

## AGENDA / ORDRE DU JOUR

- A) Declaration of Pecuniary Interest / Déclaration d'intérêts pécuniaires
- B) Addendum (if applicable) and Agenda / Addenda (si nécessaire) et Ordre du jour
  - B-1 Resolution to approve the Addendum
  - B-2 Resolution to adopt the Agenda
- C) Delegations / Petitions / Délégations / Pétitions
  - C-1 (a) Presentation of Municipal Financial Statement *(Presenters: Dan Longlade)*
  - (b) Resolution to authorize the Mayor and Chair of General Government to sign the 2018 Audited Financial Report for the Municipality of West Nipissing

## COMMITTEE OF THE WHOLE MEETING / COMITÉ PLÉNIER

- D-1) Economic Development / Développement économique
- D-2) Social Services and Health / Services sociaux et santé
- D-3) Public Works / Travaux publics
- D-4) Community Services / Services communautaires
  - D-4(a) Agreement with the Junior 'A' Hockey Team
- D-5) Sewer and Water / Les égouts et l'eau
- D-6) Environmental / L'environnement
- D-7) General Government / Gouvernement général
  - D-7(a) OPP Update *(verbal)*
  - D-7(b) Discussion re: Legal Interpretation of Sec 239(7) of the Municipal Act
  - D-7(c) Accountability & Transparency Policy
  - D-7(d) Sound System & Video in Council Chambers (re: Eastlink)
  - D-7(e) Municipal Affairs Session
  - D-7(f) Minutes from Boards and Committees (i.e. DNSSAB, NBPSDHU, Environmental, etc.)
  - D-7(g) Policy re: CAO / Council Information Sharing
  - D-7(h) Stipend for public members of Council Standing Committees

- D-7(i) Recommendations from Bilingualism Sub-Committee pertaining to proposed amendments to the municipal By-Law re: “Use of French & English”
- D-7(j) Request for installation of a post sign (corner of Nipissing & Front)
- D-7(k) Amendments to the Taxi By-Law 2016/63 pertaining to continuity of services
- D-7(l) Update re: Request for LiveStreaming of Board and Committee meetings

**D-8) Planning / Planification**

**D-9) Emergency Measures and Public Safety / Mesures d’urgence et sécurité publique**

- D-9(a) Emergency Management Update - Flood Levels *(verbal)*

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**REGULAR COUNCIL MEETING /  
RÉUNION RÉGULIÈRE**

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**E) Planning / Planification**

- E-1 Resolution granting Draft Subdivision Plan Approval SUBD 2019/02 to 2623822 Ontario Ltd. (44 Lots, Dovercourt Rd.) *(from Apr-23 mtg.)*

**F) Correspondence and Accounts / Comptes et courrier**

**G) Unfinished Business / Affaires en marche**

**H) Notice of Motion / Avis de motion**

**I) New Business / Affaires nouvelles**

**J) Addendum / Addenda**

**K) Information & Questions / Information et questions**

- K-1 Mayor’s Report

**L) Closed Meeting / Réunion à huis clos**

**M) Adjournment / Ajournement**

- M-1 Resolution to adopt By-law **2019/41** confirming proceedings of meeting
- M-2 Resolution to adjourn the meeting



## REQUEST FOR DELEGATION / WRITTEN SUBMISSIONS

A request for a delegation or presentation before Council must be in the form of a written submission to the Municipal Clerk. The following background information form must be duly completed and submitted by not later than 4:30 p.m. on the Wednesday prior to the requested meeting.

### PLEASE PRINT CLEARLY:

Council Meeting Date: **MAY 7th, 2019**

Subject: **PRESENTATION OF MUNICIPAL FINANCIAL STATEMENTS**

Name: **DAN LONGLADE, PARTNER**

Address: **12006 Hwy 17 East Unit # 7 Sturgeon Falls, Ontario P2B 3K8**

Phone:	Home:	Business / Cell:	Fax:
		<b>(705) 494-9336 x 402</b>	<b>(705) 753-2496</b>

E-Mail: **dalonglade@bakertilly.ca**

Name of Group or Person(s) being represented (if applicable) :

**BAKER TILLY SNT LLP**

Details of nature of the business/purpose (additional information can be attached separately) :

**PRESENTATION OF MUNICIPAL FINANCIAL STATEMENTS**

Presentation Requirements: ☐ Easel ☒ Projection Equipment

☐ Other:

*Please be advised that your delegation/presentation will be recorded in video and audio format as part of Council meetings and will be subject to media broadcast (Eastlink and internet). Personal information on this form will be used for the purpose of sending correspondence relating to matters before Council and Committee of the Whole. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a report that is available to the general public in a hard copy format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, C.M 56, as amended.*

**Submit your completed form to:**

Municipal Clerk (delegate)  
Municipality of West Nipissing  
101 – 225 Holditch Street  
Sturgeon Falls, ON P2B 1T1

e-mail: [mducharme@westnipissing.ca](mailto:mducharme@westnipissing.ca) or [jdupuis@westnipissing.ca](mailto:jdupuis@westnipissing.ca)

Tel: 705-753-2250 • Fax: 705-753-3950

**Visit ... [www.westnipissingouest.ca](http://www.westnipissingouest.ca)**



**The Corporation of the Municipality of West Nipissing  
La Corporation de la Municipalité de Nipissing Ouest**

Resolution No.

**2019 /****MAY 7, 2019**Moved by / *Proposé par* :Seconded by / *Appuyé par* :

**WHEREAS** at the Combined meeting of Council held on May 7<sup>th</sup>, 2019, Baker Tilly SNT LLP made a presentation to Council regarding the Audited Financial Statements for the Municipality of West Nipissing for the Fiscal Year ending on December 31, 2018;

**BE IT RESOLVED THAT** the Audited Financial Statements for the Municipality of West Nipissing for the Fiscal year 2018 be approved;

**BE IT FURTHER RESOLVED** that the Mayor and the Chair of General Government be authorized to sign the 2018 Audited Financial Report on behalf of the Municipality of West Nipissing.

	YEAS	NAYS
DUHAIME, Yvon		
FISHER, Christopher		
LARABIE, Roland		
MALETTE, Léo		
ROVEDA, Dan		
SÉGUIN, Jeremy		
SÉNÉCAL, Denis		
SÉNÉCAL, Lise		
SAVAGE, Joanne (MAYOR)		

CARRIED: \_\_\_\_\_

DEFEATED: \_\_\_\_\_

DEFERRED OR TABLED: \_\_\_\_\_

# MEMORANDUM

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**TO:** Mayor and Council

**FROM:** Stephan Poulin, Director of Economic Development and Community Services

**DATE:** May 3, 2019

**RE:** **LEASE AGREEMENT RENEWAL REQUEST FOR THE WN LYNX HOCKEY TEAM**

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The current lease agreement with the WN Lynx Hockey Organization expired in March this year. The Club has requested a 3 year agreement renewal. The draft agreement is attached for council's review. The changes from the previous contract are highlighted in the agreement.

Thank you,

**Joie de vivre**



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# AGREEMENT

**BETWEEN:**

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**hereinafter called the “Lessor”**

**- and -**

**9772642 Canada Ltd.**

**hereinafter called the “Lessee”**

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## **TERMS:**

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1. THIS AGREEMENT shall be in effect for a period of three (3) years commencing with the 2019-2020 hockey season and terminate at the end of the 2021-2022 hockey season, including play-offs.
2. The Lessor agrees to provide use of the ice surface in the Sturgeon Falls Municipal Arena and/or the Verner Arena (the “Arena”) for all practices, sanctioned league games (regular season, playoff and exhibition games.) The Lessee agrees that all games will be scheduled on a Friday or Saturday evenings as dictated by the Arena schedule availability (Hockey Tournaments, High School Hockey & Figure Skating Ice Shows, etc. The Lessee also agrees to pay the Lessor the approved local minor hockey/figure skating hourly rate for all ice time used payable on a monthly basis.
3. The Lessor agrees to provide a minimum of 3 X 1.5 hours of practice time per week. The Lessee agrees that the practices will be scheduled weekdays between the hours of 7:00am and 6:00 pm or between 9:00 p.m. and 11:00 pm p.m. as per ice availability and times mutually agreed to by both the Lessee and the Department of Community Services.
4. The Lessor agrees to provide Arena ice in good playing condition and to provide staff to flood the ice before warm-ups and/or before the games and between each period.
5. The Lessor agrees to make ice available to the Lessee for training camp and practices within the Verner or Sturgeon Falls arena facilities until such a time that the Arena opens for regular operations in August or September of each year. The ice shall then remain in the Arena so long as the Lessee requires it to meet playoff commitments.

6. The Lessor shall supply for the sole use of the Lessee an area of approximately 1,000 square feet. This would include the dressing room area (storage and office included) at no charge to the Lessee. All renovations and maintenance/repair work required in the dressing room area is the responsibility of the Lessee. Request for any modifications/renovations to the dressing room area shall be submitted in writing to the Director of Community Services. Approval is required before any work is undertaken.
7. The Lessee shall be responsible to maintain and upkeep the dressing room, storage area, and office in a useable state. Usable state shall include, repairs to locks, water leaks, electrical repairs, heating repairs, and any other repairs and maintenance. Upkeep shall include, cleaning and general maintenance of the facilities.
8. If the Lessee wishes to utilize the fitness centre at the Complex, the Lessee will pay \$2,500 plus HST per year. This will provide a membership to the fitness centre to all players (listed on active roster) from September 15<sup>th</sup> to March 31<sup>st</sup> each hockey season that this agreement is in effect. The players will only have access to the fitness centre on days and times agreed to by the Lessee and the Department of Community services. It is understood that all rules and regulations associated with a fitness centre membership applies to each player and it is also understood that players will have access to the fitness centre during off peak times.
9. The Lessor shall provide two dressing rooms for visiting teams no less than one hour before game time and one hour after game time for each home game.
10. The Lessor shall provide the room referred to as the West Nipissing Sports Hall of Fame for use during games at no cost to the Lessee. The Lessee is responsible for all licensing and regulation for liquor sales, food, etc. (if applicable). Insurance coverage related to liquor sales must also be provided for each occurrence. The Lessee shall not be allowed to sell items that are offered through the arena canteen/concession stand (pop, water, snacks, etc.)
11. The Lessor shall provide space for video cameras for the purpose of recording and transmitting coverage of all home hockey games. The Lessee shall be responsible for all IT and technical components and for the upkeep and cleaning of this area.
12. The Lessee reserves the right to exclusive use of the Arena during all home games. It is understood that no other persons and/or organizations, unless obtaining prior written approval from the president of the team, shall sell or attempt to sell any merchandise or tickets, or conduct any fund raising of any nature in the Arena during the one (1) hour period prior to home games or after the event has terminated. The Lessee shall be the sole advertiser of events related



to the team and shall have the right to sell souvenirs, tickets or other fund raising items, or designate agents to represent their interests while occupying the Arena.

13. The Lessor shall have 100% control of the sale of food or snack items and non-alcoholic beverages in the canteen area.
14. The Lessee, at its expense, shall be responsible for providing ticket sellers and ticket takers for each home game from one and one-half hours before game time to the end of the game.
15. The Lessee at its expense will be responsible for obtaining game officials, time keepers, official scorer, goal judges, a public address announcer and security (if required by the Lessor).
16. The Lessee shall receive 100% of net sales for all season tickets and gate receipts derived from home games.
17. The Lessee shall be responsible for the sale, maintenance and installation of arena advertising at the Sturgeon Falls arena. This includes the rink/arena sections of the building and the Zamboni. Advertising signs are limited to installation on the rink boards, wall behind both player benches and each side of main scoreboard (west side of arena). Existing signs owned by the West Nipissing Minor Hockey Association shall allowed to remain as is (lobby and welcome sign). ~~25% of all revenue derived from the sale of arena advertising shall be remitted to the Municipality of West Nipissing each operating season.~~ The municipality will receive \$100 for each advertising board displayed in the Arena and \$200 per advertisement sold on the Zamboni. All advertising requires the approval from the Municipality of West Nipissing (via the Director of Community Services) prior to installation. The Lessee and Lessor shall work out a schedule to have the signs removed/installed each year to ensure that there is no interference with events and programs.
18. The Lessee shall be allowed a minimum of 3 hours of ice time for each home game. Such ice time will be available for use ½ hour before the game is scheduled.
19. The Lessee will be responsible for production of all season tickets, home game tickets and costs thereof.
20. the Lessee will be responsible for all costs and charges required by the GMHL or any other enabling or licensing league bodies.
21. the Lessee shall provide and maintain at its expense liability and fire insurance for protection against any claim, demand, suit or liability whatsoever arising out of its operation or any portion of the premises used in connection therewith, to the extent of not less than \$5,000,000.00 for any single such claim allowed and shall



provide the Lessor with a certified copy of the policy or policies issued together with a letter from same said insurance company to provide the Lessor with at least 30 days notice of any intended cancellation of said insurance policy or policies. The Lessee shall add the Municipality of West Nipissing as an additional insured on the said policy.

22. The Lessee shall be responsible for all applicable licenses pertaining to the Lessee's events, which payable to municipal, provincial or federal agencies.
23. The Lessee agrees to reimburse the Lessor for any and all acts of vandalism or damage, to the Arena facilities, that is attributed to the Lessee, that might occur during the Lessee's home games, practices or sanctioned events. In the event of a change to the schedule, or cancellation of practice time, the Lessor will require 72 hours notice, unless such cancellation is due to circumstances beyond the control of the Lessee.
24. The Lessee agrees to enter into an ice contract with the Lessor at the beginning of each season and agrees to all costs associated with the allocated ice time until the end of March of each hockey season.
25. The Lessor shall maintain the announcing area, time clocks, lights, nets and accessories that meet Canadian Amateur Hockey Association ("CAHA") and GMHL regulations.
26. If the Arena should be destroyed or damaged to such an extent so as to render the same, unfit for the purpose of the Lessee, then this agreement shall terminate forthwith.
27. If the Lessee deems that they cannot operate in a financially responsible or professional manner, due to unforeseen circumstances, then this agreement shall terminate forthwith.
28. The Lessor reserves the right, on 60 days written notice to the Lessee prior to April 1st of each year to the termination of the agreement.
29. The Lessor or the Lessee may, by written notice, terminate this agreement by February 1st of each year.
30. The Lessee understands and agrees that failure to follow any of the above terms and conditions may result in the termination of this agreement.
31. This agreement will come into effect when duly signed by both parties and may be amended at any time and from time to time by the mutual consent of the parties hereto.

DATED THE \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President –  
9772642 Canada Ltd.

\_\_\_\_\_  
Mayor - Joanne Savage  
Municipality of West Nipissing

\_\_\_\_\_  
Secretary/Treasurer –  
9772642 Canada Ltd.

\_\_\_\_\_  
CAO – Jean-Pierre (Jay) Barbeau  
Municipality of West Nipissing

# MEMORANDUM

**TO:** MAYOR and COUNCIL

**FROM:** Jean-Pierre (Jay) Barbeau, CAO

**DATE:** May 3rd, 2019

**SUBJECT:** CLARIFICATION REGARDING MUNICIPAL ACT 239.7

At the Council meeting held on April 23<sup>rd</sup>, Council referred Minutes of 2 closed meetings back to the Clerk for a "re-write". This was based on the fact that an interpretation of section 239.7 was provided by the Mayor indicating, in essence, that the minutes are not correct stating that references to comments attributed to specific individuals contravenes the Act and that minutes should be recorded without note or comment. (I am paraphrasing). These assertions caught me off guard since there was an inference that the Mayor had already sought advice.

Upon reflection the next day, I did not feel comfortable with what had transpired as the explanation of 239.7 was not how I understood the legislation. I attempted to enquire as to where the advice came from; whether it was the Municipal Advisor at Municipal Affairs or some other source. Despite that, as it is my role to advise Council on many issues, I contacted our solicitor who has reviewed our minutes and provided a legal opinion indicating, in short, "there is no validity to the assertion that it is a violation of the Municipal Act to include names of Council members in the minutes whether it is open or closed to the public". Secondly, regarding without "note or comment", the opinion states that the Mayor accurately recites Section 239.7 of the Act. He goes on to say however that the interpretation of the meaning of this phrase is always open for debate. He cites that there is no clear case law on the matter. He goes on to state however, that in the interest of openness and transparency, bodies such as the Ombudsman have commented that minutes should be as specific as to reasonable record the essence of what transpired. He also goes on to comment on the role of the Clerk under section 228.1 stating that it is the Clerk's statutory responsibility to record and keep the minutes and that it should not be "subject to any direction (or interference) by Council. Council's role should be to review and provide comment to ensure that the record of the meeting is accurate and that there are no omissions.

I also had a conversation with the Municipal Advisor who echoed the comments of the Mayor in terms of names not to be included. We debated the legal aspects and he did acknowledge that his comments did not form a firm legal opinion or position from the Ministry. He also indicated that, if Council has a position on the specificity of minutes and whether to include names or not, it should be stated clearly in the form of policy.

We can cite several other occasions where specific names have been used. What is unique in this instance is the very nature of the meeting which is now subject to an Ombudsman investigation. The Ombudsman requested the minutes to assist in the determination of the rationale for going into closed session in the first place.

In summary, the minutes as written are legally acceptable.

Respectfully,

Jay Barbeau, CAO

*from the desk of :*  
Jean-Pierre (Jay) Barbeau  
C.A.O.

## Joie de vivre



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# Russell, Christie, LLP

Barristers & Solicitors

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W.D. (Rusty) Russell, Q.C., (1925-2019)  
Douglas S. Christie, B.A., LL.B.  
Michael M. Miller, B.Sc., in Comm, LL.B.  
William S. Koughan, LL.B.

Edward B. Veldboom, MSc. Pl. LL.B.  
Michael F. Sirdevan, B.A. (Hons), LL.B.  
Jennifer E. Biggar, B.A., (Hons), J.D.  
James R. Morse, B.A., LL.B.

Please reply to:  
Edward B. Veldboom (Ext. 237)  
Email: [eveldboom@russellchristie.com](mailto:eveldboom@russellchristie.com)

May 1, 2019

Jay Barbeau, C.A.O.  
The Corporation of the Municipality of West Nipissing  
101 – 225 Holditch Street  
Sturgeon Falls, ON P2B 1T1

via email to [jbarbeau@westnipissing.com](mailto:jbarbeau@westnipissing.com)

Dear Mr. Barbeau

Re: Minutes of Council Meetings

We write to provide our opinion on the above noted matter. As we understand, a member of Council had questioned the content of the Minutes of a Closed Session of Council held on March 19, 2019. In commenting on the issue raised, the Mayor made a number of assertions as to the proper content of minutes of a Council meeting; specifically, she indicated that the content of those Minutes violated section 239(7) of the *Municipal Act* for the following reasons:

1. The names of councillors should not be recorded in the minutes;
2. The minutes should not contain notes or comments.

## Applicable Provisions of the Municipal Act, 2001

Section 239(7) of the *Municipal Act, 2001* obliges the Municipality to “record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not”. Sections 239(8) and 228(1) impose the responsibility for the foregoing upon the clerk of the municipality using the same wording.

## Inclusion of Names of Councillors

We suspect that the Mayor’s comments concerning the inclusion of names in the minutes were intended to apply specifically (and only) to closed session minutes. Although there may be an inclination to consider closed session minutes in a “different light”, the *Municipal Act* itself does not provide for any differentiation in the recording of minutes “without note or comment” any particular type of meeting (closed or open).

There is no express restriction on the recording of names of Council members in the legislation whether it be a closed or open session of Council. In fact, in related legislation (being the *Municipal Conflict of Interest Act*) there is a clear requirement imposed upon the clerk to record names of members who have declared a conflict. There is also clear and express statutory distinction as what is recorded in the minutes of open versus closed sessions with regard to such declarations.

Taking a practical approach, it would also be impossible to accurately record even the most basic aspect of Council proceedings without naming Council Members. For example, it would be impossible to confirm which members of Council were present or absent from a meeting or which Council member initiated a motion. It would be impossible to "record" what is desired to be a recorded vote (i.e. to specifically identify those in favour of or opposed to a specific question/resolution/bylaw).

Again, there is no differentiation in the Municipal Act, 2001 as it relates to what information is to be recorded in the minutes of a closed session versus an open session. Accordingly, if the Mayor's assertion were correct, then the Municipality would be prohibited from using and recording names of Councillors in both closed and open session unless specifically authorized to do so.

Quite frankly, the recording of names in the Minutes of a Closed Session is of no significant concern considering the fact that all meetings of Council are subject to audio and video recordings. In some cases, due to the variations in the quality of such recordings, it may not be clear which member of Council was speaking at any one time and precisely what that member said. The written minutes can provide additional and needed clarity. Conversely, the audio/video record can also assist in correcting factual errors that may arise in the recording of minutes.

In our opinion, there is no validity to the assertion that it is a violation of the *Municipal Act* to include the names of Council members in the minutes of a Council session whether it is open or closed to the public.

