

THE CORPORATION OF THE TOWNSHIP OF ESSA  
REGULAR COUNCIL MEETING

WEDNESDAY, APRIL 15, 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 Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

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 1<sup>st</sup> day of April, 2020 be adopted as circulated.*

4. CONSENT AGENDA

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Recommendation: *Be it resolved that the items listed in the Consent Agenda dated April 15, 2020 be received for information, and that the necessary action be taken.*

5. COMMITTEE REPORTS
6. PETITIONS
7. MOTIONS AND NOTICES OF MOTIONS
8. UNFINISHED BUSINESS
9. BY-LAWS

p. 11 a. By-law 2020-32

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Recommendation: *Be it resolved that leave be granted to introduce By-law 2020-32, that being a By-law to authorize the Issuance of the Certificate of Substantial Completion and Acceptance (Underground Works) SanDiego Homes (Angus) Subdivision – Phase 2, Registered Plan 51M-1130; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 12

**b. By-law 2020-33**

**Moved by:** \_\_\_\_\_ **Seconded by:** \_\_\_\_\_

*Recommendation: Be it resolved that leave be granted to introduce By-law 2020-33, that being a By-law to provide for Emergency Measures in respect of physical distancing at Municipal Parks and Other Public places during the COVID-19 Pandemic in the Township of Essa; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 17

**c. By-law 2020-34**

**Moved by:** \_\_\_\_\_ **Seconded by:** \_\_\_\_\_

*Recommendation: Be it resolved that leave be granted to introduce By-law 2020-34, that being a By-law to amend the Township's Procedural By-law 2017-77 to allow for Electronic Participation where a State of Emergency has been declared, County of Simcoe; 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**

**12. CONFIRMATION BY-LAW**

**Moved by:** \_\_\_\_\_ **Seconded by:** \_\_\_\_\_

p. 18

**By-law 2020-35**

*Recommendation: Be it resolved that leave be granted to introduce By-law 2020-35, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 15<sup>th</sup> day of April, 2020; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

**13. ADJOURNMENT**

**Moved by:** \_\_\_\_\_ **Seconded by:** \_\_\_\_\_

*Recommendation: Be it resolved that this meeting of the Council of the Township of Essa adjourn at \_\_\_\_\_ p.m. to meet again on the 6<sup>th</sup> day of May, 2020 following Committee of the Whole.*

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

**WEDNESDAY, APRIL 1, 2020  
6:00 p.m.**

**MINUTES**

A Committee of the Whole meeting was held on Wednesday, April 1, 2020 in the Council Chambers of the Administration Centre, Township of Essa.

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

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer  
L. Lehr, Clerk  
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**

Deputy Mayor Michael Smith declared an interest on item 10 (b) as he has familial relations with a member of staff.

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

**STAFF REPORTS**

**4. PLANNING AND DEVELOPMENT**

a. **Staff Report PD013-20 submitted by the Manager of Planning and Development, re: Administration Centre Retaining Wall Replacement.**

**Resolution No: CW052-2020 Moved by: White      Seconded by: Henderson**

*Be it resolved that Staff Report PD013-20 be received; and  
That Council authorize entering into a contract to retain the services of Near North Group, at the cost of \$95,441.31 including H.S.T., to replace the Administration Centre retaining wall.*

**----Carried----**

- b. Staff Report PD014-20 submitted by the Manager of Planning and Development, re: Zoning By-law Amendment Z5/18 – 7511 9th Line, Ivy.**

**Resolution No: CW053-2020 Moved by: Henderson Seconded by: White**

*Be it resolved that Staff Report PD014-20 be received; and That Council approve an amendment to the Township's Zoning By-law, By-law 2003-50 as amended, to permit the on-farm diversified use of a limited Country Event Facility (Wedding Barn), in a Rural Special Provision '(RL-2)' Zone on lands known as Part Lot 21, Concession 9, municipally known as 7511 9<sup>th</sup> Line, in Ivy.*

