

**Regular Council Agenda**  
**AGENDA**

Tuesday, April 24, 2018, 7:00 pm  
Tecumseh Town Hall  
www.tecumseh.ca

	<b>Pages</b>
<b>1. Order</b>	
<b>2. Moment of Silence</b>	
<b>3. National Anthem</b>	
<b>4. Roll Call</b>	
<b>5. Disclosure of Pecuniary Interest</b>	
<b>6. Minutes</b>	
a. Public Council Minutes	4 - 6
Re: April 10, 2018	
b. Regular Council Minutes	7 - 13
Re: April 10, 2018	
<b>7. Supplementary Agenda Adoption</b>	
<b>8. Delegations</b>	
a. Rotary Club Annual Fish Fry Event on July 20, 2018	14 - 28
Re: Kim Spirou, President of the Rotary Club of Essex	
b. Cada Library Complex Renovations	29 - 55
Re: Robin Greenall, Chief Executive Officer, Essex County Library	
c. Senior Advisory Committee and Youth Advisory Committee	56 - 68
Senior Advisory Committee Chair, Doug Drouillard and Vice Chair, Paul Moran	
Youth Advisory Committee Chair Kristi Koutros, and Vice Chair, Maria Giorlando	
<b>9. Communications - For Information</b>	
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Re: Notice of Open Public House - Proposed Amy Croft Secondary Plan	
b. Ministry of the Environment and Climate Change, dated April 5, 2018	71 - 77
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Re: OMB Case No. PL160967 - Request for review	
d. Township of Baldwin, dated April 9, 2018	83 - 85
Re: Bill C-71	

e.	Office of the Prime Minister, dated April 9, 2018	86 - 86
	Re: Infrastructure funding for storm water management and drainage improvements	
<b>10.</b>	<b>Communications - Action Required</b>	
a.	Ernie Hardeman, M.P.P. dated March 26, 2018	87 - 88
	Re: Bill 16 <i>Respecting Municipal Authority Over Landfilling Sites Act</i>	
	<b>That</b> Bill 16, <i>Respecting Municipal Authority Over Landfilling Sites Act</i> introduced by MPP Ernie Hardeman and calls upon the Government of Ontario, and all political parties, to formally grant municipalities the authority to approve landfill projects, <b>be adopted</b> .	
<b>11.</b>	<b>Committee Minutes</b>	
a.	Heritage Committee	
	1. March 19, 2018	89 - 91
b.	Police Services Board	
	1. April 12, 2018	92 - 95
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a.	Chief Administrative Officer	
	1. CAO-2017-07 NAFTA Recommendations from Windsor-Essex	96 - 99
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	1. CS-2018-09 Regulate Election Signs in the Town of Tecumseh	100 - 113
	2. CS-2018-08 Use of Corporate Resources for Election Purposes	114 - 122
c.	Financial Services	
	1. FS-2018-04 Water Sanitary In-House Billing	123 - 137
d.	Fire & Emergency Services	
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e.	Parks & Recreation Services	
	1. PRS-2018-04 Rotary Club Fish Fry	144 - 149
	2. PRS-2018-09 Annual Outdoor Bonfire and Fireworks Event	150 - 153
	3. PRS-2018-08 Tecumseh Corn Festival 2018	154 - 158
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	5. PRS-2018-11 Tecumseh BIA's Fall Into Health Day Event	164 - 168
	6. PRS-2018-12, Etsy In The Park Event	169 - 172
f.	Planning & Building Services	
	1. PBS-2018-15 Town New Sign By-law, Results of Public Engagement and Adoption of By-law	173 - 197

<b>13.</b>	<b>By-Laws</b>	
a.	By-law 2018-13	198 - 199
	Being a by-law to provide for the repair and improvements to the 7th Concession Drain	
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	Being a by-law to amend By-law 85-18, the Town’s Comprehensive Zoning By-law for those lands in the former Township of Sandwich South	
c.	By-law 2018-32	203 - 210
	Being a By-law of The Corporation of the Town of Tecumseh to regulate Election Signs	
d.	By-law 2018-33	211 - 228
	Being a by-law to regulate and govern signs within the municipality.	
e.	By-law 2018-34	229 - 232
	Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Tecumseh with Carter Shows Ltd.	
<b>14.</b>	<b>Unfinished Business</b>	
a.	Unfinished Business Listing	233 - 234
	April 24, 2018	
<b>15.</b>	<b>New Business</b>	
<b>16.</b>	<b>Motions</b>	
a.	In-Camera Meeting	
b.	Confirmatory By-law	
	1. By-law 2018-35	235 - 235
	Being a by-law to confirm the proceedings of the April 24, 2018 regular meeting of the Council of The Corporation of the Town of Tecumseh	
<b>17.</b>	<b>Notices of Motion</b>	
<b>18.</b>	<b>Next Meeting</b>	
	Tuesday, May 8, 2018	
	7:00 pm Regular Council Meeting	
<b>19.</b>	<b>Adjournment</b>	

Minutes of a Public Meeting of  
The Council of the Town of Tecumseh

Tecumseh Council meets in public session on Tuesday, April 10, 2018, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 6:00 pm.

**1. Call to Order**

The Mayor calls the meeting to order at 6:00 pm.

**2. Roll Call**

Present:

Mayor

Gary McNamara

Deputy Mayor

Joe Bachetti

Councillor

Bill Altenhof

Councillor

Andrew Dowie

Councillor

Brian Houston

Councillor

Tania Jobin

Councillor

Rita Ossington

Also Present:

Chief Administrative Officer

Tony Haddad

Director Corporate Services & Clerk

Laura Moy

Director Fire Services & Fire Chief

Doug Pitre

Deputy Clerk & Manager Legislative Services

Jennifer Alexander

Manager Planning Services

Chad Jeffery

**3. Disclosure of Pecuniary Interest**

There is no pecuniary interest declared by a Member of Council.

**4. Introduction and Purpose of Meeting**

The purpose of the meeting is to hear public comment on a Zoning By-law Amendment application that has been filed with the Town to amend Sandwich South Zoning By-law 85-18 for a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning). The purpose of the proposed amendment is to rezone the subject property from "Agricultural Zone (A)" to a site specific "Agricultural Zone (A-28)" that will permit a poultry processing and repackaging facility to operate from the larger of the two agricultural buildings located on the property. The subject property is designated "Agricultural" in the Sandwich South Official Plan.

**5. Delegations**

The Manager Planning Services explains the application to amend the Town's Zoning By-law for the former Township of Sandwich South and the proposed use of the subject lands for a poultry processing and repackaging facility.

He explains the proposed use falls within the definition of an 'agriculture-related use' and meets the intent of the Provincial Policy Statement.

In response to a query, it is explained how the waste will be managed and removed from the property. Mr. Mike Jones of Blackrock Consulting is present with the owners, Mr. and Mrs. Carpenter. He advises the facility, once renovated,



will be a chilled and sealed facility where all waste will be stored until it is removed. There is a Building Code requirement that will need to be met, along with compliance with rules and regulations of the Canadian Food Inspection Agency and the Windsor-Essex County Health Unit.

## 6. Communications

- a. Notice of Public Meeting  
Re: Proposed Zoning By-law Amendment 7095 Manning Road
- b. Resident Letter from Walter Hyland, Muriel Hyland, Brian Hyland and Rina Hyland  
Re: Zoning Amendment 7095 Manning Road
- c. Resident Letter from Mary Reaume  
Re: Zoning Amendment 7095 Manning Road
- d. Essex Region Conservation Authority dated April 3, 2018  
Re: Zoning By-Law Amendment ZBA 7095 Maidstone Townline
- e. County of Essex dated April 9, 2018  
Re: ZBA-2018. Part Lot 2. Concession 12. Registered Plan 12R 12571, Part 1. West Side of County Road No. 19, South of South Talbot Road. Municipal Number 7095

### **Motion: PCM - 17/18**

Moved By                      Councillor Tania Jobin  
Seconded By                Councillor Bill Altenhof

**That** Communications A through E as listed on the Tuesday, April 10, 2018 Public Council Meeting Agenda are received.

Carried

## 7. Reports

- a. PBS-2018-08 Zoning By-law Amendment 7095 Manning D19 7095MAN

### **Motion: PCM - 18/18**

Moved By                      Councillor Bill Altenhof  
Seconded By                Councillor Andrew Dowie

**That** a Zoning By-law Amendment be prepared for Council's consideration at a subsequent regular Council meeting, to amend the Sandwich South Zoning By-law 85-15 by rezoning a 1.8 hectare (4.4 acre) parcel of land situated on the west side of Manning Road, approximately 300 metres south of its intersection with South Talbot Road (7095 Manning Road), from "Agricultural Zone (A)" to a site specific "Agricultural Zone (A-28)" to permit a poultry processing and repackaging facility as an additional permitted use on the subject property, be approved.

Carried

**8. Adjournment**

**Motion: PCM - 19/18**

Moved By Deputy Mayor Joe Bachetti  
Seconded By Councillor Brian Houston

**That** there being no further business, the Tuesday, April 10, 2018 Public Council Meeting now adjourn at 6:15 pm.

Carried

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Gary McNamara, Mayor

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Laura Moy, Clerk

Minutes of a Regular Meeting of  
The Council of the Town of Tecumseh

Tecumseh Council meets in regular public session on Tuesday, April 10, 2018, in the Council Chambers, 917 Lesperance Road, Tecumseh, Ontario at 7:00 pm.

**1. Order**

The Mayor calls the meeting to order at 7:00 pm.

**2. Moment of Silence**

The Members of Council and Administration observe a moment of silence in honour the victims of the Humboldt Broncos hockey team bus accident.

**3. National Anthem**

The Members of Council and Administration observe the National Anthem of O Canada.

**4. Roll Call**

Present:

Mayor  
Deputy Mayor  
Councillor Bill Altenhof  
Councillor Andrew Dowie  
Councillor Tania Jobin  
Councillor Rita Ossington  
Councillor Brian Houston

Gary McNamara  
Joe Bachetti  
Bill Altenhof  
Andrew Dowie  
Tania Jobin  
Rita Ossington  
Brian Houston

Also Present:

Chief Administrative Officer,  
Director Corporate Services & Clerk,  
Director Information & Communication Services  
Director Planning & Building Services,  
Director Fire Services & Fire Chief  
Deputy Clerk & Manager Legislative Services  
Public Works & Environmental Services  
Manager Planning Services,  
Deputy Treasurer & Tax Collector  
Manager Strategic Initiatives  
Manager Recreation Programs & Events

Tony Haddad  
Laura Moy  
Shaun Fuerth  
Brian Hillman  
Doug Pitre  
Jennifer Alexander  
Phil Bartnik  
Chad Jeffery  
Tom Kitsos  
Lesley Racicot  
Kerri Rice

**5. Disclosure of Pecuniary Interest**

There is no pecuniary interest declared by a Member of Council.

**6. Minutes**

A Member requests an amendment to the Regular Council Meeting Minutes, on Communications Item – 9a, Town of Lakeshore, Notice of Open House and Complete Application. The minutes should clarify and note that the Lakeshore development is for two-storey town homes, which is different, not similar, to the Town's Zoning and Official Plan application on the former Pud's Marina property for a five-storey building.

**Motion: RCM - 111/18**

Moved By	Deputy Mayor Joe Bachetti
Seconded By	Councillor Brian Houston

**That** the minutes of the March 27, 2018 Regular Meeting of Council, as amended, and the minutes of the March 27, 2018 Public Meeting of Council, as were duplicated and delivered to the members, are adopted.

Carried

**7. Supplementary Agenda Adoption**

There are no supplementary agenda items.

**8. Delegations****Asset Management Plan Version 2**

The Town's Deputy Treasurer & Tax Collector, Financial Analyst and Manager Engineering Services present the Town's updated Asset Management Plan. They provide a brief history of the Plan since first adopted in December 2013 and explain that the updated Plan (V2) follows the same format as the first version.

The Members are informed of important measures that have been identified and the studies that have taken place during 2014-2017. The Plan includes a legislative review and financial strategy through the Town's commitment to asset management financing through the Lifecycle Program and New Infrastructure Levy (NIL). The Plan will be utilized to determine required enhancement to the Lifecycle and NIL. It is noted that funding from senior levels of government will be essential.

The next steps from Administration are summarized and acknowledgments are extended to everyone who has assisted in the development of the Plan.

The updated Plan is available on the Town's website for review. The Plan will be presented for Council's approval at the May 8, 2018 RCM.

Administration is asked to include a comparison of the Town's Plan to other municipalities plans.

**Motion: RCM - 112/18**

Moved By	Councillor Andrew Dowie
Seconded By	Councillor Rita Ossington

**That** the presentation on the Asset Management Plan Version 2 be received.

Carried

**9. Communications - For Information**

There is no Communications - For Information presented to Council.

**10. Communications - Action Required**

There is no Communications - Actions Required presented to Council.

**11. Committee Minutes****a. Court of Revision – March 27, 2018****Motion: RCM - 113/18**

Moved By Councillor Tania Jobin  
Seconded By Councillor Brian Houston

**That** the March 27, 2018 minutes of the Court of Revision, as was duplicated and delivered to the Members of Council, are accepted.

Carried

**b. Senior Advisory Committee – March 22, 2018****Motion: RCM - 114/18**

Moved By Councillor Andrew Dowie  
Seconded By Councillor Bill Altenhof

**That** the March 22, 2018 minutes of the Senior Advisory Committee, as was duplicated and delivered to the Members of Council, are accepted.

Carried

**12. Reports****a. Chief Administrative Officer****1. CAO-2018-06 AMO Main Street Revitalization Grant****Motion: RCM - 115/18**

Moved By Deputy Mayor Joe Bachetti  
Seconded By Councillor Brian Houston

**That** report CAO-2018-06 AMO Main Street Revitalization Grant Funding be received.

**That** a new accessible pathway at the Tecumseh Heritage Museum, which is in the Town's Tecumseh Road Main Street CIP Area, be approved, at an estimated cost of \$12,500 plus HST.

**That** the by-law authorizing the Town to enter into an Agreement with the Association of Municipalities of Ontario attached to this report be approved.

Carried

**b. Financial Services****1. FS-2018-05 Statement of Remuneration and Expenses Paid in 2017**

Councillor Dowie notes that he is a Council representative on the Essex County Library Board and receives a monthly stipend of \$100.00 for approximately \$1000.00 annually.

**Motion: RCM - 116/18**

Moved By                      Councillor Brian Houston  
Seconded By                Councillor Rita Ossington

**That** Financial Services Report No. FS-2018-05 Statement of Remuneration and Expenses Paid in 2017 be received.

Carried

**c. Parks & Recreation Services****1. PRS-2018-13 Lakewood Park - Tree Carving Cadillac and LaSalle****Motion: RCM - 117/18**

Moved By                      Councillor Rita Ossington  
Seconded By                Councillor Bill Altenhof

**That** Erie Treasures Custom Chainsaw Art be contracted in the amount of \$4,500 plus HST to carve the likeness of Antoine de Lamothe Cadillac and René-Robert Cavelier, Sieur de LaSalle, as proposed, at Lakewood Park;

**And that** an additional \$1,000 plus HST be allocated to landscape the area after the carving has been completed;

**And further that** funding of \$5,600 be provided from the One-Time Strategic Issues Lifecycle Reserve.

Carried

**d. Planning & Building Services****1. PBS-2018-13 Results of Public Consultation Process and Recommended Changes to the TTS for 2018**

A Member notes that residents would like to see extended hours for the transit service. The Manager Planning Services advises an extension to 6:30 pm has been explored and potential costs. The indication is that a later time may be more appropriate.

**Motion: RCM - 118/18**

Moved By                      Councillor Brian Houston  
Seconded By                Councillor Bill Altenhof

**That** the results of the Public Consultation process regarding the proposed changes to the Tecumseh Transit Service, as noted in report PBS-2018-13, be received;

**And that** the changes to the Tecumseh Transit Service Route, as noted in report PBS-2018-13, be authorized.

Carried

2. PBS-2018-14 CIP Grant Funding, 1071 Lesperance Road

**Motion: RCM - 119/18**

Moved By Councillor Brian Houston  
Seconded By Deputy Mayor Joe Bachetti

**That** the Grant Application for the Tecumseh Road Main Street Community Improvement Plan Financial Incentive Program, for the property located at 1071 Lesperance Road (Roll No. 374406000005100), be approved and deemed eligible for the following Financial Incentive(s) in accordance with Section 11.3 (5):

- Planning, Design and Architectural Grant, for a total amount of \$3,000.00 toward the preparation of architectural drawings, all of which is in accordance with the Tecumseh Road Main Street Community Improvement Plan and PBS-2018-14.

Carried

13. By-Laws

**Motion: RCM - 120/18**

Moved By Councillor Brian Houston  
Seconded By Councillor Tania Jobin

**That** By-Law No. 2018-27 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2018;

**And That** By-Law No. 2018-28 being a by-law to authorize the execution of an Agreement with the Province of Ontario and The Corporation of the Town of Tecumseh under the Main Street Revitalization Initiative;

**And Further That** By-Law No. 2018-29 being a by-law to provide for the adoption of tax rates, area rates and additional charges for Municipal, County and Education purposes for the Year 2018.

Be given first and second reading.

Carried

**Motion: RCM - 121/18**

Moved By Councillor Brian Houston  
Seconded By Councillor Rita Ossington

**That** By-Law No. 2018-27 being a by-law to levy a special charge of the Business Improvement Area and to provide for its collection for the year 2018;

**And That** By-Law No. 2018-28 being a by-law to authorize the execution of an Agreement with the Province of Ontario and The Corporation of the Town of Tecumseh under the Main Street Revitalization Initiative;

**And Further That** By-Law No. 2018-29 being a by-law to provide for the adoption of tax rates, area rates and additional charges for Municipal, County and Education purposes for the Year 2018.

Be given a third and final reading.

Carried

**14. Unfinished Business**

The Members receive the Unfinished Business listing. In response to a query, the CAO advises that best efforts are being made to address the issues on the list prior to the end of Council's term.

**15. New Business****Splash Pad**

A Member extends appreciation for the new Splash Pad at St. Mary's Park.

**40 under 40 Award**

Congratulations are extended to Councillor Dowie on his 40 under 40 Award.

**Signs**

Members request that tired signage be refreshed and replaced.

**Lakeview Montessori School.**

As result of an event at Lakeview Montessori School recently, there were vehicles parking on St. Marks Road from Riverside Drive to Hayes Avenue. Public Works and Environment Services is to look into designating a Community Safety Zone on St. Marks Road and is asked to meet with representatives of Lakeview Montessori School and St. Mark's by-The-Lake Church to discuss scheduling of events to mitigate parking concerns.

**Water Ponding**

Administration is asked to look into the ponding of water on the vacant properties on the south side of Lanoue Street and west of Manning Road and on County Road 42.

**VIA Rail Brushing**

Members' concerns are expressed for the brushing works along the VIA rail near Tecumseh Road. Administration is asked to contact VIA to prevent potential hazards to pedestrians.

**St. Anne Street**

A Member notes that there is a tree stump on St. Anne's Street near St. Antoine's School that is overgrown and impeding the sidewalk area. Administration is asked to remove any potential public safety hazards.

**16. Motions****a. In-Camera Meeting****Motion: RCM - 122/18**

Moved By	Councillor Brian Houston
Seconded By	Councillor Rita Ossington

**That** the direction given to legal counsel at the April 10, 2018 Closed Meeting of Council held at 5:00 pm in accordance with Section 239(2)(f)(d) of the Municipal Act, 2001, which permits a meeting, or part of a meeting of Council, to convene in closed session when the subject matter to be considered is advice that is subject to solicitor-client privilege including communications necessary for that purpose and including labour relations, employee negotiations, the Section 43 Ontario Municipal Board decision on Del Duca, a planning matter regarding the Dupuis property, and to authorizing the renewal of certain employment agreements, be confirmed.

Carried



**b. Confirmatory By-law****Motion: RCM - 123/18**

Moved By Deputy Mayor Joe Bachett  
Seconded By Councillor Brian Houston

**That** By-Law 2018-30 being a by-law to confirm the proceedings of the Tuesday, April 10, 2018, regular meeting of the Council of The Corporation of the Town of Tecumseh be given first, second, third and final reading.

Carried

**17. Notices of Motion**

There are no notices of motion presented to Council.

**18. Next Meeting**

The next Regular Council meeting will be held at 7:00 pm on Tuesday, April 24, 2018.

**19. Adjournment****Motion: RCM - 124/18**

Moved by Councillor Brian Houston  
Seconded By Councillor Bill Altenhof

**That** there being no further business, the Tuesday, April 10, 2018 meeting of Regular Council now adjourn at 8:25 pm.

Carried

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Gary McNamara, Mayor

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Laura Moy, Clerk

Rotary



Ghana Mission 2017

Rotary Club of Essex  
2017 Humanitarian Mission to Ghana

# Rotary



# Ghana Mission 2017



We raised **\$190,000!!!**

## Mission Statistics

- 21 Volunteers
- 483 Donors - \$190,000
- 57 Hockey Bags
- 2 Containers shipped ahead
- 18 Projects undertaken in the areas of literacy, water, sanitation, economic development, maternal & newborn and disease prevention.

# Rotary



# Ghana Mission 2017



Father Stephen Amoah Gyasi



Where is Ghana?