#### Note or Comment

The Mayor's comments concerning the prohibition on "note or comment" (I will refer to this as the "note or comment qualifier") from appearing in meeting minutes is, on its face, a completely accurate recitation of the wording of the Act. However, the note or comment qualifier must be considered in the context of the other wording in section 239(7) and 228(1). Recording resolutions and decisions without note or comment appears rather straightforward. Recording the "other proceedings" of Council is a different story.

The other proceedings of Council would encompass the discussion of issues by Council members, deputations to Council, presentation of reports to Council by staff etc. Those other proceedings are quite diverse. The "without note or comment qualifier" itself is quite ambiguous and, unfortunately, open to many subjective interpretations. Due to the varied nature of Council proceedings, the summation of those other proceedings will also be open to significant variance.

An example may be of assistance. In the case of a procedural issue that arises during a meeting, one could "record that proceeding" in a multitude of fashions. For example the procedural issue could be summarized as follows:

*“Councillor A challenged the head of Council’s ruling on the motion. The Head of Council responded by quoting Roberts Rules of Order and the Municipality’s Procedural By-law. Councillor A debated the accuracy of the quotes made by the Head of Council. Councillor B suggested that the procedural matter be referred to the Municipality’s solicitor for advice”.*

In a much more summary fashion, the proceeding could be described as follows:

*“a matter of procedure was discussed”.*

Neither account would be inaccurate but even the shorter account could be subject to assertions that there is some “note or comment” in the summary. A third party viewing that specific proceeding might suggest that the discussion was more properly characterized as a debate. Accordingly, one could easily and reasonably argue that the clerk’s characterization of the proceeding as a “discussion” is a note or comment on the proceeding.

In our opinion, the written summary of a proceeding by a single person is and will always be inherently subjective in nature. As such, there is always the opportunity for disagreement or debate as to whether the record includes some element of note or comment.

It is also important not to lose sight of the role that meeting minutes play. As noted earlier, one must consider that the “record” of Council’s proceedings is augmented by audio/video recordings. Our review of the case law indicates that the minutes of a Council Meeting themselves are not to be taken as an absolute determination or statement as to what transpired at a given Council meeting. Other evidence, including the accounts of witnesses present at the meeting and audio/video recordings can be used to establish a full account of the proceeding where the circumstances warrant such a determination.

As a result of the changes to the *Municipal Act* that have occurred over the last 15 years, including an increasing emphasis on transparency and accountability, the Ontario Ombudsman has commented on the content of Council Meeting minutes (particularly in closed session). Although the decisions of the Ombudsman do not carry the same authority as decisions of the Courts and are often framed in the context of suggestions, those suggestions do offer some valuable insight. The suggestions in a number of Ombudsman decisions are reflected in the content of its website which includes the following:

#### **Voting and records**

##### **Can votes be taken during a closed meeting?**

*Generally, meetings cannot be closed to the public during the taking of a vote. Voting in a closed meeting is only permitted if the closed meeting is otherwise authorized and the vote is for a procedural matter or for giving directions or instructions to officers, employees, agents of the municipality, or persons under contract. All votes should be taken formally, in accordance with the procedure by-law, and recorded in the closed meeting minutes. Decisions should not be made by straw poll, show of hands or general consensus.*

##### **Must a record be kept of the closed meeting?**

*All resolutions, decisions and other proceedings that take place must be recorded, whether the meeting is open or closed.*



*The Act does not require municipalities to create verbatim transcripts of meetings, but minutes should be more detailed than just a list of resolutions. The record of a closed meeting should include reference to the location, time of commencing and adjourning the meeting, and the names of attendees. There should also be a detailed description of the substantive and procedural matters discussed, including reference to any specific documents considered, motions (including names of the movers and seconders), and all votes taken or direction given.*

Simply stated, the Ombudsman's view is that some level of detail in the recording of discussions is warranted by the legislation. In our opinion although that additional level of detail may serve to increase the opportunity for the insertion of unwarranted notes or comments into meeting minutes it may also be of benefit by creating a more fulsome record of Council proceedings.

In our opinion, there is no doubt that there could be a debate as to whether the March 19<sup>th</sup>, 2019 minutes include some note or comment. That said, we are not aware of any decided case wherein the issue of the clerk's version of minutes was: a) challenged on the basis of including note or comment; and b) determined to be "in violation" of the Act because the minutes included "note or comment".

#### Council Approval of Minutes

What arises from the challenge of the content of the Minutes is the question what right does Council have to require the minutes to be modified? Although it is common practice in Ontario municipalities for the minutes of a prior council meeting to be ratified or approved at the next Council meeting, such approval of the minutes is not mandated nor specifically authorized by the *Municipal Act, 2001*. Quite frankly, the wording of both section 228(1) and 239 (7)/(8) suggests that the clerk's duty to record minutes is not subject to any direction (or interference) by Council.

From a practical perspective it would seem that the subject matter of review and approval of the minutes is something that might be addressed in the Municipality's Procedural By-law. You may wish to review that by-law for additional guidance. At the end of the day, it would seem that review and approval of prior minutes is most appropriately directed at ensuring the accuracy of what might be considered basic facts. That may be easier said than done as the line between what are basic facts and what might constitute note or comment could become blurred quite easily.


If you require any further assistance or have questions or comments please do not hesitate to contact the undersigned.

Sincerely,



Edward B. Veldboom  
(electronically signed)

## SCHEDULE "B" OF BY-LAW 2019/24

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		APRIL 23/2019	
Name of Requestor:	JOANNE SAVAGE		Date submitted:
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:		ACCOUNTABILITY AND TRANSPARENCY POLICY	
Additional details / background information: <input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately  <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i>			
<b>EXAMPLES SUBMITTED TO CLERK BY MUNICIPAL AFFAIRS</b>  <b>DRAFT POLICY FOR WEST NIPISSING</b>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	CAO
Meeting Date Requested:	MAY 7, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

# MEMORANDUM

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**TO:** MAYOR and COUNCIL

**FROM:** Melanie Ducharme, Municipal Clerk

**DATE:** May 3, 2019

**SUBJECT:** ACCOUNTABILITY & TRANSPARENCY POLICY

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Attached hereto are examples of Accountability and Transparency Policies from the Township of Chapleau, Municipality of French River and the City of Greater Sudbury, as provided by Municipal Affairs.

For Council's review, you will also find attached hereto, a proposed draft Accountability and Transparency Policy for the Municipality of West Nipissing which is a combination of the aforementioned policies.

Thank You,

**Joie de vivre**



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

**BY-LAW 2019/**

**BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING  
TO ADOPT AN ACCOUNTABILITY AND TRANSPARENCY POLICY FOR THE  
CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

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**WHEREAS** Section 270(1) of the *Municipal Act*, 2001 requires that a municipality shall adopt and maintain a policy with respect to the manner which the municipality will try to ensure that its actions are transparent and accountable to the public;

**NOW THEREFORE BE IT RESOLVED THAT** the Council for the Municipality of West Nipissing enacts as follows:

1. That Council adopt the Accountability and Transparency Policy identified as Schedule "A" attached hereto and forming part of this By-Law; and
2. This By-law shall come into force and effect on the date it is passed.

**ENACTED AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019 AS WITNESSED BY THE SEAL  
OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

---

JOANNE SAVAGE  
MAYOR

---

MELANIE DUCHARME  
CLERK

**SCHEDULE 'A'**  
**TO BY-LAW 2019/**

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**1. PURPOSE/APPLICATION**

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*The Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.*

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**2. DEFINITION(S)**

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- (i) **Accountability** – The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- (ii) **Transparency** – The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision-making processes. Additionally, transparency means that the municipality's decision-making process is open and clear to the public.

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**3. POLICY STATEMENT**

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- 3.1 The Council of the Municipality of West Nipissing acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner, guided by the following principles:
  - (a) Decision making will be open and transparent
  - (b) Municipal operations will be conducted in an ethical and accountable manner
  - (c) Financial resources and physical infrastructure will be managed in an efficient and effective manner
  - (d) Municipal information will be accessible in accordance to legislative requirements
  - (e) Enquiries, concerns and complaints will be responded to in a timely manner
  - (f) Financial oversight, service standards and performance reporting, and all other accountability documents will be made available and accessible to increase the opportunity for the public scrutiny and involvement in municipal operations.
- 3.2 Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision-making process which will be open, visible and transparent to the public.

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**4. POLICY REQUIREMENTS**

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The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the municipality. Policies, procedures and practices have been divided in the following categories:

**4.1 Legislated Requirements:**

The Municipality of West Nipissing is accountable and transparent to taxpayers by fulfilling various legislated responsibilities and disclosure of information. The following are provincial statutes which govern how the Municipality conducts its business in a public, accountable and transparent manner:

- (a) Municipal Act, 2001
- (b) Municipal Conflict of Interest Act
- (c) Municipal Freedom of Information and Protection of Privacy Act
- (d) Occupational Health and Safety Act;
- (e) Public Sector Salary Disclosure Act

#### **4.2 Financial Matters**

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

1. external audit
2. year end audited financial statements posted on web site
3. Interim reports to council
4. asset management and capitalization policy
5. procurement policy
6. signing authority policy
7. records retention
8. sale of real property policy
9. budget process
10. capital acquisition policy

#### **4.3 Internal Governance**

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. Council-Staff Relations By-Law
2. Workplace Violence and Harrassment Policy
3. Hiring Policy
4. West Nipissing Policy Manual
5. Health and Safety Policy
6. Signing authority By-Law
7. *Employee Code of Ethics (in process)*

#### **4.4 Public Participation and Information Sharing**

The municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

1. Procedural By-law -
2. Code of Conduct for Councillors By-Law
3. Records Retention Policy
4. Public Notice By-Law
5. Election Policy and Procedures By-Law
6. By-Law for the use of Corporate resources for election purposes
7. Minutes and Agendas posted on website
8. Year end financial statements and performance measures posted on the website

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### **5. RESPONSIBILITIES**

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Council and Staff of the Municipality of West Nipissing are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of municipal operations.

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### **6. MONITORING/CONTRAVENTIONS**

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The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the CAO shall notify:

1. In the case of staff, the Department Head responsible;
2. In the case of a closed meeting, the Ombudsman for the Province of Ontario;
3. In the case of Council, the Integrity Commissioner



THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

BY-LAW NO. 2010-14

Being a By-law to Adopt an Accountability and Transparency Policy for the Corporation of the Township of Chapleau

WHEREAS Section 270(1) of the Municipal Act, S.O. 2001, C.25, as amended, requires

that a municipality shall adopt and maintain a policy with respect to the manner in which

the municipality will try to ensure that its actions are transparent and accountable to the public.

NOW THEREFORE the Council of the Corporation of the Township of Chapleau enacts as follows that:

1. That Council adopts the Accountability and Transparency Policy identified as Schedule "A" attached hereto and forming part of this by-law.
2. This by-law shall come into full force and effect on the 17<sup>th</sup> day of May.

READ A First, Second and Third and Finally passed this 17<sup>th</sup> day of May, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
CAO

**THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU**  
Accountability and Transparency Policy

**PURPOSE:**

**The *Municipal Act, 2001***, requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that the actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and service in accordance with the principles as outlined herein. This policy has been developed in accordance with the *Municipal Act, 2001*, to comply with Section 270.

**POLICY STATEMENT:**

The Council of the Township of Chapleau acknowledges that it is responsible to provide good government for its ratepayers in an accountable and transparent manner and will do so by.

- Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
- Delivering high quality services to citizens; and
- Promoting the efficient use of public resources.

**POLICY REQUIREMENTS:**

The Township will be open, accountable and transparent to its ratepayers in its financial dealings. Some examples of how the municipality provides such accountability and transparency are as follows:

**FINANCIAL MATTERS**

1. Internal/External Audit.
2. Reporting/Statements.
3. Long term financial planning.
4. Asset Management.
5. Purchasing/Procurement.
6. Sale of Land.
7. Budget process.

**INTERNAL GOVERNANCE**

The Township's administrative policies and procedures ensure accountability and transparency in its internal governance through the following initiatives:

1. Code of conduct for staff.
2. Performance management and evaluation.
3. Staff Hiring Policy.
4. Occupational Health & Safety.
5. Compensation/benefit/pay equity.
6. Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency.
7. Sale of surplus land policy.
8. Accessibility policy.

## **PUBLIC PARTICIPATION AND INFORMATION SHARING**

The Township's administrative policies and procedures ensure transparency and accountability in its public participation and information sharing through the following initiatives:

1. Procedural by-law.
2. Standing Committee System.
3. Delegation rules.
4. Records retention.
5. Planning Process.
6. Public Notice Policy.
7. Council meeting agendas posted on community portal.
8. Council minutes posted on community portal.
9. Council meeting schedule posted on community bulletin board.
10. Closed meeting rules included in all copies of Council meeting agendas.
11. Schedule of Council meetings included in all Council meeting agendas.
12. Public notices posted in Chapleau Express and on community portal.
13. Council quarterly Open Forum meetings.

Section: <b>Administration &amp; Governance</b>	Policy number: <b>A-6</b>
Subject: <b>Accountability and Transparency Policy</b>	Effective Date: <b>January 16, 2008</b>
	Revision Date:
Page: 1 of 4	

## **Corporation of the Municipality of French River Accountability and Transparency Policy**

### **I. Purpose/Application**

The Municipal Act, 2001 (the Act) requires that all municipalities adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the Act to comply with section 270.

### **II. Definition(s): Accountability; Transparency**

- (i) Accountability – The principle that the municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- (ii) Transparency – The principle that the municipality actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the municipality's decision making process is open and clear to the public.

### **III. Policy Statement**

The Council of the Municipality of French River acknowledges that it is responsible to provide good government for its stakeholders in an accountable and transparent manner, guided by the following principles:

1. Decision making will be open and transparent
2. Municipal operations will be conducted in an ethical and accountable manner
3. Financial resources and physical infrastructure will be managed in an efficient and effective manner
4. Municipal information will be accessible in accordance to legislative requirements
5. Inquiries, concerns and complaints will be responded to in a timely manner
6. Financial oversight, service standards and performance reporting, and all other accountability documents will be made available and accessible to increase the opportunity for the public scrutiny and involvement in municipal operations.

Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the municipality adopting measures ensuring, to the best of its ability, that all activities and services are undertaken utilizing a process that is open and accessible to its stakeholders. In addition, wherever possible, the municipality will engage its stakeholders throughout its decision making process which will be open, visible and transparent to the public.

Section: <b>Administration &amp; Governance</b>	Policy number: <b>A-6</b>
Subject: <b>Accountability and Transparency Policy</b>	Effective Date: <b>January 16, 2008</b>
	Revision Date:
Page: <b>2 of 4</b>	

#### **IV. Policy Requirements**

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the municipality. Policies, procedures and practices have been divided in the following categories:

- i. Legislated Requirements
  - ii. Financial Matters
  - iii. Internal Governance
  - iv. Public Participation and information sharing
- i. Legislated Requirements

The Municipality of French River is accountable and transparent to taxpayers by fulfilling various legislated responsibilities and disclosure of information. The following are provincial statutes that govern how the Municipality conducts its business in a public, accountable and transparent manner:

- 1. Municipal Act, 2001
- 2. Municipal Conflict of Interest Act
- 3. Provincial Offences Act
- 4. Municipal Freedom of Information and Protection of Privacy Act
- 5. Health Information Protection Act
- 6. Public Sector Salary Disclosure Act

ii. Financial Matters

The municipality will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the municipality provides such accountability and transparency are as follows:

- 1. external audit
- 2. year end audited financial statements posted on web site
- 3. monthly interim reports to council
- 4. strategic planning
- 5. asset management and capitalization policy
- 6. procurement policy
- 7. signing authority policy
- 8. records retention
- 9. sale of real property policy
- 10. budget process
- 11. capital acquisition policy
- 12. monthly approval of disbursements

Section: <b>Administration &amp; Governance</b>	Policy number: <b>A-6</b>
Subject: <b>Accountability and Transparency Policy</b>	Effective Date: <b>January 16, 2008</b>
	Revision Date:
Page: <b>3 of 4</b>	

### iii. Internal Governance

The municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. council staff protocol
2. employee performance evaluation
3. hiring policy
4. employee policy manual
5. health and safety policy
6. signing authority policy
7. responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency

### iii. Public Participation and Information Sharing

The municipality ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The municipality's meetings will be open to the public when and as required under the Act, and members of the public will have an opportunity to make delegations or comments in writing on specific items at these meetings. In addition, the municipality has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

1. procedure by-law - code of conduct for councillors
2. strategic plan
3. records retention
4. public notice policy
5. election policy and procedures manual
6. policy for the use of Corporate resources for election purposes
7. minutes and agendas posted on website
8. by-laws affecting the conduct of the public posted on web site
9. year end financial statements and performance measures posted on the website

## V. **Responsibilities**

Council of the Municipality of French River and municipal staff are responsible for adhering to the parameters of this policy and for ensuring accountability for their actions and transparency of municipal operations.



Section: <b>Administration &amp; Governance</b>	Policy number: <b>A-6</b>
Subject: <b>Accountability and Transparency Policy</b>	Effective Date: <b>January 16, 2008</b>
	Revision Date:
Page: <b>4 of 4</b>	

## **VI. Monitoring/Contraventions**

The municipal Clerk shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the municipal Clerk shall notify:

1. In the case of staff, the Department Head responsible for the area;
2. In the case of a closed meeting, the Meeting Investigator;
3. In the case of Council, the Head of Council.

This policy is approved by Resolution No 2008-32 of the Council of The Municipality of French River, this 16<sup>th</sup> day of January, 2008.

**BY-LAW 2007-299**

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO ADOPT  
A POLICY REGARDING ACCOUNTABILITY AND TRANSPARENCY  
AND A POLICY REGARDING DELEGATION OF POWERS AND DUTIES**

**WHEREAS** the Council of the City of Greater Sudbury deems it advisable to adopt a Policy regarding Accountability and Transparency and a Policy regarding Delegation of Powers and Duties for the City of Greater Sudbury as required pursuant to the *Municipal Act, 2001*, S. O. 2001, c. 25;

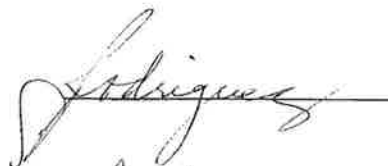
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY  
HEREBY ENACTS AS FOLLOWS:**

1. The Policy Regarding Accountability and Transparency attached hereto as Schedule "A" is hereby adopted.
2. The Policy Regarding Delegation of Powers and Duties attached hereto as Schedule "B" is hereby adopted.
3. This By-law shall come into force and take effect immediately upon final passing of same.

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL** this 12th day of December, 2007.

  
\_\_\_\_\_  
A. Hocké Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN  
COUNCIL** this 12th day of December, 2007.

  
\_\_\_\_\_  
A. Hocké Clerk

## TO BY-LAW 2007-299

## CITY OF GREATER SUDBURY

## Accountability and Transparency Policy

I. Purpose/Application

The *Municipal Act*, 2001 (the *Act*) requires that all Municipalities adopt and maintain a policy with respect to the manner in which the Municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the Municipality will try to ensure that its actions are transparent to the public. The purpose of this policy is to provide guidance for the delivery of the Municipality's activities and services in accordance with the principles as outlined herein. This policy has been developed in accordance with the *Act* to comply with Section 270.

II. Definition(s): Accountability; Transparency

- i) Accountability - The principle that the Municipality will be responsible to its stakeholders for decisions made and policies implemented, as well as its actions or inactions.
- ii) Transparency - The principle that the Municipality actively encourages and fosters stakeholder participation and openness in its decision making processes. Additionally, transparency means that the Municipality's decision making process is open and clear to the public.

III. Policy Statement

The City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public. The City is committed to creating policies, guidelines and positions for delegation in a transparent manner for all staff of the Corporation.

Mapping the Vision has been adopted by the City of Greater Sudbury as a policy statement of its Vision, Mission, Values, Broad Goals and Strategies. In part, that document provides:

Mission:

We provide excellent access to quality municipal services and leadership in the social, environmental and economic development of the City of Greater Sudbury.

Values:

We are committed to:

- providing high quality service with a citizen focus;
- managing the resources in our trust efficiently, responsibly and effectively;

**SCHEDULE "A"**  
**TO BY-LAW 2007-299**

**Page 2 of 4**

- encouraging innovation and accepting risks;
- developing organization excellence;
- maintaining honest and open communication;
- creating a climate of trust and a collegial working environment;
- acting today in the interests of tomorrow.

**IV. Policy Requirements**

The principles of accountability and transparency shall apply equally to the political process and decision making and to the administrative management of the Municipality.

