Clerk, re: Fireworks.**

Resolution No: CW119-2020 Moved by: White Seconded by: Smith

Be it resolved that Staff Report C026-20 be received; and
That Council direct Staff to proceed with drafting a Fireworks By-law for Council's consideration at a future meeting, to include set fines but with no obligation to seek a permit for consumer fireworks, and to restrict from the discharge of consumer fireworks to Victoria Day and Canada Day and the two days before and after.

----Carried----

- b. Staff Report C027-20 submitted by the Clerk, re: Off Road Vehicles (ORVs).**

Resolution No: CW120-2020 Moved by: White Seconded by: Henderson

Be it resolved that Staff Report C027-20 be received; and That Council direct Staff to work with the Central Ontario ATV Club and the County of Simcoe to propose a potential on-road route for ATVs / ORVs to utilize in accessing trails designated for such recreational vehicles, and provide a report back to Council for their consideration at a later date.

----Carried----

- c. Staff Report C028-20 submitted by the Deputy Clerk, re: Proposed Amendments to Fees and Charges By-law 2013-28**

Resolution No: CW121-2020 Moved by: White Seconded by: Henderson

Be it resolved that Staff Report C028-20 be received; and That Council authorize staff to proceed with a public meeting to consider new or amended fees.

----Carried----

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

- a. Staff Report CAO043-20 submitted by the Chief Administrative Officer, re: Job Description for the Manager of Public Works.**

Resolution No: CW122-2020 Moved by: White Seconded by: Sander

Be it resolved that Staff Report CAO043-20 be received; and That Council approve amending the job description for the Manager of Public Works position to reflect that the position should be held by a Professional (Civil) Engineer.

----Carried----

- b. Staff Report CAO045-20 submitted by the Chief Administrative Officer, re: Topsoil Placement on Finished Fill Sites.**

This item was deferred to a future meeting of Council at the request of the Chief Administrative Officer.

11. OTHER BUSINESS

- a. Additional COVID-19 Measures**

Councillor White requested Department Heads look into any additional items/equipment or increase in staff that may be needed to assist with COVID-19. Council supported Councillor White's request.

b. Flag Raising Ceremony – Traffic Advisory Committee

Mayor Macdonald reminded Council and Staff that the Flag Raising ceremony to roll out the Traffic Calming Campaign will take place on September 9th, 2020 at 9:00am at the Township of Essa Administration Centre.

c. On Street Parking

Mayor Macdonald requested Council's support on possibly prohibiting on-street parking (on one or both sides of the road) in the 5th Line subdivision, as on-street parking is a concern in this area.

d. OPA Review Update

The Manager of Planning and Development provided a brief update on the OPA Review and notified Council of the virtual delegation taking place at the next Council meeting of September 16, 2020.

12. ADJOURNMENT

Resolution No: CW123-2020 Moved by: Smith Seconded by: White

Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at 6:45 p.m. to meet again on the 16th day of September, 2020 at 6:00 p.m.

----Carried----

Sandie Macdonald, Mayor

Krista Pascoe, Deputy Clerk

THE CORPORATION OF THE TOWNSHIP OF ESSA
REGULAR COUNCIL MEETING

WEDNESDAY, SEPTEMBER 2, 2020
6:00 p.m.

MINUTES

A Meeting of Council was held on Wednesday, September 2, 2020 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald
Deputy Mayor Michael Smith
Councillor Keith White
Councillor Henry Sander
Councillor Ron Henderson

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer
M. Mikael, Manager of Public Works (electronic)
A. Powell, Manager of Planning and Development (electronic)
J. Coleman, Manager of Parks and Recreation (electronic)
R. Rosilius, Deputy Treasurer (electronic)
K. Pascoe, Deputy Clerk

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

Mayor Macdonald opened the meeting at 6:47 p.m.

2. **DISCLOSURE OF PECUNIARY INTEREST**

None.

3. **ADOPTION OF PREVIOUS MINUTES AND MOTIONS**

Resolution No: CR154-2020 Moved by: Smith Seconded by: Henderson

*Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and
That the minutes of the Committee of the Whole and Regular Council meetings held on the 8th day of July, 2020 be adopted as circulated.*

----Carried-----

4. **CONSENT AGENDA**

Resolution No: CR155-2020 Moved by: Sander Seconded by: Smith

Be it resolved that the items listed in the Consent Agenda dated September 2, 2020 be received for information, and that the necessary action be taken.