# Rotary



# Ghana Mission 2017





# Rotary



# Ghana Mission 2017

## #6 Akwaba #7



## Extreme Poverty & Hardships

### Population:

- 95,000
- 118 Outposts
- 92% subsistence famers (cocoa, cassava, palm oil)



# Rotary



# Ghana Mission 2017



## Extreme Poverty & Hardships

- 5% work as traders on the streets
- 3% Gov't work
- Most families have no regular income and survive on less than \$5.00 a week



# Rotary



# Ghana Mission 2017





# Rotary



# Ghana Mission 2017



Chat with the Chiefs

Rotary



Ghana Mission 2017

Water & Sanitation Projects

Saving lives one well at a time!



# Rotary



# Ghana Mission 2017



Contaminated water sources



# Rotary



# Ghana Mission 2017

## Water – The Gift of Life!





# Rotary



# Ghana Mission 2017



Dossi Well



# Rotary



# Ghana Mission 2017

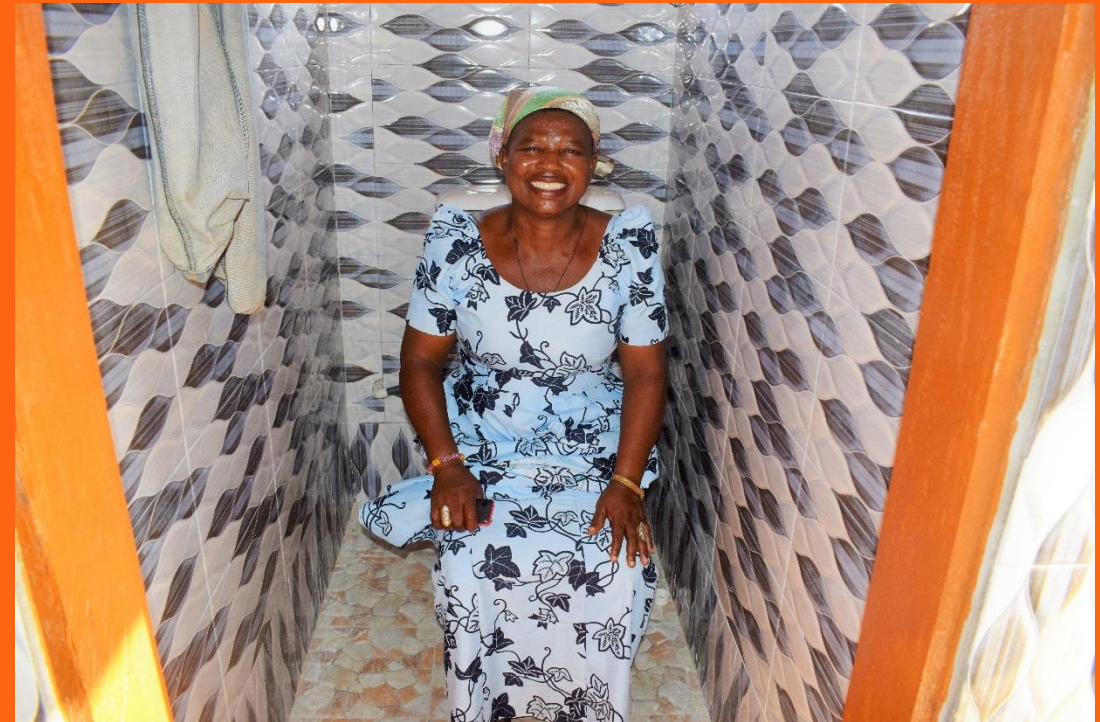


## Endwa Sanitation Project

# Rotary



# Ghana Mission 2017





# Rotary



# Ghana Mission 2017







# refresh/renovate

January 17, 2018



Essex County Library, Tecumseh Branch  
**Concept Design**



## option: refresh

### summary of Changes

- new furniture
- new carpeting and floor tile
- walls painted

study area

washrooms

(unchanged or new single universal)

staff area

circulation desk

program room

children's area

main entrance

shelving 60" h.

computers

book return

### notes for this option

- existing layout unchanged
- existing two public washrooms – two options
  - change finishes only;
  - combine two washrooms into single accessible washroom
- main entrance unchanged;
- former council room elevated area remains or removed;

January 17, 2018

**floor plan**





January 17, 2018

computer area





January 17, 2018

**lounge & study areas**





January 17, 2018

children's area





January 17, 2018

existing building & site photographs



new book return

new staff area

new opening to corridor

new enlarged accessible washrooms &  
new universal washroom

new shelving 60" h.

new opening  
to corridor

updated  
program room

new enlarged door & windows

new lounge area

update children's area

new lounge area

new teen area

## option: renovate

new windows

new information desk

update computer area

updated open study area

new lounge area

new quiet study rooms

new fireplace lounge area

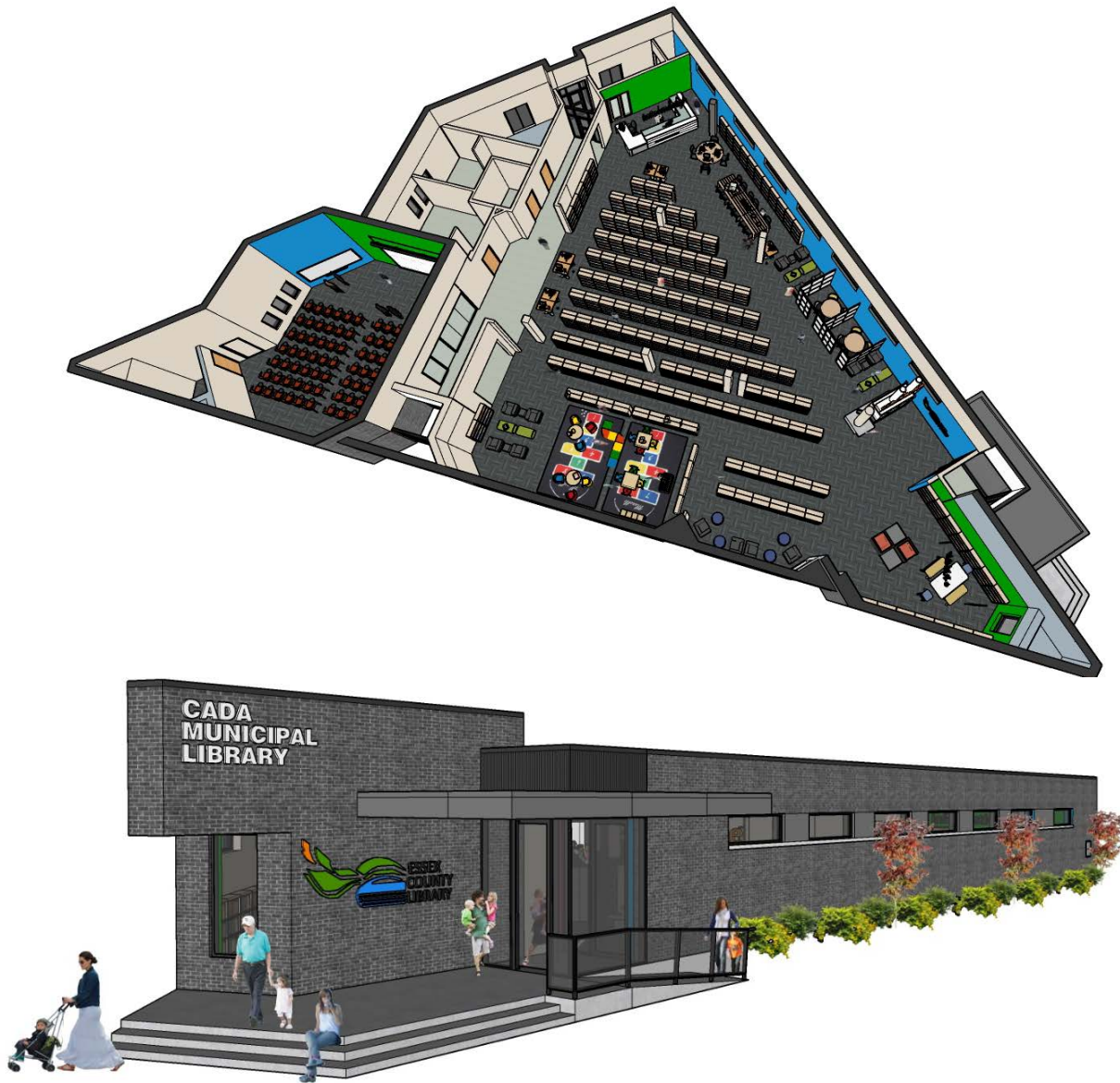
new entrance area

new main entrance

new windows

January 17, 2018

floor plan



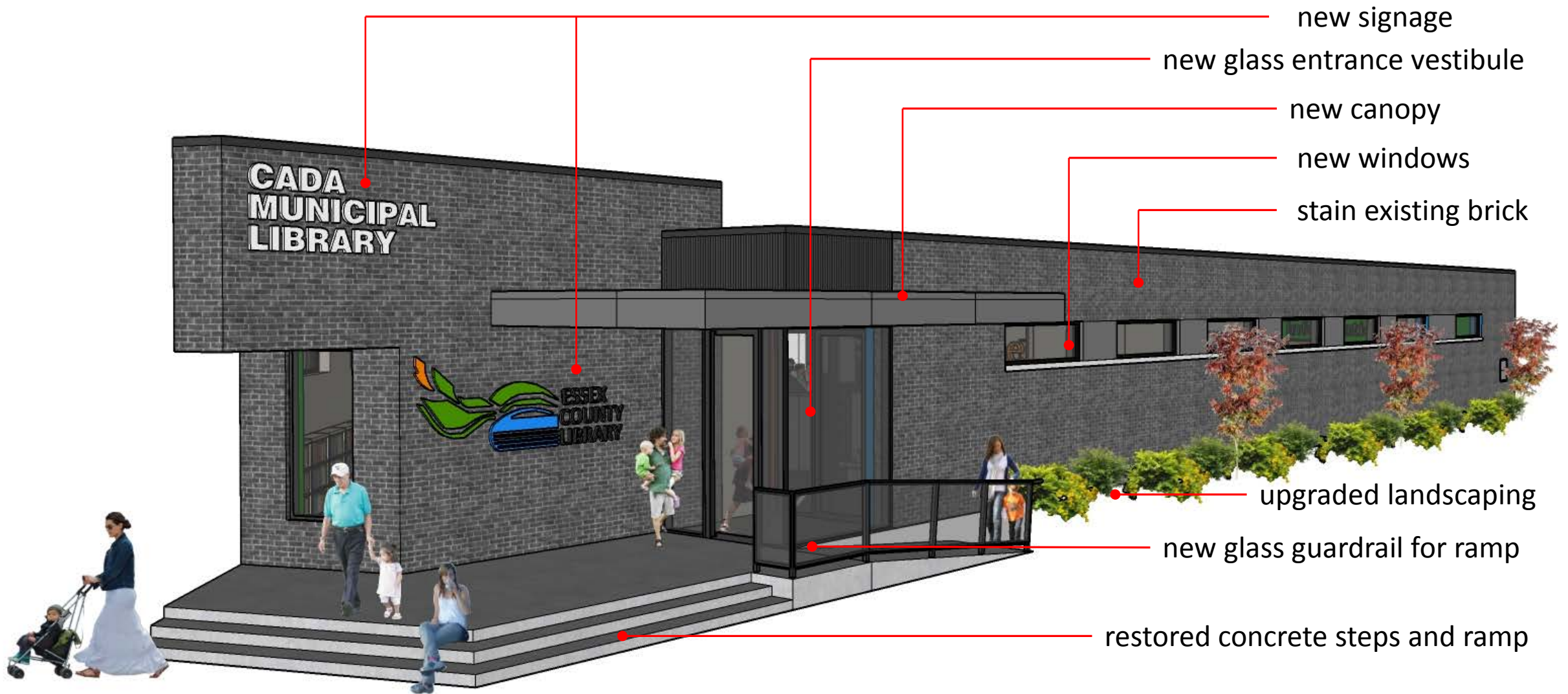
## summary of major changes

- new furniture
- new carpeting and floor tile
- walls painted
- new wayfinding signage
- new staff area and book return
- redesigned layout for entire building
- larger, barrier free, washrooms to accommodate occupant load
- new universal washroom
- new quiet study rooms
- new main entrance with direct access to main parking lot
- direct access to additional parking at rear of building
- upgraded program room for multi-use purposes
- program room opened up to library area through new wall opening and larger door opening with glazing
- relocated information desk for enhanced supervision and access to entrances/exits
- new clerestory windows providing natural lighting for general library space, information and teen areas
- new teen area with speciality seating
- updated children area
- better integration of existing corridor with general library area
- new lounge areas with soft seating in various locations