**i. Financial Matters**

The City will be open, accountable and transparent to its stakeholders in its financial dealings as required under the Act. Some examples of how the City provides such accountability and transparency are as follows:

1. External audit;
2. Reporting statements;
3. Long term financial planning;
4. Annual Financial Statements;
5. Budget to actual variance analysis;
6. Budget process;
7. Auditor General;
8. Asset management;
9. Purchasing/procurement including tendering for goods and services;
10. Sale of land and other assets;
11. Adoption of policies / procedures / processes, such as Financial Information Returns

**SCHEDULE "A"**  
**TO BY-LAW 2007-299**

**Page 3 of 4**

**ii. Internal Governance**

The Municipality's administrative practices ensure specific accountability on the part of its employees through the following initiatives:

1. Employee Handbook;
2. Salary Administration Plan;
3. Supervisor's Guidebook;
4. Performance management and evaluation;
5. Hiring policy;
6. Recruitment Guidebook;
7. Orientation/continuing education;
8. Health and Safety:
  - Joint Health and Safety Committee
  - Health and Safety Handbook
  - Annual Health and Safety Due Diligence Training
  - Harassment Policy which includes anti-bullying and anti-harassment training;
9. Work/life balance;
  - Employee Wellness Committee
10. Compensation/benefit;
11. Continuous Improvement Plan;
12. Employee Recognition Trial Program;
13. Responsibility for ensuring that administrative practices and procedures recognize Council's commitment to accountability and transparency.

**iii. Public Participation and Information Sharing**

The City ensures that it is open and accountable to its stakeholders through implementing processes outlining how, when and under what rules meetings will take place. The City's meetings will be open to the public when and required under the Act, and members of the public will have an opportunity to make delegations or comments in writing

**SCHEDULE "A"**  
**TO BY-LAW 2007-299**

**Page 4 of 4**

on specific items at these meetings. In addition, the City has adopted policies which ensure that participation by the public can be meaningful and effective, through timely disclosure of information by various means including print media, websites, etc. Some specific examples include:

1. Procedure By-law;
2. Code of Conduct for Councillors  
Procedure By-law, Schedule "D"
3. Strategic Priorities embedded in the Business Plans;
4. Delegation By-law;
5. Records Retention By-law, including archival facilities;
6. Planning processes;
7. Public notice By-law or policy;
8. 3 -1 -1;
9. Customer Relationship Management System;
10. Provincial/Municipal Benchmarking;
  - Ontario Municipal Benchmarking Initiative
  - Municipal Performance Measurement Program



## TO BY-LAW 2007-299

## CITY OF GREATER SUDBURY

## Policy Regarding Delegation of Powers and Duties

1. Purpose/Application

The *Municipal Act, 2001* (the *Act*) requires that all municipalities adopt and maintain a policy with respect to the delegation of Council's legislative and administrative authority. The purpose of this policy is to set out the scope of the powers and duties which Council may delegate its legislative and administrative authority and to establish principles governing such delegation. This policy has been developed in accordance with the *Act* in order to comply with its other applicable sections, including section 270. This policy applies to all committees of Council, departments and staff.

II. Definition(s):

- i) Legislative Powers - Includes all matters where Council acts in a legislative or quasi judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- ii) Administrative Powers - Includes all matters required for the management of the corporation which do not involve discretionary decision making.

III. Policy Statement

The Council of the City, as a duly elected municipal government is directly accountable to its constituents for its legislative decision making, policies, and administrative functions. Council's decision are generally expressed by by-law or resolution of Council carried by a majority vote. The efficient management of the municipal corporation and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the *Act* and will respect the applicable restrictions outlined in the *Act*.

IV. Policy Requirements

- 1. All delegations of Council powers, duties or functions shall be exercised by By-law.
- 2. Unless a power, duty, or function of Council has been expressly delegated by By-law, all of the powers, duties and functions of Council remain with Council.
- 3. A delegation of a power, duty or function under any By-law to any member of staff includes a delegation to a person who is appointed by the Chief Administrative Officer or selected from time to time by the delegate to act in the capacity of the delegate in the delegate's absence.
- 4. Subject to Section 3, a person to whom a power, duty or function has been delegated by By-law has no authority to further delegate to another person any power, duty or function that has been delegated, unless such sub-delegation is expressly permitted.


**TO BY-LAW 2007-299**

5. Legislative matters may be delegated by Council where they are minor in nature or where Council has explicitly provided for the terms and conditions under which the powers shall be exercised, and must take into account the limitations set out in the *Act*.
6. Administrative matters may generally be delegated to staff subject to the conditions set out in the *Delegation* and in this Policy, and must take into account the limitations set out in the *Act*.
7. Council has authorized the delegation of specific administrative matters to those individuals listed in the *Delegation By-law* subject to the terms set out therein.


In exercising any delegated power, the delegate shall ensure the following:

- Any expenditure related to the matter shall have been provided for in the current year's budget (or authorized by the *Purchasing By-law*);
- The scope of the delegated authority shall not be exceeded by the delegate;
- Where required by the specific delegated authority, reports shall be submitted to Council advising of the exercise of a delegated power and confirming compliance with the delegated authority and this policy;
- all practices regarding insurance and risk management shall be complied with;
- delegates shall ensure the consistent and equitable application of Council policies and guidelines;
- any undertaking or contract with a third party will be reviewed by Legal Services as appropriate.

## SCHEDULE "B" OF BY-LAW 2019/24

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		SOUND SYSTEM / AUDIO VIDEO SYSTEM	
Name of Requestor:	JOANNE SAVAGE	Date submitted: APRIL 10/2019	
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:		APRIL 23/2019	
Additional details / background information: <input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately  <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i> <b>SUBJECT: COMPLAINTS REGARDING SOUND AND VIDEO OF EASTLINK</b> <b>RESIDENTS ARE IDENTIFYING SOUND IS TERRIBLE - UNCLEAR - AND VIEWING OF MEETING IS DIFFICULT</b> <b>LIVESTREAM IS ALSO A CHALLENGE IN OBSERVING AND VIEWING DELEGATES AND PRESENTATIONS</b>  <b>EXPLORE OPTIONS FOR IMPROVEMENT</b>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	CAO
Meeting Date Requested:	MAY 7, 2019	Mode of Notification:	<input checked="" type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

## SCHEDULE "B" OF BY-LAW 2019/24

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		May 7, 2019	
Name of Requestor:	Mayor Joanne Savage		Date submitted:
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:			
Additional details / background information:		<input type="checkbox"/> see below <input checked="" type="checkbox"/> Supporting documents attached separately	
<p><i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i></p> <p>Municipal Affair session: to assist council &amp; administration in moving forward cohesively, to identify best practices, and suggested policies</p>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	CAO
Meeting Date Requested:	MAY 7, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

**Subject:** FW: Agenda and Supporting Documentation for Council Mtg. of May-7th

Good morning Jay


Attached are my notes regarding session  
and sample of resolution

- \* to assist council and administration in moving forward and fostering teamwork
- \* to facilitate decision making by adopting recommended policies as a pro-active approach
- \* to reduce / eliminate barriers that impede on achieving common objectives : progress
- \*. to be receptive of the assistance available by the Ministry of Municipal Affairs
- \*. to jointly participate in session
  
- \*. Session is conditional of Ministry's approval process and only cost is participation, investment of time


Resolution ( draft)

Resolution to endorse session by Ministry  
as a pro active approach to foster  
teamwork, to smoothly facilitate decision  
making by respecting roles and  
responsibilities of all and valuing  
everyone's positive contribution

## SCHEDULE "B" OF BY-LAW 2019/24


 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		May 7, 2019	
Name of Requestor:	Mayor Joanne Savage		Date submitted:
Address:	Full mailing address:		
Phone:	Home:	Business / Cell:	Fax:
E-Mail:			
Requested Agenda Item/Subject:			
Additional details / background information:		<input checked="" type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately	
<p><i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i></p> <p>Minutes of boards and committees : council receives minutes from Library Board, WN Police Board, Au Chateau Board.            Council previously recd DNSSAB minutes            Discussion regarding receipt of minutes from DNSSAB, Health Unit and Environmental committee</p>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:		Received from:	
Meeting Date Requested:		Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

## SCHEDULE "B" OF BY-LAW 2019/24

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		May 7, 2019	
Name of Requestor:		Mayor Joanne Savage	Date submitted:
Address:		Full mailing address:	
Phone:		Home:	Business / Cell:
E-Mail:		Fax:	
Requested Agenda Item/Subject:			
Additional details / background information: <input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately			
<p><i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i></p> <p><b>Facilitate decision making and information sharing to members of council &amp; to recognize the important contribution of CAO and responsibility to Council as Whole</b></p> <p><i>(from Jay - for clarity, the Mayor wishes to ensure that information shared to any member of Council from the CAO, be shared to all members of Council, where practical.)</i></p>			
ADMINISTRATIVE APPROVAL			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
MUNICIPAL OFFICE USE			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	May 2, 2019	Received from:	CAO
Meeting Date Requested:	MAY 7, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
APPROVED FOR AGENDA:			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			



## SCHEDULE "B" OF BY-LAW 2019/24

 <b>AGENDA ITEM REQUEST FORM</b>			
PLEASE PRINT CLEARLY:			
Requested Council Meeting Date:		April 9th 2019	
Name of Requestor:	Chris Fisher	Date submitted: April 1st 2019	
Address:	Full mailing address: 3636B Hwy 539 Field Ont		
Phone:	Home: 705-758-1632	Business / Cell: 705-492-6784	Fax:
E-Mail:	CFisher@westnipissing.ca		
Requested Agenda Item/Subject:		Stipend for Public Members of Standing Committees of Council	
Additional details / background information:		<input type="checkbox"/> see below <input type="checkbox"/> Supporting documents attached separately  <i>Please attach/include pertinent information to support this item. This will assist staff in conducting any research or obtaining background information; which may be required to make an informed decision in the best interest of the municipality.</i>  It was discussed during budget deliberations that we could offer a stipend to Public Members of certain Standing Committees of Council, such as planning, this needs to be discussed and formalized.	
<b>ADMINISTRATIVE APPROVAL</b>			
<b>STEP 1 →</b> Submit your completed form to the CAO or designate for required review and approval. Every effort will be made to accommodate requests however the complexity of subject may require the matter to be heard on another date other than the original date requested and the requestor will be notified.			
Signature of CAO or designate:		Date:	
<b>MUNICIPAL OFFICE USE</b>			
<b>STEP 2 →</b> This form must be returned to the Clerk's office no later than 12 noon on the Wednesday preceding the Council Meeting at which the item is to be considered, subject to CAO approval and scheduling.			
Date Received:	APRIL 1, 2019	Received from:	C. Fisher
Meeting Date Requested:	MAY 7, 2019	Mode of Notification:	<input type="checkbox"/> in person <input type="checkbox"/> by telephone <input checked="" type="checkbox"/> by e-mail <input type="checkbox"/> other: _____
Processing of request:	<input type="checkbox"/> Information only <input type="checkbox"/> Action Item <input type="checkbox"/> Discussion/Action Item <input type="checkbox"/> Report Required <input type="checkbox"/> Public Hearing <input type="checkbox"/> Closed Session		
<b>APPROVED FOR AGENDA:</b>			
Scheduled for (date):			<input type="checkbox"/> Regular meeting <input type="checkbox"/> Committee of Whole meeting
Requestor Notification:	The above requestor _____ was notified on _____ (date)		
Action Taken:			
Notes / Comments:			

# MEMORANDUM

---

**TO:** Mayor and Council

**FROM:** Stephan Poulin, Director of Economic Development and Community Services

**DATE:** May 3, 2019

**RE:** **BILINGUALISM BY-LAW UPDATE**

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Following a bilingualism sub-committee meeting, attached hereto is the latest version (Ver. 4) of the "Use of English and French" (bilingualism) by-law for the Municipality.

The changes are highlighted in yellow.

Thank you,

**Joie de vivre**



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

**BY-LAW 2019/**

**BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF  
WEST NIPISSING CONCERNING THE USE OF ENGLISH AND FRENCH  
IN CARRYING ON THE PROGRAMS AND WORK OF THE  
CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**WHEREAS** the Corporation of the Municipality of West Nipissing celebrates the bilingual nature of the Municipality of West Nipissing and deems it essential to establish a policy for the use of French and English, ~~for the departments and agencies of the Corporation~~

~~AND WHEREAS Section 103 subsection (5) of the Municipal Act R.S.O. 1990 provides authority for Council to pass a by-law governing the use of French and English when conducting the business and affairs of the Municipality by officers and employees;~~

**AND WHEREAS** Section 14 (1) Chapter F.32 of the *French Language Services Act*, R.S.O. 1990, as amended from time to time, states that "The Council of a municipality may pass a by-law providing that the administration of the municipality shall be conducted in both French and English and that all or specified services to the public shall be made available in both languages";

**AND WHEREAS** both the Francophone and Anglophone communities have contributed and continue to contribute to the richness of the Municipality of West Nipissing;

**AND WHEREAS** the Municipality of West Nipissing wishes to ensure an ~~equal treatment~~ **equitable treatment** to all its Francophone and Anglophone residents;

**AND WHEREAS** the Municipality of West Nipissing wishes to declare itself a bilingual entity;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:**

**1. RECOGNITION:**

The Corporation of the Municipality of West Nipissing celebrates the bilingual nature of the Municipality of West Nipissing and requires ~~that~~ the departments ~~and agencies~~ of the Corporation ~~be being~~ able to provide services to and communication with the public in both ~~the~~ official languages of French and English.

**2. GOALS:**

- 2.1 To ensure an **equal equitable** treatment to all Francophone and Anglophone residents in the Municipality of West Nipissing;
- 2.2 To provide the opportunity to the residents of West Nipissing of choosing the official language in which they wish to be served.
- 2.3 To permit a municipal employee to be able to work in his or her own language and to create an atmosphere which encourages the use of both official languages; to provide bilingual services to the public based on the following objectives:

**3. OBJECTIVES**

- 3.1 ~~To provide for the staffing by bilingual persons, fluent in both languages of French and English, where designated.~~  
To ensure that Senior Management, Communications Officers and front line staff are fluent in both official languages. Front line staff include clerks at the

municipal administrative office(s), West Nipissing Community and Sturgeon Falls Recreation Centre, West Nipissing Fire and Emergency Services and the Operations Centre. This by-law will not supersede the summer employment policy, thus allowing students from all local schools an opportunity for employment with the municipality.

- 3.2 ~~To giving priority to those competent in carrying out the municipal policy on bilingualism, when hiring personnel.~~ to those who already have the required level of proficiency in the knowledge and use of English and French (written and oral), when staffing positions that provide direct communications or services to the public as a core function.
- 3.3 To produce, in both official languages, the logo, corporate identity, public signs and any public communication information—material offered to the general public with the exception of the Municipal slogan/brand “Joie de vivre”.
- 3.4 To reply to any correspondence received in either language in the language of the official enquiry (English or French).
- 3.5 ~~To encourage its employees to take language courses in order to improve their ability to communicate in both official languages.~~  
To ensure that training is provided to employees that desire to enhance their language skills as per the Municipal training policy.
- 3.6 To guarantee the present rights and privileges of unilingual employees.
- 3.7 In the spirit of fostering bilingualism, to encourage local businesses and organizations to prominently display signage in both official languages

#### 4. DOCUMENTATION

The following municipal documents shall be prepared in both official languages within reasonable time and must be made public simultaneously;

- 1) Agendas of all municipal Council Meetings;
- 2) The most frequently requested/accessed by-laws (such as property standards, fees and charges, snow removal, traffic and parking, animal control, littering, etc.
- 3) All forms which are intended to be distributed to the public;
- 4) All public communication shall be in both official languages (press releases, advertising, public notices, social media, etc.)
- 5) Documents not listed above, will be translated and made available to the public at the discretion of the CAO.

#### 5. SIGNAGE AND DISPLAY OF FRANCO-ONTARIAN FLAG

- 5.1 All municipal public signs, where permitted under law, shall be displayed in both English and French. This includes signs that identify the Municipality and all signage regarding the health and safety or security of the public. Signs that are not currently displayed in both official languages shall be replaced with bilingual signs as they require to be either amended or changed due to poor condition.
- 5.2 In accordance with recognized flag protocols, the Franco-Ontarian flag shall be prominently flown/displayed at key municipal buildings/facilities;

#### 6. TRANSLATION

- 6.1 The expenses incurred for the translation of the above mentioned

documents/signs will fall under the responsibility of the Chief Administrative Officer.

**7. RESPONSIBILITY**

**7.1** This By-Law shall be administered by the Chief Administrative Officer.

**8. ENACTMENT**

**8.1** THAT By-Law 2002/33 is hereby repealed.

**8.2** THAT this by-law shall take effect on the date it is enacted.

~~THESE INSTRUCTIONS ARE IN ADDITION TO FEDERAL AND PROVINCIAL LAWS & REGULATIONS ON BILINGUALISM.~~

ENACTED AND PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2019 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

\_\_\_\_\_  
JOANNE SAVAGE  
MAYOR

\_\_\_\_\_  
MELANIE DUCHARME  
CLERK



## ARRÊTÉ NO. 2019/

### ÉTANT UN ARRÊTÉ DE LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST CONCERNANT L'EMPLOI DU FRANÇAIS ET DE L'ANGLAIS DANS L'EXÉCUTION DES PROGRAMMES ET DU TRAVAIL DE LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

**ATTENDU QUE** la Municipalité de Nipissing Ouest célèbre la nature bilingue de ses citoyen(ne)s et elle note qu'il est essentiel d'établir une politique pour l'emploi du français et de l'anglais;

~~ATTENDU QUE la section 103 subdivision (5) de la Loi sur les municipalités, R.S.O. 1990, autorise le Conseil municipal de passer un arrêté gouvernant l'utilité du français et de l'anglais de ses officiers et de ses employés dans la conduite des affaires de la municipalité;~~

**ATTENDU QUE** la section 14, subdivision (1) du Chapitre F.32 de la Loi sur les services en français, R.S.O. 1990, tel que modifié de temps à autre, dit que " Le conseil d'une municipalité peut adopter un règlement municipal prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues;

**ATTENDU QUE** les communautés francophones et anglophones ont contribué et continuent à contribuer à la richesse de la Municipalité de Nipissing Ouest;

**ATTENDU QUE** la Municipalité de Nipissing Ouest désire assurer un traitement **égale-équitable** à tous(tes) ses résident(e)s francophones et anglophones;

**ATTENDU QUE** la Municipalité de Nipissing Ouest souhaite se déclarer une entité bilingue.

**PAR CONSÉQUENT, LE CONSEIL DE LA MUNICIPALITÉ DE NIPISSING OUEST ADOPTE LES DISPOSITIONS SUIVANTES:**

#### 1. RECONNAISSANCE:

~~La Corporation de la municipalité de Nipissing Ouest célèbre la nature bilingue de la dite municipalité et prends en note qu'il soit requis que chaque bureau et agence de la corporation fournisse des services bilingues et puisse communiquer avec le public en français et en anglais~~

La Corporation de la Municipalité de Nipissing Ouest célèbre le caractère bilingue de la Municipalité de Nipissing Ouest et exige que les départements de la Corporation puissent fournir des services et communiquer avec le public dans les deux langues officielles: le français et l'anglais.

#### 2. BUTS:

- 2.1 D'assurer un traitement **égal-équitable** à tous(tes) les résident(e)s francophones et anglophones de la Municipalité de Nipissing Ouest;
- 2.2 De permettre aux résidents du Nipissing Ouest de se faire servir dans la langue officielle de leur choix.
- 2.3 De permettre aux employés municipaux de travailler dans leur propre langue et de créer une atmosphère qui encourage l'usage des deux langues, ainsi que de fournir au public des services bilingues dans la mesure du possible, selon les objectifs suivants:

#### 3. OBJECTIFS:

- 3.1 ~~De favoriser un personnel bilingue qui puisse converser couramment dans les deux langues où ceci est désigné;~~  
De s'assurer que la haute direction, les agent(e)s de communication et le personnel de première ligne maîtrisent bien les deux langues officielles. Le personnel de première ligne comprend des employé(e)s des bureaux administratifs municipaux, du Centre communautaire et récréatif de Nipissing Ouest, des Services d'incendie et d'urgence de Nipissing Ouest et du Centre des opérations. Ce règlement ne remplacera pas la politique d'emploi d'été, permettant ainsi aux élèves de toutes les écoles locales de trouver un emploi auprès de la Municipalité.
- 3.2 ~~En embauchant son personnel, de donner priorité aux compétences nécessaires pour la mise en oeuvre de la présente politique sur le bilinguisme.~~ De donner la priorité à ceux qui possèdent déjà le niveau requis de connaissance et d'utilisation du français et de l'anglais (écrit et oral) pour la dotation de postes offrant des communications directes ou des services au public entant que fonction essentielle.
- 3.3 De reproduire, dans les deux langues, le logo, l'écusson officiel, les enseignes publiques et toute forme de renseignements publics, à l'exception de la devise municipale « Joie de vivre ».
- 3.4 De répondre à toute correspondance dans la langue choisie (français ou anglais) par la personne qui s'adresse à la Municipalité.
- 3.5 ~~D'encourager les employés à suivre des cours de langue afin d'améliorer la capacité du personnel de pouvoir converser dans les deux langues.~~ S'assurer que la formation est fournie aux employés désirant améliorer leurs compétences linguistiques conformément à la politique de formation municipale.
- 3.6 De garantir les droits et les privilèges des employés unilingues.
- 3.7 Dans l'esprit de promotion du bilinguisme, encourager les entreprises et les organisations locales à afficher de manière bien visible leurs enseignes dans les deux langues officielles.