**----Carried-----**

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

**6. FIRE AND EMERGENCY SERVICES**

**7. PUBLIC WORKS**

- a. Staff Report PW006-20 submitted by the Chief Administrative Officer, re: Award of Quotation – 2020 Street Sweeping.**

**Resolution No: CW054-2020 Moved by: Smith Seconded by: Sander**

*Be it resolved that Staff Report PW006-20 be received; and That the quotation as received from Glen's Sweeping for the 2020 Street Sweeping RFQ be accepted in the amount of \$35,450 (excluding HST) as per Township specifications, contingent upon WSIB Clearance Certificate and a copy of Insurance being provided to the Municipality; and That the Roads Superintendent be authorized to arrange for the necessary works to be completed.*

**----Carried-----**

- b. Staff Report PW007-20 submitted by the Chief Administrative Officer, re: Award of Quotation – 2020 Dust Suppressant.**

**Resolution No: CW055-2020 Moved by: Smith Seconded by: Sander**

*Be it resolved that Staff Report PW007-20 be received; and That the quotation as received from Den-Mar Brines for the 2020 Dust Suppressant RFQ be accepted in the amount of \$28,500 (excluding HST) as per Township specifications, contingent upon WSIB Clearance Certificate and a copy of Insurance being provided to the Municipality; and That the Roads Superintendent be authorized to arrange for the necessary works to be completed.*

**----Carried-----**

**8. FINANCE**

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

- a. **Staff Report C013-20 submitted by the Municipal Law Enforcement Officer, re: Regulation 70/20 – Noise By-laws in Connection with Delivery of Goods.**

**Resolution No: CW056-2020 Moved by: Sander Seconded by: Smith**

*Be it resolved that Staff Report C013-20 be received for information.*

**----Carried----**

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

- a. **Staff Report CAO021-20 submitted by the Chief Administrative Officer, re: Sale of Surplus Land.**

**Resolution No: CW057-2020 Moved by: Henderson Seconded by: White**

*Be it resolved that Staff Report CAO021-20 be received; and That Council accept the services of Homelife Emerald Realty Ltd, Keller Williams Experience and Sutton Group Incentive to help determine the value of land which may be deemed as a surplus for the remainder of this term of Council.*

**----Carried----**

Deputy Mayor Smith declared an interest on Item 10(b). He did not vote or participate in any discussion on this Item.

- b. **Staff Report CAO022-20 submitted by the Chief Administrative Officer, re: Terms and Conditions of Employment By-law.**

**Motion as Amended:**

**Resolution No: CW058-2020 Moved by: Henderson Seconded by: Sander**

*Be it resolved that Staff Report CAO022-20 be received; and That Council approve amending the Terms and Conditions of Employment By-law which applies to permanent (non-contract) employee:*

- (a) to ensure that sick time and statutory holidays are accounted for using hours which reflect the authorized working day of an employees, and*
- (b) to allow Administrative staff to work flexibly within each pay period in accordance with the approval of their Supervisor.*

**----Carried----**

Deputy Mayor Smith resumed participation for the remainder of this meeting.

- c. **Staff Report CAO023-20 submitted by the Chief Administrative Officer, re: COVID-19 Budget Impacts.**

**Resolution No: CW059-2020 Moved by: Sander Seconded by: Smith**

*Be it resolved that Staff Report CAO023-20 be received for information.*

**----Carried-----**

**11. OTHER BUSINESS**

- a. **Winter Parking Restrictions – April 1<sup>st</sup> to May 1<sup>st</sup> 2020**

Council supported the Clerk in her request to formally lift the Winter Parking Restrictions from April 1<sup>st</sup> to May 1<sup>st</sup> in an effort to accommodate those affected by COVID-19. A formal resolution will be passed by Council in their regular meeting tonight. Tickets will still be issued for all other parking infractions, and those parking so as to pose a hazard to the safety of motorists/pedestrians.