January 17, 2018

**option: renovate | summary of major changes**





January 17, 2018

exterior perspective

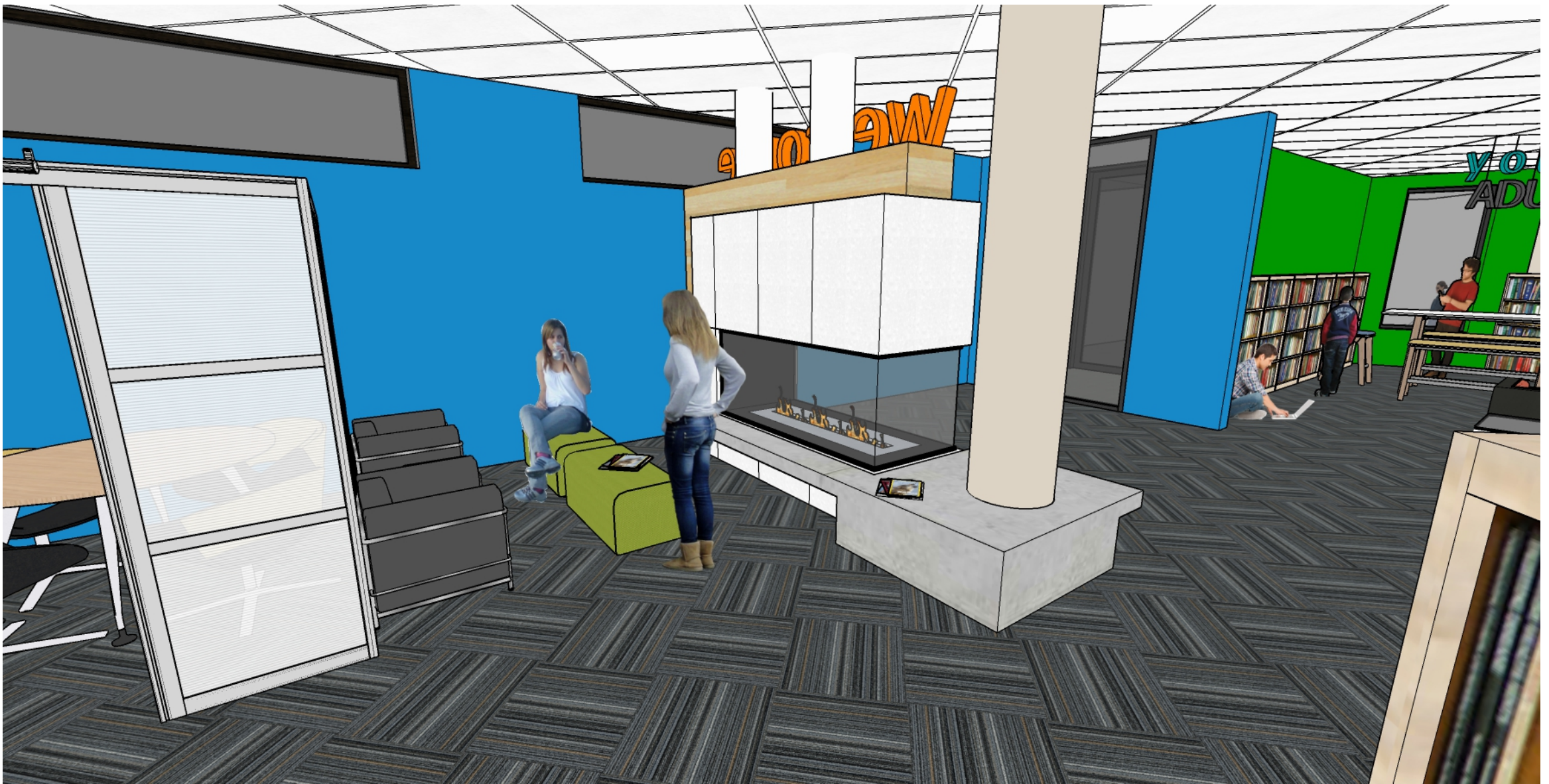




January 17, 2018

view from new main entrance





January 17, 2018

fireplace lounge area

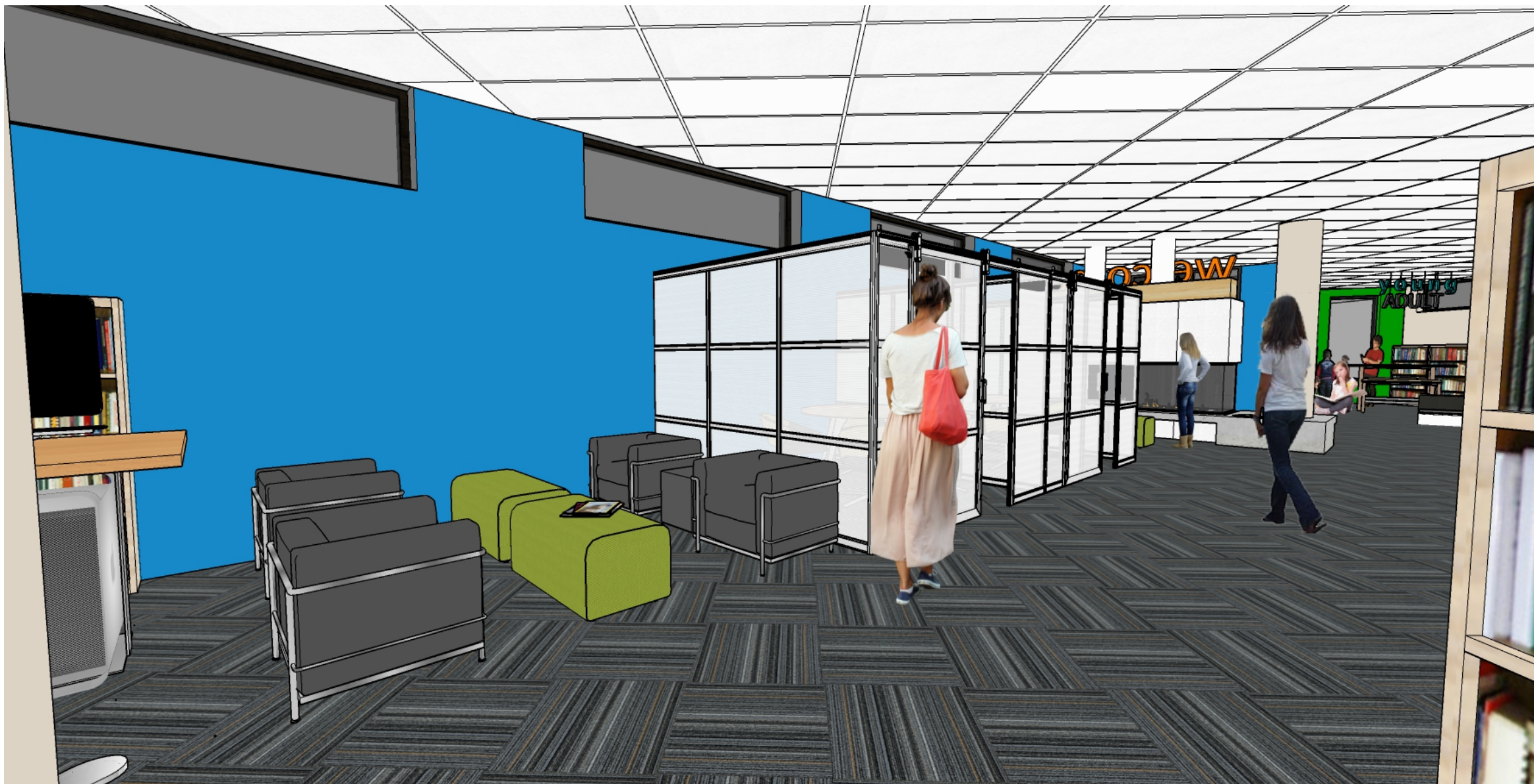




January 17, 2018

quiet study rooms





January 17, 2018

lounge area





January 17, 2018

**new information desk, open study & computer areas**





January 17, 2018

children's area & parents lounge





January 17, 2018

teen area





January 17, 2018

view from secondary entrance & new information desk





January 17, 2018

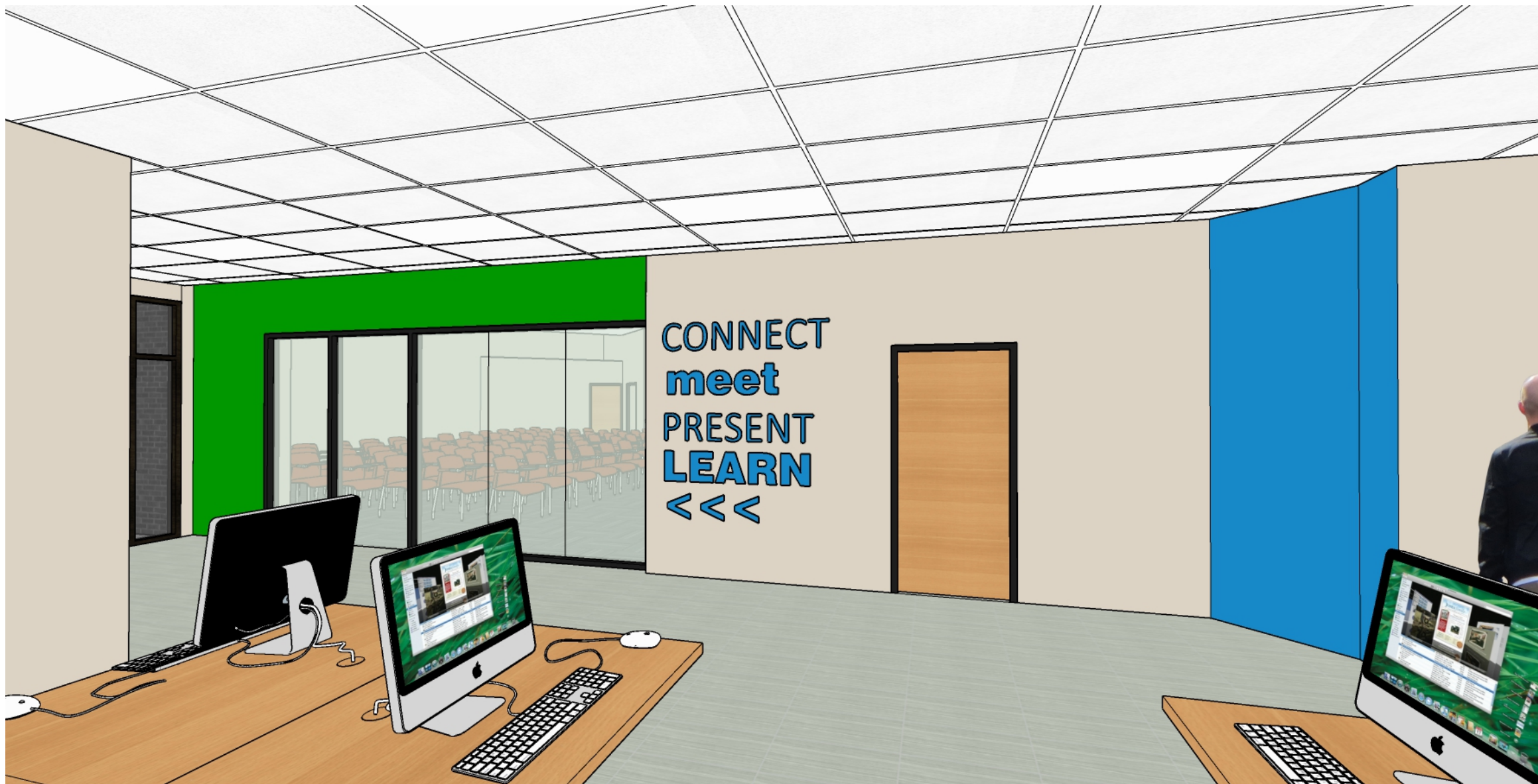
**new information desk**





January 17, 2018

view from existing main corridor



January 17, 2018

view to program room from library area





January 17, 2018

multi-use program room





before



after

January 17, 2018

## exterior view comparison



option: **refresh** | construction value

scope of work	estimated cost
paint all spaces	\$19,050.00
new Flooring (carpet & tile)	\$95,250.00
remove elevated floor from Program Room (includes renovations to finishes following removal of elevated floor)	\$40,000.00
replace windows	\$60,000.00
replace finishes & fixtures in washrooms or convert to single universal washroom	\$20,000.00
subtotal	\$234,300.00
recommend contingency (20%)	\$46,860.00
<b>grand total (hst excluded)</b>	<b>\$281,160.00</b>

option: **renovate** | construction value

scope of work	estimated cost
new main entrance & canopy	\$20,000.00
upgrade exterior facades (new aluminum composite metal panels & stained brick)	\$171,000.00
upgrade exterior landscaping	\$20,000.00
extensive interior renovations includes painting, flooring, ceilings, lighting, windows, doors, washrooms, mechanical, plumbing and electrical systems	\$880,000.00
subtotal	\$1,096,000.00
recommend contingency (20%)	\$219,200.00
<b>grand total (hst excluded)</b>	<b>\$1,315,200.00</b>

Note: The values indicated above represent the estimated cost of construction only and does not included furniture, furnishings or equipment.

January 17, 2018

order of magnitude budget

# Distribution of Cost – Past Projects

Year	Municipality	Municipal Contribution	ECLB Contribution
2014	Lakeshore – Atlas Tube Centre	\$2.2 million of total 62 million (construction costs) Design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	\$323,769.12 equipment, furnishings, computer hardware and installation
2014	Lakeshore - Woodslee	\$640,000 of total \$2.4 million (construction costs) Design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	\$97,381.93 equipment, furnishings, computer hardware and installation



Year	Municipality	Municipal Contribution	ECLB Contribution
2014	LaSalle	\$3.7 million of a total \$12.3 million (construction costs) Design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	\$355,832.93 equipment, furnishings, computer hardware and installation
2011	Essex	purchase and renovation cost of Essex Branch – Essex Community Centre. Cost included design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	\$146,803.92 equipment, furnishings, computer hardware and installation
2010	Kingsville	\$1,667,000 purchase and renovation cost of the Highline Branch Kingsville. Cost included construction and finishes (carpet, lighting, wall covering...) electrical and utility installation	\$296,406.61 equipment, furnishings, computer hardware and installation

# Distribution of Cost – Current Projects

Year	Municipality	Municipal Contribution	ECLB Contribution
2018 - 2019	Leamington	Estimated \$900,000 + Design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	Est. \$350,000 - \$400,000 equipment, furnishings, computer hardware and installation
	Tecumseh	Est. \$281,160 - \$1,315,200 Design, engineering, construction and finishes (carpet, lighting, wall covering...), electrical, utility installation	Est. \$350,000 - \$400,000 equipment, furnishings, computer hardware and installation



# Essex County Library – project proposal

The Essex County Library Board proposes to the Town of Tecumseh that they enter into an agreement to refresh/renovate the Cada Library Branch. Whereby the town will contribute to the capital upgrades to the facility and the Board will contribute to the installation of new equipment, furnishings and computer hardware to meet the service needs of the community.



# Youth & Senior Advisory Committees

Presentation to Town Council  
April 24, 2018





# Presentation Outline

- 1) Introduction of Senior Advisory and Youth Advisory Committee Members
- 2) Committee Mandates
- 3) Committee Accomplishments
- 4) Committee Initiatives
- 5) Questions and/or Comments



# Meet the Members: Senior Advisory Committee

## Members:

- Douglas Drouillard (Chair)
- Paul Morand (Vice-Chair)
- Dara Pfeifer O' Connor
- Nancy Tennant
- Michelle Phillion
- Suzanne Beneteau





# Meet the Members: Youth Advisory Committee

- Kristi Koutros (Chair)
- Maria Giorlando (Vice Chair)
- Ava Ruuth (Secretary)
- Michael Altenhof (Treasurer)
- Andre Ducharme
- Brendan Froese
- Jacob Altenhof

*YAC & SAC positions are held for the term of Council.*



# SENIOR ADVISORY COMMITTEE (SAC)

The purpose of the SAC is to:

- provide advice to Council and Administration of the Town on issues that affect area seniors;
  - work with Town departments, agencies and organizations for the purpose of improving the quality of life for senior residents in Tecumseh;
  - solicit input and act as a public forum for issues that affect local seniors; and
  - identify barriers of access to seniors to Town services and programs.
- The Senior Advisory Committee is comprised of members over the age of 60.
  - The Committee meets on the fourth Thursday of every month at 6:00 pm.





# YOUTH ADVISORY COMMITTEE (YAC)

The purpose of the YAC is to:

- provide advice to Council and Administration of the Town on issues that affect area youth; and
  - work with Town departments, agencies and organizations that are involved in youth initiatives.
- The Youth Advisory Committee is comprised of area youth between the ages of 13-23.
  - The committee meets on the third Monday of every month at 4:30 pm.



# SAC 2017 Accomplishments

- **Canada 150 Mural Mosaic Project** – volunteered to assemble the ‘Thank You’ packages for participants and assisted at the painting workshops, held on June 19 – 20, 2017
- **Education Workshops** – hosted two (2) education workshops, in partnership with the OPP;
  - ‘Fraud for Seniors’ was hosted at the Plaza East and Place Tecumseh apartment buildings on July 19, 2017
  - ‘Understanding Powers of Attorney’ was hosted at the Golden Age Club on December 7, 2017, presented by R. Craig Stevenson from R. Craig Stevenson Law Office
  - Both workshops were well-received and provided informative information to Tecumseh older adults and seniors





# SAC

## 2017 Accomplishments Cont'd

- **Seniors Community Grant Program** - received grant funding in support of a pilot partnership program with Life After Fifty (LAF);
  - Exciting opportunity to raise awareness and educate older adults on the various ways to participate in the community by engaging in active, healthy and social programming benefits offered by LAF;
  - Provided LAF Memberships to forty-four (44) Tecumseh seniors, at an annual cost of \$150/membership. Membership enables seniors to participate in the scheduled programs at the East Side [WFCU] & West Side [McEwan] Centres which are designed to promote active aging and wellness; and
  - Afforded Tecumseh seniors the opportunity to participate in social events presented by LAF: Sgt. Wilson's Air Force Dinner Show and Brunch & Programming Day at the West Side Centre, along with accessible bus transportation.



# SAC 2018 Initiatives

- **Senior Services Directory** – compiling a list of senior services offered in Windsor-Essex County to showcase what services are available to seniors in the areas of health and wellness, social, well-being, etc.
- **Fall Prevention Clinic** – hosting a Fall Prevention Clinic, in partnership with the Windsor-Essex County Health Unit, on August 10 at the Golden Age Club. Each 30 minute screening assesses an individual on what might be putting them at risk for falling, educates them on how to reduce the risk of falling and connects them with community resources.
- **Ontario Sport and Recreation Communities Fund** – made application for a 'Senior Fitness Around Town' program for seniors to increase their physical activity and help them lead engaged, active and healthy lifestyles in a recreational environment.
- **Education Workshops** – continued education and awareness workshop coordination on various topics.





# YAC 2017 Accomplishments

- **Earth Day** - organized a Scavenger Hunt at Lakewood Park as part of the Town Earth Day activities on April 22, 2017
- **Canada 150 Mural Mosaic Project** – volunteered at the painting workshops, held on June 19 – 20, 2017, and contributed to the legacy of painting a tile
- **Rock & Swim / Social Media Day** – sponsored a DJ to enhance the Rock & Swim on June 30, 2017 at the Tecumseh Leisure Pool;
  - Engaged youth to participate in the Community Chalk Tweet by drawing and/or writing their favourite things about Tecumseh, centered around the Canada 150 theme, and shared the images on YAC's social media
- **Recreation Events** – assisted the Recreation Department with planned activities for the Canada Day Celebrations, Community Bonfire & Marshmallow Roast, Christmas in Tecumseh and Breakfast with Santa family-friendly events



# YAC 2017 Accomplishments Cont'd

- **Ontario 150 Partnership Program Grant** – received grant funding to support Youth Entrepreneurship;
  - Hosted a Youth Job Fair on December 13, 2017 in the Auditorium at I'Essor High School
  - The Youth Job Fair provided an opportunity for youth to meet and interact with fifteen (15) various sectors of employment, such as Canada Border Services Agency, OPP, St. Clair College Fire Services, University of Windsor, Workforce WindsorEssex and the Town of Tecumseh
  - Approx. 120 students from I'Essor and St. Anne's High School were able to learn about the educational requirements for employment opportunities and how to develop the necessary skills to obtain employment
- **Local Government Week (LGW)** - provided consultation and ideas on ways to engage local youth in LGW and assisted with the promotion of LGW contests and activities





# YAC 2018 Initiatives

- **Youth Job Fair** – exploring hosting the Youth Job Fair annually following the success of the inaugural event.
- **Event Sponsorship & Participation** – partnering with the Recreation Department to provide a number of family-friendly activities, including:
  - Family Day, Earth Day and Canada Day Celebrations
  - Sponsoring a DJ to enhance the Rock N' Swim Pool Party at the Tecumseh Leisure Pool
  - End of Summer Concert with Bonfire / Marshmallow Roast & Fireworks
  - Christmas in Tecumseh & Santa Parade, along with Breakfast with Santa
- **Outdoor Movie Night** – coordinating and sponsoring an Outdoor Movie Night during the Summer for the enjoyment of the community
- **Local Government Week** – provide collaboration and ideas for engaging local youth to participate in LGW



# QUESTIONS AND/OR COMMENTS?





APR 11 2018

Town of Tecumseh



**NOTICE OF PUBLIC OPEN HOUSE**  
**Proposed Amy Croft Secondary Plan**  
**FILE: Official Plan Amendment No. 13**

April 3, 2018

You are invited to attend a public open house related to the Amy Croft Secondary Plan.

**Date: Wednesday, April 25, 2018**  
**Time: 5:00 pm to 7:00 pm**  
**Location: Town Hall Council Chamber**  
**419 Notre Dame Street, Belle River**

Representatives from the municipality, as well as consultants working on the study will be in attendance at the Open House to discuss the studies and to answer questions.

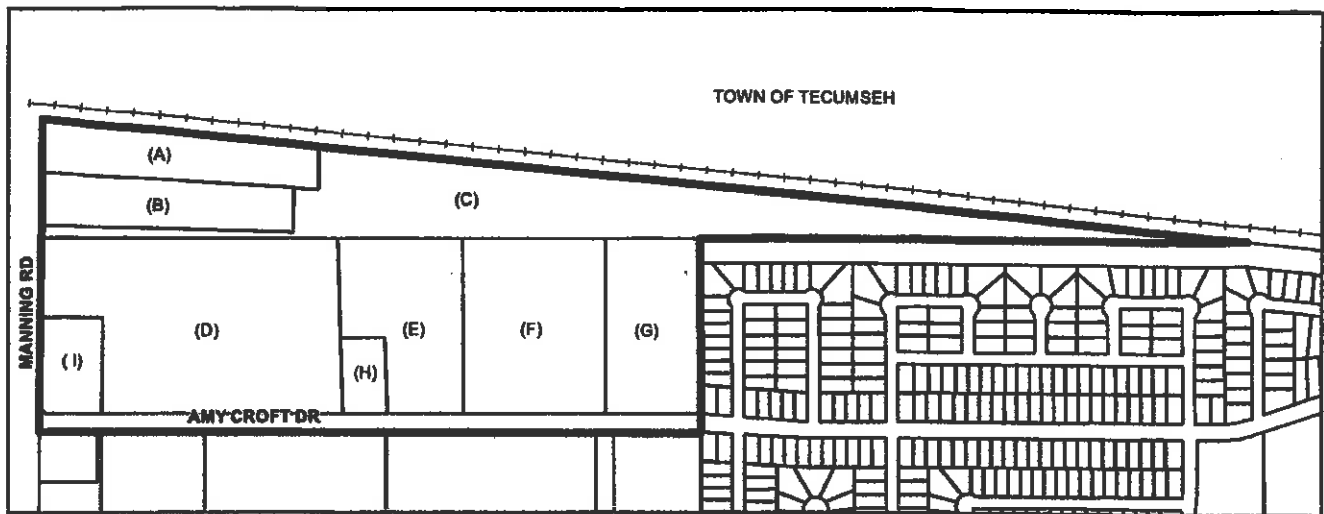
**Purpose of the Study:**

The purpose of the secondary planning exercise is:

- To update the planning framework, by identifying the planned road network, road improvements and municipal services to ensure that development proceeds in a logical and phased manner, and introduce landowner cost sharing and coordination policies.
- The Secondary Plan will ensure that costs associated with the required infrastructure improvements are equitably shared amongst the benefitting landowners, and allow the municipality to review and respond to subsequent planning applications for the development of the Secondary Planning area.

**Study Area:**

The Secondary Plan Area is illustrated on the map below, contains a total of 68 acres (27.5 ha) in area, and is generally bound by Manning Road to the west, Amy Croft Drive to the south, the residential neighbourhood to the east, and the CN Rail mainline to the north.



**Amy Croft Secondary Plan Area**

Access to the draft **Official Plan Amendment (OPA) No. 13** and **background studies** can be viewed on the municipality's website at [www.lakeshore.ca](http://www.lakeshore.ca). Click "Build Lakeshore / Planning Overview" and select "Amy Croft Secondary Plan".

**ALL PERSONS RECEIVING NOTICE** of this **Open House** will also receive a Notice of a Statutory Public Meeting. Any other person who wishes to receive a Notice of Public Meeting in respect of the proposed official plan amendment must make a written request to the **Municipal Clerk, Town of Lakeshore, 419 Notre Dame Street, Belle River ON, N0R 1A0**.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Municipal Office (Town of Lakeshore), Development Service Department, Planning Division, during regular office hours (8:30 a.m. to 4:30 p.m.).

If you would like to forward your views on this application, or cannot attend this meeting but would like notification of future public meetings and further information, please do so in writing to Maureen Emery Lesperance, Planning Coordinator at 419 Notre Dame Street, Belle River Ontario N0R 1A0, or by email (please include your mailing address) at [mlesperance@lakeshore.ca](mailto:mlesperance@lakeshore.ca). Written submissions will become part of the public record.

The Secondary Plan is being carried out in accordance with the requirements of the *Planning Act*.

**DATED AT THE TOWN OF LAKESHORE THIS 3<sup>rd</sup> DAY OF APRIL 2018.**



**From:** protection, source (MOECC) <[source.protection@ontario.ca](mailto:source.protection@ontario.ca)>

**Sent:** April-05-18 5:53 PM

**To: Subject:** Regulatory decisions – Clean Water Act & Safe Drinking Water Act

Dear Ontario Municipalities,

I am pleased to advise you that we have posted two regulatory Decision Notices on the Environmental Registry. These decisions are intended to ensure sources of drinking water continue to be protected by the *Clean Water Act* and have an effective date of July 1, 2018. The regulations were consulted on through the Environmental Registry and various stakeholder sessions and we appreciate all feedback received.

The first decision notice ([EBR #013-1840](#)) refers to the regulation developed under the *Safe Drinking Water Act, 2002*. This regulation requires:

- municipal residential drinking water system owners ensure work to assess the vulnerability of new or expanding drinking water systems is completed, and accepted by the local source protection authority, before they can apply for a drinking water works permit; and
- that water not be provided to the public until the source protection plan that protects the system is approved.

The second decision notice ([EBR #013-1839](#)) identifies the amendments that were made to Ontario Regulation 287/07 – “General” under the *Clean Water Act, 2006*.

- The amendments to the General regulation improve the regulatory framework by:
  - requiring liquid hydrocarbon pipelines be assessed in all source protection areas and, where necessary, that policies be included in updated source protection plans,
  - expanding the list of administrative amendments that are permitted without requiring full public consultation – such as removing decommissioned systems, and
  - increasing transparency through additional notification requirements so that municipalities and other implementing bodies are aware of changes that could reduce the need for policy implementation.
- To support the implementation of the new regulation under the *Safe Drinking Water Act*, the regulation requires that source protection authorities issue a notice to a drinking water system owner when they have received, and are satisfied with, vulnerable area information for any new or expanding drinking water system where it differs from that affects existing vulnerable areas. The notice must also, and identify what changes to the source protection plan are required.

The summaries provided above reflect changes made as a result of comments received on the regulation proposals. Changes affect how municipalities or drinking water system owners ensure the vulnerable areas for new or expanding municipal residential drinking water systems are included in source protection plans. Initially it was proposed that a municipal council resolution endorsing these vulnerable areas be submitted with a drinking water works permit application. The regulation now requires the application for a new or amended drinking water works permit include a notice from the source protection authority that they have, and are satisfied with, the vulnerable area information. The notice must also indicate when the source protection authority can proceed with any necessary amendments to the source protection plan. The regulation under the *Safe Drinking Water Act* also requires the Director to include a condition on drinking water works permits or licenses to ensure the system does not provide drinking water to the public until the source protection plan amendments are approved.

To ensure that these regulations do not cause unnecessary delays for municipalities, it's important that you engage your local source protection authority project manager in the early stages of planning for municipal residential drinking water systems, whether you are planning for a new system or expanding an existing system. By engaging them early, they can provide advice on the work that needs to be done, or even help with

this work. This will also allow them to begin to prepare the notice you will need for a drinking water works permit application, and begin discussions on necessary source protection plan updates. We are working with source protection authorities to ensure they understand their role in implementing these new requirements.

Comments received on the regulation proposals also identified the need for guidance and raised concerns about the ability to fund this work. We are developing guidance to ensure municipalities, system owners and source protection authorities are aware of the regulatory requirements and begin work to identify vulnerable areas early, in order to avoid delays at the permitting stage. If, as we roll out this guidance, you feel there is a gap, please let us know. In terms of funding, municipalities have various options available to them to recover the costs for building in source protection planning in new or expanding drinking water systems, including the use of development charges or through water rates. Additionally, the province continues to fund source protection authorities to implement the program and support municipalities with technical work and policy development. In some circumstances there may be additional opportunity for funding where eligible under the Ontario Community Infrastructure Fund, or other funding for small rural municipalities.