----Carried-----



5. COMMITTEE REPORTS

a. Nottawasaga Police Services Board

Resolution No: CR156-2020 Moved by: White Seconded by: Sander

Be it resolved that the minutes of the Nottawasaga Police Services Board from their meeting of June 24, 2020 and July 22, 2020 be received.

----Carried-----

b. Traffic Advisory Committee

Resolution No: CR157-2020 Moved by: White Seconded by: Sander

Be it resolved that the minutes of the Traffic Advisory Committee from their meeting of July 21, 2020 be received.

----Carried-----

6. PETITIONS

7. MOTIONS AND NOTICES OF MOTIONS

8. UNFINISHED BUSINESS

9. BY-LAWS

10. QUESTIONS

11. CLOSED SESSION

Resolution No: CR158-2020 Moved by: Smith Seconded by: Sander

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

- *Acquisition or Disposition of Land [s.239(2)(c)].*
- *Personal matters about an Identifiable Individual and Labour Relations [s.239(2)(b) and (d)].*

----Carried-----

Motion to Rise and Report from Closed Session Meeting of September 2, 2020.

Resolution No: CR159-2020 Moved by: Smith Seconded by: White

Be it resolved that Council rise and report from the Closed Session Meeting at 7:16 p.m.

----Carried-----

- a) **DISPOSITION OF LAND [s.239(2)(c)]**
Confidential Staff Report CAO044-20 submitted by the Chief Administrative Officer, re: Sale of Land.

Resolution No: CR160-2020 Moved by: Sander Seconded by: Henderson

Be it resolved that Council authorize the Chief Administrative Officer to proceed as directed by Council.

----Carried----

- b) **IDENTIFIABLE INDIVIDUAL [s.239(2)(b)]**
LABOUR RELATIONS [s.239(2)(d)]
Verbal Report from the CAO – Employee Matter

Resolution No: CR161-2020 Moved by: White Seconded by: Sander

Be it resolved that Council authorize the Chief Administrative Officer to proceed as directed by Council.

----Carried----

12. CONFIRMATION BY-LAW

By-law 2020-55

Resolution No: CR162-2020 Moved by: Henderson Seconded by: Smith

Be it resolved that leave be granted to introduce By-law 2020-55, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 2nd day of September, 2020; and that said By-law be read a first, and taken as read a second and third time and finally passed.

----Carried----

13. ADJOURNMENT

Resolution No: CR163-2020 Moved by: Smith Seconded by: Henderson

Be it resolved that this meeting of the Council of the Township of Essa adjourn at 7:19 p.m. to meet again on the 16th day of September, 2020 following Committee of the Whole.

----Carried----

Sandie Macdonald, Mayor

Krista Pascoe, Deputy Clerk



TOWNSHIP OF ESSA
TRAFFIC ADVISORY COMMITTEE

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TUESDAY, AUGUST 25, 2020 – 3:15 p.m.

ZOOM MEETING

In attendance: Mayor Sandie Macdonald
Councillor Henry Sander
Sgt. Eric Steele, OPP
John Kolb, Roads Supervisor
Michael Mikael, Manager of Public Works
Matt Cotter, MLEO
Pieter Kiezebrink, Ward 1 Representative
Rick Foley, Ward 2 Representative
Mike Jerry, Ward 3 Representative
Krista Pascoe, Deputy Clerk

1. OPENING OF THE MEETING

2. APPROVAL OF AGENDA

Moved by: Kiezebrink Seconded by: Sander

Be it resolved that the Agenda as presented be approved.

----Carried----

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

Moved by: Jerry Seconded by: Kolb

Be it resolved that the minutes of the Traffic Advisory Committee meeting dated July 21, 2020, be approved as printed.

----Carried----

4. BUSINESS ARISING FROM PREVIOUS MEETING/OUTSTANDING ITEMS

4.1 Review of 2020 Work Plan

The Committee discussed the status of items on the 2020 Work Plan.