- b. **Increase P/T Municipal Law Enforcement Hours**

Council approved the request of the Clerk to temporarily increase the part-time By-law Officers' hours from 45 hours bi-weekly to 60 hours bi-weekly, in an effort to assist with the increased demand on the Clerk's Department due to COVID-19 concerns from residents. Once the State of Emergency has been lifted, the hours will return to 45 hours bi-weekly.

- c. **Bottle Return Initiative – Funds to be Donated to Local Food Banks**

Mayor Macdonald informed Council of a bottle-return initiative aimed at assisting local food banks during the COVID-19 Pandemic, whereby all funds collected for bottle returns would be donated to the local Food Bank. Council supported the use of the Township's media outlets to encourage residents to participate in this initiative.

- d. **Essa Standing Strong Initiative – Community Pot Clanging**

Mayor Macdonald informed Council of an "Essa Standing Strong" initiative whereby on Friday evenings (7:00 p.m.) residents would bang pots together in unison to signalize that Essa Stands Strong as a Community during COVID-19. Council supported this resident's initiative.

- e. **COVID-19 Signs and Posters for Businesses – WE MUST DO MORE**

Mayor Macdonald advised that letters and "We Must Do More" posters had been distributed to businesses in Angus, Thornton and Baxter, encouraging Essa residents to do more during this pandemic.

**f. LPAT Update**

The Manager of Planning and Development provided a brief update on LPAT, stating that as of March 16, 2020, all timelines for appeals, submissions etc. have been suspended until June 30, 2020. The Tribunal is not scheduling any matters at this time. The Manager of Planning and Development is currently looking into whether or not the municipality is still required to send Notices within the required timeframe and will provide a further update once this information is gathered.

**g. Trail Closures**

The Manager of Parks and Recreation stated that in an effort to maintain social distancing and to help flatten the curve of COVID-19, trails have been closed to the public. There is often not enough space on the trail when passing others to maintain the required 6 feet distance. At this time all parks, trails and playground equipment remain closed to the public.

**12. ADJOURNMENT**

**Resolution No: CW060-2020 Moved by: Smith      Seconded by: White**

*Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at 6:54 p.m. to meet again on the 15<sup>th</sup> day of April, 2020 at 6:00 p.m.*

**----Carried-----**

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Clerk

THE CORPORATION OF THE TOWNSHIP OF ESSA  
REGULAR COUNCIL MEETING

WEDNESDAY, APRIL 1, 2020  
6:00 p.m.

MINUTES

A Meeting of Council was held on Wednesday, April 1, 2020 in the Council Chambers of the Administration Centre, Township of Essa.

In attendance: Mayor Sandie Macdonald  
Deputy Mayor Michael Smith (electronic participation)  
Councillor Keith White (electronic participation)  
Councillor Henry Sander (electric participation)  
Councillor Ron Henderson

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer  
L. Lehr, Clerk  
K. Pascoe, Deputy Clerk

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

Mayor Macdonald opened the meeting at 6:54 p.m.

2. **DISCLOSURE OF PECUNIARY INTEREST**

Deputy Mayor Michael Smith declared an interest on Item 9 (d) as he has familial relations with a member of staff.

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

**Resolution No: CR084-2020 Moved by: Sander 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 25<sup>th</sup> day of March, 2020 be adopted as circulated.*

---Carried---

4. **CONSENT AGENDA**

**Resolution No: CR085-2020 Moved by: White Seconded by: Sander**

*Be it resolved that the items listed in the Consent Agenda dated April 1, 2020 be received for information; and  
That Item A4 be moved to section B of the Consent Agenda for a letter of support to be forwarded to the Town of Grimsby in respect of their resolution "Suspend Time-of-Use Electricity Billing".*