If you have any questions about these regulations please feel welcome to contact me, Debbie Scanlon, Manager, Source Protection Approvals or Jennifer Moulton directly at (519) 860-7851 or by email [Jennifer.l.moulton@ontario.ca](mailto:Jennifer.l.moulton@ontario.ca).

*Sent on behalf of Heather Malcolmson*

*Heather Malcolmson*

*Director, Source Protection Programs Branch*

*Ministry of the Environment and Climate Change*

***Clean Water Act, 2006 General Regulation (O. Reg. 287/07) Amendment and  
New Regulation under the Safe Drinking Water Act, 2002***  
**Questions and Answers**  
**EBR Decision Notices: April 5, 2018**

**KEY MESSAGES**

- Ontario is taking action to ensure safe drinking water sources through new requirements and updates to existing rules.
- The new regulation under the *Safe Drinking Water Act* will ensure protections are in place for new or expanding drinking water systems before treated water is provided to the public.
- The updates to the General regulation under *Clean Water Act* will ensure source protection plans are kept up to date, reduce administrative burdens, clarify requirements for amendments that deal with new or alterations to existing municipal drinking water systems and add pipelines as a new threat of provincial interest.
- The new regulation and changes take effect on July 1, 2018.

**Q1. What's the news?**

The Ministry of the Environment and Climate Change (ministry) has established a new regulation under the *Safe Drinking Water Act* to ensure sources of drinking water for new or expanding municipal drinking water systems are protected before treated water is provided to the public. The ministry also made changes to the General regulation (O. Reg. 287/07) under the *Clean Water Act* to improve how source protection plans are kept up to date and relevant.

**Q2. Why did the ministry make regulatory changes?**

The ministry is committed to continuous improvement of the source water protection framework and to ensure that source protection plans remain relevant and up to date. Regulatory changes were made to ensure that new or expanding municipal residential drinking water systems within source protection areas are protected by source protection plans before treated water is provided to the public. The changes also address implementation challenges, reduce burden and improve transparency for some additional types of administrative amendments and also improve consistency in protecting drinking water sources from liquid hydrocarbon pipelines.

**Q3. What are the details of the regulatory changes?**

**New Regulation under the *Safe Drinking Water Act*:**

We learned through the first round of source protection planning that it was not always clear when and how a future source of drinking water should be protected. The regulation under the *Safe Drinking Water Act* is intended to address this ambiguity and ensure that new and expanding municipal residential drinking water systems within source protection areas are proactively included in source protection plans before



treated water is provided to the public. By working together, drinking water system owners and source protection authorities can ensure plans are updated in a timely manner.

The regulation made under the *Safe Drinking Water Act* requires that, prior to an application being submitted for a drinking water works permit for new or expanding municipal residential drinking water wells or intakes, the owner of the system ensures the technical work necessary under the *Clean Water Act* to identify vulnerable areas has been completed. When submitting an application for the drinking water works permit the system owner will be required to include a notice from the source protection authority. The requirements of that notice are set out in the *Clean Water Act* regulatory amendments.

In addition, the regulation requires that a condition be included within the drinking water works permit or municipal drinking water license specifying that drinking water will not be supplied to users of the new or expanding system until the amended source protection plan is approved. This provision works in tandem with the amendment to the General regulation (O.Reg.287/07) under the *Clean Water Act*, which ensures that source protection authorities initiate work to update the source protection plans when vulnerable areas are provided for these systems. Under the *Clean Water Act* regulation, when a source protection authority issues the notice needed for a drinking water works permit application, the source protection authority must confirm they are satisfied that the necessary wellhead protection areas or intake protection zones have been identified and provide details on how the plan will be updated.

Together these changes will help ensure that source protection plans are updated, putting environmental protections in place prior to treated water being provided to the public. The regulation does not apply in emergencies: when an application for a drinking water works permit is being made to alleviate an immediate drinking water health hazard or is subject to emergency exceptions under the *Environmental Assessment Act*.

This approach also recognizes that municipalities should be building the costs of source protection planning into the cost of a new or expanding drinking water system where possible. There are a number of options for municipalities to recover these costs as set out in Question 8. In addition, the province continues to fund source protection authorities to support the implementation of this program and they will work with municipalities to support technical work and policy development.

### **Amendments to the General Regulation (O.Reg. 287/07) under the Clean Water Act:**

Plan Amendments: When source protection plans require amendments they must be consulted on and submitted to the Minister for approval unless they qualify as a typographical or other administrative amendment. The regulatory changes allow for additional types of amendments to qualify as administrative and exempt source protection authorities from the requirement to consult on and submit these types of amendments to the ministry for approval.

The two additional types of administrative amendments are those that account for:

- properly decommissioned wells or surface water intakes, and
- changes the province has made to the terminology in the Tables of Drinking Water Threats.

Amendments to Incorporate New or Expanding Systems: Additional amendments made to the General regulation under the *Clean Water Act* work in tandem with the new regulation under the *Safe Drinking Water Act*. When the source protection authority receives notice of a system owner's intent to establish or expand a drinking water system, they are required to issue a notice to the owner when they have, and are satisfied with, the necessary vulnerable area information. The regulation requires the notice provided to the owner also identify any necessary source protection plan amendments, the timing for such amendments, and if any of the amendments have been or will be implemented as a result of a source protection committee updating the plan as a result of a comprehensive review under section 36 of the *Clean Water Act*.

Prescribed Threats: When developing assessment reports all source protection committees were required to identify areas where prescribed threats pose a risk to drinking water. They were also allowed to seek approval to include local activities of concern within their communities ("local threats"). Liquid hydrocarbon pipelines were included as local threats by 5 local source protection committees, leading to an inconsistent approach across the province. The ministry heard that this activity should be evaluated consistently. In response to this, the ministry amended the General regulation to include the establishment and operation of liquid hydrocarbon pipelines on the list of prescribed drinking water threats, putting requirements in place for source protection plan policies to be developed where pipelines could pose a significant risk to drinking water sources.

**Q4. What pipelines will be captured in the amended regulation and changes to the technical rules?**

The amended regulation under the *Clean Water Act* will primarily capture large pipelines that are designated for transmitting or distributing liquid hydrocarbons to terminals and distribution centres. The pipeline circumstances added to the Tables of Drinking Water Threats do not capture pipelines operated by the Ministry of Natural Resources and Forestry as defined in the *Oil, Gas and Salt Resources Act*, however, this may be re-evaluated in the future.

**Q5. What kind of protection plan policies could be included in local plans to address pipelines, now that they are included as a prescribed threat?**

With the addition of pipelines to the list of prescribed threats in the General regulation, additional areas of the province may be subject to policies addressing pipelines. Existing policies for pipelines focused on spills prevention, emergency preparedness, education and good planning, and were not legally binding on pipeline operators or owners. These approaches have been successful in improving spills response preparedness and the consideration of vulnerable areas by pipeline companies and at

the Ontario and National Energy Boards; it makes sense that similar policies be included in other source protection plans. New pipeline policies will provide consistent environmental protection of drinking water sources across all source protection areas.

The regulation includes an exemption from including pipeline policies where there is no reasonable prospect of a pipeline being constructed (for example in a vulnerable area that is already fully developed such that a new pipeline could not be extended through that zone).

**Q6. Do these regulatory changes ensure transparency and accountability when plan amendments are made?**

Yes, new measures included in the General regulation for administrative amendments ensure notification is provided to the ministry and others responsible for implementing plan policies. A requirement was also included to ensure that the Explanatory Document developed by source protection committees and authorities includes any rationale used in making decisions not to include policies to address future significant drinking water threats such as pipelines.

**Q7. Why is water quantity work not required as part of the new regulatory requirements?**

Our expectation is that if a municipality has made a decision to establish a new drinking water system, or expand an existing one, that they have looked at whether there is sufficient water in the area to support that system. In fact, existing watershed and sub-watershed scale water budgets have already been completed for all source protection areas and this information can be used by municipalities as they make decisions on where to access sources of drinking water for growth.

When municipalities are considering new or expanded sources of drinking water in areas where water quantity may be stressed in the future, a water quantity risk assessment (water budget) will be required. These can be completed during comprehensive assessment report and source protection plan reviews under section 36 of the *Clean Water Act*. As such, specific updates to water quantity assessments are not required within the regulatory changes. Assessment reports should instead include a workplan to identify when and how any necessary water quantity assessments will proceed where the work will not be completed at the time of source protection plan amendments.

Where a municipality and source protection authority choose to undertake water quantity risk assessments (water budgets) in advance of the application being submitted for a drinking water works permit under the *Safe Drinking Water Act*, the work should be included in the amended source protection plan.

**Q8. How can municipalities recover the costs associated with source protection?**

Source protection planning is an important and necessary part of developing new or expanding drinking water systems. Through Ontario's investment of over \$270 million



we have built a foundation of watershed science that can be used when undertaking technical work to identify wellhead protection areas or intake protection zones for new or expanding drinking water systems. This will reduce the overall costs of source protection and the cost for any new technical work should be factored into the costs associated with system expansion or development. Municipalities have various options available to them to recover costs including the use of development charges where new or expanded systems are needed to support growth or through their water rates when systems are being developed to support established areas.

In some areas, as development is being established, private companies construct drinking water systems that will be assumed by the municipality at some time in the future. When these systems are assumed by the municipality, they will be subject to the *Clean Water Act*. Where drinking water works permit applications are being made, municipalities will be responsible for ensuring technical work is completed so that local source protection authorities can add them into the local source protection plan. Given this, municipalities may want to consider putting in place requirements that developers undertake the required source protection technical work before the municipality assumes the system.

Where the municipality cannot recover costs through development charges, they may wish to determine their eligibility under the Ontario Community Infrastructure Fund. This fund is generally to help cover costs associated with capital infrastructure expenditures for small, rural and northern municipalities. The ministry will also continue to work to provide funding for small rural municipalities where necessary.

**Environment and Land Tribunals  
Ontario**

**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

**Local Planning Appeal Tribunal**

**Tribunal d'appel de l'aménagement  
local**

655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: (416) 212-6349  
Toll Free: 1-866-448-2248  
Fax: (416) 326-5370  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

655 rue Bay, suite 1500  
Toronto ON M5G 1E5  
Téléphone: (416) 212-6349  
Sans Frais: 1-866-448-2248  
Télécopieur: (416) 326-5370  
Site Web: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)



**VIA EMAIL**

**April 6, 2018**

**Chris Barnett  
DLA Piper LLP  
1 First Canadian Place, Suite 6000  
PO Box 367, 100 King Street West  
Toronto, ON M5X 1E2**

**Solicitor for the Town of Tecumseh**

**Dear Mr. Barnett:**

**RE: Section 43 Request for Review  
Decision of Member Sarah. Jacobs  
Issued January 17, 2018  
OMB Case No. PL160967**

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The Local Planning Appeal Tribunal ("Tribunal") acknowledges receipt of your Request for Review ("Request") of the Decision of Member Jacobs issued on January 17, 2018, in the above captioned case number PL160967 ("Decision"). The Decision was issued prior to the date on which the *Local Planning Appeal Tribunal Act* was proclaimed, being April 3, 2018. The Request is submitted on behalf of the Town of Tecumseh ("Town") and is filed pursuant to Section 43 of the *Ontario Municipal Board Act*. Sections 2 and 35 of the *Local Planning Appeal Tribunal Act* authorize the Tribunal to continue the review of a decision of the Ontario Municipal Board ("the Board") following the repeal of the *Ontario Municipal Board Act*.

**The Board Rules to Dispose of a Request**

Pursuant to subsection 17 (2) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, SO 2009, c 33, I have been delegated authority by the Executive Chair of the Environment and Land Tribunals Ontario to dispose of all aspects of the Request.

Rule 25 of the Tribunal's *Rules of Practice and Procedure* ("Rules") sets out the process to review a Board decision or order. Rule 25.07 provides that a request may only be granted if it raises a "convincing and compelling case" that one of the listed grounds cited in this Rule is applicable. This Rule reflects the high threshold that has been established to review or reconsider a decision, and I am only authorized to exercise this review power when this threshold has been met. The Rules deliberately set this requirement for a person to establish a "convincing and compelling case" in recognition of the importance and the profound effect that our decisions have on both private and public interests.

### **Background to the Request**

The Decision considered the appeals filed by Perry Burford and Emile Nabbout ("Appellants") of:

- i) the decision of the County of Essex ("County") to approval Official Plan Amendment Number 14 ("OPA") to the Town of Sandwich South Official Plan; and,
- ii) a companion Zoning By-law Amendment adopted by the Town to By-law Number 2016-67 ("ZBA").

The OPA and ZBA propose to re-designate and rezone a 21 hectare parcel of land to facilitate an industrial business park within an area of the Town referred to as the Oldcastle Hamlet Settlement Area in the County Official Plan ("subject lands"). Del Duca Industrial Parks Ltd. is the owner of the subject lands and is referred to in the Decision as Del Duca ("Del Duca"). The appeals of the OPA and ZBA were opposed by the Town and Del Duca.

Over the course of three days, (including an evening session), the Board heard evidence that was presented by the Appellants, the Town, Del Duca, and a number of participants. The individuals that testified are named in paragraphs 4 and 5 of the Decision. These persons presented both expert and lay testimony to the Board. At the conclusion of the evidence, the Board directed the parties to deliver written submissions. Based on the evidence and written submissions, the Board allowed the appeals, finding that the OPA and ZBA are inconsistent with the Provincial Policy Statement ("PPS"). Specifically, the Board found that the planning instruments fail to achieve the goals established in policy 1.1.1 of the PPS to promote healthy, liveable, safe, and resilient communities. The Board provided detailed reasons in its Decision in support of this conclusion.

The Board withheld its order for a period of one year to allow the parties, "should they desire," to explore an alternative proposal for the subject property. In paragraph 67 of the Decision, the Board recognized that it has no legal basis to compel the Town to



explore any alternative proposal with respect to the subject lands, and the Decision acknowledges that the Town is to determine the "most appropriate process for moving forward with this or any future development in Oldcastle Hamlet." The Board recognized that the Town is undertaking a planning update to bring its 20 year old Official Plan into conformity with the County Official Plan. The Board reasoned that this update process may present an opportunity for all parties to consider an appropriate policy framework for the subject lands and the Oldcastle Hamlet.

## **Disposition**

I have carefully considered the Request and I have determined that it fails to satisfy the requirements in the Rules to warrant a review of the Decision. In my view the Request is an attempt to re-argue the issues which were disposed of in the Decision. The Request fails to establish a convincing and compelling case that the Board erred in allowing the appeals or by withholding its order for a period of one year for the parties to explore, should they desire, an alternative development proposal for the subject property. The following are my reasons for dismissing the Request.

The Town advances three reasons in support of the Request. I will deal with each in the order in which they were presented. First, the Town asserts that the Decision denied the Town procedural fairness because the Board decided that a residential mixed-use/commercial development was appropriate for the subject property without hearing any evidence or arguments regarding the suitability of such uses.

I reject this ground because it does not present an accurate or a fair description of the findings in the Decision. The Board allowed the appeals after it concluded that the OPA and the ZBA were inconsistent with the goals in the PPS to promote healthy, liveable, safe, and resilient communities. Subsection 3(5) of the Planning Act provides that all decisions of the Board which affect a planning matter are to be consistent with the PPS. The Planning Act compels the Board to implement provincial policy. The Board found that the proposed OPA and ZBA would be inconsistent with policy 1.1.1 of the PPS given the subject property is located between two residential settlements which the Board considered to have the attributes of one community. The Board reached this conclusion based on the opinion evidence of a professional planner, who testified on behalf of the Appellants, and the various participants who spoke about their residential neighbourhood during the course of the hearing. The Decision does not decide, as the Request asserts, the appropriate use for the subject property based on a "visioning exercise". In fact, the Member, quite responsibly, makes that explicit in her reasoning. Instead, the Decision simply invites the Town, should it choose, in its planning update to take account of the evidentiary foundation presented at the hearing.

Second, the Request asserts that the Board acted outside of its jurisdiction by "envisioning" appropriate land uses for the property in the absence of any evidence. Again, I find that this ground is not accurate nor a fair characterization of the Decision. As noted above, the Board heard extensive evidence as to the extent of the community

associated with the 300 to 400 residents of the Oldcastle Hamlet. The determination of the bounds of this community was necessarily a central issue at the hearing given the goal of the PPS of promoting healthy, liveable, safe, and resilient communities. The Board considered the evidence that the Oldcastle Hamlet possesses a number of community facilities and that the immediate area where the residents live and spend their time is within both of the two residential clusters. Consequently, and given that the subject lands are situated between the two residential clusters, the Board found that the subject lands are located within the community that is experienced by the residents of the Oldcastle Hamlet. It was both appropriate and expected that the Board, as part of its assessment of whether the proposed OPA and ZBA satisfy the test of consistency with the PPS, would comment on compatible land uses within this community. I do not view the assessment or, as the Request labels it, the "extra-jurisdictional envisioning" of compatible land uses to be improper when done in the context of understanding the bounds of a community as that term is used in the PPS. Nor can I conclude that the Board strayed outside of its jurisdiction when it considered the potential for land use conflicts to arise with the proposed OPA or ZBA. Land use conflicts are the very thing planning is engaged to avoid; the Board's purpose and role were always part and parcel of that engagement.

Third, the Request asserts that the Board erred in the interpretation of the PPS and the County Official Plan. I have no reason to conclude that an error of interpretation is present in the Decision. The Board assessed the evidence through the lens of the PPS goal of promoting healthy, liveable, safe, and resilient communities. The Decision notes that as part of the evidence presented at the hearing, the witnesses who testified on behalf of the Town maintained that the entire Town should be considered the boundary of the community. The Town, however, appeared to retract from that position in its written submissions and agreed that the Oldcastle Hamlet was the appropriate community to assess the consistency of the proposed OPA and ZBA to the PPS. I find no error when the Decision concludes that the notion of a community must be considered within the context of the appeal and that the boundaries of a community are not necessarily the same as the defined municipal boundary. I similarly find no error in the Board's assessment that a central issue in the determination of the appeals was the bounds of the community for the purpose of determining consistency with the PPS.

Given the above finding that there is no error in the Board's conclusion that the OPA and ZBA are inconsistent with the PPS, it is not necessary for me to address the assertion in the Request that the Board erred in its interpretation of the County Official Plan. I have, however, carefully reviewed this ground and I do not accept that it raises a convincing and compelling case of Board error. The policy in the County Official Plan referenced in the Request and quoted in paragraph 58 of the Decision discusses the focus of employment growth in the Oldcastle Hamlet. The Board did not err in its interpretation of that policy by noting the significance of the word "primarily" in the description of employment uses. The policy framework for the Oldcastle Hamlet allows a range of land uses. Future growth is simply not limited or restricted by the Official Plan to one category of development: that being employment. The Board made no finding

otherwise. There is no basis, therefore, to conclude that the Board erred in its interpretation of the policy environment that governs future growth.

Based on the foregoing, I am not satisfied that the Request meets the threshold of a convincing and compelling case to warrant a review as required by the Rules. The Request is dismissed and the Decision remains in force and effect.