4.2 Speed Data Analysis:

- a) Brykman Rd, Thornton
- b) William St, Thornton
- c) Cunningham Dr, Thornton
- d) Camilla Cres, Thornton
- e) Thornton Ave, Thornton
- f) Henry St, Thornton
- g) Stoddart St, Thornton
- h) 9th Line, Thornton

The Manager of Public Works explained the results of the Speed Data Analysis to the Committee and stated that the newly purchased speed humps will be placed in high

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concern areas throughout the Township. The results from the Angus analysis will be presented to the Committee at the November 24th meeting.

4.3 Speed Hump Layout

Discussed above.

5. NEW BUSINESS

DATE	CONCERN LOCATION:	CONCERN:
July 21, 2020	Blanchard Cres, Angus (Between Latimer Ave and Mount Cres)	Resident concerned about speed on Blanchard Cres – requesting speed bumps in area <i>Speed Analysis has been conducted and results will be provided at the next TAC meeting.</i>
July 24, 2020	11 th Line, Thornton	Resident concerned about speed on the 11 th Line – worse when Cty Rd 27 is closed and vehicles are re-routed. <i>OPP has been notified and are monitoring.</i>
July 28, 2020	Vernon St, Angus	Resident concerned about speed along Vernon St. (all hours of the day) <i>Speed Analysis has been conducted and results will be provided at the next TAC meeting.</i> <i>OPP has been notified and will monitor.</i>
August 11, 2020	20 th Sideroad, Ivy (Between Cty Rd 27 and the 10 th Line)	Resident would like speed limit reduced and a sign installed indicating children boarding bus along this road <i>Will be included in the Speed Review.</i>
August 13, 2020	McCarthy Cres, Angus	Resident concerned about speed on McCarthy – requesting speed bumps in front of the park entrances on McCarthy and Corrie Cres <i>Speed Analysis has been conducted and results will be provided at the next TAC meeting.</i>
August 25, 2020	5 th Sideroad (between 8 th and 9 th Line)	Resident concerned about speed along the 5 th Sideroad. ID <i>OPP has been notified and will monitor.</i>

6. OTHER BUSINESS

- 6.1 Correspondence from the Ministry of Transportation, re: School Bus Stop Arm Cameras Programs.

No comment.

- 6.2 Dump Trucks on Trails in Thornton

A member of the Committee advised that there is dump trucks driving on the trails in Thornton and has passed the information on to the Parks and Recreation Department to investigate further.

7. ESTABLISH DATE AND TIME OF NEXT MEETING

The next Traffic Advisory Committee meeting is set for Tuesday, November 17, 2020 at 3:15 p.m.

8. ADJOURNMENT

Moved by: Macdonald Seconded by: Sander

Be it resolved that this meeting of the Traffic Advisory Committee of the Township of Essa adjourn at 4:08 p.m.

----Carried----

Krista Pascoe, Staff Representative/Secretary

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 -56

Being a By-law to Appoint a Zoning Administrator.

WHEREAS Section 34(1) of the *Planning Act*, C.P. 13, as amended, states that the Council of each municipality may pass a zoning by-law to restrict the use of land or to prohibit the use of land except for such purposes as may be set out in the by-law; and

WHEREAS the Council of the Township of Essa deems it advisable to appoint a zoning administrator as is necessary for the purposes of the enforcement of said Act;

NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Township of Essa enacts as follows:

1. That Yancy Ambing, Shannon Holness and Amanda Hoffmann be hereby appointed to the position of Zoning Administrator of the Corporation of the Township of Essa.
2. That the said appointment shall become effective immediately.
3. That this By-law shall come into force and effect on the day it is finally passed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 16th day of September 2020.

Sandie Macdonald, Mayor

Lisa Lehr, Clerk

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 - 57

Being a By-law to Appoint a Deputy Chief Building Official; and also a Plumbing Inspector, Property Standards Officer and Zoning Administrator.