#### **4. DOCUMENTATION**

Les documents municipaux suivants doivent être préparés dans les deux langues officielles dans un délai raisonnable et doivent être communiqués publiquement simultanément;

- 1) Ordres du jour de toutes Réunions du Conseil municipal;
- 2) Les arrêtés les plus fréquemment demandés / consultés (tels que celui des normes relatives aux propriété, les frais, le déneigement, la circulation et le stationnement, le contrôle des animaux, les détritux et ordures, etc.);
- 3) Tous les formulaires destinés à être distribués au public;
- 4) Toutes les communications publiques doivent être dans les deux langues officielles (communiqués de presse, publicités, avis publics, médias sociaux, etc.)
- 5) Les documents non énumérés ci-dessus seront traduits et mis à la disposition du public, à la discrétion du Directeur général.

#### **5. ENSEIGNES ET AFFICHAGE DU DRAPEAU FRANCO-ONTARIEN**

5.1 Toutes les enseignes publiques municipales, là où la loi le permet, doivent être affichées en français et en anglais. Cela inclut les panneaux identifiant la Municipalité et tous les panneaux relatifs à la santé et à la sécurité du public. Les panneaux qui ne sont pas affichés actuellement dans les deux langues officielles seront remplacés par des panneaux bilingues, quand ils auront dû être modifiés ou changés en raison de mauvais état.

5.2 Conformément aux protocoles de drapeau reconnus, le drapeau franco-ontarien doit être arboré de manière visible, conformément aux protocoles reconnus, dans les bâtiments / installations municipaux principaux;

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**6. TRADUCTION**

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6.1 Les frais encourus pour la traduction des documents / enseignes susmentionnés seront à la charge du Directeur général.

---

**7. RESPONSABILITÉ**

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7.1 Le présent arrêté est administré par le Directeur général.

---

**8. ADOPTION**

---

8.1 QUE l'arrêté 2002/33 est abrogé.

8.2 QUE l'arrêté entre en vigueur à la date qu'il est adopté.

**CES INSTRUCTIONS S'AJOUTENT AUX LOIS ET RÈGLEMENTS FÉDÉRAUX ET PROVINCIAUX SUR LE BILINGUISME.**

PROMULGUÉ ET ADOPTÉ CE \_\_\_\_ JOUR DE \_\_\_\_ 2019 TEL QUE TÉMOIGNÉ PAR LE SCEAU DE LA CORPORATION ET DES MAINS DE SES OFFICIERS AUTORISÉS

---

JOANNE SAVAGE  
MAIRE

---

MELANIE DUCHARME  
GREFFIÈRE



# MEMORANDUM

---

**TO:** Mayor and Council

**FROM:** Melanie Ducharme, Municipal Clerk/Planner

**DATE:** May 7, 2019

**RE:** **SERGE BOURGOIN – SIGNAGE REQUEST**

---

Attached hereto is a request from the operator of the Flea Market (old Loeb Building) on Salter Street to install a sign on Front Street advertising the Flea Market at the corner of Nipissing and Front Street.

Pursuant to By-Law No. 2018/76, no person may erect a sign on municipally owned property without permission from the Municipality and the entering into of a Lease Agreement. In this case, the owner wishes to co-locate his signage with an existing legal non-conforming sign which is already advertising another business.

Since I am unaware of what, if any, arrangements were made when the existing sign was installed nor am I aware of whether the actual post belongs to the municipality or the other owner, I have advised Mr. Bourguoin that if Council were to allow the new signage, Mr. Bourguoin would be responsible for obtaining permission from the other owner.

The Manager of Public Works has expressed no concerns to this installation in terms of visual or physical impediment to PW operations.

I am seeking council's direction as to the following:

1. Will the signage be permitted; and
2. Will the Municipality require a written lease agreement and, if so, on what terms?

Thank you

**Joie de vivre**



**West Nipissing Ouest**

Joie de vivre

[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

RECEIVED

APR 05 2019

APRIL 3/19

TO: MILAINE,  
WISTNIPISSING

PLEASE ACCEPT THIS  
AS A FORMAL REQUEST  
TO HAVE INSTALLED  
A SIGN ON THE POST LOCATED  
AT THE CORNER OF  
FRONT AND WIPISSING



THIS SIGN WOULD BE LOCATED  
JUST UNDER THE OLD OAK PARK  
SIGN THAT IS THERE NOW.  
I DO UNDERSTAND THAT THIS SIGN  
POST IS NOT LEGAL AS OF NOW  
SO WOULD HAVE TO BE CHANGED  
TO ACCOMMODATE FUTURE SIGNAGE.

THANKS FOR YOUR HELP  
SERGE BOURGON



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

**BY-LAW NO. 2018/76**

**BEING A BY-LAW TO REGULATE SIGNS AND OTHER ADVERTISING DEVICES,  
INCLUDING POSTING OF NOTICES WITHIN THE MUNICIPALITY OF WEST NIPISSING**

---

**WHEREAS** pursuant to Section 11(3) 7 of the Municipal Act, R.S.O. 2001, as amended, authorizes the Council to pass by-laws regulating structures, including fences and signs;

**AND WHEREAS** The Council of the Corporation of the Municipality of West Nipissing deems it advisable to enact a by-law regulating signs for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all Municipal street scapes and abutting properties;

**AND WHEREAS** Council deems it desirable to regulate posterage while maintaining safety, litter control and to prevent visual blight in relation to the placement of posters on municipal property.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING HEREBY ENACTS AS FOLLOWS:**

---

**1 SCOPE**

This by-law shall apply to signs erected, displayed or substantially altered within the municipal limits of the Municipality of West Nipissing.

---

**2 DEFINITIONS**

**"Abandoned sign"** shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

**"Advertising Device"** shall mean any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights.

**"Alter"** shall mean any alteration to the supports or structure of a sign, which includes any alteration to the message, advertisement or emblem thereon, provided that such alteration does not compromise the structure or support of said sign.

**"Animated Sign"** shall mean a sign that, whether by mechanical and/or electrical means, is set in motion or appears to be set in motion, which fixture is an integral part of the construction of said sign, and shall include signs that project any moving or changing image.

**"Awning/Canopy"** shall mean any structure which projects from the exterior face of a building wall and which may afford protection or shelter from the weather on which a sign may be placed.

**"Banner Sign"** shall mean a temporary sign or advertising device made from cloth, plastic or similar lightweight non-rigid material

**"Billboard/Highway Signs"** shall mean a sign that advertises or identifies a product or service available or a business not conducted on the property where the sign is located.

**"Building Street Frontage"** shall mean the width of the exterior wall of the building that runs parallel to a public street and in the case of a commercial building, each and any store of such building used for commercial purposes.

**"Construction Sign"** shall mean a sign identifying the contractor involved in the renovation, construction or demolition of a building or structure. Said sign shall not be permanently constructed at one place in the ground or be affixed to any other sign structure. Said sign shall be non-illuminated and shall be located on the property where the work is being performed and only during the period of such work.

**"Council"** means the Council of the Corporation of the Municipality of West Nipissing

**"Directional Signage"** shall mean signage instituted by the Municipality to provide local identification and available for rental by business owners, community groups or organizations.

"**Fascia Sign**" shall mean a sign which is any manner affixed to any exterior wall of a building of structure, and which does not project from the building wall or structure and does not extend above the parapet, eaves or building facade of the building on which it is located.

"**Free Standing Sign**" shall mean a sign supported directly from the ground by a structure whose principal use is the support of the sign.

"**Ground Sign**" shall mean a sign supported by uprights or braces in or upon the ground or structural base, which is not attached to any part of the building and which, because of its design nature may not be moved, and is primarily used to identify the name and/or location of the building on the property on which the sign is located.

"**Mobile Sign**" shall mean any sign not permanently attached to the ground or any other permanent structure which is capable of being easily relocated, and includes, but is not limited to, signs designed to be transported by means of wheels; umbrellas used as advertising, inflatable signs, signs attached to or painted on vehicles/trailers parked and visible from a public street, unless said vehicle/trailer is used in the normal day to day operations of the business.

"**Municipality**" means The Corporation of the Municipality of West Nipissing

"**Parapet Sign**" shall mean a sign erected on the wall extending above the roof line of a building.

"**Poster**" shall mean any notice, or sign which contains direction, information, identification or advertisement. Posters shall be no bigger than 11" x 17" and must be attached with tape or tie-wraps only to utility poles with consent from the property owner.

"**Sandwich Board Sign**" shall mean a sign with two independent sides attached together by a hinge to allow them to be folded for removal and placing on the sidewalk at opening and closing of a business. The width of the sign is not more than 0.5 meters and the height not less than 1.5 meters. It is not to be considered as a mobile sign.

"**Sign**" shall mean any device, structure, fixture or placard using graphics, symbols and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, flags.

"**Sign Height**" shall mean the vertical distance from the grade of the nearest street to the highest point of the sign.

"**Sign Size**" shall mean the area of a sign computed by multiplying the maximum width of a sign by the maximum length of that sign.

"**Temporary Sign**" shall mean a sign not permanently attached to the ground or any other permanent structure and is not intended for long term use. It is primarily used to advertise special events, grand openings or holidays and includes construction signs, election signs and real estate signs.

"**Window Sign**" shall mean a sign installed inside a window and intended to be viewed from the outside.

"**Zone**" shall mean zone designation contained in the Municipality of West Nipissing's zoning by-law as amended.

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### **3. GENERAL PROVISIONS**

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3.1 No person shall erect, display or maintain:

- a) abandoned signs
- b) signs imitating or resembling traffic sign or government signs
- c) banners
- d) rooftop signs
- e) hanging signs

3.2 No person shall without first having obtained a Building Permit from the Municipality, as set out in Schedule "A":

- a) construct or alter a sign
- b) cause construction or alteration of a sign

- 3.3. The owners of any sign erected or altered in the Municipality shall conform to:
- the provisions of this by-law
  - to any applicable requirements of the Ontario Building Code
  - any order issued under this by-law
- 3.4. Signs that emit flashing or intermittent illumination are prohibited. Strings of light bulbs of low intensity, such as Christmas decorations, are excluded from the provision.
- 3.5. When external lights are used to illuminate signs, such lights shall be:
- directed away from any adjacent residential premises
  - directed away from the path of vehicle traffic.
- 3.6. A permit is not required for the following signs or advertising devices:
- a poster or temporary sign announcing special events, grand openings or holidays. Such signs and decorations may be erected no earlier than ten (10) days prior to a special event or holiday and shall be removed one (2) days following the event or holiday. Special events may include events hosted by the Municipality or non-profit organizations (i.e.: Festivals, Service Groups, Trade Fairs).
  - holiday or special event decorations
  - nameplates of 0.2 sq. m. or less
  - election / political signs
  - real estate signs
  - public signs or notices, or any sign related to an emergency
  - construction signs, directional / information signs
  - incidental signs
  - window signs, displays, interior signs, handbills or window posters
- 3.7. Notwithstanding any other section of this by-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs the sight of or access to any of the following:
- Fire hydrant
  - Sprinkler connection
  - Fire alarm box
  - Police call box
  - Traffic signal box
  - Traffic signal light
  - Street light poles
  - Traffic sign
  - Manhole
  - Catch basin
  - Waterworks
  - Valve chamber
  - Fire escape
  - Emergency exit from a building
- or any other property that would be deemed by the Municipality of West Nipissing on reasonable grounds that public or occupational safety would be at risk if sight of such property is obstructed.
- 3.8. No person shall construct, alter, display or continue to display a sign which prevents free access to any part of a building
- 3.9. No person shall hinder free access to any sign by municipal representatives
- 3.10. Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs free and immediate access to any of the items listed in Section 3.7 above or on any other property deemed by the Municipality of West Nipissing on reasonable grounds that public or occupational safety would be at risk if obstructed sight of such property is obstructed.
- 3.11. No commerce or business shall be permitted to erect any notice, writing, display, advertisement or device that is used or intended to attract attention or convey a message to premises, business, services and products or other real or personal property, whether or not it contains words, other than on their own place of business.
- 3.12. Commercial signs, advertising signs, business identification signs, fascia signs, free-standing, illuminated or incidental signs, mobile signs, projecting or roof-top, and inflatable signs shall be restricted to commercial establishments and to areas zoned as such in the Municipality of West Nipissing Zoning By-laws.

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#### **4. APPLICATION FOR SIGN**

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- 4.1 No person shall erect or display a sign unless an application for a permit to construct or demolish, under the Building Code Act, has been filed at the Municipal Office, which has been signed by the applicant and the applicable fee deposited.
- 4.2 Each applicant shall pay to the Municipality a permit fee of in accordance with By-Law No. 2016/34, as amended.
- 4.3 The Chief Building Official shall approve an application only if it is in compliance with the by-law.

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#### **5. ABANDONED AND HAZARDOUS SIGNS**

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- 5.1 No person shall erect, display or allow the erection or display of any sign which constitutes a danger to the public by reason of:
- a) faulty support, or
  - b) inadequate construction, or
  - c) dangerous distraction to vehicular traffic
- 5.2 No person shall close or cease to operate a business for which a sign has been erected without removing the sign within ninety (90) days of the cessation of operation of the business.
- 5.3 Where a sign is erected, displayed or abandoned contrary to this by-law, the Chief Building Official shall forward a notice, by personal service, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent cannot be determined with certainty, to the person or agent therefore having the use or major benefit of the sign, or if such person is unknown, to the registered owner of the land on which the sign is situated, requiring that illegal or abandoned sign be removed, or in a proper case, be made to comply with this by-law within 30 days of the date of the notice, it may be pulled down and removed by the Municipality.

In cases of emergency, the Chief Building Official may cause the immediate removal of a dangerous or hazardous sign, as outlined in section 5.1 without notice.

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#### **6. NON CONFORMING SIGNS**

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6.1 **Determination of legal non conformity**

Existing signs that do not conform to the specific provisions of the by-law may be eligible for the designation "legal non-conforming" provided that the signs was installed in conformity with a valid permit or variance, or complied with all applicable laws on the date of adoption of this by-law.

6.2 **Loss of Legal non-conforming status**

A legal non-conforming sign may lose this designation if;

- a) the sign is relocated or replaced.
- b) the structure or size of the sign is altered in any way except toward compliance with this by-law. This does not refer to normal maintenance.

- 6.3 Any person who maintains a legal non-conforming sign is subject to all requirements of this by-law regarding safety, maintenance and repair.

If the sign suffers more than fifty (50) percent damage or deterioration, based on an appraisal, the owner shall bring the sign into conformity with this by-law or be removed.

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#### **7. REMOVAL OF UNLAWFUL SIGNS**

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- 7.1 Where a sign is erected or displayed in contravention of this By-law, such sign may be pulled down or removed by the Municipality in the manner stated in this section.
- 7.2 Where a sign is erected or displayed contrary to this By-law, the Chief Building Official may forward a notice, by personal service or regular post, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent cannot be determined with certainty, to the person or agent

thereof having the use or major benefit of the sign, or is such person is unknown, to the registered owner of the land on which the sign is situated, requiring that the illegal sign be removed, or in a proper case, be made to comply with this By-law forthwith, it may be pulled down and removed by the Municipality.

- 7.3 If the notice is not complied with, the Chief Building Official may direct municipal forces or an independent contractor to enter upon the land to pull down and remove the sign but no such entry shall be made into a building for this purpose.
- 7.4 Signs so removed shall be stored by the Municipality for a period of not more than thirty (30) days, during which time the owner, or his agent, may be entitled to redeem the sign upon receipt of payment to the Municipality of West Nipissing of;
- a) the sum of \$100.00, being the cost of removing the sign
  - b) storage charge of \$10.00 per day
  - c) a sign acknowledgement and release on a prescribed form
  - d) where the cost of removing the sign exceeds \$100.00, then the cost to redeem the actual cost accrued by the Municipality
- 7.4.1 The expense of such removal may be recovered from the owner or occupant of the building or premises upon or to which it is attached by action at law which may include an assessment or lien to be collected in like manner or realty taxes. Nothing contained herein shall diminish or affect the liability of any person to any penalty imposed for a breach of the by-law.
- 7.5 Where a sign has been removed by the municipality and stored for a period of (30) thirty days and the said sign has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the municipality.

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## **8. REVOCATION OF PERMIT**

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- 8.1 A permit may be revoked by the Municipality of West Nipissing under the following circumstances:
- a) where the sign does not conform to this by-law and amendments thereto, or
  - b) where the sign does not conform to any legal requirements of any governmental authority having jurisdiction over the area where the sign is situated, or
  - c) where the permit has been issued as the result of false or misleading statements, or undertakings in the application, or
  - d) where the permit has been issued in error by the Municipality of West Nipissing

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## **9. CONFLICT WITH ONTARIO BUILDING CODE**

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In the event of any conflict between the provisions of this By-law and the provisions of the Ontario Building Code, the provisions of the Ontario Building Code shall prevail.

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## **10. REGULATIONS BY ZONE**

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### **10.1 Signs permitted in all zones**

The following signs are allowed in all zones as defined in the Municipality of West Nipissing Zoning By-Law No. 2014/45.

- a) All signs as stated in Section 3.6.

### **10.2 Signs permitted in residential zones**

Signs are allowed in residential zones provided that they conform with Sections 4.3.1(e), 4.10, 4.11 and 4.26 of the Zoning By-Law 2014/45.

### **10.3 Signs permitted in commercial and industrial zones**

#### **10.3.1. Awnings/ Canopies**

Awnings/canopies are permitted provided that:

- a) minimum height to the frame of the canopy is 2.5 metres above the finished grade at ground level.
- b) maximum projection from the wall (building face) is 1 metre.

- c) the sign area of the advertised message is to be included in the total area calculation for fascia sign area.

#### 10.3.2. Fascia Signs

The total area of fascia signs shall not exceed .3 m<sup>2</sup> (3.2 sq. ft.) for each linear meter of building frontage and such signs shall be subject to the following regulation:

- a) maximum projection of 0.5 metres from building face
- b) building exterior walls shall be deemed to be separate building frontages for the purpose of calculating permitted area of signs on each individual wall;
- c) with respect to a building on a corner of a street and/or pedestrian way, the building frontage on each street lot line or on each pedestrian way lot line shall be deemed to be separate building frontages for the purpose of calculating the permitted area of signs;
- d) the permitted area for each separate building frontage shall not be combined to erect one or more signs on any one separate building frontage;
- e) no sign that has a flashing or intermittent illumination shall be erected if the sign is visible from a residential zone at a distance of 75 m;
- f) where letters, figures or symbols are affixed to a wall separately to denote the name of the business or service, then the sign area shall be deemed to be the area contained within a line surrounding all of the letters, figures, or symbols.
- g) fascia signs must not extend above the eaves of the building
- h) illumination is permitted

#### 10.3.3. Free Standing Signs

Free standing signs are permitted provided that:

- a) no part of the sign shall be located closer than 1.2 metres (3' 9") from a street line or lot line.
- b) minimum height of 4.5 metres above grade intended for vehicular traffic
- c) the support structure shall form an integral part of the design
- d) nothing in this by-law shall prevent the erection of one three sided free standing sign, not exceeding 24.6m<sup>2</sup> (264 sq. ft.) in area
- e) illumination is permitted, however such lights shall be directed away from any adjacent residential premises and from the path of vehicle traffic

#### 10.3.4. Mobile Signs

Mobile signs shall be permitted provided that:

- a) mobile signs are not permitted in residential zones
- b) mobile signs may be allowed for up to a 1 year period
- c) no mobile sign that has flashing or intermittent illumination shall be erected if the sign is visible from a residential area
- d) mobile signs are not permitted on public property unless; the Chief Building Official in consultation with the Manager of Public Work and the Chief of Police determine on reasonable grounds that public or occupational safety would not be at risk if free and immediate access to or on such property is not obstructed.

#### 10.3.5. Sandwich Board Signs

Sandwich board signs shall be permitted in any commercial or industrial zone provided that:

- a) the minimum height permitted is 1.5 metres
- b) the maximum width permitted is .5 of a meter
- c) sandwich board on public property shall be removed at the closing of business hours
- d) sandwich board signs shall be located in such a manner so as to provide clear and free pedestrian movement at all times and, except as provided in paragraph c) shall be placed in a position whereby they abut the building adjacent to the sidewalk, or where there is a widened area of sidewalk, sandwich board signs shall be placed as close to the curb as possible.
- e) Sandwich board signs are prohibited in residential zones
- f) Sandwich board signs shall be located no more than 2 meters from the business entrance to the business advertised on the sidewalk sign.