---Carried---

5. COMMITTEE REPORTS

6. PETITIONS

7. MOTIONS AND NOTICES OF MOTIONS

a. Compassionate Communities Awareness Week

**Resolution No: CR086-2020 Moved by: Henderson Seconded by: Sander**

*WHEREAS May 4-10, 2020 has been designated as National Hospice Palliative Care Awareness Week and is supported by Matthews House Hospice; and  
WHEREAS the week of May 4-10, 2020 focuses on living your life and living it well, right to the end. People are encouraged to learn more about Hospice Palliative Care and Advance Care Planning; and  
WHEREAS the Township of Essa recognizes the importance of awareness and education about the network of palliative care service within the community;  
NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Township of Essa hereby proclaims the week of May 4-10, 2020 as "Compassionate Communities Awareness Week," and encourages all citizens to participate by learning more about hospice palliative care and support in our area.*

----Carried----

b. Winter Parking Restrictions

**Resolution No: CR087-2020 Moved by: Henderson Seconded by: Sander**

*WHEREAS the Township of Essa Parking By-law 2005-96 contains provisions in respect of Winter Parking Restrictions which come into effect from November 1<sup>st</sup> to May 1<sup>st</sup> each calendar year, to allow for snow removal and winter operations; and  
WHEREAS the Province, the County of Simcoe, and the Township of Essa have all declared a State of Emergency in response to the COVID-19 Pandemic, under the Emergency Management and Civil Protection Act; and  
WHEREAS Council deems it to be in the best interests of the public to exercise compassion to its residents during this time;  
NOW THEREFORE BE IT RESOLVED THAT Council hereby lifts its Winter Parking Restrictions for the period of April 1 to May 1, 2020, in an effort to accommodate those affected by COVID-19.*

----Carried----

c. Increase to Part Time MLEO Hours During COVID-19

**Resolution No: CR088-2020 Moved by: White Seconded by: Smith**

*BE IT RESOLVED THAT Council approve the request of the Clerk, to temporarily increase the Part Time By-law Officer's hours from 45 hours bi-weekly to 60 hours bi-weekly, to assist the municipality in respect of increased enforcement issues resulting from the COVID-19 Pandemic; and  
THAT once the State of Emergency has been lifted, the hours return to 45 hours bi-weekly.*

7

----Carried----

**d. Council Request – Advertising “We Must Do More”**

**Resolution No: CR089-2020 Moved by: Smith Seconded by: Henderson**

*WHEREAS on March 17th, 2020, the Province of Ontario declared a provincial emergency, and the County of Simcoe followed suit on March 18<sup>th</sup>; and  
WHEREAS on March 30th, the Township of Essa declared its own emergency under the Emergency Management and Civil Protection Act in reaction to the COVID-19 global pandemic which has now impacted on our area;  
NOW THEREFORE BE IT RESOLVED THAT Council of the Township of Essa wishes to reinforce the importance of our actions and that we must do more by staying at home except for essential reasons, frequent handwashing, maintaining a physical distance of 2 metres and supporting the vulnerable; and  
THAT Council hereby requests that businesses, service organizations and churches help spread this message through use of their own advertising devices, and furthermore, that Council authorizes the purchase of advertising means to also spread this message if necessary, throughout the municipality, in an amount not to exceed \$5,000.*

**----Carried----**

**8. UNFINISHED BUSINESS**

**9. BY-LAWS**

**a. By-law 2020-27**

**Resolution No: CR090-2020 Moved by: Henderson Seconded by: Smith**

*Be it resolved that leave be granted to introduce By-law 2020-27, that being a By-law to Delegate Powers to the Chief Administrative Officer during the COVID-19 Pandemic; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

**----Carried----**

**b. By-law 2020-28**

**Resolution No: CR091-2020 Moved by: Sander Seconded by: White**

*Be it resolved that leave be granted to introduce By-law 2020-28, that being a By-law to amend the Township’s Zoning By-law 2003-50; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

**----Carried----**

**c. By-law 2020-29**

**Resolution No: CR092-2020 Moved by: White Seconded by: Henderson**

*Be it resolved that leave be granted to introduce By-law 2020-29, that being a By-law to amend (Amendment #1) the Subdivision Agreement with SanDiego Homes Inc. (dated October 16, 2017) for the SanDiego Homes Subdivision, being Part of Lot 31, Concession 3, Township of Essa, County of Simcoe; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

**----Carried----**

Deputy Mayor Smith declared an interest on Item 9(d). He did not participate in any discussion or vote on the item.