Yours truly,



James R. McKenzie  
Associate Chair, Local Planning Appeal Tribunal

Cc: Christine A. Riley, Bondy Riley Koski LLP  
[criley@bondyriley.com](mailto:criley@bondyriley.com)

Edwin Hooker, Wolf Hooker Professional Corporation  
[ehooker@wolfhooker.com](mailto:ehooker@wolfhooker.com)

Mary-Ann Keefner, Shibley Righton LLP  
[Mary-ann.keefner@shibleyrighton.com](mailto:Mary-ann.keefner@shibleyrighton.com)

Brad Langford, Langford Law Offices  
[blangford@langfordlawoffice.ca](mailto:blangford@langfordlawoffice.ca)

Judy Wellwod-Robson, Friends of Oldcastle Development  
[Judyrobson7@msn.com](mailto:Judyrobson7@msn.com)





Mailed — 121-MP's  
April 10/18 22- Senator

The Corporation of the  
**TOWNSHIP OF BALDWIN**

P.O. Box 7095, 11 Spooner Street  
MCKERROW, ONTARIO  
POP 1M0

TEL: (705) 869-0225 FAX: (705) 869-5049

**April 9<sup>th</sup> 2018**

**Dear Members of Parliament, House of Commons,**

**In our absence from being able to speak in person on this matter of Bill C-71, I request that our esteemed colleagues from the Canadian Shooting Sports Association (CSSA) be allowed to speak on our behalf. These folks are well versed in the existing firearms legislation and licensing requirements in Canada and can easily explain to non-firearm's owners current legislation already in place and the rigorous criteria needed to obtain a Firearms License or PAL that is required before any person can purchase any firearm or any ammunition.**

**We have listened to both sides of the debate concerning bill C-71 and have also done extensive reading on the matter, reviewed the flawed statistics charts that single out the lowest year of crime in 40 years and use it as a base point for increase or decrease. Its unfortunate that the Federal Government and News Media do not realize what's contained in the currant legislation that is already in place and has been since the mid 1990's. Rather than create new legislation, why not spend the time and money in enforcing the laws that are on the books today that never really seems to matter as a deterrent to the criminal and gang element?**

**The RCMP daily checks all Firearms License holders (Commonly called Firearms License or PAL) in Canada for any wrong doing and that is more than sufficient without putting additional or duplicate checks in place.**

**Simply enforce the laws that are in place now without putting new ones in place.**

**We have heard numerous times that a Police Officer needs to know what firearms he may be facing each time he comes to a residence. That statement, if applied, creates a very false sense of security because if the answer came back and said “no firearms” and he/she proceeds with that thought in mind, and it just happens to be a criminal with illegal firearms, then what happens? However, the Police know better than that and always proceed with caution to any domestic dispute but the Media like to glamourize it as a selling point for any proposed new gun legislation.**

**The Conservation Officers (CO'S) in this province during a single hunting season encounter more law-abiding people with firearms than most police officers would in their entire career. Many of these encounters are often in very remote locations with no cell service. There are no issues with their checks due to the fact that the majority of all firearms owners are very responsible citizens. For those folks that are unsure of a “Conservation Officer's” duty, they are officers that work for the MNRF enforcing all the hunting and fishing laws in all parts of the province.**

**Much of our country was founded and built with the use of firearms first in the fur trade and then in the rebellions/uprisings in the 1700's and 1800's and then the wars.**

**Many Canadian families have a long list of service in the military in WW 1 and WW2 and Foreign Wars with many being left overseas at very young ages. These folks fought for some of the rights and the privileges that we have today.**

**Trapping has been and still is a way of life for generations in many families.**

**For many Ontarian's firearms are a part of their lifestyle and culture and heritage especially those living in the north and even to some extent those in the GTA.**

**I'm asking that you make a wise move and cancel Bill C-71 and simply enforce the legislation that is in place.**

**Thanks very much,**

**Sincerely.**

**Mayor Vern Gorham,  
Township of Baldwin.**

# THE CORPORATION OF THE TOWNSHIP OF BALDWIN

MOVED BY:

*David Fairbairn*

DATE: April 9th, 2018

SECONDED BY:

*B. McDowell*

MOTION NO.: 18-39

**NOW THEREFORE BE IT RESOLVED THAT:** The Township of Baldwin send the attached explanatory letter to all Municipalities in Ontario for their support via e-mail as well as by Canada Post to all MP'S and Senators that represent our Province of Ontario.

We don't need bill C-71 and it should be quashed without further ado.

Carried

☒

Defeated

☐

Mayor

*[Signature]*



RECORDED VOTE	FOR	AGAINST
Vern Gorham	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Fairbairn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Texas MacDonald	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ray Maltais	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bert McDowell	<input checked="" type="checkbox"/>	<input type="checkbox"/>





April 9, 2018

RECEIVED

APR 17 2018

Town of Tecumseh

Ms. Laura Moy  
Director Corporate Services and Clerk  
The Corporation of the Town of Tecumseh  
917 Lesperance Road  
Tecumseh, Ontario  
N8N 1W9

Dear Ms. Moy:

On behalf of Prime Minister Justin Trudeau, I would like to acknowledge receipt of your letter regarding a resolution passed by the Town of Lakeshore in relation to infrastructure funding for storm water management and drainage improvements.

Please be assured that your correspondence, offered on behalf of the Town of Tecumseh, has been carefully reviewed. As you may know, the matter you raise falls more directly under the purview of the Honourable Amarjeet Sohi, Minister of Infrastructure and Communities. I have therefore taken the liberty of forwarding a copy of your correspondence to Minister Sohi for his information and consideration.

Thank you for writing to the Prime Minister.

Yours sincerely,

K. Black  
Executive Correspondence Officer

RECEIVED APR 12 2018

**ERNIE HARDEMAN, M.P.P.**

Oxford

March 26, 2018

Gary McNamara  
Town of Tecumseh  
917 Lesperance Rd  
Tecumseh, ON N8N 1W9

Queen's Park Office:  
Room 413, Legislative Bldg.  
Toronto, Ontario  
M7A 1A8

Tel. (416) 325-1239  
Fax (416) 325-1259

Constituency Office:  
12 Perry Street  
Woodstock, Ontario  
N4S 3C2

Tel. (519) 537-5222  
Fax (519) 537-3577

Dear Mayor McNamara,

I am writing to let you know that I recently introduced a private members' bill which would give municipalities the authority to decide whether or not they would be willing to receive a landfill. I have enclosed a copy for your information and comments. I believe municipalities should have a say in the location of something that would have such a lasting impact on their community.

As you know, today municipal governments can decide where a Tim Hortons should go, but they can't decide where something as significant as a landfill should go. That doesn't make sense.


Currently, only the Ministry of the Environment approves a new landfill, but Bill 16, *Respecting Municipal Authority Over Landfilling Sites*, would ensure that waste companies are required to have approval from the municipality as well before they can move forward with the landfill placement.

I know that this authority has been requested by a number of municipalities. The Mayor of Ingersoll requested this legislative change during a committee hearing on Bill 139 last fall at Queen's Park. Since then, nearly 30 municipalities have passed resolutions of support and another 150 municipal leaders have signed petitions to demand this right.

I would appreciate hearing your comments on the bill and any support you can offer. For your convenience I have enclosed a sample resolution of support.

Thank you for your consideration. As always please feel free to contact me if I can be of assistance.

Sincerely,



Ernie Hardeman, MPP  
Oxford

## Draft resolution

### MUNICIPALITIES CALL ON PROVINCE FOR “RIGHT TO APPROVE” LANDFILL DEVELOPMENTS

WHEREAS municipal governments in Ontario do not have the right to approve landfill projects in their communities, but have authority for making decisions on all other types of development;

AND WHEREAS this out-dated policy allows private landfill operators to consult with local residents and municipal Councils, but essentially ignore them;

AND WHEREAS municipalities already have exclusive rights for approving casinos and nuclear waste facilities within their communities, AND FURTHER that the province has recognized the value of municipal approval for the siting of power generation facilities;

AND WHEREAS the recent report from Ontario’s Environmental Commissioner has found that Ontario has a garbage problem, particularly from Industrial, Commercial and Institutional (ICI) waste generated within the City of Toronto, where diversion rates are as low as 15%;

AND WHEREAS municipalities across Ontario are quietly being identified and targeted as potential landfill sites;

AND WHEREAS municipalities should be considered experts in waste management, as they are responsible for this within their own communities, and often have decades’ worth of in-house expertise in managing waste, recycling, and diversion programs;

AND WHEREAS municipalities should have the right to approve or reject these projects, and assess whether the potential economic benefits are of sufficient value to offset any negative impacts and environmental concerns;

THEREFORE BE IT RESOLVED THAT the **[INSERT NAME OF MUNICIPALITY]** supports *Bill 16, Respecting Municipal Authority Over Landfilling Sites Act* introduced by MPP Ernie Hardeman and calls upon the Government of Ontario, and all political parties, to formally grant municipalities the authority to approve landfill projects in or adjacent to their communities

AND FURTHER THAT the **[INSERT NAME OF MUNICIPALITY]** send copies of this resolution to MPP Ernie Hardeman and all municipalities.



Minutes of the Heritage Committee  
for the Corporation of The Town of Tecumseh

A meeting of the Heritage Committee for the Town of Tecumseh was scheduled to be held on March 19, 2018, in the Sandwich South Meeting Room at Town Hall, 917 Lesperance Road, Tecumseh at 6:00 pm.

**1. Call to Order**

The Chairperson calls the meeting to order at 6:02 pm.

**2. Roll Call**

**Present:**

Councillor  
Chair  
Vice-Chair  
Member  
Member  
Member

Rita Ossington  
Ian Froese  
Marian Drouillard  
Chris Carpenter  
Terry England  
John Levesque

**Also Present:**

Manager of Committee & Community Services

Christina Hebert

**Absent:**

Councillor  
Member  
Member  
Member

Brian Houston  
Rhonda Dupuis  
Dwayne Ellis  
Charles Gray

**3. Disclosure of Pecuniary Interest**

None reported.

**4. Delegations**

None.

**5. Communications**

- a. Heritage Committee Minutes held February 12, 2018

**Motion: HC- 12/18**

Moved By                      Member Terry England

Seconded By                Councillor Rita Ossington

**That** the Minutes of the Heritage Committee meeting held February 12, 2018 be approved.

**Carried**

**6. Reports**

None.

## 7. Unfinished Business

### a. Heritage Property Listing

The Manager Committee & Community Services confirms the Heritage Property Listing has been updated to reflect the addition of St. Mary's Church and the removal of the Ure Century Farm, as directed at the last meeting.

Discussion ensues respecting the initial selection of properties to move forward to the 'Listing' and the additional information necessary to identify the potential cultural heritage value or interest for the report purposes.

The following descriptive information is provided for the selected properties:

#### **Lacasse Park**

- In 1923, the Town acquired 23 acres of farm land from Percy Clapp.
- This park was later christened Memorial Park in 1947, with the grandstands built in 1949.
- In 1979, two years after Bert Lacasse's passing, the park was renamed Lacasse Park in honour of his commitment to baseball and the Town. The park has served as the original home of Tecumseh Baseball, with in its day, a unique feature of a grass infield.

#### **St. Anne's Cemetery**

- A Roman Catholic cemetery established by St. Anne's Parish.
- The oldest gravestone is dated April 15, 1861.
- The official benediction took place on July 24, 1927.

#### **Tecumseh Area Historical Society**

- Site of the original railroad yard of Great West Railway and current location of the Lesperance Log Cabin (circa 1799).
- The original railroad shed was relocated from the West side of Lesperance Road to its current location today.
- Currently serves as the site for the Historical Society which houses the historical records of Tecumseh, St. Clair Beach, Maidstone and Sandwich South.

Councillor Rita Ossington will research additional information relating to St. Anne's Cemetery.

Chair Ian Froese will endeavour to obtain information respecting the Baillargeon properties.

Vice Chair Marian Drouillard offers to take photographs of the subject properties for inclusion in the report.

### b. Tecumseh Heritage Articles

Vice Chair Marian Drouillard advises she has spoken with the Editor at the Shoreline Week who supports the idea of monthly heritage articles. A dedicated space would be reserved for the article and published at no cost to the Town. The Editor has asked for a sample article, with photos, to envision what typically would be drafted monthly, to assist with layout planning, etc. She offers to draft the sample article.

Vice Chair Marian Drouillard will also contact the Essex Free Press to inquire about coordinating the same monthly articles to reach all Tecumseh residents.

## 8. New Business

### a. Soirée Coffee House

The Manager Committee & Community Services advises the Tecumseh Cultural and Arts Advisory Committee, in partnership with l'Essor High School, will be hosting a 'Soirée Coffee House' event on Friday, May 11, 2018, from 7:00 pm to 10:00 pm. The Soirée Coffee House will take place in the Tecumseh – l'Essor Arts Centre.

The Committee is excited to be hosting this community event for individuals to share their stage talents with area residents in a coffee house setting. All ages are welcome and the Committee is looking for a diverse range of talent – vocals, instrumental, dance, readings, theatrical groups, etc. – to showcase and celebrate local talent.

Interested performers will need to submit a completed Registration Form by Friday, April 6, 2018.

The Members are encouraged to share the information with persons who may be interested in performing and help promote the event.

## 9. Next Meeting

The next meeting of the Heritage Committee will be held Monday, April 16, 2018 at 6:00 pm.

## 10. Adjournment

### Motion: HC- 13/18

Moved By                      Member Chris Carpenter

Seconded By                Vice-Chair Marian Drouillard

**That** there being no further business the March 19, 2018 Heritage Committee be adjourned at 7:03 pm.

**Carried**

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Ian Froese, Chair

---

Marian Drouillard, Vice-Chair



**MINUTES OF A MEETING OF THE POLICE SERVICES BOARD  
FOR THE  
TOWN OF TECUMSEH**

The Police Services Board of the Town of Tecumseh convened in regular session on Thursday, April 12, 2018 at 4:30 p.m. at the Tecumseh Town Hall, 917 Lesperance Road, Tecumseh, Ontario.

**1. Order**

Chair Christopher Hales called the meeting to order at 4:30 p.m.

**2. Roll Call**

Present:	Chair	Christopher Hales
	Vice Chair	Eleanor Groh
	Member	Councillor Joe Bachetti
	Member	Fred Stibbard
Also Present:	OPP	Inspector Glenn Miller
	OPP	Staff Sgt. Brad Sakalo
	OPP	Sgt. Michael Gruszka
	OPP	PC Jeremy Kulwartian
	Secretary/Treasurer	Tony Haddad, CAO
	Recording Secretary	Ellen Preuschat

Mayor Gary McNamara was absent due to employment.

**3. Disclosure of Pecuniary Interest**

There was no pecuniary interest declared by a member of the Board.

**4. Approval of the Supplementary Agenda**

**Motion: PSB 10/18**

Moved by:	Member Fred Stibbard
Seconded by:	Vice Chair Eleanor Groh

**That** the Supplementary Agenda for the Police Services Board Meeting dated April 12, 2018, be accepted.

**Carried**

**5. Approval of the Previous Minutes**

**Motion: PSB 11/18**

Moved by:	Councillor Joe Bachetti
Seconded by:	Vice Chair Eleanor Groh

**That** the Regular Minutes of the February 8, 2018 Police Services Board Meeting, as duplicated and delivered to the members, be adopted.

**Carried**

## 6. Delegations

### Essex County OPP Traffic Management Unit

PC Jeremy Kulwartian introduced the work of the OPP's Traffic Management Unit to the board. He noted the following:

- Essex County has one of the highest collision rates in OPP West Region.
- The Traffic Management Unit was created in October 2016. It is comprised of ten members with diverse skills.
- The unit aims to reduce collisions and promote public safety by focusing on the "big four": (1) Distracted Driving, (2) Aggressive Driving, (3) Impaired Driving and (4) Lack of Safety Restraint Use.
- The unit works collaboratively with the Ministry of Transportation and has had joint initiatives with City of Windsor police.
- Essex County OPP are now better positioned to address serious traffic management issues, and the unit has had a high rate of enforcement.

Deputy Mayor Joe Bachetti reported that the OPP's assistance with traffic issues at St. Pius School has proven very effective in the long run.

## 7. OPP Monthly Report

Staff Sgt. Brad Sakalo provided highlights of the January to March 2018 OPP reports. He described new initiatives undertaken by the Mental Health Response Unit, such as providing all officers with a crisis hotline number and training them in its potential use during service calls. This initiative has positively impacted the number of mental health related calls.

### Motion: PSB 12/18

Moved by:	Member Fred Stibbard
Seconded by:	Vice Chair Eleanor Groh

**That** the OPP Report for the months of January to March 2018 be received.

**Carried**

## 8. Reports

- a. Ontario Association of Police Services Boards (OAPSB), re: Bill 175 - Submission to the Standing Committee on Justice Policy, February 22, 2018
- b. Association of Municipalities of Ontario (AMO), re: Bill 175 – Safer Ontario Act, 2017 – Submission to the Standing Committee on Justice Policy, February 12, 2018

### Motion: PSB 13/18

Moved by:	Member Fred Stibbard
Seconded by:	Vice Chair Eleanor Groh

**That** the reports by the OAPSB and AMO on Submissions to the Standing Committee on Justice Policy regarding Bill 175 (Safer Ontario Act, 2017) be received.

**Carried**

**9. Communications – Action Required**

- a. Eli El-Chantiry, Director and President and Fred Kaustinen, Executive Director, OAPSB, re: 2018 Ontario Association of Police Services Boards (OAPSB) Conference Sponsorship

**Motion: PSB 14/18**

Moved by: Deputy Mayor Joe Bachetti  
Seconded by: Vice Chair Eleanor Groh

**That** sponsorship of the 2018 OAPSB Spring Conference and Annual General Meeting in the amount of \$300 be approved.

**Carried****10. Communications – For Information**

- a. Invitation – Retirement Party for Staff Sgt. Mike Beatty on April 20, 2018

**Motion: PSB 15/18**

Moved by: Member Fred Stibbard  
Seconded by: Deputy Mayor Joe Bachetti

**That** the correspondence detailed as Item 10a Communications – For Information, be received.

**Carried****11. Old Business**

- a. Joint Meeting of Essex County Police Services Boards – June 26, 2018

The Recording Secretary provided a summary of administrative arrangements made to date for this event. Two speakers have been confirmed – Fred Kaustinen, Executive Director, OAPSB and Matthew Wilson, Policy Analyst, AMO.

There was general discussion regarding the best format for the meeting. It was agreed that the regional representative from the Ministry of Community Safety and Correctional Services also be invited as a speaker. The Chair emphasized the importance of addressing the many issues surrounding the government's proposed amalgamation of OPP detachment boards at the joint meeting.

- b. Annual Performance Evaluation for OPP Detachment Commander

Chair Christopher Hales will circulate the blank evaluation form for 2017 and requests that the members return their completed forms to his attention as soon as possible.

**12. New Business**

- a. OACP/OAPSB Zone 6 Meeting – Wednesday, May 9, 2018 - LaSalle

Chair Hales polled the members regarding their availability to attend the Zone 6 meeting on May 9 in LaSalle. Chair Hales, Mayor McNamara, Member Fred Stibbard, and Recording Secretary Ellen Preuschat plan to attend.



**13. Next Meeting**

The next meeting of the Police Services Board will be held Thursday, June 14, 2018 at 4:30 p.m.

**14. Adjournment**

**Motion: PSB 16/18**

Moved by: Vice Chair Eleanor Groh  
Seconded by: Member Fred Stibbard

**That** there being no further business to discuss, the April 12, 2018 meeting of the Tecumseh Police Services Board adjourn at 5:25 p.m.

**Carried**

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Christopher Hales, Chair

---

Tony Haddad, Secretary/Treasurer



## The Corporation of the Town of Tecumseh

Chief Administrative Officer

**To:** Mayor and Members of Council

**From:** Tony Haddad, Chief Administrative Officer

**Date to Council:** April 24, 2018

**Report Number:** CAO-2018-07

**Subject:** NAFTA Recommendations from Windsor-Essex

---

### Recommendations

It is recommended:

**That** CAO Report 2018-07 NAFTA Recommendations from Windsor-Essex **be received.**

### Background

In August 2017, Canada, The United States of America, and Mexico launched discussions to renegotiate the North American Free Trade Agreement (NAFTA). Any change to NAFTA is critical to the community of Windsor-Essex, with far-reaching implications for its economy and workforce.

Workforce WindsorEssex, along with other local organizations, realized the importance of the renegotiation of NAFTA and closely monitored the renegotiation process to provide key recommendations as to what stakeholders in the Windsor-Essex region would like to see come out of a renegotiated NAFTA. Workforce WindsorEssex joined the Windsor-Essex Economic Development Corporation, the Windsor-Essex Regional Chamber of Commerce, the Cross-Border Institute, St. Clair College, and the Institute for Border Logistics and Security, along with provincial and federal partners to form the Windsor-Essex NAFTA Working Group.

In summer 2017, Workforce WindsorEssex released a survey targeted to employers, cross-border commuters, and other interested parties to gain a better understanding of what these stakeholders would like to see in a renegotiated NAFTA. This information was used by the NAFTA Working Group to develop thematic recommendations to be provided to the leadership members on the NAFTA negotiation team.

The survey was available in three formats: an employer survey, a cross-border commuter survey, and a survey for the general public. 151 responses were received: 77 employer, 32 commuter, and 42 general.

Through the survey, Workforce WindsorEssex was able to come up with five themed recommendations for the renegotiation of NAFTA. The recommendations are tied to important economic and social issues in Windsor-Essex.

## Comments

On April 5, 2018, Workforce Windsor-Essex released their report *NAFTA Recommendations from Windsor-Essex, Ontario, Canada*. The report outlines five key recommendations to be shared with the NAFTA negotiation committee as a result of the survey conducted in Windsor-Essex of businesses, commuters and general interest.

The recommendations to be shared include:

- Recognize the importance of Canada-U.S. trade interdependence
- Recognize Canada's automotive sector as a key priority throughout NAFTA renegotiations
- Protect existing mechanism that promote cross-border labour mobility
- Increase opportunities for cross-border experiential learning
- Support this region's global economic competitiveness

The Mayor of Tecumseh joined the Warden of Essex as speakers at the news conference announcing these recommendations.

Workforce WindsorEssex and by extension the NAFTA Working Group hope that the recommendations will be taken into account by the government leaders and their officials responsible for the renegotiation of NAFTA. The group believes they are important recommendations for Windsor-Essex that will help to ensure the region's economic and social prosperity for many years to come.

It is believed that if an Agreement in principle is reached shortly, the Government of Canada could begin consultation with communities across Canada on details of the Agreement.

## Consultations

None

## Financial Implications

None



## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Lesley Racicot  
Manager Strategic Initiatives

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** April 24, 2018

**Report Number:** CS-2018-09

**Subject:** Regulation of Election Signs in the Town of Tecumseh

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### Recommendations

It is recommended:

**That** Report CS-2018-09 regarding the Regulation of Election Signs in the Town of Tecumseh, **be received;**

**And That** By-law No. 2018-32 being a by-law to regulate election signs in the Town of Tecumseh **be adopted.**

### Background

Elections signs are currently regulated under the Town's Sign By-law No. 2004-66 which was adopted by Council November 9, 2004. Section 9 of the Sign By-law provides the following regulations for election signs as follows:

- 9.1 In addition to the requirements contained in Section 4, the requirements of this section shall apply to all election signs:
- 9.2 All election signs shall:
  - a) notwithstanding subsection 4.3, shall not require a permit;
  - b) not be erected or displayed prior to nomination day;
  - c) not be closer than 0.3 metres (0.94 feet) to any lot line; be removed from the lot within 3 days from the date of the closing of the polls.