WHEREAS Section 3(1) of the *Building Code Act*, S.O. 1992, c.23, as amended, states that the Council of each municipality is responsible for the enforcement of the Building Code Act in the municipality;

WHEREAS Section 3(2) of the *Building Code Act*, S.O. 1992, c.23, as amended, states that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction; and

WHEREAS the Council of The Township of Essa deems it advisable to appoint a Building Inspector and any such Inspectors and Administrators as are necessary for the purposes of the Enforcement of said Act and the Township's Building and Plumbing By-law;

NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Township of Essa hereby enacts as follows:

1. That Yancy Ambing be and is hereby appointed to the position of Deputy Chief Building Official of the Corporation of The Township of Essa to carry out the duties and responsibilities as set out in the job description for the position for the period during which he is an employee of the Municipality;
2. That Yancy Ambing be and is hereby appointed as Plumbing Inspector, Property Standards Officer and Zoning Administrator and shall perform all the duties required to be performed by the said titles under statutory authority and other duties that may be imposed by The Council of The Township of Essa for the period during which he is an employee of the Municipality;
3. That the said appointment shall become effective as of March 23rd 2020;
4. This By-law shall come into force and effect on the day it is finally passed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 16th day of September 2020.

Sandie Macdonald, Mayor

Lisa Lehr, Clerk

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 - 58

A By-law to appoint a Secretary-Treasurer to the Committee of Adjustment.

WHEREAS Section 44(8) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, states that the Council of each municipality may appoint a Secretary-Treasurer in the conduct of Committee of Adjustment matters in following out functions outlined within Section 44(1)(10); and

WHEREAS Council of the Township of Essa deems it advisable to appoint a Secretary Treasurer to the Committee of Adjustment as is necessary for the purposes of the said Act;

NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Township of Essa hereby enacts as follows:

1. That Shannon Holness and Amanda Hoffmann are hereby appointed to the position of Secretary-Treasurer to the Township of Essa's Committee of Adjustment, and that any previous By-laws specific to said appointment be and is hereby repealed.
2. That the said appointment shall become effective immediately.
3. That this By-law shall come into force and effect on the day it is finally passed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 16th day of September, 2020.

Sandie Macdonald, Mayor

Lisa Lehr, Clerk

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 – 59

A By-Law to regulate the use of Fireworks within the Township of Essa.

WHEREAS subsection 121(1) of the *Municipal Act*, 2001, S.O. 2001 c.25 provides that By-laws may be passed by a local municipality prohibiting and regulating the sale of fireworks and the setting off of fireworks; and

WHEREAS subsection 121(2) of the Act provides that Council may prohibit the activities described in Section 121 (1), above, unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring submission of plans; and

WHEREAS Council of the Corporation of the Township of Essa deems it necessary and expedient to regulate the sale and setting off of fireworks;

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

1. SHORT TITLE

This By-law shall be known as the "Fireworks By-law".

2. DEFINITIONS

- 2.1 "Designated Days" shall mean Victoria Day and Canada Day and the 2 calendar days immediately preceding and following, between dusk to 11:00 p.m.
- 2.2 "Designated Period" shall mean Victoria Day and Canada Day and the 15 calendar days immediately preceding Victoria Day and Canada Day.
- 2.3 "Exhibition Fireworks" shall mean pyrotechnic devices classified under the Explosive Regulations C.R.C., c. 599, as amended, as 7.2.2 fireworks which comprises high hazard fireworks generally used for recreation, such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.
- 2.4 "Family Fireworks" shall mean pyrotechnic devices classified under the Explosives Regulations C.R.C., c. 599, as amended, as 7.2.1 fireworks, which comprises low hazard fireworks generally used for recreation, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, and caps for toy guns.
- 2.5 "Firecracker" shall mean a class of fireworks which, when ignited, explodes with little or no visual effect, but does not include caps for toy guns or Christmas crackers.
- 2.6 "Fireworks" shall mean a pyrotechnics device or a substance that is made, manufactured or used to produce an explosion or detonation and includes

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fireworks composition and manufactured fireworks as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended and includes one single item of fireworks.

- 2.7 "Officer" shall mean a Municipal Law Enforcement Officer, Fire Chief, Deputy Fire Chief or a Police Officer.
- 2.8 "Supervisor" shall mean a person who is qualified as a fireworks supervisor in accordance with the Fireworks Manual, Explosives Division Class 7.2.2, energy, Mines and Resources Canada.
- 2.9 "Vehicle" shall mean any motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power.