#### 10.3.6. Parapet Signs

Parapet sign shall be allowed provided that:

- a) one sign, not exceeding .3m<sup>2</sup> (3.2 sq. ft) in area for each linear foot shall be permitted



- for each business premise
- b) no business shall display more than one parapet sign
- c) proof of the structural stability of the sign and the roof assembly upon which the sign is to be erected shall be provided by the owner.

#### 10.3.7. Special provisions – Highway Corridor Area

Billboards shall be permitted within the Highway 17/Front Street corridor area provided that:

- a) Maximum height is restricted to 8 metres (25') above the finished grade at ground level.
- b) Minimum distance between billboards located from any residential use in a zone where the principal use is residential is restricted to 30 metres (100').
- c) Illumination and animation is permitted
- d) Minimum distance between billboards shall be not less than 304 metres (1000')

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### 11. SIGNS ON PUBLIC LANDS

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- 11.1 The Council of the Corporation of the Municipality of West Nipissing may enter into a lease agreement with a person proposing to erect a sign on municipal property within any commercial, industrial or institutional zone.
- 11.2 Lease agreements made under this authority shall not be more than 1 year in duration.
- 11.3 Signs shall not be allowed to interfere with the normal business hours of adjoining land owners
- 11.4 Signs shall be removed on or before the expiry of the date of the lease or in the case of advertising a business be removed before the cessation of the business, whichever shall occur first.

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### 12. SIGNS ON HIGHWAYS

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- 12.1 Signs being erected on any Highway within the municipal jurisdiction are subject to approval and specifications of the Ministry of Transportation of Ontario.

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### 13. SIGNS ON PRIVATE LAND

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- 13.1 Written permission from the landowner shall be provided at the time of an application.

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### 14. SIGN STANDARD

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- 14.1 All signs shall be maintained in good repair and in a structurally sound condition, and any signs that are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked, shall be removed or put into good state of repair along with their supporting members, upon the instruction of the Chief Building Official.

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### 15. ADMINISTRATION

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- 15.1 No person shall erect, display or substantially alter a sign without a building permit relating thereto having first been obtained from the Municipality.
- 15.2 The Municipality may refuse to issue a permit for any sign, which if erected, displayed or substantially altered, would be contrary to any by-law to the municipality or any other applicable law.
- 15.3 Where any sign has been erected, displayed or substantially altered in contravention of this by-law the Municipality may issue to the owner of the property on which the sign is situated an Order to Comply with this by-law.
- 15.4 Any sign other than a portable sign, that was erected on or before the day this By-law came into force is exempt from the provisions of the By-law, providing the sign is in a state of good repair. When the sign is replaced it shall conform to the provisions of this By-law.

# SCHEDULE "A" TO BY-LAW 2018/76

## Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

<b>For use by Principal Authority</b>				
Application number:		Permit number (if different):		
Date received:		Roll number:		
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)				
<b>A. Project information</b>				
Building number, street name		Unit number	Lot/con.	
Municipality	Postal code	Plan number/other description		
Project value est. \$		Area of work (m <sup>2</sup> )		
<b>B. Purpose of application</b>				
<input type="checkbox"/> New construction	<input type="checkbox"/> Addition to an existing building	<input type="checkbox"/> Alteration/repair	<input type="checkbox"/> Demolition	<input type="checkbox"/> Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
<b>C. Applicant</b>				
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner				
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		
<b>D. Owner (if different from applicant)</b>				
Last name	First name	Corporation or partnership		
Street address		Unit number	Lot/con.	
Municipality	Postal code	Province	E-mail	
Telephone number	Fax	Cell number		

## SCHEDULE "A" TO BY-LAW 2018/76

<b>E. Builder (optional)</b>				
Last name		First name	Corporation or partnership (if applicable)	
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	
<b>F. Tarrion Warranty Corporation (Ontario New Home Warranty Program)</b>				
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii. If yes to (ii) provide registration number(s): _____				
<b>G. Required Schedules</b>				
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.				
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.				
<b>H. Completeness and compliance with applicable law</b>				
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
iv) The proposed building, construction or demolition will not contravene any applicable law.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>I. Declaration of applicant</b>				
I, _____ (print name) declare that:				
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.				
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.				
Date		Signature of applicant		

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor, Toronto, M5G 2E5 (416) 595-6666.

# SCHEDULE "A" TO BY-LAW 2018/76

## Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

<b>A. Project Information</b>			
Building number, street name		Unit no.	Lot/con.
Municipality	Postal code	Plan number/ other description	
<b>B. Individual who reviews and takes responsibility for design activities</b>			
Name		Firm	
Street address		Unit no.	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number	Fax number	Cell number	
<b>C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1. of Division C]</b>			
<input type="checkbox"/> House	<input type="checkbox"/> HVAC – House	<input type="checkbox"/> Building Structural	
<input type="checkbox"/> Small Buildings	<input type="checkbox"/> Building Services	<input type="checkbox"/> Plumbing – House	
<input type="checkbox"/> Large Buildings	<input type="checkbox"/> Detection, Lighting and Power	<input type="checkbox"/> Plumbing – All Buildings	
<input type="checkbox"/> Complex Buildings	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> On-site Sewage Systems	
Description of designer's work			
<b>D. Declaration of Designer</b>			
I _____ declare that (choose one as appropriate): (print name)			
I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4. of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.			
Individual BCIN: _____			
Firm BCIN: _____			
I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5. of Division C, of the Building Code.			
Individual BCIN: _____			
Basis for exemption from registration: _____			
The design work is exempt from the registration and qualification requirements of the Building Code.			
Basis for exemption from registration and qualification: _____			
I certify that:			
1. The information contained in this schedule is true to the best of my knowledge.			
2. I have submitted this application with the knowledge and consent of the firm.			
Date		Signature of Designer	

### NOTE:

- For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.4.7(1)(c) of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
- Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practice, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or a certificate of authorization, issued by the Association of Professional Engineers of Ontario.



SIGNAGE BY-LAW			
<b>SCHEDULE "B" TO BY-LAW 2018/76</b>			
<i>Part I - Provincial Offences Act</i>			
REGULATING SIGNS AND OTHER ADVERTISING DEVICES, INCLUDING POSTING OF NOTICES ON BUILDINGS OR VACANT LANDS WITHIN THE MUNICIPALITY OF WEST NIPISSING			
LIST OF OFFENCES			
ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision creating or defining offence	Set Fine
1	Erect, display or maintain abandoned signs	Section 3.1 a)	\$135.00
2	Erect, display or maintain signs imitating or resembling traffic sign or government signs	Section 3.1 b)	\$135.00
3	Erect, display or maintain banners	Section 3.1 c)	\$135.00
4	Erect, display or maintain rooftop signs	Section 3.1 d)	\$135.00
5	Erect, display or maintain hanging signs	Section 3.1 e)	\$135.00
6	Construct or alter a sign without a building permit	Section 3.2 a)	\$135.00
7	Cause construction or alteration of a sign without a building permit	Section 3.2 b)	\$135.00
8	Failure to conform with any order issued under this by-law.	Section 3.3 c)	\$135.00
9	Failure to direct signage lights away from any adjacent residential premises	Section 3.5 a)	\$135.00
10	Failure to direct signage lights away from the path of vehicle traffic	Section 3.5 b)	\$135.00
11	Sign which obstructs the sight of or access to a fire hydrant	Section 3.7 a)	\$135.00
12	Sign which obstructs the sight of or access to a sprinkler connection	Section 3.7 b)	\$135.00
13	Sign which obstructs the sight of or access to a fire alarm box	Section 3.7 c)	\$135.00
14	Sign which obstructs the sight of or access to a police call box	Section 3.7 d)	\$135.00
15	Sign which obstructs the sight of or access to a traffic signal box	Section 3.7 e)	\$135.00
16	Sign which obstructs the sight of or access to a traffic signal light	Section 3.7 f)	\$135.00
17	Sign which obstructs the sight of or access to a street light poles	Section 3.7 g)	\$135.00
18	Sign which obstructs the sight of or access to a traffic signs	Section 3.7 h)	\$135.00
19	Sign which obstructs the sight of or access to a manhole	Section 3.7 i)	\$135.00
20	Sign which obstructs the sight of or access to a catch basin	Section 3.7 j)	\$135.00
21	Sign which obstructs the sight of or access to a waterworks	Section 3.7 k)	\$135.00
22	Sign which obstructs the sight of or access to a valve chamber	Section 3.7 l)	\$135.00
23	Sign which obstructs the sight of or access to a fire escapt	Section 3.7 m)	\$135.00
24	Sign which obstructs the sight of or access to an emergency exit from building	Section 3.7 n)	\$135.00
25	Erect or display of a sign without an application for a permit to construct or demolish	Section 4.1	\$135.00
26	Erect or display of a sign which constitutes a danger to the public by reason of faulty support	Section 5.1 a)	\$135.00
27	Erect or display of a sign which constitutes a danger to the public by reason of inadequate construction	Section 5.1 b)	\$135.00
28	Erect or display of a sign which constitutes a danger to the public by reason of dangerous distraction to vehicular traffic	Section 5.1 c)	\$135.00
29	Failure to maintain sign in good repair and in structurally sound condition	Section 14.1	\$135.00
30	Erect, display or substantially alter a sign without a building permit.	Section 15.1	\$135.00

**NOTE:** The penalty provision for the offences indicated above is Sections 3, 4, 5, 14 and 15 of By-law 2018/76, a certified copy of which has been filed.

# MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Melanie Ducharme, Municipal Clerk/Planner  
Janice Dupuis, Deputy Clerk  
**DATE:** May 3, 2019  
**RE:** **BY-LAW NO. 2016-63 – TAXI**

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In anticipation of the impending transition of policing services in the Municipality of West Nipissing, please find attached an amendment to the West Nipissing Taxi-By-Law.

This amendment is for the purpose of ensuring continuity of licensing and enforcement service to our local residents and the local taxi service.

For your convenience only, a mark-up of the original by-law is attached with the changes noted in red.

Thank you,

**Joie de vivre**



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## BY-LAW 2019/

**BEING A BY-LAW TO AMEND BY-LAW 2016/63, BEING A BY-LAW TO PROVIDE FOR  
LICENSING, REGULATING AND GOVERNING TAXICAB BROKERS, TAXICAB OWNERS, TAXICAB  
DRIVERS, LIMOUSINE OWNERS AND DRIVERS  
OF MOTOR VEHICLES USED FOR HIRE, AND FOR LIMITING THE  
NUMBER OF TAXICAB OWNER LICENCES IN THE MUNICIPALITY OF WEST NIPISSING**

**WHEREAS** Section 156 (1) of the *Municipal Act* RSO 1990, as amended from time to time, states that a municipality may pass by-laws pertaining to the licensing of Taxicabs;

**AND WHEREAS** Council deems it expedient to amend the municipal Taxi By-Law **2016/63**; to ensure the continuity of services as it relates to the administration and enforcement thereof;

**NOW THEREFORE** the Council of the Corporation of the Municipality of West Nipissing amends by-law **2016/63**, as follows:

- (1) That the following definitions in Section 1 be **DELETED**:
  - 1(d) "Chief of Police"
  - 1(m) "Police Service"
  - 1(n) "Police Officer"
- (2) That the following definitions be **ADDED** to Section 1:
  - 1(m) "**By-Law Enforcement Officer**" means any officer appointed by the Municipality of West Nipissing, from time to time, for the enforcement of by-laws.
  - 1(n) "**Licensing Issuer**" means municipal staff which shall include the Municipal Clerk, Deputy Clerk and any By-Law Enforcement Officer appointed by the Municipality of West Nipissing from time to time.
- (3) That all references in By-Law 2016/63, including all amending by-laws thereof, wherein the term "**Chief of Police**" or "**Police Service**" or "**Police Officer**" is used shall be replaced with the term "**Licensing Issuer**".
- (4) Any grammatical changes shall be incorporated in order to give effect to Item (3), above; and
- (5) That this by-law shall take effect on the date it is enacted.

**ENACTED AND PASSED THIS**       <sup>th</sup> **DAY OF**            **2019 AS WITNESSED BY THE SEAL OF  
THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

\_\_\_\_\_  
JOANNE SAVAGE  
MAYOR

\_\_\_\_\_  
MELANIE DUCHARME  
CLERK



## BY-LAW 2016/63

### BEING A BY-LAW TO PROVIDE FOR LICENSING, REGULATING AND GOVERNING TAXICAB BROKERS, TAXICAB OWNERS, TAXICAB DRIVERS, LIMOUSINE OWNERS AND DRIVERS OF MOTOR VEHICLES USED FOR HIRE, AND FOR LIMITING THE NUMBER OF TAXICAB OWNER LICENCES

**WHEREAS** Section 151 (1) of the *Municipal Act* RSO 1990, as amended from time to time, states that a municipality may provide for a system of licensing with respect to a business and may prohibit the carrying on or engaging in the business without a licence;

**WHEREAS** Section 156 (1) of the *Municipal Act* RSO 1990, as amended from time to time, states that a municipality may pass by-laws pertaining to the licensing of Taxicabs;

**BE IT THEREFORE ENACTED** by the Municipal Council of the Corporation of the Municipality of West Nipissing as a by-law as follows:

#### 1. DEFINITIONS IN THIS BY-LAW,

- (a) ~~"BOARD" means the West Nipissing Police Services Board.~~
- (b) "MUNICIPALITY" means the Corporation of the Municipality of West Nipissing.
- (c) "COUNCIL" means the Council of the Corporation of the Municipality of West Nipissing.
- (d) ~~"CHIEF OF POLICE" means the Chief of Police of the West Nipissing Police Services.~~
- (e) "CORPORATION" means the Corporation of the Municipality of West Nipissing.
- (f) "CERTIFICATE" means a Safety Standards Certificate issued by a licensed mechanic, pursuant to the *Highway Traffic Act*.
- (g) "DISPATCHER" means a person who dispatches Taxicabs.
- (h) "DRIVER" or "TAXI DRIVER" means any person who is licensed or required to be licensed under Part 1 of this by-law to drive Taxicabs.
- (i) "LICENCE" means a licence issued by the Municipality under the provisions of Part 1 of this by-law to own a Taxi (Taxi Owner's licence), to dispatch Taxicabs (Dispatcher's licence), to drive Taxicabs (Taxicab Driver's licence), or to act as a Taxi Broker (Taxi Broker's licence).
- (j) "LIMOUSINES" means
  - (i) a Luxury Vehicle For Hire that provides transportation services of passengers, and is usually driven by a professional driver (chauffeur); or
  - (ii) a Vehicle For Hire (such as a bus or van) that carries passengers to and from an airport.
- (k) "MUNICIPAL CLERK" means the Clerk of the Municipality of West Nipissing.
- (l) "PARAVAN" means a Taxi, Vehicle for Hire that is designed or has been modified to transport persons with physical disabilities and which meets industry standards.
- (m) ~~"POLICE SERVICE" means the West Nipissing Police Service.~~
- (n) ~~"POLICE OFFICER" means a Municipal Police Officer or Special Constable, and includes a sworn member of the Ontario Provincial Police or Royal Canadian Mounted Police.~~
- (o) "PRESCRIBED FORMS" means the form set out in Schedules "C, D, E and F" of this by-law.

- (p) **"PRIVATE TRANSPORTATION VEHICLES"** means a vehicle that is not a licensed Taxi or Taxicab used for hire that provides transportation services to passengers, in return for a fee.
- q) **"PRESCRIBED TARIFF"** means the tariff set out in Schedule "B" of this by-law.
- r) **"TAXI OR TAXICAB(S)"** means all motor vehicles hired for revenue generating purposes, including Paravans, that are used for hire for the transportation of goods only or persons, with or without goods, hired for one or more than one specific trip for the transportation exclusively of one passenger, or a group of passengers, with the prior consent of the first passenger, which contains or is dispatched by radio or any other telecommunications device within the Municipality, and includes all Taxicabs licensed or required to be licensed under Part 1 of this by-law.
- s) **"TAXI BROKER"** means an individual who owns and operates his or her personal vehicle, under the authority of a Taxi Owner's Licence, as herein defined.
- t) **"TAXI OWNER"** means the person or company that owns a Taxi and includes any driver who leases a Taxi from a legal owner.
- u) **"TAXI STAND"** means any place designed to accept calls for Taxicabs and includes a public waiting area, and remains open to the public 24 hours a day, 365 days a year.
- v) **"VEHICLE FOR HIRE"** means a vehicle, including a licensed Taxicab, used or offered for the transportation of a passenger and/or goods, in return for a fee.
- w) **"YEAR DATE"** means the year printed on the heading "year" on a Motor Vehicle Permit issued by the Ontario Ministry of Transportation.

## PART I - ADMINISTRATION AND LICENSING

2. Every Vehicle For Hire, Limousine or Taxicab originating in the Municipality of West Nipissing shall be licensed pursuant to the provisions of this by-law. The Council shall retain the right to issue, suspend, transfer or revoke licences in accordance with the provisions of this by-law.
3. The ~~Chief of Police~~ Licensing Officer shall:
  - (a) furnish applications and transfer of licence forms, photo identification/licence cards, and licence forms required by this by-law;
  - (b) make all necessary inquiries and investigations concerning licence applications, suspensions, transfers and revocations;
  - (c) arrange and conduct testing if required, of all new licence applicants to ensure compliance with the provisions of this by-law;
  - (d) cause motor vehicles intended to be used as Taxis, to be inspected by a licensed mechanic to ensure compliance with the provisions of this by-law;
  - (e) recommend the issuance of licence applications;
  - (f) ensure that persons licensed under this by-law receive a tariff card and in the case of Taxi Drivers, and Dispatchers, (1) one photo identification/licence card;
  - (g) enforce the provisions of this by-law and prosecute offenders;
  - (h) submit reports to the Council, as required;
  - ~~(i) The Chief of Police may authorize any Police Officer of the Police Services to exercise any power or perform any duty of the Chief of Police referred to in this by-law.~~
4. Tariff cards, photo identification/licence cards which are lost, stolen, defaced or destroyed may be replaced by the ~~Chief of Police~~ Licensing Officer, upon verification of the existence of a valid licence, and in the case of Photo I.D. card replacement, payment of the replacement fee set out in Schedule "A" of this by-law.
5. In addition to any grounds set out in this by-law for the suspension, revocation or refusal of licences, the Council may, upon recommendation of the ~~Chief of Police~~ Licensing Officer,

suspend, revoke or refuse a licence, in the public interest, subject to the "Statutory Powers Procedures Act".

6. Any act done by or by authority of the ~~Chief of Police~~Licensing Officer under any of the provisions of this By-Law shall be subject to an appeal to the Council by the person feeling aggrieved. Any such hearing is to be held on at least seven days notice. Notice of the Hearing is to be mailed to the licensee by Registered Mail.
7. The remainder of this Part is intended to provide for:
  - (a) regulating and governing the licensing of Taxis used for hire and the conveyance of goods and passengers,
  - (b) protecting the health and safety of members of the public, and
  - (c) ensuring that the privilege of providing Taxi service is granted to and retained by only those who demonstrate that they are likely to adhere to the provisions of this By-Law.
8. The ~~Chief of Police~~Licensing Officer, upon reasonable grounds, may require any person licensed under this by-law to produce a medical certificate from a physician, which states that the person is fit to drive a Taxi, in compliance with this by-law.
9. Every Taxi Owner or Taxi Broker licence applicant shall comply with respect to any Taxi Stand to the Zoning requirements of the Municipality of West Nipissing.
10. Any person wishing to obtain or renew a licence shall submit an application in the prescribed form to the ~~Chief of Police~~Licensing Officer, furnish information, submit to any required testing, and provide payment of the prescribed fee as outlined in Schedule "A" attached.
11. Every person licensed under this by-law shall, upon changing their residential address, notify the ~~Chief of Police~~Licensing Officer, in writing within seven days of such change of address.
12. The ~~Chief of Police~~Licensing Officer may suspend any licence until the next meeting of the Council where there has been a contravention of the *Criminal Code* or *Liquor Licence Act*, a conviction under the *Highway Traffic Act* resulting in the accumulation of (7) seven demerit points or more, or a contravention of this by-law, that in the Chief's opinion, warrants suspension, or when a Taxi Driver has been charged with the *Highway Traffic Act* offences of Driving Under Suspension, Fail to Remain, Fail to Stop for Police, or Owner Operate or Permit Operation of Motor Vehicle with no Insurance, contrary to the *Compulsory Automobile Insurance Act*.
13. Council shall within 45 days, hear and determine the matter and may revoke, suspend, issue, or renew a licence subject to such conditions, as it deems fit.
14. No person shall drive a Taxi in the Municipality unless the person holds a valid licence to drive, issued under this Part.