**d. By-law 2020-30**

**Resolution No: CR093-2020 Moved by: Sander Seconded by: Henderson**

*Be it resolved that leave be granted to introduce By-law 2020-30 as amended, that being a By-law to establish terms and conditions of employment and employment policies for employees of the Corporation of 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.*

**----Carried----**

Deputy Mayor Smith resumed his participation for the remainder of the meeting.

**10. QUESTIONS**

**11. CLOSED SESSION**

**12. CONFIRMATION BY-LAW**

**By-law 2020-31**

**Resolution No: CR094-2020 Moved by: Henderson Seconded by: Smith**

*Be it resolved that leave be granted to introduce By-law 2020-31, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 1<sup>st</sup> day of April, 2020; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

13. **ADJOURNMENT**

**Resolution No: CR095-2020 Moved by: Smith      Seconded by: Henderson**

*Be it resolved that this meeting of the Council of the Township of Essa adjourn at 7:12 p.m. to meet again on the 15<sup>th</sup> day of April, 2020 following Committee of the Whole.*

**----Carried----**

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Clerk

9a

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2020 - 32**

**A By-law to Authorize the Issuance of the Certificate of Substantial Completion and Acceptance (Underground Works) SanDiego Homes (Angus) Subdivision – Phase 2, Registered Plan 51M-1130.**

WHEREAS Section 51, Subsection (26) of the *Planning Act*, R.S.O. 1990; Chapter P. 13, as amended, provides that municipalities may enter into agreements imposed as a condition to the approval of a plan of subdivision and such agreements may be registered against the land to which the subdivision plan applies; and

WHEREAS Council for the Corporation of the Township of Essa entered into a Subdivision Agreement with SanDiego Homes Inc. on November 9, 2017 to construct a residential development consisting of eighty one (81) units on Wood Crescent and Morris Drive; and

WHEREAS the requirements of this Subdivision Agreement with respect to the underground services have now been met;

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

1. That the Certificate of Substantial Completion and Acceptance (Underground Works) for SanDiego Homes (Angus) Subdivision – Phase 2, Registered Plan 51M-1130, may now be issued by the Township Engineers (AECOM) in compliance with the Subdivision Agreement between the Corporation of the Township of Essa and SanDiego Homes Inc.
2. That the attached Schedule "A", Certificate of Substantial Completion and Acceptance (Underground Works) shall form part of this By-law.
3. This By-law comes 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 15<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Clerk

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW NO. 2020 – 33**

**A By-law to provide for Emergency Measures in respect of physical distancing at Municipal Parks and Other Public places during the COVID-19 Pandemic in the Township of Essa.**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19 pandemic"); and

WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R. S.O. 1990, c. E.9 (the *Emergency Management Act*) related to COVID19; and

WHEREAS on March 30, 2020 The Corporation of the Township of Essa declared an emergency pursuant to section 4 of the *Emergency Management Act*; and

WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Emergency Management Act*; and

WHEREAS section 4 of the *Emergency Management Act* provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area: and

WHEREAS The Corporation of the Township of Essa considers it desirable to enact regulation to support the intent and purpose of the Provincial Orders made under the *Emergency Management Act* in order to protect the health and safety of the citizens of the Township of Essa, by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency; and

WHEREAS section 4 (1) of the *Emergency Management Act* provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area; and

WHEREAS without limiting sections 9 and 10 of the *Municipal Act*, 2001, a local municipality may prohibit and regulate matters such as dangerous places, public nuisances and business hours and closures, as well as regulate and govern real and personal property used for by a business and the person carrying it on or engaged in it; and

WHEREAS section 425 of the *Municipal Act*, 2001 provides that any person who contravenes any by-law of the municipality is guilty of an offence; and

WHEREAS section 444 of the *Municipal Act*, 2001 provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

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

**PART 1 – TITLE, INTERPRETATION AND SEVERABILITY**

- 1. That this by-law may be referred to as the "*Essa Township COVID-19 Emergency Measures Bylaw*".