The purpose of this report is to introduce an Election Sign By-law, independent from the Sign By-law. The Election Sign By-law will provide greater clarity on what is considered to be an election sign, when and where election signs may and cannot be erected, and ensure compliance with legislative changes to the *Municipal Elections Act* (MEA) and *Municipal Act, 2001*, (Municipal Act). Additionally, the Election Sign By-law will enhance enforcement procedures and permit the recovery of costs associated with the removal of non-compliant election signs. The By-law also addresses issues and concerns raised regarding election signs in past election years.

A separate report will be presented regarding the Sign By-law and recommended amendments to that by-law.

An Election Sign By-law is essential to managing the Town's objectives of dealing with visual clutter/litter, ensuring public safety and that campaign advertising is controlled and kept to a minimum standard.

The proposed Election Sign By-law prescribes standards and restrictions for the placement and maintenance of signs on public and private property within the Town.

## Comments

The proposed Election Sign By-law is passed and enforced under the authority of the *Municipal Act* and incorporates the new provisions in the *MEA* regarding Third Party Advertisers. The proposed Election Sign By-law regulates election signs leading up to and during an election, including the location, size and number of signs permitted, as well as a prohibition of such signs on municipal property.

Candidates in the Municipal and School Board Elections will be given a copy of the Town's Election Sign By-law and will be required to sign a form acknowledging receipt of the By-law agreeing to abide by any applicable legislation and by-laws, in addition to acknowledging that non-compliant election signs may be removed without notice.

Restrictions on the placement of election signs within the Town exist for a number of reasons. It is important that election signs not be placed in locations that interfere with the safe movement and visibility of vehicular and pedestrian traffic. It is also important that election signs be placed in accordance with certain Provincial and Federal legislative requirements, including requirements that election signs not be placed in or on voting locations. Lastly, although election signs play an important role in promoting the democratic electoral process, election signs should be placed in a manner that is consistent with the positive aesthetic of the Town.

A common election sign complaint during prior election years relates to the quantity of election signs at particular high-traffic intersections. Proliferation of signs in high-density areas (usually on the municipal boulevard) could result in serious safety concerns and complaints about aesthetically unappealing properties.

To address these concerns regarding the proliferation of signs, the proposed Election Sign By-law restricts election signs on or overhanging Town property. It further limits the number of signs on residential property to two (2) signs per candidate on a residential property and three (3) election signs per candidate on land zoned other than residential.

The size of signs on private property is restricted to not larger than 1.22 metres by 1.22 metres, and not higher than two (2) metres above ground level.

For greater clarity, the proposed By-law defines Election Signs as:

- 1) advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
- 2) intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.

On June 9, 2016, Bill 181, *The Municipal Elections Modernization Act, 2016*, (Bill 181) came into force making significant changes to the MEA.

Bill 181 amended the MEA in relation to election campaign advertising. The definitions in the proposed Election Sign By-law are aligned with the changes to the MEA.

Specifically, these changes included an expanded definition of Election Campaign Advertisement. The Provincial legislation defines an election campaign advertisement to mean:

“an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.”

It will be mandatory for an Election Campaign Advertisement purchased by or under the direction of a candidate to identify the candidate.

The changes to the MEA also provide for registered third party entities to advertise for an electoral candidate during the restricted period (May 1, 2018 to October 19, 2018).

These amendments create a regulatory framework that will require Third Parties to register with a municipality if they intend to advertise in that municipality, and imposes spending and contribution limits.

Individuals, corporations and unions are permitted to register as a Third Party. Candidates cannot register as, or otherwise direct, a Third Party. Registration allows Third Parties to support or oppose any candidate that the electors in the municipality can vote for (local council, school board trustee positions and regional council offices).

The MEA defines Third Party Advertisement as:

“an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing:

- a) a candidate; or
- b) a “yes” or “no” answer to a question on the ballot

but does not include an advertisement by or under the direction of a candidate or an advertisement described in subsection (2) or (2.1)”

In accordance with the amended MEA, Registered Third Party campaign supporters are defined in the proposed Election Sign By-law as:

“Registered Third Party” means any person or entity, including but not limited to a corporation or trade union whom is not a registered candidate, political party or constituency association who incurs expenses with respect to:

- i) a question, law or by-law submitted to the electors;
- ii) an issue associated with a person or political party participating in an election or;
- iii) a candidate or political party participating in an election under the *Canada Elections Act*, the *Elections Act* or the *Municipal Elections Act*.”

The changes to the MEA will prohibit a Third Party Advertisement to appear during the restricted period unless the advertisement contains the following information:

- a) The name of the registered third party.
- b) The municipality where the Registered Third Party is registered.
- c) A telephone number, mailing address or email address at which the Registered Third Party may be contacted regarding the advertisement

The proposed Election Sign By-law incorporates the definition of a Registered Third Party and the Provincial requirements concerning election campaign advertisements related to election signs. Within the changes to the MEA, election campaign advertisements include a variety of types of media, not just the use of signage. The proposed By-law only relates to the use of election signs within the Town.

The other types of media would be regulated by the Provincial legislation which permits the municipality to require a person, who the municipality reasonably believes contravened the legislation, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising.

Bill 181 also amended the MEA to reduce the Nomination Period for candidates. The Nomination Period will now begin on May 1 and will run until 2:00 pm the fourth Friday in July (July 27, 2018), also known as Nomination Day. Prior to the amendments coming into force, the Nomination period began on January 1 and ended on the second Friday in September.

There is now twelve (12) weeks between Nomination Day and Election Day (the fourth Monday in October of an Election Year). Before the MEA was amended by Bill 181, there was thirty-seven (37) days between Nomination Day and Election Day.

The provision of the existing Sign By-law in Section 9.2b) allows for election signs to be displayed as of Nomination Day. Under this provision of the Sign By-law and the MEA, election signs could be on display for twelve (12) weeks, rather than the thirty-seven (37) day period between Nomination Day and Election Day in previous municipal election years.



The proposed Election Sign By-law would allow election signs to be on display prior to the issuance of writs for a provincial or federal election or forty-five (45) days immediately preceding Nomination Day and requires all elections signs to be removed within four (4) days immediately following the election.

A process for the removal of unlawful elections signs is described in the proposed By-law, including notice, storage and disposal. It also includes provisions for the recovery of costs incurred by the Town and penalties for contravention of the By-law under the *Provincial Offences Act* and *Municipal Act*.

## Consultations

Planning & Building Services  
Other Municipalities

## Financial Implications

None

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

1

Election Sign By-law No. 2018-32

# **The Corporation of the Town of Tecumseh**

## **By-Law Number 2018 - 32**

A By-law of The Corporation of the Town of Tecumseh being a by-law to regulate Election Signs

**Whereas** Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and, b) enhance their ability to respond to municipal issues;

**And Whereas** Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**And Whereas** Section 10 of the *Municipal Act, 2001*, provides that a single tier municipality may pass by-laws within the spheres of jurisdiction set out therein, inter alia structures, including fences and signs;

**And Whereas** Section 63 of the *Municipal Act, 2001*, S.O. 2001, as amended, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

**And Whereas** Section 99 of the *Municipal Act, 2001*, provides the rules which apply to a by-law of a municipality respecting advertising devices, including signs;

**And Whereas**, Section 425 of the *Municipal Act, 2001*, establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

**And Whereas** Section 445 of the *Municipal Act, 2001*, as amended, provides that a municipality may make a rider requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

**And Whereas** Section 446 of the *Municipal Act, 2001*, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same matter as property taxes;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

### **1. Definitions**

In this By-law, the following terms shall have the meanings indicated:

- A) **Boulevard:** means the portion of every highway between the roadway and the abutting property line.
- B) **Campaign Advertisement:** means an advertisement in any broadcast, print, electronic form or other medium purchased by or under the direction of a candidate or third party;



- C) **Campaign Office:** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information about the candidate;
- D) **Candidate:** means a person who is running or has expressed an intention to run in a municipal, provincial or federal election and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;
- E) **Election Sign:** means any sign:
- (1) advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
  - (2) intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;
- F) **Highway:** means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance;
- G) **Officer:** means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the Town of Tecumseh or designate, the Ontario Provincial Police, or a Provincial Offences Officer or other duly appointed individual;
- H) **Place:** means attach, install, erect, build, construct, reconstruct, move, display, or affix;
- I) **Premises:** includes the parking lot, adjoining fences and road allowances;
- J) **Public Utility Facility:** means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a municipal or public utility service, including the Town, Bell Canada, Union Gas, Ontario Hydro, Hydro One, Essex Power and any subsidiaries thereof;
- K) **Registered Third Party:** means any person or entity, including but not limited to a corporation or trade union whom is not a registered candidate, political party or constituency association who incurs expenses with respect to:
- (1) a question, law or by-law submitted to the electors;
  - (2) an issue associated with a person or political party participating in an election or;
  - (3) a candidate or political party participating in an election under the *Canada Elections Act*, the *Elections Act* or the *Municipal Elections Act*;
- L) **Roadway:** means the travelled portion of a highway;

- M) **Sidewalk or Trail:** means any municipal walkway, or that portion of a Highway between the roadway and the adjacent property line, primarily intended for the use of pedestrians;
- N) **Sign Height:** means the vertical distance measured from the highest point of the sign to grade and includes any support structure;
- O) **Town:** means The Corporation of the Town of Tecumseh;
- P) **Town Official Sign:** means a sign placed by the Town of Tecumseh to control and regulate the movement of vehicles and pedestrians, signs posted by the Town under the provisions of the sign by-law, includes a sign approved by the Ministry of Transportation Ontario, and signs described in the *Highway Traffic Act*;
- Q) **Town Property:** means property owned by or under the control of the Town of Tecumseh or any of its agencies, boards or commissions, including highways, boulevards and road allowances, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include, buses, bus shelters, benches, municipal garbage containers or other structures, located on a highway regardless of whether the shelters, containers or structures are owned by the Town. Property owned by the Town and leased to another person or entity shall not be deemed to be public property;
- R) **Trailer:** means a vehicle or device that is intended to at any time to be drawn, temporarily drawn, propelled or moved upon a highway by a motor vehicle and for the purposes of this by-law shall include but not be limited to a wagon, implement of husbandry, trailer designed for recreational purposes or commercially registered vehicle or trailer;
- S) **Vehicle:** includes any means of transportation propelled or driven by any kind of power including muscular power;
- T) **Voting Place:** means a place where citizens cast their ballots and shall include the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises.

## 2. General Provisions

- A) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- B) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
  - (1) on or overhanging Town property including, but not limited to, a Park or a facility that is owned or operated by the Town, a Highway, Roadway, Boulevard and Sidewalk or Trail;
  - (2) on a Public Utility Facility;
  - (3) which contains an electronic display that incorporates in any manner any flashing, moving illumination or animation which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description;

- (4) on any Town official sign or Town official sign structure;
- (5) in a location that would, by reason of size, location, or illumination, obstruct the vision and/or passage of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which are located in a sight triangle;
- (6) which makes use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic;
- (7) on a tree, stone or other natural object or on a boundary fence or safety rail;
- (8) at a Voting Place;
- (9) on or within a Vehicle or Trailer parked within 50 metres of a Voting Place;
- (10) in a location where the Election Sign:
  - (a) obstructs or impedes any required fire escape, fire exit, fire route, door, window etc., or so as to prevent or impede access of firefighters to any part of a building;
  - (b) constitutes a danger or hazard to the general public
- C) The candidate or registered third party to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this By-law have been met.
- D) No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate to whom the sign relates or the owner of the property on which the sign is erected.
- E) No person shall deface or willfully cause damage to a lawfully erected election sign.
- F) No person shall place an election sign in such a position that such sign would contravene any other applicable legislation.
- G) No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Town.

### **3. Election Signs on Private Property**

- A) Election signs may be erected or displayed on private property if:
  - (1) The signs are no larger than 1.22 metres by 1.22 metres and the sign height is no higher than two metres above ground level, save and except signs on campaign offices, billboards and signs displayed indoors;
  - (2) The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
  - (3) The signs are erected with the consent of the owner or tenant of the property.

- B) No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
- C) No more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.
- D) The use of or erection of signs for other than the purposes provided for in this By-law shall be governed by the Town's Sign By-law.

#### **4. Timing**

- A) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or forty-five (45) days immediately preceding the day of a municipal election or Nomination Day for a by-election.
- B) Notwithstanding section 4 A) election signs may be erected on campaign offices up to 90 days prior to voting day provided that:
  - (1) in the case of a candidate for the position of Councillor or Trustee, that right shall extend to no more than one campaign office in the ward where the candidate is running for election;
  - (2) in the case of a candidate for the position of Mayor, that right shall extend to no more than two (2) campaign offices.
- C) An election sign shall be removed within ninety-six (96) hours (4 days) immediately following 11:59 pm of the day of the election.

#### **5. Removal of Unlawful Election Signs**

- A) Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-law, a Municipal Law Enforcement Officer or any other individual designated by the Clerk may cause the sign to be removed immediately without notice to the owner or apparent owner and/or take any further action as provided within this By-law.

#### **6. Notice of Removal, Storage and Disposal**

- A) Where the Town removes an election sign, a Notice shall be forwarded by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed. Such notice to the candidate or registered third party will indicate that the illegal sign has been removed by the Town and that said sign will be stored and disposed of by the Town in accordance to the provisions of Section 6 C). The Notice shall further indicate that the sign may be reclaimed by the candidate or registered third party within the time period prescribed and upon payment to the Town the cost of pulling down, removal and storage of the sign.
- B) Where the Town removes a sign and Notice has been provided as set out in Section 6 A), the candidate or registered third party shall submit payment of all fees associated with the removal, storage and disposal of each sign as set out on the Notice provided within 30 days of receipt. All costs and charges incurred by a municipality for the removal, care and storage of a sign that is erected or displayed in contravention of this by-law shall be considered a lien on the advertising device.



- C) Where a sign has been removed by the Town and stored for a period of thirty (30) days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of by the Town with no further notification to the owner of such sign.

## **7. Recovery of Costs for Removal, Storage and Disposal of Signs**

- A) If an election sign is removed in accordance with Section 5 A), any person responsible for erecting or displaying or causing the erection or display of the sign in contravention of this article shall, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the Town the cost of removing the sign. If an election sign is removed under Section 5 A), the candidate to whom the sign relates shall be responsible for payment of all fees established under the Fees By-law to cover the cost of removing the sign.
- B) Where a sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in the Fees By-law, the amount stated in the Fees By-law shall not apply and the amount shall be the Town's actual cost for taking down, removing and disposing of the sign, plus an administrative fee of an additional fifteen (15%) percent.
- C) Any applicable fees as set out in the Fees By-law may be recovered by legal action or in a like manner as municipal taxes. Outstanding amounts applied will be applied to a candidate's tax roll, if applicable, based on the qualifying address provided on the candidate's nomination paper or registered third party's registration form.
- D) Signs that have been removed under Section 5 A) shall be stored by the Town for a minimum of 30 days, during which time the candidate or registered third party, the candidate's agent or registered third party may retrieve the sign by paying any amounts owing to the Town under the Fees By-law.
- E) Notwithstanding Section 7 D) the candidate or registered third party may provide the Town with a signed acknowledgement and release in a form acceptable to the Town requesting a review of the Notice received as to the illegal placement of the election sign.

## **8. Enforcement**

- A) A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- B) No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **9. Offence**

- A) Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the *Act*.

- B) Every person who contravenes any provision of this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- C) Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- D) For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- E) For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- F) Notwithstanding Section 9 E), and in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

## **10. Liability**

- A) The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the construction, erection, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on The Corporation of the Town of Tecumseh, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any sign.

## **11. Conflicts**

- A) In the event of a conflict between the provisions of this by-law and the provisions of another by-law of The Corporation of the Town of Tecumseh regulating signage, the provisions of the more restrictive enactment shall prevail.

**12. Other Laws**

- A) Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws which regulate signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner.

**13. Validity**

- A) In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

**14. Title**

- A) This by-law may be cited as the "**Election Sign By-law**".

**15. Force and Effect**

- A) **That** this By-law shall come into force and effect immediately upon final passing.

**Read** a first, second and third time and finally passed this 24th day of April, 2018.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Mayor and Members of Council

**From:** Jennifer Alexander, Deputy Clerk & Manager Legislative Services

**Date to Council:** April 24, 2018

**Report Number:** CS-2018-08

**Subject:** Use of Corporate Resources Policy for Election Purposes

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### Recommendations

It is recommended:

**That** Report CS-2018-08 Use of Corporate Resources Policy for Election Purposes, **be received;**

**And that** the amended Policy No. 69 Use of Corporate Resources for Election Purposes **be approved.**

### Background

Section 88.18 of the *Municipal Elections Act* (Act) requires that before May 1, in the year of a regular election, municipalities and local boards to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.

Policy No. 69 regarding the Use of Corporate Resources for Election Purposes was adopted in May 11, 2010.

The Act was reviewed by the Province following the 2014 Municipal Election and a number of changes have come into effect as a result of Bill 181, *Municipal Elections Modernization Act* (Bill 181) receiving Royal Assent on June 9, 2016.



One of the changes to the Act provides for registered third party entities to advertise for an electoral candidate during the restricted period (May 1, 2018 to October 19, 2018). It will be mandatory for an Election Campaign Advertisement purchased by or under the direction of a candidate to identify the candidate.

Individuals, corporations and unions are permitted to register as a Third Party. Candidates cannot register as, or otherwise direct, a Third Party. Registration allows Third Parties to support or oppose any candidate that the electors in the municipality can vote for (local council, school board trustee positions and regional council offices).

Timely and regular reviews of policies are carried out to ensure legislative compliance and to address current issues.

## **Comments**

While it is recognized that Members of Council must be able to perform the duties of their office during an election year, it is also important to establish clear guidelines to ensure that the election campaigns of sitting Members do not receive any advantage over other Candidates, by virtue of their office, and at the same time clarify the prohibited use of corporate resources for all Candidates, Registered Third Parties and staff during a municipal election period.

The Act prohibits a municipality from making a contribution to a Candidate. The Act also prohibits a Candidate, or someone acting on a Candidate's behalf, from accepting a contribution from a person who is not entitled to contribute. As contributions may take the form of funds, goods or services, any use by a Candidate of the Corporation's resources for his or her election campaign would be viewed as a contribution from the Town to the candidate, which is in violation of the Act.

Policy No. 69 has been reviewed and amendments are recommended in relation to the new provisions in the Act for Third Party Advertisers. Definitions have been added to the Policy for clarity on terminology, types and forms of goods and services, including new technology, social media and Town App have been made.

A copy of the updated Policy is attached as Attachment 1.

## **Consultations**

Other Municipalities

## **Financial Implications**

There are no financial implications associated to this policy.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐      Social Media ☐      News Release ☐      Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA  
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Use of Corporate Resources Policy for Election Purposes



# The Corporation of the Town of Tecumseh

## Policy Manual

**Policy Number:** 69  
**Effective Date:** April 24, 2018  
**Supersedes:** RCM May 11, 2010 (RCM-164/10)  
**Approval:** April 24, 2018 (RCM-xx/18)

**Subject:** Use of Corporate Resources for Election Purposes

### Purpose

- 1.0 The purpose of this policy is to clarify that all Council Members, Candidates, Registered Third Parties, and Staff are required to follow the provisions of the *Municipal Elections Act, 1996* and that no Candidate, Registered Third Party or Staff shall
- use facilities, equipment, supplies, services, staff or other resources of the Town for any election campaign or campaign related activities.
  - undertake campaign-related activities on Town property during regular working hours.
  - use the services of persons during hours in which those persons receive any compensation from the Town.

### Application

- 2.0 This policy is applicable to all Council Members, Candidates, Registered Third Party and Staff in a Town election period.

### Definitions

- 3.0 **Act** means the *Municipal Elections Act, 1996*, S.O. c.32, (Act) as amended;
- 4.0 **Campaign Period** means the following:
- 4.1 For Candidates, the date on which the nomination form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed);



- 4.2 For Registered Third Parties, the date on which the notice of registration as a third party advertiser is filed until December 31 in the year of an election (unless a request for an extension or campaign has been filed);
- 5.0 **Candidate** means a person who has filed a nomination form for an office pursuant to section 33 of the Act, and includes a person who has filed a nomination for election to a school board pursuant to the *Education Act*, R.S.O. 1990, c. E.2, as amended;
- 6.0 **Corporate Resources** means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Town including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, the Town's information technology (IT) network and resources, databases, social media, intellectual property, and supplies;
- 7.0 **Council Member** means a Member of Council of the Town of Tecumseh;
- 8.0 **Nomination Day** means for a regular election is the fourth Friday in July in the year of the election, as prescribed in the Act;
- 9.0 **Registered Third Party** means an individual, corporation or trade union that has filed a notice of registration as a Third Party Advertiser in the municipal election.
- 10.0 **Staff** means all full-time, part-time, and contract persons employed by the Town;
- 11.0 **Town** means The Corporation of the Town of Tecumseh;
- 12.0 **Voting (Election) Day** means in a regular election, the fourth Monday in October in the year of the election or in the case of a by-election, the 45th day after Nomination Day, as noted in section 5 and subsection 65(4) of the Act.