#### TAXI DRIVER'S LICENCE

15. No person shall be issued a Taxi Driver's licence under this part unless he or she;
  - (a) is at least 18 years of age,
  - (b) possesses a valid Ontario Driver's Licence void of any restriction that would prohibit operation of a Taxi, and is not a probationary driver, nor a Class G1 or G2 driver,
  - (c) has a demonstrated knowledge of the landmarks and geography of the Municipality, and
  - (d) obtains a Taxi Owner's endorsement on the application form that he/she will be employed as a Taxi Driver.
16. Every Taxi Driver shall keep a photo identification/licence card in plain view by affixing it to the front of the left shoulder of their exterior clothing while on duty.
17. Every Taxi Driver who is operating a Taxi, upon request, shall produce their photo identification/licence card to a ~~Police Officer~~Licensing Officer.

**TAXI OWNER'S LICENCE**

18. No person shall operate or permit the operation of a Taxi within the Municipality, except under the authority of a valid Taxi Owner's licence issued in relation to that Taxi, under this Part.
19. A Taxi Owner's licence shall only be issued when the Taxi Owner has submitted the motor vehicle intended to be used as a Taxi, for visual inspection by the ~~Chief of Police~~ Licensing Officer or his/her designate and produced satisfactory proof that:
  - (a) the motor vehicle is less than 10 years of age (by subtracting model year from current licence year),
  - (b) the maximum seating capacity of the Taxi is (9) nine persons, including the driver,
  - (c) seatbelt assemblies exist for all seating positions within the motor vehicle,
  - (d) the motor vehicle possesses no less than (3) three doors,
  - (e) a valid Certificate has been issued for the motor vehicle,
  - (f) the motor vehicle is affixed with a taximeter in accordance with Section 36, and
  - (g) the motor vehicle is insured in accordance with Sections 38, 39, 40 and 41
20. Taxi Owners shall be required to prove ownership of the motor vehicle which is the subject of a licence, and where the owner of a motor vehicle is a company or corporation; the applicant shall be required to provide an affidavit disclosing the owner or the person owning the said company or corporation.
21. In the event of the death of a Taxi Owner or a Taxi Broker, the estate of the deceased may apply to the ~~Chief of Police~~ Licensing Officer or his/her designate, to transfer the licence(s) of the deceased to one or more immediate family member of the deceased, who are either a spouse, sibling, or child of the deceased.
22. No Taxi Owners' licences shall be transferred to a different motor vehicle owned by the same owner, without the approval of the ~~Chief of Police~~ Licensing Officer.
23. Taxi Owners' licences, issued under this Part, unless sooner revoked, shall expire on **February 15<sup>th</sup>**, of the year following the date of issue, and shall only be considered valid after the annual licence fee as illustrated in Schedule "A" attached, has been paid to the Corporation.

**TAXI DISPATCHER'S LICENCE**

24. (a) No Taxi Stand shall be permitted to operate without a valid Taxi Dispatcher's Licence issued under the provisions of this By-Law .
- (b) No person shall be employed as a Taxi Dispatcher unless he or she :
  - is at least 18 years of age,
  - has a demonstrated knowledge of the landmarks and geography of the Municipality.
- (c) Every Taxi Owner shall, as a condition of the licence, display said Taxi Dispatcher Licence in a prominent location in the Taxi Stand location.

**TAXI BROKER'S LICENCE**

25. No Taxi Broker shall operate a Taxicab without a valid Taxi Broker's Licence, issued under this Part.
26. Taxi Drivers, Brokers and Dispatchers licences, issued under this Part, unless sooner revoked, shall expire on **February 15<sup>th</sup>** of the year following the date of issue.
27. Taxi Brokers and Owners, shall upon request, and no more than two (2) times a year, submit to the ~~Chief of Police~~ Licensing Officer, in prescribed form, a list of licensed persons in their employ including their names, addresses, and licence numbers.

**DUTIES OF TAXI CAB DRIVER**

28. Each Taxicab driver shall:

- (a) notify the Taxi Owner/Broker, immediately in writing, of any change in status of his/her Ontario Driver's Licence which prohibits him/her from carrying out the duties of a Taxicab driver (i.e. suspended licence, revoked licence, etc.);
- (b) place the tariff card in the holder provided in the Taxicab for this purpose;
- (c) be neat and clean in person on duty;
- (d) punctually keep all appointments and engagements;
- (e) unless his Taxicab has been previously engaged, serve at any place within the Municipality and at any specified time, whether by day or night, any person who may lawfully require the Taxicab; however, have the right to refuse a customer on the basis that the driver is concerned for his/her personal safety or that the driver has reasonable belief that the customer may not be able to pay the fare;
- (f) upon request of any passenger, provide a receipt for the fare, or charge made and paid, indicating Taxicab thereon and stating;
  - (i) the place of pick up and discharge of any person;
  - (ii) the mileage traveled;
  - (iii) his name;
  - (iv) the number of his Taxicab Driver licence;
  - (v) the number of the Taxicab Owner licence for the vehicle; and
  - (vi) the Provincial Motor Vehicle Permit Number for the Taxicab;
- (g) take due care of all property delivered or entrusted to him and accepted by him for conveyance or safe keeping, and immediately upon termination of any hiring or engagement, search his vehicle for any property left therein and deliver to the person owning the same all money or property left in his Taxicab; or if the owner cannot be found, deliver the said property to the ~~West-Nipissing-Police-Service~~ Licensing Officer and report all information pertaining thereto in his possession;
- (h) maintain the interior and exterior of the Taxicab within his control in a clean and tidy condition;
- (i) daily, keep a trip record of all trips made by him containing the following information:
  - (i) the number of the Taxicab Owner licence issued pursuant to the provisions of this by-law;
  - (ii) his name, address and Taxicab Driver licence number;
  - (iii) the meter readings at the start and finish of each working period;
  - (iv) the date, time and location of the beginning and termination of each trip and the number of passengers carried; and
  - (v) the amount of the fare collected for each trip;
- (j) make his trip record and all information as to passengers carried available to any ~~Police Officer~~ Licensing Officer and to the Clerk when requested to do so;
- (k) notify the ~~Chief of Police~~ Licensing Officer in writing within 7 (seven) days of a change of address; and
- (l) take the shortest and quickest possible route to the destination of the passenger, unless the passenger directs the Taxicab Driver to take another route.

29. A Taxicab Driver shall not:

- 1. solicit any person to take or use his Taxicab by calling out or shouting. (The person wishing to use or engage a Taxicab or Limousine shall be left to choose without interruption or solicitation);
- 2. be under the influence of any intoxicant or take, consume or have in his/her possession any intoxicant or illicit drug while in charge of a Taxicab, nor shall the use thereof by him/her be apparent while he is in charge of such vehicle;
- 3. permit smoking in the Taxicabs or Limousines, either by the Taxi Drivers or by clientele;
- 4. carry more than five passengers in any Taxicab used for hire or more than a number equal to the maximum insured capacity of the Taxicab;
- 5. carry any passenger who is under the influence of any intoxicant while his Taxicab is occupied by a person who is not accompanying the person so under the influence;

**DUTIES OF TAXICAB OWNER**

30. Each licensed Taxicab Owner shall:



- (a) hold a Taxi Stand Licence for the taxi business
  - (b) hold a separate Taxicab Owner licence for each vehicle used or kept for hire as a Taxicab; which shall include any vehicle owned and operated by a Taxi Broker.
  - (c) maintain insurance on each vehicle;
  - (d) ensure that each vehicle for which he/she is licensed is, in its interior, neat, clean, dry and in good repair, and on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
  - (e) submit each licensed Taxicab for safety inspection by a qualified and licensed automobile mechanic annually, and at such other time or times when requested to do so by a ~~Police Officer~~ Licensing Officer ~~or by the Clerk~~, and submit to the ~~Police Officer~~ Licensing Officer a valid Safety Standards Certificate issued in accordance with the *Highway Traffic Act* of Ontario at the time of the Taxicab licence renewal or transfer;
  - (f) submit each licensed Taxicab for general inspection by a ~~Police Officer~~ Licensing Officer annually, and at such other time or times when requested to do so by either of them;
  - (g) provide and maintain therein or thereon, for each vehicle licensed pursuant to this by-law, the following
    - (i) a holder for the tariff card of the Taxi Driver on the sun visor of the vehicle and clearly visible to the passenger, and
    - (ii) securely affixed on the top of the Taxicab an illuminated electric sign, indicating that the vehicle is a Taxicab, and the name of the fleet in which it operates; such sign to be connected to the meter so as to be illuminated between dusk and dawn when the vehicle is not engaged;
  - (h) ensure that Taxicab Drivers in his employ retain the daily trip records referred to in this by-law for a period of time not less than twelve months, that such records shall be open to inspection by any person authorized by the ~~Chief of Police~~ Licensing Officer and that such records may be removed and retained by the ~~Chief of Police~~ Licensing Officer for a reasonable time;
  - (i) notify the ~~Chief of Police~~ Licensing Officer in writing within seven (7) days of a change of address;
  - (j) ensure that a Taxicab is within eleven model years of the current year;
31. In addition to complying with all other requirements of this by-law with respect to Taxicab owners, every licensed Taxicab owner shall:
- (a) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;
  - (b) ensure that the accessible Taxicab he is operating;
    - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
    - (ii) has approved wheelchair tie-downs;
  - (c) in addition to all of the other general Taxicab owner responsibilities prescribed by this by-law, ensure that only a person licensed under the provisions of this by-law as an accessible Taxicab driver, whose licence has been endorsed by the Clerk, is permitted to drive an accessible Taxicab under his or her control;
  - (d) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this by-law as a Paravan, that the said vehicle complies with all other pertinent federal and provincial regulations as established from time to time; and
  - (e) ensure that priority is given to the use of the Paravan Taxicab by disabled passengers, and thereafter permit the Taxicab to be used for non-disabled passengers;
  - (f) ensure to obtain a transfer to the Taxi Owners' licence to cover a newly acquired motor vehicle which will replace another Taxi .
32. A Taxicab Owner shall not:
- (a) employ any person to operate his Taxicab who does not hold a valid Taxicab Driver Licence issued pursuant to this by-law;
  - (b) use or permit to be used any Taxicab licence issued to him/her pursuant to this by-law for any vehicle other than the vehicle for which the licence was issued;
  - (c) permit a Taxicab to be operated when the taximeter is out of order or defective in any way.

#### DUTIES OF TAXI BROKER

33. Each licensed Taxi Broker shall:
- (a) hold a separate Taxicab Broker Licence for each vehicle used or kept for hire as a Taxicab operated under the authorization of a Taxicab Owner Licence.
  - (b) maintain insurance on each vehicle;
  - (c) ensure that each vehicle for which he/she is brokered is, in its interior, neat, clean, dry and in good repair, and on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
  - (d) submit each brokered Taxicab for safety inspection by a qualified and licensed automobile mechanic annually, and at such other time or times when requested to do so by a ~~Police Officer~~ Licensing Officer ~~or by the Clerk~~, and submit to the ~~Police Officer~~ Licensing Officer a valid Safety Standards Certificate issued in accordance with the *Highway Traffic Act* of Ontario at the time of the Taxi Broker renewal or transfer;
  - (e) submit each brokered Taxicab for general inspection by a ~~Police Officer~~ Licensing Officer annually, and at such other time or times when requested to do so by either of them;
  - (f) provide and maintain therein or thereon, for each vehicle brokered pursuant to this by-law, the following
    - (i) a holder for the tariff card of the Taxi Driver on the sun visor of the vehicle and clearly visible to the passenger, and
    - (ii) securely affixed on the top of the Taxicab an illuminated electric sign, indicating that the vehicle is a Taxicab, and the name of the fleet in which it operates; such sign to be connected to the meter so as to be illuminated between dusk and dawn when the vehicle is not engaged;
  - (g) ensure that Taxicab Drivers in his employ retain the daily trip records referred to in this by-law for a period of time not less than twelve months, that such records shall be open to inspection by any person authorized by the ~~Chief of Police~~ Licensing Officer and that such records may be removed and retained by the ~~Chief of Police~~ Licensing Officer for a reasonable time;
  - (h) notify the ~~Chief of Police~~ Licensing Officer in writing within seven (7) days of a change of address;
  - (i) ensure that a Taxicab is within eleven model years of the current year;

## PART II - EQUIPMENT

34. No Taxi Owner, Broker or Driver shall operate, permit to be operated, or assist in the operation of any Taxi unless the Taxi is:
- (a) equipped with an extra tire and wheel ready for use;
  - (b) clean and in good repair as to its exterior;
  - (c) clean, dry, and in good repair as to its interior, and has sound and fit upholstery;
  - (d) free from mechanical defects;
  - (e) The ~~Chief of Police~~ Licensing Officer, ~~or designate~~, shall not be prevented from inspecting a Taxi that is not engaged, for the purpose of ensuring compliance with these requirements;
  - (f) The ~~Police Chief~~ Licensing Officer and ~~Police Officer~~ Licensing Officers may also check Taxicabs from time to time to ensure compliance with Photo I.D. card and tariff card requirements under this by-Law.
35. No Taxi Stand shall be operated by way of a cellular telephone, citizen's band radio, radio scanner or any other two-way radio, other than the taxi dispatch radio, to be installed in or operated from or near such Taxicab or Taxi Stand.
36. Every Taxi Owner or Broker shall have affixed to each Taxicab in respect to which they are licensed, a taximeter which shall register distances traveled and compute fares to be paid, and upon request of the ~~Chief of Police~~ Licensing Officer, shall submit any taximeter to which they are licensed for inspection, approval, and sealing by the ~~Chief of Police~~ Licensing Officer, and every taximeter shall be:
- (a) illuminated between dusk and dawn;

- (b) attached to the Taxi in a location and manner approved by the ~~Chief of Police~~ Licensing Officer;
  - (c) adjusted in accordance with the tariff prescribed by Schedule "B" of this By-Law;
  - (d) tested by running the Taxi to which it is attached over a measured track or distance before being sealed;
  - (e) used only when the seal therein is intact or after due notice has been given by the ~~Chief of Police~~ Licensing Officer and authority has been obtained to operate until the taximeter has been resealed;
  - (f) used for not longer than twelve (12) months without re-testing and re-sealing;
  - (g) kept in good working condition at all times and not used when defective in any way;
  - (h) any subsequent re-sealing of taximeter in a licence year will be subject to a fee as set out in Schedule "A" of this By-Law.
37. Every Taxi Owner or Broker shall, as a condition of the licence, display on the roof of every Taxi belonging to them, an illuminated sign that:
- (a) bears the name of the Taxi Stand from which the Taxi operates.
  - (b) is connected to the Taxicab meter whereby the light which is on the roof sign, shall be caused to go out when the taximeter is in the recording position.

### PART III - INSURANCE

38. Every Taxi Owner or Broker shall produce a policy of insurance endorsed to the effect that Council shall be given at least two days notice, in writing, of any cancellation, expiry or change in the amount of the policy, and deposit a copy or certificate thereof with the Clerk.
39. Insurance Policies shall insure the Taxi Owner, Broker and Driver of such taxi against loss or damage resulting from bodily injury or death to passengers as well as others and against damage to property to an aggregate maximum limit or not less than (\$1,000,000.00) one million dollars, for all claims in any (1) one accident, exclusive of interest and costs.
40. Insurance policies and certificates referred to in Section 38 and 40 of this By-law shall be deposited with Council before the Taxi Owner commences operation of the insured motor vehicle as Taxi, and shall be kept in force by such owner during the period for which the licence was issued to them. The ~~Chief of Police~~ Licensing Officer, upon notice to the said Taxi Owner, may suspend the licence and seize the number plate, in the event that the owner has not complied with this Article.
41. Every Owner or Broker, who cancels, suspends, or fails to renew their insurance, shall notify the ~~Chief of Police~~ Licensing Officer, in person, forthwith.. The Taxi will not be put back in service until all insurance criteria as out in Sections 38, 39, and 40 have been met. Upon providing satisfactory proof of insurance, the taxi plate will be returned to the owner.

### PART IV - INSPECTION

42. For the purpose of this Part, "MAJOR MECHANICAL DEFECT" means mechanical defects directly or indirectly related to any part or parts of the motor vehicle involving or affecting the:
- (a) brakes or braking system
  - (b) steering system
  - (c) suspension system
  - (d) underbody
  - (e) exhaust system
  - (f) tires
43. The ~~Chief of Police~~ Licensing Officer or designate, who has reasonable grounds to believe a Taxi is unfit, may give a Taxi Owner or Taxi Broker written notice requiring such Taxi Owner or Taxi Broker at their own expense, to submit the Taxi for examination by an approved mechanic within (24) twenty-four hours. If reasonable grounds exist that indicate that the Taxi is unsafe



or dangerous, such examination can be demanded forthwith and can issue a notice to have the Taxi taken out of service, by the ~~Chief of Police~~ Licensing Officer or designate.

44. 1) Every Taxi Owner or Taxi Broker who receives notice from the ~~Chief of Police~~ Licensing Officer, either verbally or in writing, that a Taxicab is not in fit and in proper condition for use, shall within a reasonable time frame as allowed by the ~~Chief of Police~~ Licensing Officer, correct the identified deficiencies to the satisfaction of the ~~Chief of Police~~ Licensing Officer.
- 2) If deficiencies are not corrected in time, the Taxi Owner or Taxi Broker shall take the said vehicle out of service until repairs are made or deficiencies are corrected.
45. 1) Every Taxi Owner or Taxi Broker who fails to submit Taxicabs for examination by a mechanic, as required by this By-law, is guilty of an offence.
- 2) The ~~Chief of Police~~ Licensing Officer may suspend the Taxicab licence and can issue a notice to have the Taxicab taken out of service, until the Taxicab is tested, inspected, and approved.
46. Subject to Section 42 of this By-law, when a licensed mechanic reports that a Taxicab is mechanically or otherwise defective or due to a major mechanical defect has failed an examination, the licence shall be suspended by the ~~Chief of Police~~ Licensing Officer or designate, who can issue a notice to have the Taxicab taken out of service, and the Taxicab shall remain in their possession until such time as an approved and licensed mechanic certifies that all defects are corrected, and the Taxicab is issued a certificate.
47. Where a report is made under Section 46 of this By-law, the Taxi Owner or Taxi Broker shall be required to attend before Council to determine whether or not his licence should be suspended.
48. A copy of any deficiency notice given to a Taxi Owner or Taxi Broker, may be sent by ordinary prepaid mail, and shall be deemed to have been received (5) five days after being mailed.

## PART V - FARES

49. Every Taxi Driver shall charge the rate or fare indicated in Schedule "B" of this By-law. The Taxi Driver shall ensure that the Tariff Card is visible to passengers within the Taxi.
50. The tariff in Schedule "B" shall not apply where the Taxi Owner or Taxi Broker is operating under a valid contract between the Taxi Owner or Taxi Broker and a recognized School Board which has been approved by the ~~Chief of Police~~ Licensing Officer.
51. Limousines, as defined in 1 j(i), that are not operated under radio dispatch and Limousines engaged for service of a minimum of (4) four hours prior to the start of the trip, are exempt from this By-law.
52. When a passenger first enters a Taxicab, Taxi Drivers shall immediately place the taximeter in a recording position and the taximeter shall remain so throughout the trip. At time and place of discharge, the fare charged shall be as indicated on the taximeter and the taximeter placed in a non-recording position.
53. A Taxi Driver and passenger may, prior to the commencement of a trip, agree to a flat rate in the event a trip extends beyond the limits of the Municipality. In such cases however, the taximeter must be in the recording position for the duration of the trip. The agreed upon flat rate may be collected by the driver prior to the commencement of the trip.
54. No Taxi Owner or Taxi Driver shall make any charge under this By-law for:
  - (a) lost time through defect or inefficiency of the Taxicab, or
  - (b) the incompetence of the Taxi Driver thereof, or
  - (c) standing time at a call, when the Taxicab attends in advance of the time requested by the caller.