**PART 2 – DEFINITIONS**

- 2. For the purpose of this by-law:

"*COVID-19 Emergency*" means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council and Province under sections 4 and 7.0.1 of the *Emergency Management Act* in relation to the COVID-19 pandemic has been terminated.

"*Emergency Management Act*" means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9

"*Head of Council*" means the Mayor of the Township;

"*Municipal Act, 2001*" means the *Municipal Act, 2001*, S.O. 2001, c. 25

"*Officer*" means a Municipal Law Enforcement Officer or Fire Prevention Officer, Zoning Administration Officer, Chief Building Official, Deputy Building Official, Ontario Provincial Police Officer or Public Health Inspectors;

"*Person*" or any expression referring to a person, means an individual of any age;

"*Provincial Offences Act*" means the *Provincial Offences Act*, R.S.O. 1990, c.P. 33

"*Public Property*" means any land, premises or buildings owned, managed, or maintained by the Township and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, fishing areas, recreation centers, parks and playgrounds.;

"*Township*" means the Corporation of the Township of Essa.

**PART 3 – REGULATIONS**

- 3. To support the regulations and prohibitions imposed by the Government of Canada, the Province of Ontario, in response to the COVID-19 pandemic, the following regulations are hereby established in accordance with powers granted to the Head of Council under the *Emergency Management Act* and in accordance with the powers granted to municipalities under the *Municipal Act, 2001*:

- a) Every Person shall maintain at least a 2.0 metre distance from every other Person when on Public Property, except Persons who reside together in the same premises.
  - b) No Person shall permit a child under the age of 16 to be less than a 2.0 metre distance from another Person when on Public Property, except Persons who reside together in the same premises.
  - c) No business operating during the COVID-19 Emergency shall permit any Person to be seated or to be standing inside or outside the business at a distance of less than 2.0 metres from every other Person, except Persons who reside together in the same premises.
4. No person shall enter or use a municipal park, greenspace, fishing park or trail, or an outdoor recreational amenity described below except for a maintenance, safety, law enforcement or other similar purpose:
- a) Baseball diamonds;
  - b) Soccer fields;
  - c) Tennis courts;
  - d) Basketball courts;
  - e) Skateboard parks;
  - f) All off-leash dog areas;
  - g) All portions of park and recreational areas containing outdoor fitness equipment;
  - h) All outdoor allotment gardens and community gardens;
  - i) Outdoor picnic sites, benches and shelters in park and recreational areas; or
  - j) Outdoor pads.

#### **PART 4 - OFFENCES**

- 5. Every Person shall comply with the following to this By-law during the COVID-19 Emergency.
- 6. An offence under section 5 of this By-law may constitute a multiple offence as defined in section 429(5) of the *Municipal Act*, 2001.

#### **PART 5 - ENFORCEMENT AND INSPECTION**

- 7. The provisions of this By-law may be enforced by an Officer.
- 8. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law is being complied with.
- 9. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
  - a) Require the production for inspection of documents or things relevant to the inspection;

- 9b
- b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) Require information from any person concerning a matter related to the inspection; and
  - d) Alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

10. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law, including refusing to identify themselves when requested to do so by an Officer.

#### **PART 6 - ORDERS**

11. An Officer may order a Person to leave any Public Property or business as a result of a contravention of this By-law.