## Policy

- 13.0 That, in accordance with the provisions of the Act:
- 13.1 Corporate resources and funding may not be used for any election-related purposes. Resources include but are not limited to:
- Telephones, voicemail
  - Cell phone
  - Computer/Tablets
  - Town website and social media sites
  - Printer/Copier/Scanner

- E-mail/ Town computer network system
  - Fax Machine
  - Consumables related to the above equipment such as paper, toner, etc.
  - Town logo or wordmark
- 13.2 Candidates may not use Town owned or operated facilities for any election-related purposes, which includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office.
- 13.3 The following will be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
- i) All forms of advertising, including in Town publications;
  - ii) The ordering of stationery and business cards;
  - iii) Links to Council Member-related websites, social media sites and Town App;
  - iv) Use of Town email addresses or email distribution lists accumulated in their role as a Member of Council;
  - v) The posting of information relating to the activities (profile) of Council, or any Member of Council on the Town's website, excluding the minutes of Council and committee meetings. Only contact phone and/or email posted for each Member of Council at the commencement of each term shall remain on the Town's website.
- 13.4 Members of Council, Candidates, Third Parties and Staff may not:
- i) Print or distribute any material paid by Town funds that illustrate that a Member of Council or any other individual is registered in any election or where they will be running for office,
  - ii) Profile (name or photograph), or make reference to, in any material paid by Town funds, any individual who is registered as a candidate in any election,
  - iii) Print or distribute any material using Town funds that makes reference to, or contains the names or photographs, or identifies registered Candidates for Town elections; and that minutes of Town Council and Committee meetings be exempt from this policy,

- iv) Use website or domain names that are funded by the Town may not include any election-related campaign material; and
  - v) Use the Town's voice mail system to record election-related messages.
  - vi) Use of the Town's computer network (including the Town's email system) for election-related purposes.
  - vii) Benefit from the use of any corporate pricing established under the Town's purchasing policy.
  - viii) Use any Council or Councillor budgets for election-related correspondence and advertising.
- 13.5 The above prohibitions also apply to an acclaimed Member or a Member not seeking re-election.
- 13.6 A Council Member attending an event as a representative of the Town is not permitted to campaign while conducting Town business.
- 13.7 Candidates or Registered Third Parties are not permitted to engage in campaign activities directed at Staff while those Staff are at their workplace or engaged in work for the Town.
- 13.8 Staff engaged in political activity must take care to separate those personal activities from their official positions. Staff may participate in political activity at the federal, provincial and Town levels providing that such activity does not take place during work hours or use corporate assets or resources, or property. Notices, posters or similar material in support of a Candidate are not to be produced, displayed or distributed by staff on Town property.
- 13.9 Staff may not canvass or actively work in support of a Candidate or Registered Third Party during normal working hours.
- 13.10 Staff will not canvass or actively work in support of a Candidate while wearing a uniform, badge, logo or any other item identifying them as an employee of Town, or using a Town vehicle.
- 14.0 That the Town Clerk or designate, be authorized and directed to take the necessary action to give effect to this policy.

## **Limitation**

- 15.0 Nothing in this Policy shall preclude a Member of Council from performing their duties as a Member of Council, nor inhibit them from representing the interests of the constituents who elected them.

## Implementation

- 16.0 This policy shall become effective immediately upon approval by Tecumseh Council.

## Rationale and Legislative Authority

- 17.0 It is necessary to establish guidelines on the appropriate use of corporate resources during an election period to protect the interest of both Members of Council and The Corporation of the Town of Tecumseh. The *Municipal Elections Act, 1996* prohibits a Town from making a contribution to a candidate. The *Act* also prohibits a candidate or someone acting on the candidate's behalf from accepting a contribution from a person who is not entitled to make a contribution.
- 18.0 As a contribution may take the form of money, goods or services, any use by a Member of Council of the Corporation's resources for his or her election campaign would be viewed as a contribution by the Town to the Member, which is a violation of the *Municipal Elections Act, 1996*.





## The Corporation of the Town of Tecumseh

### Financial Services

**To:** Mayor and Members of Council

**From:** Luc Gagnon, Director Financial Services & Treasurer

**Date to Council:** April 24, 2018

**Report Number:** FS-2018-04

**Subject:** Water & Sanitary In-House Billing

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### Recommendations

It is recommended:

1. **That** performance of the water and sanitary billing function (read, process, bill and collect) in-house as proposed in the 2018 Proposed Business Plan & Budget **be tabled for discussion and referred to the May 8, 2018 Regular Council Meeting for consideration and approval;**
2. **And that** savings, as a result of converting to in-house billing for water and sanitary charges, **be allocated to** the water and sanitary reserve funds to offset future capital requirements.

### Background

On June 1, 2000 the Tecumseh Public Utilities Commission assets were transferred to Essex Powerlines Corporation (EPL). Since that date, EPL has provided all billing functions, including meter reading, bill processing and collection, on the Town's behalf. EPL performed this service for all municipal shareholders (Tecumseh, LaSalle, Leamington and Amherstburg) until January 1, 2017 when LaSalle took ownership of the billing function for its users.

Revenues and number of users as per the 2018 Approved budget are summarized in the following table.

Revenue	Water	Wastewater	Total
Fixed	\$ 1,584,000	\$ 1,474,000	\$ 3,058,000
Consumption	\$ 3,384,000	\$ 3,090,000	\$ 6,474,000
	<u>\$ 4,968,000</u>	<u>\$ 4,564,000</u>	<u>\$ 9,532,000</u>
# of Users			
Residential	8,250	7,600	
Commercial	680	370	
	<u>8,930</u>	<u>7,970</u>	

The chart below shows the fees the Town has paid to EPL over the last 10-year period.

<b>EPL Collection Costs - Historical</b>				
	<b>Water</b>	<b>Sanitary</b>	<b>Total</b>	<b>% Increase</b>
2008	\$ 107,500	\$ 70,200	\$ 177,700	2.80%
2009	\$ 123,400	\$ 82,300	\$ 205,700	* 9.5%
2010	\$ 134,000	\$ 89,400	\$ 223,400	8.60%
2011	\$ 146,500	\$ 97,700	\$ 244,200	9.31%
2012	\$ 147,200	\$ 98,100	\$ 245,300	0.45%
2013	\$ 147,200	\$ 98,100	\$ 245,300	0.00%
2014	\$ 150,100	\$ 100,100	\$ 250,200	2.00%
2015	\$ 150,100	\$ 100,100	\$ 250,200	0.00%
2016	\$ 150,100	\$ 100,100	\$ 250,200	0.00%
<b>2017</b>	<b>\$ 150,100</b>	<b>\$ 100,100</b>	<b>\$ 250,200</b>	0.00%
10 year total	<u>\$ 1,406,200</u>	<u>\$ 936,200</u>	<u>\$ 2,342,400</u>	
* % increase was adjusted to reflect increase in billings as a result of assuming billing for Oldcastle customers formerly billed by Enwin Utilities				

The Town began installing Encoder Receiver Transmitters (ERT) in 2011, which allows the Town to read meters remotely by driving around instead of walking around. Readings are then sent electronically to EPL, which has relieved them from most of the meter reading and input services they previously provided. There has been no concurrent reduction in the charges received from EPL to reflect a reduction in meter reading requirements.

## Comments

Administration has periodically considered the option of bringing water and sanitary billing in-house. This discussion often centered on two factors: the Town's ability to service user needs, which is discussed below and the cost to provide billing services which is reviewed under the Financial Implications section.

## Service User Needs

Effective service is based on an efficient and timely delivery of services. Experience has shown that the Town's ability to respond in a timely manner to customer service issues is significantly hampered under the existing system.

Having care and control of our customer database is also an important benefit as this data is used frequently for study updates (Water & Sanitary Rate Study, Water Financial Plan, Development Charges Study, Asset Management Plan), day to day operations and budget variance purposes.

Other benefits of bringing this function in-house include:

- ✓ Streamline customer issues/concerns – currently ratepayers may deal with two or three different people and multiple service work orders when they could be dealing with one person and one service work order. Currently when data and information is transferred from EPL to the Town for billing purposes it is handled by multiple people, which leads to inaccuracies. In-house will allow data and information to be handled by one person.
- ✓ Direct access to financial information and reports will reduce wait time and limitations to data inherent in the Town tying into the EPL data as a user only.
- ✓ Allow Town unrestricted access to data in real-time – Town staff require water & sanitary data for several reasons, i.e. calculating water loss, providing consumption data to consultants for projects/master plan updates, water usage for MOECC (Ministry of Environment and Climate Change) reporting. Relying on a third party to retrieve this information adds an extra step to the process, adding time and increasing the likelihood of errors from miscommunication.
- ✓ The Water division must document all daily activities as per the DWQMS (Drinking Water Quality Management System) and MOECC requirements. The current work order system with EPL dictates that most of the documentation requires work orders to be completed manually on paper. Implementation of an in-house work order system would be paperless; it will save time, provide an efficient means of collecting and storing important data, and provide an electronic record for DWQMS and MOECC audits.
- ✓ Allow implementation of in-house work order system - the Water division has delayed implementing an existing in-house work order system that many of the Town's other areas use because many of its service calls come from EPL.
- ✓ Frequency of residential customer billing – the Town will be able to control when and how often residential customers will be billed. Presently, some residential customers are billed every month while others are every other month. Moving all residential customers to a quarterly billing cycle has significant cost saving potential. Commercial billing will continue on a monthly basis.

- ✓ Direct and more timely access to personal ratepayer information (cell phone, email address) will enable Town staff to use this information in real-time for the Tecumseh Citizen Alert System in the event of a water related emergency.
- ✓ The DWQMS Emergency Plan reviewed and accepted by the MOECC states that in the event of water emergency, Town staff will use the Tecumseh Citizen Alert System. This effective emergency system may also be used for any other Town related emergencies. Currently there is a time lag from month to month in updating the ratepayer information from EPL data base to the Town's Citizen Alert System. In-house billing will provide the necessary daily updates to more accurately activate this system in the event of a Town emergency.

### The LaSalle Experience

The Town of LaSalle (LaSalle) began in-house billing for water and sanitary charges effective January 1, 2017. Their February 16, 2016 FIN-05-2016 report noted non-financial advantages such as improved customer service, one window approach for service, synergies between staff and improved communication between departments. Estimated annual savings by going in-house and doing quarterly billing were projected to be \$112,000.

Administration has discussed with LaSalle Administration the progress and evaluation of providing the water and sanitary billing function in-house. They've indicated that there were many issues and hurdles to be dealt with initially but now that they are approaching the one year point things are operating smoothly. In addition to the significant cost savings that have resulted from taking the utility billing in-house, the level of service has significantly increased, as customers only have to call the Town to get information on their bill and usage.

Upon taking back the billing function LaSalle discovered:

- 1) Many estimated bills were significantly underestimated resulting in some large retroactive billings,
- 2) Coding issues where commercial properties were billed as residential, apartments only charged for one monthly fixed cost rather than per each unit and residential properties not being charged a sanitary fee when they should have been, and
- 3) Mix up in information being sent to LaSalle residents that applied to another municipal client.



## Alternatives

Over the last number of years, discussions have been ongoing at the local municipal level as to the feasibility of a local shared service arrangement or looking at an alternate outside service provider. Ultimately no clear path could be seen to developing a local shared service arrangement that would be feasible. The option of an alternate outside service provider might have been a cheaper alternative but did not address the operational issues of compatibility with our various systems.

## EPL Proposal for Operational Matters

EPL indicated a number of changes they could make in order to improve overall customer service. These areas included:

- I. Undertake Quarterly billing for all residential customers.
- II. Getting accurate and timely data for requested Reports.
- III. Improving service order process
- IV. Undertaking Bad Debt/Write offs on a timelier basis.

Administration reviewed the proposal and, while appreciative of EPL's offer, note that this would still result in the Town remaining a customer of EPL with the related issues that entails. The most significant issues still include:

- Not having direct access to data supporting annual billings of \$9.5M,
- Relying on an outside party to ensure currency, adequacy and completeness of the data,
- Increased complexity by implementing a work management software system on a 3<sup>rd</sup> party system,
- Having a 3<sup>rd</sup> party handling customer calls for service/complaints, and
- Increased liability with respect to a 3<sup>rd</sup> party involved in a service area that carries high consequences if matters are not dealt with in a timely manner.

**The number one focus** under consideration is providing the best customer service balanced with an affordable cost. Administration believes service, efficiency and customer satisfaction will be greatly enhanced by performing the water and sanitary billing function (read, process, bill and collect) in-house.

Therefore, Administration recommends bringing the billing and customer service functions in house subject to affordability as considered under Financial Implications below.

## Consultations

Information & Communication Services  
Public Works & Environmental Services  
Town of LaSalle

## Financial Implications

EPL billing history, provided in the background section, shows a cost of approximately \$250,000 on an annual ongoing basis notwithstanding that the Town of Tecumseh has relieved EPL of the responsibility for providing meter-reading services for 100% of the commercial users and the majority of residential users for the past five years.

Following our request and 2018 budget proposal, EPL proposed, concurrent with changing to quarterly billing for residential customers, billing and collection services for the next five years at a cost of:

- Year 1           \$175,000
- Year 2           \$170,000 (full implementation of quarterly billing)
- Year 3           \$160,000
- Year 4           \$155,000
- Year 5           \$150,000 upon conversion of all remaining water meters to ERT

All prices are subject to HST.

EPL has noted that a change to quarterly billings will result in it taking longer to detect and react to leakage issues. Under the Town of Tecumseh model, meter reads would still take place on a monthly basis so that leakage detection should be the same as under the current model.

Administration estimates the cost of bringing the service in-house to be considerably less than \$250,000 once fully implemented. A detailed cost breakdown is provided in the following table.

<b>Annual Operational Costs post Implementation</b>			
Postage (quarterly bills)	36,000	\$ 0.90	\$ 32,400
Misc Svc (Printing bills)	36,000	\$ 0.22	\$ 7,900
Office supplies (stationary)	36,000	\$ 0.05	\$ 1,800
Office supplies (misc.)	2,000	\$ 1.00	\$ 2,000
Software (Vadim module)	1	\$ 2,900.00	\$ 2,900
Financial Analyst	0.50	\$ 100,000.00	\$ 50,000
Finance Clerk *	0.33	\$ 75,000.00	\$ 24,800
Public Works **	-	\$ -	\$ -
<b>Annual Operational Costs</b>			<b>\$ 121,800</b>
Essex Power annual fee (2017)			\$ 250,200
<b>Annual Operational Savings</b>			<b>\$ 128,400</b>

\* - Existing Finance and Water Clerks will be assisting with customer service

\*\* - Public Works currently provides EPL with meter reads, so no additional costs to incur

Based on EPL's recent offer, Annual Operational Savings in Year 5 of the agreement will be \$28,200 (\$150,000 - \$121,800). Total savings foregone in Years 1 to 4 would amount to approximately \$173,000.

Administration anticipates implementation to take approximately one year. Estimated one-time capital and implementation costs are approximately \$82,800, detailed in the following table.

<b>One-time Capital and Implementation Costs</b>			
Software (purchase)	1	\$ 14,300.00	\$ 14,300
Software (implementation)	1	\$ 15,480.00	\$ 15,500
Advertising (change in billing)	6	\$ 500.00	\$ 3,000
Financial Analyst	0.50	\$ 100,000.00	\$ 50,000
			<b>\$ 82,800</b>

Further savings can be achieved through electronic billing. A conservative 25% participation rate in this endeavour reduces costs an additional \$7,900, detailed in the following table.

<b>Additional operational savings with e-Billing</b>			
Postage	6,750	\$ 0.90	\$ 6,100
Misc Svc (Printing bills)	6,750	\$ 0.22	\$ 1,500
Office supplies	6,750	\$ 0.05	\$ 300
			<b>\$ 7,900</b>

Other benefits of bringing this function in-house include:

- ✓ Collection of balances in arrears – Current OEB guidelines require that any payments on account be allocated to electricity charges and then, if there is anything remaining, to the charges for other goods and services. The Town will now have direct access to delinquent accounts and any recoveries will come to the Town. In addition, the Town will be more readily able to add arrears to the tax roll on a timely basis thus increasing recoveries over the present system.
- ✓ New software proposed will support e-billing customers to assist in reducing mailing and paper supply costs.
- ✓ Provides synergy to the Financial Services Department by offsetting in part the cost of an additional Financial Analyst to be responsible for both water/sanitary billing but also relieving the Deputy Treasurer & Tax Collector of some tax collection functions. This will assist the FS Department to free up time for the Deputy Treasurer & Tax Collector to assume more financial management and oversight duties.

#### Impact on EPL

EPL's correspondence indicates that losing the Town as a \$255,000 billing customer will have a net annual impact of \$160,000 after cost avoidance/mitigation measures available to them. They have advised that "In the event of the loss of Tecumseh water billing and over time, EPL will experience a net income reduction that will result in EPL raising electricity rates or shareholders will be forced to realise a lower dividend return."

What isn't clear from the EPL correspondence is how much of the \$95,000 in Cost Avoidance/Mitigation they would have to retain to continue providing the service. As it stands

they appear to be offering to continue providing the service for \$150,000 which is less than the Potential Impact to EPL of (\$160,152).

If EPL reduces the dividend, the Town's 26.44% share of the reduction would be \$42,300. We anticipate that, over a period of time, EPL would be able to reduce the Potential Impact to EPL as it continues to manage the ever changing electricity market. Ultimately the Town would still be paying out \$150,000 to possibly save \$42,300.

### Financial Summary

Based on EPL's offer to reduce annual costs to \$150,000 to provide billing services in Year 5 the annual savings of bringing the billing service in house is greatly reduced. Administration believes that, similar to the LaSalle experience, there will be greater opportunity to maximize revenues by implementing procedures to make sure billings are accurate and complete.

### Conclusion

Administration recommends: 1) That Council approve performing the water and sanitary billing function (read, process, bill and collect) in-house as proposed in the 2018 Proposed Business Plan & Budget, and 2) That savings, as a result of converting to in-house billing for water and sanitary charges, be allocated to the water and sanitary reserve funds to offset future capital requirements.

This recommendation will allow the Town to provide a more efficient, timely and reliable water and sanitary service than is currently possible. The cost to do this will be reduced. Finally, implementing this change will provide synergies for optimizing current staffing as well as assisting the financial services department in being able to meet increasing workload issues with respect to allocating revenue functions from the Deputy-Treasurer to the new Financial Analyst position, allowing the Deputy Treasurer to focus on financial management and oversight.



## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Tom Kitsos, CPA, CMA, BComm  
Deputy Treasurer & Tax Collector

Prepared by:

Denis Berthiaume, ORO  
Manager Water & Wastewater Services

Reviewed by:

Shaun Fuerth, BCS  
Director Information & Communication Services

Reviewed by:

Luc Gagnon, CPA, CA, BMath  
Director Financial Services & Treasurer

Reviewed by:

Dan Piescic, P.Eng.  
Director Public Works & Environmental Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

**Attachment  
Number**

**Attachment  
Name**

1

Essex Powerlines – Town of Tecumseh Water Billing Proposal



February 16, 2018

**Mr. Tony Haddad**

CAO, Town of Tecumseh  
917 Lesperance Rd.  
Tecumseh, Ontario  
N8N 1W9

Dear Tony,

**Re: Essex Powerlines - Town of Tecumseh Water Billing Proposal**

Thank you for the opportunity in allowing Essex Powerlines Corporation ("EPL"), your municipally-owned local distribution company, to submit our Proposal contained herein in order to remain the water billing agent for the Town of Tecumseh ("Tecumseh"). EPL has been the water billing agent for Tecumseh for over fifteen years and it is our hope to continue this mutually beneficially partnership for the foreseeable future.

Our Proposal will address both the Operational and Financial aspects that have been recently brought to our attention through our discussions with your Administrative and Operations staff. As you will see from the within Proposal, significant Operational improvements and Financial savings have been included.

Our Proposal will also highlight the potential overall impact to you as a shareholder in the event that a decision is made to not continue with EPL as your water billing agent.

***OPERATIONAL MATTERS***

Over the course of the last few months, EPL has met with multiple Tecumseh Staff and have been updated as it relates to some Operational Improvements that could be made in order to improve overall customer service.

With respect to OPERATIONAL matters we propose the following:

**I. Tecumseh request to undertake Quarterly billing for all Residential customers.**

EPL currently bills water residential and commercial customers on a monthly basis except for rural Tecumseh which is done on a bi-monthly basis.

**EPL can move to Quarterly for all Residential customers upon request.**

Please note that a transition to Quarterly residential billings will result in some Operational issues being experienced by the Tecumseh Water Dept., namely water leak detection will now take longer to detect and react to as the current monthly billing allows for a quicker and more prompt response. In the long term, is highly recommended that Tecumseh invest in Advanced Metering Infrastructure (“AMI”) in regards to water meters in order to, amongst other things, better detect any water leakage issues.