## PART VI - LIMITATIONS

55. 1) A limitation is imposed on the issuance of Taxicab Owner licences in the Municipality of West Nipissing:
- (a) at the ratio of one (1) licence for each 1365 residents of the Municipality; and
  - (b) in addition to the number determined in part (a) above, there shall be an additional 5 Taxicab Owner licences issued for vehicles that are wheelchair accessible, on the understanding that the said licences shall be issued to only an individual or to a corporation who is licensed in accordance with the provisions of this By-law, and who is approved by the Ontario Ministry of Transportation under the Wheelchair Accessible Taxi Demonstration Project.
- 2) The number of Taxicab Vehicle Owner licences shall be determined by the Clerk every four (4) years when official population statistics are provided by the Ontario Property Assessment Corporation during the year of a regular municipal election; and that when such a determination reveals that additional Taxicab Owner licences shall be issued based on the ratio of one licence for every 1365 residents of the Municipality, such additional licences shall be issued by the Clerk.
- 3) In order to regulate the distribution of available Taxicab Owner licences, the Clerk shall issue new Taxicab Owner licences only at such time as the formula referred to in Section 55 (1) permits the issuance of Taxicab Owners licences.
- 4) The Clerk shall maintain a Priority List of applications for Taxicab Owner licences, updated on a regular basis, in the order of the date on which they are received by him/her, and subject to Sub-Section (3), this list shall be used in determining the priorities for the issuance of all new Taxicab Owner licences.
- 5) (a) Only currently licensed Taxicab Owners, Brokers or Drivers may have their names included on the Taxicab Priority List, and they must maintain their qualifications as an owner, broker or driver at all times in order to have their name remain on the priority list and, effective September 30<sup>th</sup> of the same year, to remain on the Taxicab Owner Priority List:
- (i) licensed Taxicab Drivers must annually complete and file with the Clerk, a Statutory Declaration stating that they were active in the West Nipissing Taxicab industry (i.e. driver, dispatcher, trainer) for an average or at least 35 hours per week during at least 40 weeks of the previous twelve month period;
  - (ii) licensed Taxicab Owners or Brokers must annually complete and file with the Clerk, a Statutory Declaration stating that they personally managed all of their licensed vehicles and did not give up custody or control of any of their vehicles throughout the previous twelve-month period except to drivers engaged by them on an individual shift basis;
- except in those cases where a Taxicab Owner, Broker or Driver or has on account of illness, injury or other medical reasons, been unable to fulfill the obligations in above sub-sections (i) and (ii), in which case the Owner, Broker or Driver shall complete and file with the Clerk, a Statutory Declaration so stating;
- (b) The Clerk shall remove the name of a Taxicab Owner, Broker or Driver from the Taxicab Priority List immediately upon his or her death.
- 6) (a) Each newly licensed Taxicab Owner shall be required to place his or her Taxicab into operation within 30 days from the date of notification from the Clerk that the said licence has been granted.
- (b) Each newly licensed Taxicab Owner shall not lease or give up possession, custody or control of his Taxicab for a period of five years from the date of issuance from the Taxicab Priority List except to drivers engaged by him on an individual shift basis.
- 7) (a) Each and every Taxicab Owner shall maintain his or her Taxicab in operation on a permanent full-time basis.

- (b) Should any Taxicab Owner fail to maintain in operation any Taxicab under his ownership for a period in excess of 120 successive days, such Taxicab Owner licence shall be suspended or revoked by the Clerk.
- 8) Each Taxicab Owner or his designated agent shall maintain his Taxicab in operation for a period of not less than 120 days prior to offering the said Taxicab for transfer, except in the case of the death of a licensed Taxicab owner, in which case his or her Estate may immediately dispose of the Taxicab.
- 9)
  - (a) Subject to the provisions of 9(b) below, in the case of the death of a licensed Taxicab Owner, the Taxicab Owner licence may continue in force under the control of the executors, legatee or residuary beneficiary of the deceased;
  - (b) In the case of a death of a Taxicab Owner licensed under Class B in sub-section 10(b) of this by-law, the Taxicab Owner licence may not continue in force under the control of the executors, legatee or residuary beneficiary of the deceased without the approval of the municipal Council and then only on compassionate grounds.
- 10) The transfer of Taxicab Owner licences is restricted in accordance with the following to any person who qualifies to hold such licence pursuant to the provisions of this by-law:
  - (a) Taxicab Owner - Class A Licence, being an accessible Taxicab owner licence shall be subject to the following conditions:
    - (i) Accessible Taxicab Owner licences shall not be transferable for a period of five years from the date of issuance, and then only to another accessible Taxicab Owner, provided he/she uses the licence for the operation of another accessible Taxicab;
    - (ii) During the five year non-transferable period referred to in sub-section (i) above, the accessible Taxicab Owner shall personally manage the accessible Taxicab on a regular shift basis, and notwithstanding any other provision of this by-law, shall not lease, transfer or sell the said Taxicab, or give up possession, custody or control of the said accessible Taxicab except to drivers engaged by him on an individual shift basis, or allow any person to manage such Taxicab without the consent of the Clerk, which consent shall be granted only for compassionate reasons satisfactory to the Clerk.
    - (iii) Should the Council of the Municipality of West Nipissing, in the future, authorize the issuance of an additional accessible Taxicab Owner licence or licences, the said licences shall be issued in accordance with the Taxicab Owner Priority List referred to in Section 55 (4) of this by-law.
  - (b) Taxicab Owner - Class B Licence, being a Taxicab Owner licence which shall be totally transferrable after a period of five years from the date of issuance of the licence, and shall be subject to the following conditions:
    - i) such licence will be transferred to a person on the Taxicab Priority List on a probationary basis for one (1) year, during which period the licensee:
      - (1) in the case of an individual person, shall personally manage the Taxicab in respect of which the licence is issued on a regular shift basis;
      - (2) in the case of a partnership or corporation, shall manage the Taxicab in respect of which the licence is issued on a regular shift basis; and
      - (3) shall not lease, transfer or sell the said Taxicab, or give up possession, custody or control of such Taxicab except to drivers engaged by him on an individual shift basis, or allow any person to manage such Taxicab without the consent of the Clerk, which consent shall be granted only for compassionate reasons satisfactory to the Clerk.
    - ii) failure to comply with any of the terms of probation as set out in part (i) above shall, in the discretion of the Clerk, be sufficient cause for the revocation or the refusal to renew such licence, and any such licence

which has been revoked or has been refused renewal shall be returned to the Clerk and be distributed to the next eligible person on the Taxicab Priority List from within the category from which the licence was originally issued.

## **PART VII - RENEWAL, SUSPENSION and REVOCATION**

56. 1) Each licence unless previously suspended or revoked, shall be renewed upon payment of the appropriate fee.
- 2) In addition to any other penalty which may be imposed pursuant to this by-law, the Clerk:
- (a) may suspend a licence for failure to comply with any of the provisions of this by-law, and;
  - (b) shall suspend each Taxicab Owner licence upon failure to maintain on file proof of insurance in accordance with Sections 38, 39, 40 and 41 of this by-law;
  - (c) shall suspend any owners or driver's licence, as appropriate, upon failure to comply with Sections 30 (c) or 35.
- 3) A suspension shall be and remain in force until such time as the licensee has satisfied the Clerk as to his compliance with the by-law.
- 4) Upon notification of suspension the licensee shall surrender such licence to the Clerk.
- 5) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the Clerk.
- 6) The decision of the Clerk may be appealed to Council.

## **PART VIII - LICENCE FEES**

57. The annual licence fees to be paid to the Municipality of West Nipissing for those licences referred to in this by-law shall be as outlined in Schedule "A" (Licence Fees), attached hereto and forming part of this by-law.

## **PART IX - SCOPE**

58. 1) This by-law shall apply to Taxicab Owners, Taxicab Brokers or their designated agents, and drivers of Taxicabs and Limousines, Vehicles for Hire including Paravans; which vehicles are kept or used for hire in the Municipality of West Nipissing and are licensed pursuant to the provisions of this by-law.
- 2) The tariff schedules attached hereto and forming part of this by-law shall apply respectively for use of Taxicabs wholly within the Municipality of West Nipissing or to any point not more than 5 kilometers beyond its limits.
- 3) No person shall be required to be licensed under the provisions of this by-law for the operation of an ambulance or a funeral hearse.
- 4) No person shall be required to be licensed under the provisions of this by-law for the operation of a Limousine, as defined in 1 j(i), which shall not include airport transportation services.
- 5) No person shall be required to be licensed under the provisions of this by-law for any non-revenue generating Private Transportation Vehicle service; which shall include but not be limited to carpools, ride shares or other privately arranged transportation.

## PART X - PENALTIES

### 59. 1) **Fine for contravention**

Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine under Section 61 to the *Provincial Offences Act*.

### 2) **Fine - for contravention - corporation**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

### 3) **Integrity of by-law - severability**

Notwithstanding that any section or sections of this by-law, or any part or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of Council to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this by-law, or parts thereof, are separate and independent therefrom and enacted as such.

### 4) **Notice - unpaid fine**

If a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the Clerk may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

### 5) **Distress - unpaid fine**

If the fine referred to in Section 59 (4) of this by-law remains unpaid after the final date on which it is payable as specified in the notice, the Clerk may alone or by an agent, subject to the exemptions provided for in Sub-Section 400 (d) of the *Municipal Act*, as amended, levy the unpaid fine with costs by distress:

- (a) upon the goods and chattels, wherever found, belonging to or in the possession of the person fined;
- (b) upon the interest of the person fined in any goods to the possession of which the person is entitled under a contract for purchase, or a contract by which the person may or is to become the owner thereof upon performance of any condition;
- (c) upon any goods and chattels in the possession of the person fined where title to them is claimed;
  - i) by virtue of an execution against the person fined;
  - ii) by purchase, gift, transfer or assignment from the person fined, whether absolute or in trust, or by way of mortgage or otherwise;
  - iii) by the spouse, daughter, son, daughter-in-law of the person fined, or any of his or her relatives, in case such relative lives as a member of the family; or
  - iv) upon goods and chattels that at the time the fine was imposed were the property and on the premises of the person fined and are still on the same premises, even if such goods are no longer the property of the person fined.

### 6) **Levy of fines under warrant**

If at any time after the notice referred to in Section 59 (4) of this by-law is given and before the final date on which the fine is payable as specified in the said notice, the Clerk has good reason to believe that any person in whose hands goods and chattels are

subject to distress under Section 59 (5) of this by-law is about to remove such goods and chattels out of the province and makes affidavit to that effect before any justice of the peace, the justice shall issue a warrant to the Clerk, authorizing him/her to levy for the fines and costs in the manner provided by Section 59 (1) of this by-law.

**7) Defect in notice - not invalidate subsequent proceedings**

No defect, error or omission in the form or substance of the notice required by Section 59 (4) of this by-law invalidates any subsequent proceedings for the recovery of a fine.

**PART XI - REPEAL**

60. All previous by-laws and amendments regulating and governing Taxicabs, Limousines and Vehicles For Hire are hereby repealed but all licences issued thereunder shall, during the period for which the same have been issued, remain in force unless or until the same are forfeited or revoked, and all such licences heretofore issued shall be deemed to have been issued under the subject to the provisions of this by-law.

**ENACTED AND PASSED THIS 21<sup>st</sup> DAY OF JUNE, 2016 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

\_\_\_\_\_  
JOANNE SAVAGE  
MAYOR

\_\_\_\_\_  
MELANIE DUCHARME  
CLERK



**SCHEDULE "A" FOR THE TAXI BY-LAW NO. 2016/63**

**FEES TO BE PAID**

Fees to be paid by Taxi Owners, Brokers and Drivers under this by-law are as follows:		
1 (a)	Taxi Stand Licence	\$150.00
2 (a)	Taxi Owner's Licence (per vehicle) / Renewal (per vehicle) / Transfer (per vehicle)	\$50.00
2 (b)	Change by Taxi Owner of vehicle during the term of a Licence	\$50.00
3 (a)	Taxi Broker Licence / Renewal / Transfer	\$50.00
4 (a)	Taxi Dispatcher's Licence / Renewal	\$50.00
5 (a)	Taxi Driver Licence / Renewal	\$10.00
5 (b)	Taxi Driver Photo Identification Card / Replacement	\$10.00
6 (a)	Change place of business (stand)	\$35.00
6 (b)	Re-sealing of Taximeter by <del>Chief of Police</del> <u>Licensing Officer</u>	\$10.00
<p><b>NOTE:</b></p> <p>a) The fee payable by a Taxi Broker does not cover the licence fee for any Taxicab vehicle owned by such broker. If they are also an owner, they must pay the Licence Fee indicated for the vehicles owned by them.</p> <p>b) The fee payable for an Owner's Licence does not include the fee charged for a Taxicab mechanical fitness inspection where specifically ordered by the <del>Chief of Police</del> <u>Licensing Officer</u>.</p>		

## **SCHEDULE "B" FOR THE TAXI BY-LAW 2016/63**

### **TARIFF OR RATES TO BE CHARGED FOR USE OF TAXICAB OPERATING IN THE MUNICIPALITY**

1. For trips originating and ending within the Urban Zone, to be known as the area bordered by:
  1. Golf Course Road to the East
  2. Levert Dr. and Stewart Rd. to the North
  3. Levac Rd. and Highway 17 to the West
  4. Lake Nipissing to the Southa FARE of \$3.50 for the first 100 meters and an additional \$0.23 for each additional 100 meters **(equivalent to \$2.30 per kilometer)**.
2. For each period of waiting requested by a passenger, they shall be charged an amount of twenty-nine dollars and twenty cents (\$29.20) not including applicable taxes, per hour computed by the taximeter at the rate of twenty cents (\$.20) for each successive interval of twenty-one point eighty-three (21.83) seconds.
3. Seniors' (65 or over) and persons with physical disabilities shall be afforded the following flat rates:
  - (a) \$5.00 for trips within an area bordered by Front Street, Holditch Street, Ethel Street and Michaud Street,
  - (b) \$6.00 for trips within (a) above and an area bordered by
    - i. Front Street, Michaud Street, Ethel Street and Coursol Street,
    - ii. North of Ethel to the Sturgeon River
    - iii. Front Street, Holditch Street, Lisgar Street and Dovercourt,
    - iv. Pembroke Street, Spring Street, Bay Street to Villeneuve Court
    - v. Railway Street, Holditch Street, Third Street to Belanger, and Salter to Coursol,
  - (c) \$7.00 for trips within (a) and (b) above and the area formerly known as Sturgeon Falls, except:
    - i. Riverfront Drive, Demers Street, Roy Street south of Mageau and Nipissing Street south of Aubrey where an additional \$1.00 will apply,subject to the flat rate being less than the metered rate.
4. Where two or more passengers are carried from a common starting point to two or more destinations, the fares to be paid by each passenger shall be as follows:
  - (a) The passenger first disembarking shall pay the tariff shown on the taximeter at the point subject to any legitimate extras.
  - (b) The taximeter shall be then reset. The passenger next disembarking shall pay the tariff shown on the meter at their destination, subject to any extras and so on in a like manner until all passengers have been discharged.
  - (c) Whenever two or more passengers disembark at the same place, each shall pay their proportionate share of the charge registered at the point where they disembark.
5. Where a passenger enters a cab, which is already engaged in carrying one or more passengers, the occupants of such Taxicab shall pay the fare to the point where such subsequent passenger



# **DEFINITION REPLACEMENT**

or passengers embark. The taximeter shall then be reset and the person or persons so embarking shall be responsible for the fare to the common destination or to a point where one or more additional passengers embark, whereupon the taximeter shall be reset. This procedure shall be carried on until parties have reached their common destinations.

6. A Taxicab engaged in carrying a passenger shall not depart from its direct route to its engaged destination without the consent of the passenger being so carried. If the Taxicab, with such consent, deviates from its route to pick up a passenger otherwise than at the direction of the passenger then engaging the Taxicab, the taximeter shall forthwith be turned off and the passenger being so carried shall be liable to pay their fare only up to that point.
7. The following will apply to Flat Rate charges:
  - (a) Flat rate fees may be collected at the point of origin. Additional fees shall be collected upon arrival at the destination.
  - (b) The meter shall be engaged for the duration of the flat rate portion of any trip and reset when required.
  - (c) Notwithstanding, for trips originating within the Rural Zone and terminating within the Rural Zone without entering the Urban Zone, the Taxi Driver and passenger may, prior to the commencement of a trip, agree to a flat rate. In such instances, the meter shall be engaged and the flat rate shall not exceed the metered rate upon arrival at the destination.
  - (d) For trips originating within the Urban Zone, a flat rate to the destination indicated plus the metered rate (Urban Zone) to the final destination, subject to an additional metered charge from the point of origin to the Urban Zone.

RURAL ZONE	Flat Rate
Dokis Rd at Hwy 64	\$ 75.00
Camp Laplage	\$ 35.00
Pake's Campground	\$ 30.00
Jocko Point at Hwy 17	\$ 25.00
Beaucage Rd at Hwy 17	\$ 30.00
Field (Val des Arbres)	\$ 35.00
Field (Hwy 64 at Hwy 575)	\$ 40.00
Lavigne (at Caron Road)	\$ 50.00
River Valley (Hwy 539A at Forget Rd)	\$ 50.00
Desaulniers (Hwy 539 & at Giroux Vezina Rd)	\$ 45.00
Levac Rd at Richie St	\$ 14.00
Levac Rd at Beaudry Rd	\$ 20.00
Leclair Rd at Hwy 64	\$ 33.00
Ted Commanda Drive	\$ 17.00
Verner (Hwy 17 at Hwy 575)	\$ 30.00
North Monteville	\$ 70.00
Crystal Falls (at Hwy 64)	\$ 18.00
Deer Lake Rd at Hwy 17	\$40.00

**SCHEDULE "C" TO TAXI BY-LAW 2016/63**

**APPLICATION FOR TAXICAB VEHICLE LICENCE**

( Transfer Licence )

Date: \_\_\_\_\_

\_\_\_\_\_ owns and operates the following vehicle(s) under the name

of : \_\_\_\_\_  
(Name of Taxi Stand)

	YEAR	MAKE	LICENCE PLATE NO.
1.			
2.			
3.			
4.			
5.			

	YEAR	MAKE	LICENCE PLATE NO.
6.			
7.			
8.			
9.			
10.			

The applicant has produced a copy of a policy issued by \_\_\_\_\_  
(Name of Insurance Company)

insuring the applicant in the amount of \$ \_\_\_\_\_ , against liability for damages resulting from injuries or death occasioned by an accident arising out the operation of the Taxicab in respect of which a licence is applied for and against claims for damages to the property of others arising out of the operating of such Taxicab.

**CHIEF'S DECISION**

☐ Taxicab vehicle licence(s) approved.

☐ Total licence fee - \$ \_\_\_\_\_

\_\_\_\_\_  
R.C.J. Séguin  
~~Chief of Police~~ Licensing Officer

## SCHEDULE "D" TO TAXI BY-LAW 2016/63

### APPLICATION FOR TAXI DRIVER'S LICENCE

Date: \_\_\_\_\_

I, \_\_\_\_\_, wish to apply for a Taxicab Driver's Licence for the Municipality of West Nipissing.

I am supplying the following particulars so that a record check can be made to determine whether or not I have a criminal record, convictions under the *Liquor Licence Act* or a driver's record: (please print)

NAME:		
D.O.B.:		
MAILING ADDRESS:		
DRIVER'S LICENCE NUMBER:		
TELEPHONE NUMBER:		
CRIMINAL RECORD:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
LIQUOR ACT RECORD:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
DRIVER'S RECORD	<input type="checkbox"/> YES	<input type="checkbox"/> NO

I authorize the West Nipissing ~~Police Service~~ Licensing Officers to make the necessary record checks for the purpose of assessing my suitability to possess a Taxicab Driver's licence.

I further authorize the release of this information to the Municipality of West Nipissing Council for their consideration when assessing my suitability to possess a Taxicab licence.

\_\_\_\_\_  
*Applicant's Signature*

**NOTICE :**

The personal information on this form is being collected under the authority of the Municipality of West Nipissing By-Law No. 2016-63 for the purpose of assessing your suitability for a Taxicab driver's licence. Questions about this collection should be directed to: ~~Chief R.C.J. Seguin, West Nipissing Police Service~~ Licensing Officer,  
~~106~~ 101-225 Holditch Street, Sturgeon Falls, ON, P2B 1T1

Section 29 (2) Municipal Freedom of Information and Protection to Individual Privacy.

**SCHEDULE "E" TO TAXI BY-LAW 2016/63**

**POLICE REPORT**  
**re: TAXI DRIVER'S LICENCE APPLICATION**

I have received an application for a Taxi Driver's licence from \_\_\_\_\_  
and I submit the following report as required under Section 2 of By-Law 2016/63

- ☐ The applicant has no record or conviction under the *Criminal Act*, the *Highway Traffic Act* or the *Liquor Licence Act*.
- ☐ The applicant meets the requirements under the By-Law and I recommend that a Taxi Driver's licence be issued.
- ☐ The applicant has a criminal record {\_\_\_\_}, a driving record {\_\_\_\_}, and/or a *Liquor Licence Act* conviction(s) {\_\_\_\_}.
- ☐ The applicant does not meet the requirements of the By-Law because of the above mentioned record/conviction(s), but upon review, I recommend that the record/conviction(s) not deter the issuance of a Taxi Driver's Licence.

Furthermore, I have advised the applicant that under **Section 6 of the By-Law**, he/she can appeal to Council.

I have also advised the applicant that under **Section 12 of the By-Law**, any licence may be suspended until the next meeting of Council where there has been an apparent contravention of the Criminal Code, a conviction under the *Highway Traffic Act* resulting in the loss of (7 seven) demerit points or more, a breach of the *Liquor Licence Act*, or this by-law, that in the Chief's opinion, warrants suspension, or when a Driver has been charged with the *Highway Traffic Act* offences of Careless Driving, Drive Under Suspension, Fail to Remain, Fail to Stop for Police, or Owner Operate or Permit Operation of Motor Vehicle with no Insurance, *Compulsory Automobile Insurance Act*.

The applicant has been advised that under **Section 13 of the By-Law**, Council shall hear and determine the matter and may revoke, suspend, issue or renew a licence subject to such conditions, as it deems fit.

Respectfully submitted,

**CHIEF'S LICENSING OFFICER  
DECISION**

- ☐ Issue licence.
- ☐ Don't issue licence.