3. OFFENCES

It is an offence for any person to:

- 3.1 Sell, offer for sale, display or discharge *firecrackers* within the limits of the Township.
- 3.2 Discharge *fireworks*:
 - a) On days that are not designated; and
 - b) At times not designated.
- 3.3 Discharge *fireworks* in, on or onto a building, highway, sidewalk, municipal park or municipal property.
- 3.4 Discharge *Exhibition Fireworks* without a permit.
- 3.5 Discharge *Family Fireworks* within eight (8) metres of a building, tent, trailer or motor vehicle.
- 3.6 Display, offer for sale, or sell *fireworks* within the Township of Essa except during the *designated period*.
- 3.7 Sell or permit to be sold *fireworks* to a person who is less than 18 years old.
- 3.8 Sell or offer for sale any type of *fireworks* at an outdoor location or from any motor vehicle or vehicle, except with the express written permission of the Fire Chief.
- 3.9 Discharge fireworks during a burn ban unless express written consent has been obtained from the Fire Chief and/or Deputy Fire Chief.

4. SALE AND POSSESSION OF FIREWORKS

- 4.1 Where *fireworks* are offered for sale by any person, the person who is causing, offering or permitting the sale or distribution of consumer fireworks shall ensure that:
 - 4.1.1 The *fireworks* are included on the most recent list of authorized explosives

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as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada), or its successor;

- 4.1.2 The *fireworks* are displayed in individual lots that do not exceed 25 kilograms in gross weight;
 - 4.1.3 The *fireworks* are displayed in a sealed package, and locked in a secure cabinet away from any inflammable materials or goods and clearly marked as fireworks; and
 - 4.1.4 The *fireworks* must be displayed in accordance with the *Explosives Act*, R.S.C. 1985 c. E17, wherein the information respecting the manufacturing, storage and use of fireworks is set out.
- 4.2 *Fireworks* shall not be sold, offered for sale, caused or permitted to be sold, from an outdoor stand, tent, unenclosed trailer, or motor vehicle.

5. FAMILY FIREWORKS (Consumer Fireworks)

- 5.1 A Fireworks Permit is not required to be obtained for the discharge of *family fireworks* on designated days, in accordance with this By-law.
- 5.2 No person shall discharge, fire, set off, or cause to be set off any *family fireworks* on any day or days throughout the year except on the *Designated Days* as set forth in this By-law.

5.2.1 Exceptions – Designated Days

Family Fireworks may be discharged on Designated Days only, those being:

- (a) Victoria Day;
- (b) Canada Day
- (c) Two (2) calendar days immediately prior to and following the designated days listed in (a) and (b).

- 5.3 *Family Fireworks* shall only be set off between the hours of dusk and 11:00 p.m.
- 5.4 A person eighteen years of age or older may set off family fireworks on any land;
 - 5.4.1 Belonging to him; or
 - 5.4.2 Any other privately owned land where the owner thereof has given permission for the setting off of family fireworks.
- 5.5 *Family Fireworks* shall only be discharged in accordance with the manufacturer's specifications, and the person discharging or setting off the *Family Fireworks* shall be responsible for reviewing the manufacturer's specifications and instructions prior to such discharge.
- 5.6 No person shall discharge, fire, set off, or cause *family fireworks* to be set off in such manner that might create danger or constitute a nuisance to any person or property, or to do, allow, or to cause any unsafe act or omission at the time and place of display.

- 5.7 No person shall discharge, fire, set off, or cause to be set off any *fireworks* inside of or closer than 8 metres to any building, tent, trailer, shelter or motor vehicle.
- 5.8 No person shall discharge, fire, set off or cause to be set off any *fireworks* on municipally owned property.
- 5.9 Notwithstanding the setting off of *Exhibition Fireworks* in accordance with provisions of this By-law, no person shall discharge, fire, set off, or cause to be set off any *fireworks* in, on or into any public place including, but not limited to, highways, streets, lanes, squares, parks, fields, playgrounds and school grounds.
- 5.10 No person under the age of eighteen (18) years shall discharge, fire, set off, or cause to be set off any *family fireworks* unless under the direct supervision and control of a person eighteen years of age or older; and
- 5.11 No person being the parent or guardian of any child under the age of eighteen (18) years shall permit said child to discharge, fire, set off or caused to be set off any *fireworks* except when such parent or guardian or some other responsible person of at least eighteen (18) years of age is in direct supervision and control.