12. An order under this section may be given verbally or in writing.

13. An order in writing shall identify:

- a) The location where the contravention occurred;
- b) The reasonable particulars of the contravention;
- c) The date and time by which there must be compliance with the order; and
- d) Shall be served personally to the Person to whom it is directed, or served by Registered Mail to the Person which shall be deemed to be delivered on the fifth day after mailing.

#### **PART 7 - PENALTIES**

14. Every Person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, the *Emergency Management and Civil Protection Act*, and the *Municipal Act*, 2001.

15. In addition to subsection 14 above, any Person who is charged with an offence under this By-law by the laying of an information charge under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act*, 2001, to the following fines:

- a) The minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
- b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000; and

- c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
- 16. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 17. Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the Manager of Finance or his/her designate may give the person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- 18. If any part of a fine or a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 17, the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act, 2001*.

**PART 8 - CONFLICT**

- 19. In the event of conflict between this By-law and:
  - a) An order made under subsection 7.0.2 (4) or 7.1 (2) of the *Emergency Management Act*, or
  - b) Any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada;

the specific provisions of this By-law that are in conflict with the above shall be of no force and effect to the extent of the conflict.

This Order shall remain in force until the termination of the COVID-19 Emergency under Section 4(1) and Section 7.0.1 of the Emergency Act.

ORDERED PURSUANT TO SECTION 4 (1) PURSUANT TO THE EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT, 1990 THIS 15<sup>th</sup> DAY OF APRIL, 2020.

\_\_\_\_\_  
Sandie Macdonald, Mayor

\_\_\_\_\_  
Lisa Lehr, Clerk

9c

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2020 – 34

**A By-law to amend the Township’s Procedural By-law 2017-77 to allow for Electronic Participation where a State of Emergency has been declared.**

WHEREAS Council of the Township of Essa enacted and passed By-law No. 2017-77, a By-law to govern the proceedings of Council, Standing Committees, and Other Committees and Boards of Council at its meeting of December 20, 2017; and

WHEREAS section 2.8 of By-law 2017-77 contains provisions which do not allow for electronic participation by members of Council, Standing Committees, and other Committees and Board of Council in meetings; and

WHEREAS Bill 187, the *Municipal Emergency Act, 2020*, was passed by the Provincial Legislature on March 19, 2020, to allow for electronic participation to count towards quorum in meetings held by municipal Councils, Committees and Local Boards, where a State of Emergency has been declared under Sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*; and

WHEREAS Council of the Township of Essa deems it desirable to include such provisions to permit electronic participation to count towards quorum in Committee of Adjustment meetings, where a State of Emergency has been declared in accordance with the *Emergency Management and Civil Protection Act*;

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

1. That provision 2.8.1 be stricken and replaced with the following:

*2.8.1 While every effort shall be made by members of Council and Committees to attend meetings physically in person, in the event that an emergency has been declared to exist in all or part of the Township of Essa, or in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, a member of Council or a Committee may participate fully in a meeting by electronic means (via teleconference or video conference). This applies to members of Council and Committees, and to their participation in the following types of meetings: Committee of the Whole, Committee of Adjustment, Closed Session, Regular, Special, and Emergency Meetings.*

2. This By-law shall come into force and take effect on the final day of passing thereof.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 15<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Sandie Macdonald, Mayor

17 \_\_\_\_\_  
Lisa Lehr, Clerk

**THE CORPORATION OF THE TOWNSHIP OF ESSA**

**BY-LAW 2020 - 35**

**Being a By-law to confirm the proceedings of the Council meeting held on the 15<sup>th</sup> day of April, 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 15<sup>th</sup> day of April, 2020 and, in respect of each recommendation contained in the Minutes of the Regular Council meeting held on the 1<sup>st</sup> day of April, 2020, and the Committee of the Whole meetings held on the 1<sup>st</sup> day of April, 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 15<sup>th</sup> ay of April, 2020.

---

Sandie Macdonald, Mayor

---

Lisa Lehr, Clerk