R.C.J. Séguin Licensing Officer

**SCHEDULE "F" TO BY-LAW 2016/63**

**APPLICATION FOR TAXI BROKER'S LICENCE**

(TRANSFER LICENCE)

Date: \_\_\_\_\_

\_\_\_\_\_, has this date made application for a Taxi Broker's Licence.

The applicant has the following vehicles in use as Taxicabs:

	YEAR	MAKE	LICENCE PLATE NO.
1.			
2.			
3.			

The applicant has produced a copy of a policy issued by \_\_\_\_\_  
(Name of Insurance Company)

insuring the applicant in the amount of \$ \_\_\_\_\_, against liability for damages resulting from injuries or death occasioned by an accident arising out of the operation of the Taxicab in respect of which a licence is applied for and against claims for damages to the property of others arising out of the operating of such Taxicab.

The Owner of Taxi Licence # \_\_\_\_\_ hereby acknowledges and agrees to the issuance of the within Broker's Licence.

\_\_\_\_\_  
Signature of Owner of Taxi Licence

This Broker's Licence shall be authorized to operate under Taxi Owner Licence # \_\_\_\_\_; which shall be amended to reduce the number of vehicles by the same number of vehicles as authorized under this Broker's Licence.

**CHIEF'S LICENSING OFFICER  
DECISION**

☐ Broker's Licence approved.

☐ Broker's Licence fee - \$ \_\_\_\_\_

R.C.J. Séguin Licensing Officer

## SCHEDULE "G" TO TAXI BY-LAW 2016/63

**DEFINITION  
REPLACEMENT**

### APPLICATION FOR TAXI STAND LICENCE

Date: \_\_\_\_\_

I, \_\_\_\_\_, wish to apply for a Taxi Stand Licence for the Municipality of West Nipissing.

I am supplying the following particulars in order to determine the feasibility of my application:

Owner's Name:		
Mailing Address:		
Telephone Number(s):	(Home)	(Cellular)
E-mail Address:		
<b>TAXI STAND NAME:</b>		
<b>TAXI STAND STREET ADDRESS:</b>		
<b>REGISTERED PROPERTY OWNER'S NAME:</b>		
<b>TAXI STAND PHONE NUMBER:</b>		

I further authorize the release of this information to the Municipality of West Nipissing Council for their consideration when assessing my suitability to possess a Taxi Stand Licence.

\_\_\_\_\_  
*Applicant's Signature*

As Registered Property Owner of the above identified Taxi Stand premises, I authorize the herein application for a Taxi Stand Licence.

\_\_\_\_\_  
*Registered Property Owner's Signature*

**NOTICE :**

The personal information on this form is being collected under the authority of the Municipality of West Nipissing By-Law No. 2016-63 for the purpose of assessing your suitability for a Taxicab driver's licence. Questions about this collection should be directed to: **Chief R. G. J. Seguin, West Nipissing Police Service Licensing Officer,**

**106-101-225 Holditch Street, Sturgeon Falls, ON, P2B 1T1**

Section 29 (2) Municipal Freedom of Information and Protection to Individual Privacy



# TAXI TARIFF

The rates below include  
all taxes (Revised: June 21, 2016)



West Nipissing Ouest

Joie de vivre

The Corporation of the Municipality of West Nipissing  
La Corporation de la Municipalité de Nipissing Ouest  
101-225, rue Holditch Street, Sturgeon Falls, ON P2B 1T1

P/T (705) 753-2250 (1-800-263-5359)  
F/TC (705) 753-3950

## URBAN ZONE

For trips originating and ending within the area bordered by:

1. Golf Course Road to the East
2. Levert Drive and Stewart Road to the North
3. Levac Road and Highway 17 to the West
4. Lake Nipissing to the South

a Fare of \$3.50 for the first 100 meters and an additional \$0.23 for each additional 100 meters (equivalent to \$2.30 per kilometer)

## FLAT RATES

The following will apply to Flat Rate charges:

- a. Flat rate fees may be collected at the point of origin. Additional fees shall be collected upon arrival at the destination.
- b. The meter shall be engaged for the duration of the flat rate portion of any trip and reset when required.
- c. Notwithstanding, for trips originating within the Rural Zone and terminating within the Rural Zone without entering the Urban Zone, the Taxi Driver and passenger may, prior to the commencement of a trip, agree to a flat rate. In such instances, the meter shall be engaged and the flat rate shall not exceed the metered rate upon arrival at the destination.
- d. For trips originating within the Urban Zone, a flat rate to the destination indicated plus the metered rate (Urban Zone) to the final destination, subject to an additional metered charge from the point of origin to the Urban Zone.

RURAL ZONE	Flat Rate
Dokis Rd at Hwy 64	\$ 75.00
Camp Laplage	\$ 35.00
Pake's Campground	\$ 30.00
Jocko Point at Hwy 17	\$ 25.00
Beaucage Rd at Hwy 17	\$ 30.00
Field (Val des Arbres)	\$ 35.00
Field (Hwy 64 at Hwy 575)	\$ 40.00
Lavigne (at Caron Road)	\$ 50.00
River Valley (Hwy 539A at Forget Rd)	\$ 50.00
Desaulniers (Hwy 539 & at Giroux Vezina Rd)	\$ 45.00
Levac Rd at Richie St	\$ 14.00
Levac Rd at Beaudry Rd	\$ 20.00
Leclair Rd at Hwy 64	\$ 33.00
Ted Commanda Drive	\$ 17.00
Verner (Hwy 17 at Hwy 575)	\$ 30.00
North Monteville	\$ 70.00
Crystal Falls (at Hwy 64)	\$ 18.00
Deer Lake Rd at Hwy 17	\$40.00



# TAXI TARIFF

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## GENERAL

1. Where two more passengers are carried from a common starting point to two or more destinations, the fares to be paid by each passenger shall be as follows:
  - a. The passenger first disembarking shall pay the tariff shown on the taximeter at that point subject to any legitimate extras, and
  - b. The taximeter shall be then reset. The passenger next disembarking shall pay the tariff shown on the meter at their destination, subject to any extras and so on in a like manner until all passengers have been discharged.
  - c. Whenever two or more passengers disembark at the same place, each shall pay their proportionate share of the charge registered at the point where they disembark.
2. Where a passenger enters a cab which is already engaged in carrying one or more passengers, the occupants of such Taxicab shall pay the fare to the point where such subsequent passenger or passengers embark. The taximeter shall then be reset and the person or persons so embarking shall be responsible for the fare to the common destination or to a point where one or more additional passengers embark, whereupon the taximeter shall be reset. This procedure shall be carried on until parties have reached their common destinations.
3. A Taxi engaged in carrying a passenger shall not depart from its direct route to its engaged destination without the consent of a passenger being so carried. If the Taxicab, with such consent, deviates from its route to pick up a passenger otherwise than at the direction of the passenger then engaging the Taxicab, the taximeter shall forthwith be turned off and the passenger being so carried shall be liable to pay their fare only up to that point.

## SENIORS AND DISABLED PERSONS

Seniors' (65 or over) and persons with physical disabilities shall be afforded the following flat rates subject to the flat rate being less than the metered rate:

- a. \$5.00 for trips within an area bordered by Front Street, Holditch Street, Ethel Street and Michaud Street.
- b. \$6.00 for trips within (a) above and an area bordered by
  - vi. Front Street, Michaud Street, Ethel Street and Coursol Street,
  - vii. North of Ethel to the Sturgeon River
  - viii. Front Street, Holditch Street, Lisgar Street and Dovercourt,
  - ix. Pembroke Street, Spring Street, Bay Street to Villeneuve Court
  - x. Railway Street, Holditch Street, Third Street to Belanger, and Salter to Coursol.
- c. \$7.00 for trips within (a) and (b) above and the area formerly known as Sturgeon Falls, except:
  - xi. Riverfront Drive, Demers Street, Roy Street south of Mageau and Nipissing Street south of Aubrey where an additional \$1.00 will apply,

## DELIVERY SERVICES

Fees for the delivery of anything other than persons shall be negotiated and agreed upon prior to providing such service. This will include the delivery of parcels, pickup and delivery of grocery items or other commodities subject to any legislative restrictions or prohibitions.



# MEMORANDUM

**TO:** Mayor and Council

**FROM:** Melanie Ducharme, Municipal Clerk/Planner

**DATE:** May 7, 2019

**RE:** **LIVE STREAMING OF COMMITTEE MEETINGS**

Pursuant to the discussion of Council on March 19, 2019, attached to this memorandum are responses from the following Boards/Committees:

**Board/Committee Name**

- West Nipissing Committee of Adjustment ..... Attached
- West Nipissing Planning Advisory Committee ..... Attached
- West Nipissing Public Library Board ..... Attached
- West Nipissing Environmental Services ..... Meeting on May 6
- West Nipissing Cemetery Board ..... Meeting on May 8
- West Nipissing Agricultural Advisory Com. .... Meeting on May 8

At this time, responses have not yet been received from the West Nipissing Agricultural Committee, West Nipissing Cemetery Board and West Nipissing Environmental Services. Those replies will be provided following consideration of the matter by the respective Boards/Committees.

Thank you,

## Joie de vivre



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

## Janice Dupuis

---

**From:** Carole Marion <cmarion@wnpl.ca>  
**Sent:** April-16-19 11:18 AM  
**To:** Janice Dupuis  
**Subject:** RE: Inquiry Livestreaming of WN Board and Committee Meetings

At the library board meeting of April 11, 2019 the board opted to not participate. This will be noted in the board minutes of that meeting and shared once the minutes are approved.

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**From:** Janice Dupuis [<mailto:jdupuis@municipality.westnipissing.on.ca>]  
**Sent:** April 16, 2019 10:20 AM  
**To:** Carole Marion <cmarion@wnpl.ca>  
**Cc:** Joanne Savage <[jsavage@municipality.westnipissing.on.ca](mailto:jsavage@municipality.westnipissing.on.ca)>  
**Subject:** Inquiry Livestreaming of WN Board and Committee Meetings

Good morning,

Please refer to the attached letter for all pertinent details regarding the above subject matter.

Your earliest response to this inquiry would be appreciated.

Kindest regards,  
Janice R. Dupuis  
Deputy Clerk // Greffière adjointe  
Municipality of West Nipissing  
101-225 Holditch Street  
Sturgeon Falls, ON P2B 1T1  
Phone ... 705-753-2250 x 6907  
Fax .....705-753-3950  
e-mail ... [jdupuis@westnipissing.ca](mailto:jdupuis@westnipissing.ca)





**WEST NIPISSING PLANNING ADVISORY COMMITTEE**

**April 8, 2019**

Moved by / Proposé par :

Seconded by / Appuyé par :

**WHEREAS** that the West Nipissing Planning Advisory Committee:

☒ **APPROVED**

**OR**

☐ **DECLINED**

That all meetings be made available for viewing on the Municipality's website, via LiveStream or such other technology.

**CHAIR**

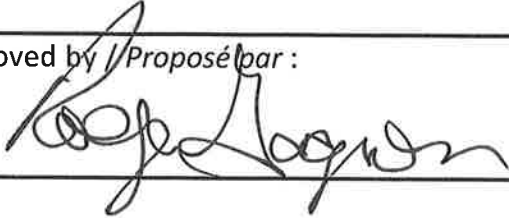
**SECRETARY**

NAMES	YEAS	NAYS
Fisher, Christopher		
Gagnon, Roger		
Pellerin, Fernand		
Roberge, Normand		
Sénécal, Denis		

**WEST NIPISSING COMMITTEE OF ADJUSTMENT**

**April 8, 2019**

Moved by / Proposé par :



Seconded by / Appuyé par :



**WHEREAS** that the West Nipissing Committee of Adjustment:

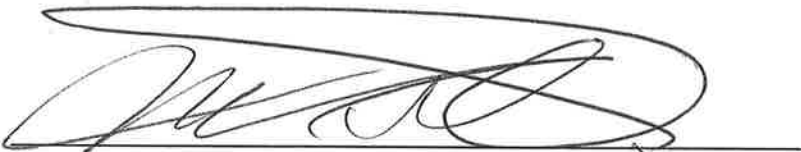
☐ **APPROVED**

**OR**

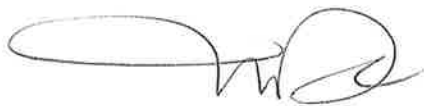


**DECLINED**

that all meetings be made available for viewing on the Municipality's website, via LiveStream or such other technology.



CHAIR



SECRETARY

NAMES	YEAS	NAYS
Fisher, Christopher		
Gagnon, Roger		
Pellerin, Fernand		
Roberge, Normand		
Sénécal, Denis		

# MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** Melanie Ducharme, Municipal Clerk/Planner  
**DATE:** May 7, 2019  
**RE:** **FILE NO. SUBD2019/02 (TOULOUSE/SEGUIN)**  
**DOVERCOURT SUBDIVISION**

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On April 8, 2019, the Planning Advisory Committee provided recommendation to Council for a draft plan of Subdivision for the above noted file. The recommendation included a request for dedication by the Developer of 5% of the lands to the Municipality for Parkland pursuant to Section 42(1) of the *Planning Act*. The resolution to approve the Draft Plan was deferred by Council at its meeting of April 23<sup>rd</sup>.

The Developers, through their Agent, Goodridge, Goulet Planning and Surveying, are requesting that Council consider a cash payment in an amount an amount equal to the value of the proposed parkland pursuant to Section 42(6) of the Act. Mr. Goodridge will be in attendance at Tuesday's meeting and is requesting the opportunity to speak to this matter, if council wishes him to do so.

Thank you,

**Joie de vivre**



[www.westnipissingouest.ca](http://www.westnipissingouest.ca)

## Melanie Ducharme

---

**From:** Paul Goodridge <paul.goodridge@ggpsltd.com>  
**Sent:** May 3, 2019 2:07 PM  
**To:** Melanie Ducharme  
**Subject:** Delegation Request

Melanie,

Further to our telephone discussion this morning, I am requesting on behalf of my clients, the Seguin and Toulouse brothers, that we be permitted a delegation to Council either before the meeting or at the Committee discussion to bring forward our concerns regarding the Committee's recommendation that the Municipality ask for an actual park area to be included in the latest draft plan of subdivision in the Dovercourt Road area. My clients feel that a small isolated park in this area will not be in the best interests of the Municipality and prefer to provide cash-in-lieu. We would appreciate the opportunity to open this discussion to all members of Council who will be voting on accepting the draft plan of subdivision. Our presentation will be brief and is intended only to spur the debate.

Thank you for your attention to this.

Regards,

Paul

### **Paul Goodridge, BSc, OLS, OLIP**

Goodridge Goulet Planning & Surveying Ltd.  
Unit 1, 490 Main Street East  
North Bay, Ontario, P1B 1B5  
705-493-1770  
Paul.goodridge@ggpsltd.com



**The Corporation of the Municipality of West Nipissing  
La Corporation de la Municipalité de Nipissing Ouest**

Resolution No.

**2019/**

**MAY 7, 2019**

Moved by / *Proposé par* :

Seconded by / *Appuyé par* :

**WHEREAS** a public meeting of the West Nipissing Planning Advisory Committee was held on April 8, 2019, to consider draft approval of a Plan of Subdivision Application No. SUBD 2019/02 made by 2623822 ONTARIO LIMITED for a subdivision of forty-four (44) lots on lands legally described as Part of Lot 4, Con. 1, Part of Block 43, Plan 36M-670, Geographic Township of Springer, now Municipality of West Nipissing, District of Nipissing;

**AND WHEREAS** written and public submissions were made and considered by the West Nipissing Planning Advisory Committee;

**AND WHEREAS** the West Nipissing Planning Advisory Committee has recommended to Council for the Municipality of West Nipissing that the Draft Plan, be approved, subject to certain conditions;

**BE IT THEREFORE RESOLVED THAT** draft plan of Subdivision, be granted for Subdivision Application No. SUBD 2019/02 made by 2623822 ONTARIO LIMITED for subdivision of forty-four (44) lots on lands legally described as Part of Lot 4, Con. 1, Part of Block 43, Plan 36M-670, Geographic Township of Springer, now Municipality of West Nipissing, District of Nipissing, subject to the recommendation of the West Nipissing Planning Advisory Committee, attached hereto, including Schedule "A" thereto.

	YEAS	NAYS
DUHAIME, Yvon		
FISHER, Christopher		
LARABIE, Roland		
MALETTE, Léo		
ROVEDA, Dan		
SÉGUIN, Jeremy		
SÉNÉCAL, Denis		
SÉNÉCAL, Lise		
SAVAGE, Joanne (MAYOR)		

CARRIED: \_\_\_\_\_

DEFEATED: \_\_\_\_\_

DEFERRED OR TABLED: \_\_\_\_\_



## WEST NIPISSING PLANNING ADVISORY COMMITTEE

Resolution No.

2019 / 011

April 8, 2019

Moved by / Proposé par :

Seconded by / Appuyé par :

**WHEREAS** a Public meeting was held on April 8, 2019 for draft plan approval of a plan of subdivision in the Township of Springer, Municipality of West Nipissing;

**AND WHEREAS** written concerns have been received and considered ☐ Yes ☒ No

**AND WHEREAS** Oral submissions were made at the said Public Meeting ☐ Yes ☒ No

**BE IT RESOLVED** that the Planning Advisory Committee of West Nipissing



**RECOMMENDS**



**DOES NOT RECOMMEND**

draft approval of the Application for Subdivision Approval made by 2623822 Ontario Limited for plan of subdivision located on Dovercourt Rd, Township of Springer, Municipality of West Nipissing.

**SPECIAL CONDITIONS** to be included in addition to SCHEDULE "A", attached hereto:

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Defeated:

Deferred/Tabled:

  
CHAIR

SECRETARY

	Yeas	Nays
Duhaime, Yvon		
Fisher, Christopher		
Pellerin, Fernand		
Roberge, Normand		
Savage, Joanne		
Sénécal, Denis		
Roveda, Dan		



## Schedule A

### SPECIAL CONDITIONS OF DRAFT APPROVAL

If an approval is forthcoming by the West Nipissing Planning Advisory Committee, it is recommended that the following conditions be imposed on the Owner along with the Conditions of Draft Approval included in Schedule "A" hereto:

- 1) The Corporation of the Municipality of West Nipissing's conditions and amendments to final plan of approval, for registration of Subdivision File No. SUBD2019/02 made by **2623822 Ontario Limited** are as follows:
- 2) That this approval expires three (3) years from the date of approval shown by the "Draft Plan Approval Stamp" on the face of the draft plan. If there is an appeal to the Ontario Municipal Board under section 51 (39) of the *Planning Act*, the three (3) year expiration period does not begin until the date of the order of the Ontario Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 3) This Draft Approval applies to the Plan of Subdivision prepared by GOODRIDGE, GOULET PLANNING & SURVEYING as shown on the attached Schedule A, dated March 18, 2019 which is comprised of 5.16 Hectares (12.6 acres).
- 4) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the Municipality of West Nipissing concerning provision of roads, installation of services, street lighting, and drainage. As well, the owners shall provide a paved shoulder for pedestrian and bicycles.
- 5) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 6) That the owner agrees to convey up to 5% of the land included in the plan ~~or cash in lieu~~ to the Municipality for park or other public recreational purposes.
- 7) The owner covenants and agrees to provide the municipality with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation. The owner further agrees to provide notice to prospective purchaser of the locations of the CMB and that home/business mail delivery will be provided by CMBs provided by the owner, provided that the owner has paid for the activation and equipment installation of the CMB's.
- 8) That the Subdivision Agreement between the owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Subdivision has been registered prior to any encumbrances.

- 9) That the Subdivision Agreement between the owner and the Municipality contain a Special Provision with wording acceptable to Greater Sudbury Hydro Utilities (GSU) or Hydro One to ensure that:
- a. Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to GSU for review and approval.
  - b. Any development in conjunction with the subdivision must not block vehicular access to any GSU/Hydro One facilities located on the right-of-way. During construction, there will be no storage of materials or mounding of earth or other debris on the right-of-way.
  - c. The costs of any relocations or revisions to GSU/Hydro One facilities which are necessary to accommodate this subdivision will be borne by the developer.
  - d. The easement rights of GSU and its legal predecessors are to be protected and maintained.
- 10) That before Municipal Council's Final Approval is given, the Council shall be advised in writing by the Director of Community Services how Condition No. 8 has been satisfied.
- 11) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 9 has been satisfied.

#### NOTES

- 1) We suggest you make yourself aware of the following:
- a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
  - b) Section 143(2) allows certain exceptions.
- ~~2) Prior to any construction, a Fill, Construction and Alteration to Waterways Permit is required from the North Bay-Mattawa Conservation Authority. The subject lands are within an area regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 162/90. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario.~~
- 3) Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 4) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 5) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such

infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

- 6) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with Greater Sudbury Hydro or Hydro One that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with Greater Sudbury Hydro policies or Hydro One and the Ontario Distribution System Code.