6. EXHIBITION FIREWORKS (Display and Pyrotechnic Fireworks)

- 6.1 No person or group of persons shall set off or discharge *Exhibition Fireworks* without first having obtained a *Fireworks Permit* from the Fire Chief and/or Deputy Fire Chief.
- 6.2 *Exhibition Fireworks* are prohibited to be set off unless under the direct supervision and control of a qualified *Supervisor*, and only during designated days between the hours of dusk and 11:00 p.m.
- 6.3 The application for a fireworks permit must be made on approved Township forms at least three weeks prior to the proposed date of display.
- 6.4 Where an *Exhibition Fireworks* event is proposed on Township property, the applicant shall also provide at the time of application appropriate liability insurance in the amount of \$1,000,000 to protect the Township of Essa in respect of any liability for bodily injury, including death, and property damage that may result from or arise out of the holding of the fireworks event, and to indemnify the Township of Essa for damage to and destruction of Township property that may occur as a result of the fireworks event.
- 6.5 Setting off of *Exhibition Fireworks* must be in accordance with recognized safety procedure including, but not limited to:
 - 6.5.1 Keeping spectators at a safe distance;
 - 6.5.2 Protecting private and public property; and
 - 6.5.3 Ensuring suitable fire extinguishing equipment is available at all times.
- 6.6 The person(s) responsible for the setting off of any *Exhibition Fireworks* or classes thereof must ensure that all unused fireworks and debris is removed and safely disposed of immediately following the event.

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- 6.7 No person(s) other than those responsible for holding the event, shall be at a distance closer than 100 metres from the place at which the fireworks are being set off or discharged.
- 6.8 No person(s) shall discharge fire, set off, or cause to be set off any *Exhibition Fireworks* within 60 metres from a building, highway or railroad.
- 6.9 No person(s) shall discharge, fire, set off, or cause to be set off any *Exhibition Fireworks* within 15 metres of any hydro line, tree or overhead obstruction.
- 6.10 No person(s) shall discharge, fire, set off or cause to be set off any *Exhibition Fireworks* within 300 metres of a nursing home, home for aged, public hospital, hospice or clinic or any premises where explosives, gasoline or other highly flammable substances are manufactured, sold or stored.
- 6.11 No person(s) shall discharge, fire, set off or cause to be set off any *Exhibition Fireworks* within 300 metres of a church or a public, separate, secondary or other school unless the consent of the owner, or representative or agent of the owner of such church or school is obtained.
- 6.12 No *Exhibition Fireworks* event is to be held during any windstorm in which the wind reaches a velocity of more than 50 kilometres per hour.

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7. PERMITS FOR EXHIBITION FIREWORKS DISPLAY

- 7.1 A Fireworks Permit is required to be obtained from the Fire Chief for *Exhibition Fireworks* Displays at a minimum three (3) weeks prior to the event.
- 7.2 The application for a Fireworks Permit is required to be completed and submitted to the Fire Chief together with the application fee paid in full.
- 7.3 Filed with the Fireworks Permit application form shall be current and up to date site plan with dimension showing:
 - 7.3.1 The location of the proposed *Exhibition Fireworks* Display.
 - 7.3.2 The access to be provided for fire and emergency vehicles.
 - 7.3.3 The free zone area of clear distance between the point of launch and an occupied area.
- 7.4 Filed with the Fireworks Permit application form shall be a statement of the safety measures being implemented.
- 7.5 Filed with the Fireworks Permit application form shall be a Certificate of Liability Insurance certifying the application being applied for is insured against general liability and property damage claims, in the minimum amount of Two Millions Dollars (\$2,000,000.00) inclusive for any one occurrence. Said policy should name the Corporation of the Township of Essa as an additional insured. Said Policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days prior written notice to the Township.
- 7.6 The *Exhibition Fireworks* Display shall only be set off on the day or days specified by the permit.

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9.6 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for in the *Provincial Offences Act*.

10. EFFECTIVE DATE

This By-law shall come into force and take effect upon passing.

11. Schedules "A" and "B" as attached form part of this By-law

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 16th day of September, 2020.

Sandie Macdonald, Mayor

Lisa Lehr, Clerk

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BY-LAW 2020-59

SCHEDULE A

5786 Simcoe County Rd. #21
Utopia, Essa Township, ON
L0M 1T0



Telephone: (705) 424-9770
Fax: (705) 424-2367
Web: www.essatownship.on.ca

EXHIBITION FIREWORKS DISPLAY EVENT
Permit Application

Date of Display: _____

Time of Display: _____

Name and Address of Responsible Parties: _____ Telephone Number _____

- | | | |
|----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |

Location of Display: _____

Written Permission Attached: _____

Type and Kind of Fireworks: _____

Method of Fireworks Disposal: _____

Fireworks Supervisor Contact: _____

Card # of Supervisor: _____

Liability Insurance Company: _____

Policy No.: _____

Copy of Certificate attached: _____

The following safety precautions must be observed during the Fireworks event:

- a) Display to be held at least 100 metres away from audience (area to be roped off);
- b) Display to be held at least 60 metres from nearest buildings, highway and railroad;
- c) Display to be at least 15 metres away from hydro line, tree or overhead obstruction;
- d) No fireworks event is to be held during any windstorm in which the wind reaches a velocity of more than 50 km/hr; and
- e) Other than listed above: _____

The applicant acknowledges having read the Fireworks By-law and agrees that the Corporation of the Township of Essa assumes no responsibility for loss of property or personal damage resulting from the aforementioned Fireworks event and hereby agrees to indemnify and hold harmless the Township from any and all claims whatsoever arising therefrom.

Date : _____ Signature of Person Requesting Permit: _____

Date : _____ Approved By: _____

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**By-law 2020 – 59
Fireworks By-law**

SCHEDULE B

**Part I Provincial Offences Act
Set Fine Schedule**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating Offence	COLUMN 3 Set Fine
1.	Sell, offer for sale, display or discharge firecrackers.	Section 3.1	\$200.00
2.	Discharge fireworks on days not designated.	Section 3.2 (a)	\$200.00
3.	Discharge fireworks at times not designated.	Section 3.2 (b)	\$200.00
4.	Discharge fireworks in, on, or onto a building, highway, sidewalk, municipal park or municipal property.	Section 3.3	\$200.00
5.	Discharge Exhibition Fireworks without a permit.	Section 3.4	\$200.00
6.	Discharge Family Fireworks within eight (8) metres of a building, tent, trailer or motor vehicle.	Section 3.5	\$200.00
7.	Display, offer for sale or sell fireworks during undesignated period.	Section 3.6	\$100.00
8.	Sell or permit to be sold fireworks to a person less than eighteen (18) years old.	Section 3.7	\$100.00
9.	Sell or offer for sale fireworks at an outdoor location or vehicle.	Section 3.8	\$200.00
10.	Discharge fireworks during a burn ban.	Section 3.9	\$200.00
11.	Discharge family fireworks so as to create danger or nuisance to a person or property.	Section 5.6	\$100.00
12.	Discharge fireworks by a person under the age of eighteen (18) years.	Section 5.10	\$100.00
13.	Discharge Exhibition Fireworks without a permit.	Section 6.1	\$200.00
14.	Discharge Exhibition Fireworks within 60 metres of a building, highway or railroad.	Section 6.8	\$100.00
15.	Discharge Exhibition Fireworks within 15 metres of a hydro line, tree or overhead obstruction	Section 6.10	\$100.00
16.	Obstruct, hinder or interfere with an Officer.	Section 9.5	\$200.00

The penalty provision for the offences indicated above is Section 9.6 of By-law 2020-59, a certified copy of which has been filed and Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 – 59

Being a By-law to confirm the proceedings of the Council meeting held on the 16th day of September, 2020.

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

THAT the action of the Council at its meeting held on the 16th day of September, 2020 and, in respect of each recommendation contained in the Minutes of the Regular Council meeting held on the 2nd day of September, 2020, and the Committee of the Whole meetings held on the 2nd day of September, 2020; and, in respect of each motion, resolution and other action passed and taken by Council at the said meetings, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

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

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND
FINALLY PASSED on this the 16th day of September, 2020.

Sandie Macdonald, Mayor

Lisa Lehr, Clerk