## **II. Getting accurate and timely data for requested Reports**

EPL undertook the following reports at the request of Tecumseh in 2017:

- i. 450/07 **Annual** Report for all commercial customers that use more than 7300 m3.
  - ii. A **one-time** Report of total number of customers with both water and wastewater
  - iii. A **Monthly** read file for each water cycle
  - iv. A **Monthly** Reverse 911 report
  - v. A list of customers with meters that do not have Encoder Receiver Transmitters (“ERT’s”) – requested a **couple times per year**
- 
- EPL has commenced and will continue undertaking a **full Audit** of current Tecumseh water data in order to ensure complete data integrity and accuracy.
  - EPL has commenced and will continue to institute **daily data integrity checks** of Tecumseh water data.
  - EPL will institute a **two business day** turnaround for any Report requested.
  - EPL will ensure that any Report requested by Tecumseh is subject to a more **robust and thorough** internal review process prior to issuing same.
  - EPL will complete a **comprehensive Master List** of meters that do not have ERT’s and will ensure it implements an effective process as the last remaining ERT’s are installed by Tecumseh.
  - EPL will dedicate **one management employee** as the owner of and single point of contact for all Report response processes to Tecumseh.



### III. Improving Service Order Process

Tecumseh identified that the process relating to booking water customer appointments had multiple layers and was inefficient.

Commencing on **February 5, 2018** this process has been materially improved. EPL now sets up appointments for Tecumseh water customers (high bill complaints) upon **first contact** with EPL.

Furthermore, Tecumseh has indicated that they are considering transitioning to **CityWorks (ESRI)** work management software system. If adopted by Tecumseh, EPL will undertake a **full integration** of this work management software system, in partnership with Tecumseh, in order to ensure the most optimal process efficiencies.

### IV. Undertake Bad Debt/Write Offs on a timelier basis.

Bad debt/write offs currently being done by EPL on an **annual** basis.

EPL can institute a **monthly or quarterly** bad debt/write off process whenever requested by Tecumseh.

An additional value-added and unique service provided by EPL to all residential and commercial customers involves the **ability to receive paperless billing** through its **MyAccount** customer portal. Not only do customers have the ability to receive an e-bill in place of paper bill through the use of this portal, customers have access to highly sought after historical consumption information. EPL has recently experienced a higher Tecumseh customer uptake of this service as a result of our environmentally sustainable paperless billing marketing campaign. For more information about EPL's MyAccount customer portal and the Plant A Tree Initiative, please visit:

<http://essexpowerlines.ca/news/200-go-green-plant-a-tree-campaign>

## **FINANCIAL MATTERS**

With respect to FINANCIAL costs associated with EPL continuing as Tecumseh's water billing agent EPL is prepared to offer this service for the annual fees described below:

Year 1- \$175,000.00

Year 2 - \$170,000.00 – Upon full implementation of Quarterly Billing

Year 3 - \$160,000.00

Year 4 - \$155,000.00

Year 5 - \$150,000.00 – Upon conversion of all remaining water meters to ERT

All prices above are subject to HST.



In return for a the above-noted reduced fee in order to continue delivering water bills on behalf of the Tecumseh, EPL requests a **minimum five year agreement** be entered into in order to provide both parties some stability and predictability on a go forward basis.

This would also fall in line with EPL's five year hydro rate rebasing cycle which we are currently in the process of completing.

### OVERALL CORPORATE IMPACT

Below is high level analysis of the expense synergy that EPL would lose if Tecumseh moves away from joint billing and the ultimate impact on EPL net revenue.

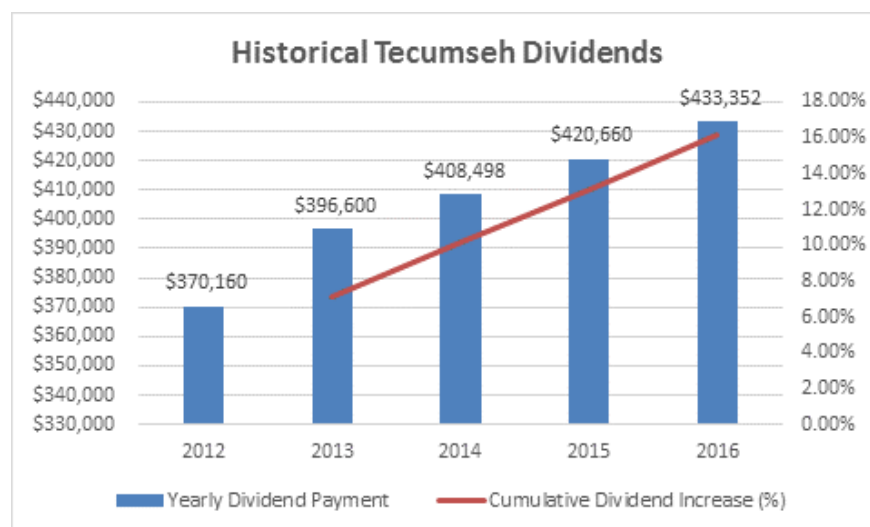
The analysis below attempts to show the potential impact to Essex Powerlines if it were to lose Tecumseh water billing services:

Source	\$
Lost Water Billing Revenue	(255,152)
Cost Avoidance/Mitigation	95,000
<b>Potential Impact to EPL</b>	<b>(160,152)</b>

### CONCLUSION

EPL understands the importance of shareholders seeking to identify potential efficiency gains within their respective municipalities. However, it is of utmost importance that shareholders consider the net effects of internalizing their water billing services. EPL will be able to eliminate some but not all variable expenses in relation to the loss of water billing services.

Over the course of the past five (5) years EPL has delivered a 3% year over year dividend increase to Tecumseh.





In the event of the loss of Tecumseh water billing and over time, EPL will experience a net income reduction that will result in EPL raising electricity rates or shareholders will be forced to realize a lower dividend return.

Trusting that the within meets to your satisfaction.

With regards

A handwritten signature in black ink, appearing to read 'J. Barile', is positioned above a horizontal line.

**Joe Barile, General Manager**  
Essex Powerlines Corporation



## The Corporation of the Town of Tecumseh

### Fire & Rescue Services

**To:** Mayor and Members of Council

**From:** Doug Pitre, Director Fire Services & Fire Chief, C.E.M.C.

**Date to Council:** April 24, 2018

**Report Number:** FIRE-2018-05

**Subject:** Tecumseh Fire Services - Q1 2018 Update

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### Recommendations

It is recommended:

**That** the Tecumseh Fire Services Q1 2018 update presented in the Fire & Rescue Services Department Report FIRE-2018-05, **be received**.

### Background

The purpose of this Fire Services Report is to provide Council with an overview of the Tecumseh Fire Rescue Services for the first quarter of 2018.

Tecumseh Fire Rescue Service provides firefighting protection for the lives and property of citizens of the Town of Tecumseh. Personnel respond to all calls for service, provide firefighting, rescue, emergency medical intervention (including defibrillation), vehicle extrication, shore-based water rescue, and confined space entry rescue.

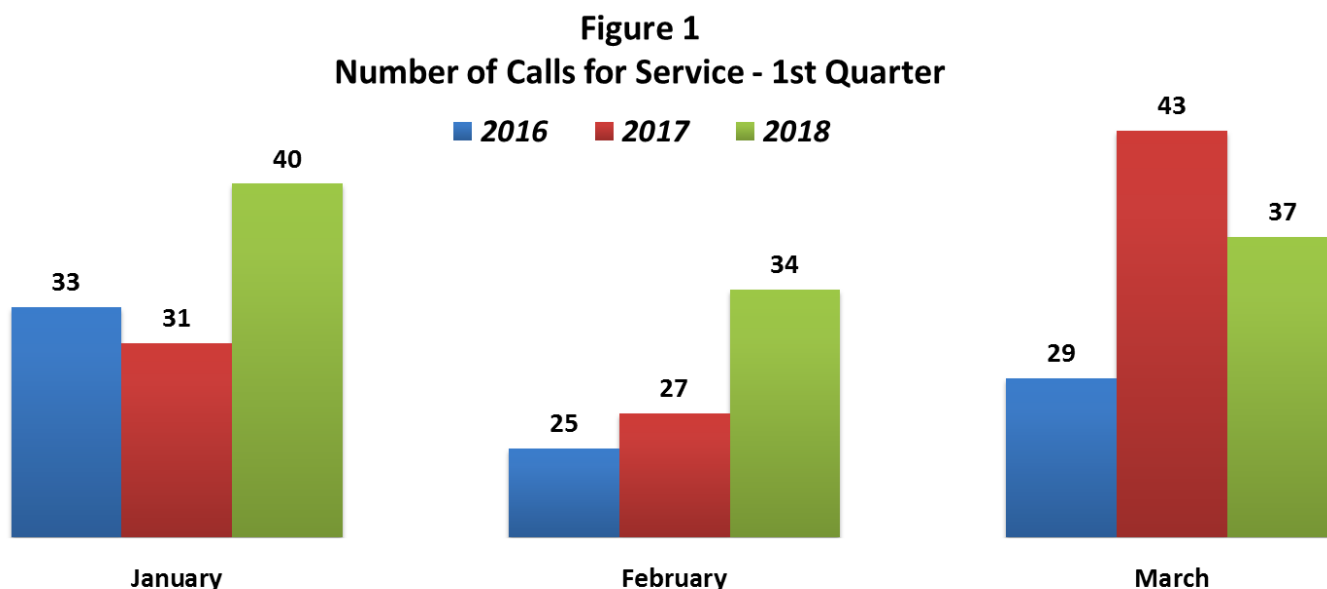
The Fire Department is a composite fire service operating out of two stations, each with a complement of 20 volunteer firefighters. Station 1 is located at 985 Lesperance, while Station 2 is located at 5520 Walker Road. The department services a population of approximately 24,000 providing fire and emergency medical coverage to a 95 square kilometre area and responds to approximately 400 calls per year.

The dedicated individuals in the Fire Service will continue to be leaders in supporting charities that are an integral part of our community such as area Goodfellows. As well, our successful Fire Prevention Week Open Houses and public education offered in school visits are vital opportunities to serve raise awareness and educate the public.



## Comments

### Calls for Service – Volume



**Figure 1** illustrates call volumes for the 1<sup>st</sup> Quarter over a three-year period 2016 through 2018 on a monthly basis. Calls for service in the 1<sup>st</sup> Quarter of 2018 include four loss fires – two vehicle fires, a residential deck fire and a commercial building (exterior) - and six no loss outdoor fires.

## Public Education and Inspection

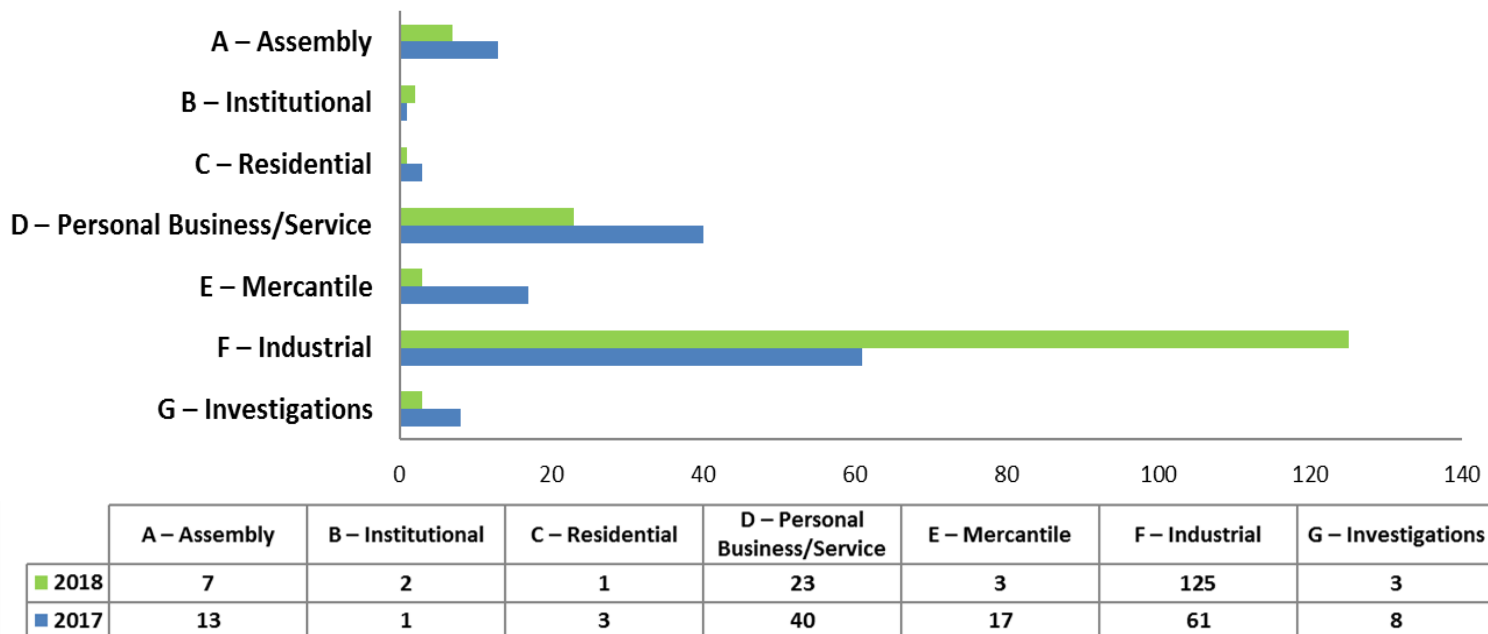
### i) Public Education

**Fire Station Tours** – Public Education/Information tours were conducted during the 1<sup>st</sup> Quarter of 2018 for the following groups:

- Girl Guides
- Royal Canadian Legion Cadets
- Delegation from Province of Frosinone, Italy

## ii) Inspection

**Figure 2**  
**Inspection by Property Type - 1st Quarter**



**Figure 2** illustrates Inspection by Property Type for the 1<sup>st</sup> Quarter for the years 2017 and 2018.

Three **fire investigations** took place during the 1<sup>st</sup> Quarter of 2018 for incidents involving fires determined to be caused by careless smoking and unattended open burning. As a result of the investigation into the unattended open burn, it was determined that the property owner violated By-law 2007-41, Section 4.7 as they had failed to completely extinguish a permitted fire which subsequently re-ignited and became out of control. This violation resulted in significant amounts assessed under the By-law on a 'Full Cost Recovery Basis' to the owner involved.



## Q1 – 2018 Highlights

### ○ Spartan Motors – Charlotte, Michigan



The Deputy Chief along with a few members of the truck committee and a representative of Windsor Apparatus attended Spartan Motors in Charlotte, Michigan for a review of specifications regarding the cab and chassis for the new Pumper/Rescue Unit 1. The delivery date is expected to be mid to late May 2018.

### ○ Essex County TRANSCAER® Event

Tecumseh Fire Rescue Services' Captains attended a **Transportation Community Awareness and Emergency Response (TRANSCAER®)** outreach event hosted by the Railway Association of Canada (RAC), Essex Terminal Railway (ETR) and Essex County Emergency Management (ECEM).



### ○ Archer Daniels Midland Company Grant



A generous grant received from Archer Daniels Midland Company (ADM) will allow Tecumseh Fire Rescue Services to acquire an external air supply cart – a mobile air unit tethered to an air unit and mask to enable our rescue team to enter confined spaces with several advantages over the present SCBA system. A cheque presentation will take place with a representative from Archer Daniels Midland Company on May 8, 2018.

## Consultations

None

## Financial Implications

None

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐



This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Doug Pitre  
Director Fire Services & Fire Chief, C.E.M.C.

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-04

**Subject:** Rotary Club Fish Fry

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### Recommendations

It is recommended:

1. **That** the Rotary Club of Essex **be authorized** to sell and serve alcoholic beverages for consumption by patrons at Lakewood Park on Friday, July 20, 2018 during the hours of 4:00 p.m. to 8:00 p.m., subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy 31, for the purposes of hosting a Fish Fry;
2. **And that** the Rotary Club of Essex **be granted** relief from Noise By-law No. 2002-07, as amended, in order to permit the Rotary Club of Essex to operate loud speakers or sound amplifying equipment during the Fish Fry event for the purposes of musical entertainment and event announcements on Friday, July 20, 2018 during the hours of 4:00 p.m. to 8:00 p.m.

### Background

Since 2016, the Rotary Club of Windsor and the Rotary Club of Essex have jointly hosted its annual Fish Fry at Lakewood Park which provided a venue large enough to accommodate the over 400 guests while also providing a beautiful backdrop and setting for the guests. The event has occurred without incident. The annual Fish Fry event is a fundraising initiative to assist in the Rotary Club to travel to Ghana to lead a variety of projects such as building and renovating schools, purchasing school supplies and computers and drilling water wells for the Ghana community.

## Comments

Administration has met with representatives from the Rotary Club of Essex [Rotary Club] to review its plans to host a Fish Fry at Lakewood Park on Friday, July 20, 2018. According to the Rotary Club, the event will proceed as follows:

**Set-Up** – The Rotary Club will be coordinating volunteers to oversee and conduct the event layout and set-up during which tents and equipment will be erected.

**Public Event** - The Fish Fry will be open to the public during the hours of 4:00 p.m. to 8:00 p.m. Advanced tickets will be sold as well as on-site ticket sales. Volunteers from the Rotary Club will be preparing and serving the food at the event in accordance with the Windsor Essex County Health Unit's Event Organizer Sponsoring Agency and Food Vendor Guidelines. The Rotary Club plans to sell/serve alcohol under an AGCO license. This is considered a family-friendly event; therefore there are no age restrictions.

**Event Parking** – Due to the expected attendance at the Fish Fry, the parking lot located at Lakewood Park (South) will be reserved for the use of the Rotary Club. There are a total of 143 parking spaces within the parking lot of Lakewood Park (South). The Rotary Club will be responsible for staffing the entrance to the parking lot for the purposes of controlling access and directing vehicles within the parking lot. The parking lot on Lakewood Park (North) will remain open to the public and visitors to the Fish Fry are welcome to park at this location provided there are available spaces.

The Rotary Club has been advised that parking along Manning Road is restricted and parking violations are subject to fines. The Rotary Club intends to have event volunteers monitor the area along Manning Road to advise any event guests that attempt to park in this location of the parking restrictions in order to ensure that the area remains clear of parked vehicles. The Rotary Club will be encouraging guests to carpool to the event in an effort to reduce the number of vehicles requiring parking.

**Clean-Up** – The Rotary Club will be coordinating volunteers to clean up Lakewood Park to restore it to its original condition for public use. The Parks Department will inspect the site the morning of July 21, 2018. If during the inspection the condition of the park is deemed to be unacceptable, Parks Department staff will be scheduled to clean the site and the labour will be invoiced to the Rotary Club.

### Outdoor Special Events Policy:

Outdoor Special Events Policy No. 85 identifies various types of permitted uses for municipal parks, including festivals and events. This Policy provides Administration with guidelines for the scheduling of events within municipal parks based on scheduled maintenance, programming, and potential impact on the surrounding residents. The Policy addresses factors that impact events such as noise restrictions, road closures, parking, park maintenance and clean-up, use of tents and washroom facilities, electrical requirements, food and alcohol services, smoking and use of smokeless tobacco restrictions, and the need to complete an Application/Facility Use Agreement.

The proposed plans for the Rotary Club Fish Fry have been reviewed by the Special Events Resource Team.

### **Municipal Alcohol Policy:**

According to Policy No. 31, Municipal Alcohol Risk Management Policy:

Section 3.1: *Selling or consumption of alcohol on municipal property is ONLY permitted in conjunction with festivals or events where the organizers must:*

- I. rent a Town facility and adhere to the Facility Rental Agreement*
- II. obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO)*
- III. adhere to all terms and conditions in this policy and the Liquor License Act of Ontario and*
- IV. submit an approved Safety Plan*

Section 3.3: *The only Town facilities available for events that include the sale or consumption of alcohol include:*

#### **Municipal Arena**

*Mezzanine (Room Capacity 75)  
Centre Ice Room (Room Capacity 200)  
Horwood Room (Room Capacity 50)  
A Room (Room Capacity 50)  
B Room (Room Capacity 50)  
Auditorium (Room Capacity 148)*

#### **St. Clair Beach Optimist Community Centre**

#### **Tecumseh Golden Age Club**

*Note: Tecumseh Town Council may change the designation of any municipal Park, Facility, or Street by resolution at its discretion.*

The Rotary Club plans to operate the Fish Fry under an AGCO special occasion permit. The Manager Recreation Programs & Events [Manager] has met with the Rotary Club to review all of the event plans in more detail and to review the municipal policies and bylaws that relate to the event plans specific to a licensed event. The Manager has informed the Rotary Club that they are required to have trained staff assigned as bartenders, door supervisors, floor supervisors, and ticket sales personnel and that they are required to meet with the Tecumseh OPP to coordinate security personnel.

Administration recommends that subject to compliance with the provisions of the Town's Municipal Alcohol Risk Management Policy, the Rotary Club be authorized to sell, serve and consume alcoholic beverages starting at 4:00 p.m. to 8:00 p.m. on Friday, July 20, 2018.

### **Noise By-Law:**

According to By-law No. 2002-07, a by-law respecting the emission of sounds (Noise By-law):

Section 4: *No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.*



	<i>Prohibitions Periods of Time</i>		
	<i>Residential Area</i>	<i>Agricultural Area</i>	<i>Commercial Area</i>
<i>4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.</i>	<i>At all times</i>	<i>At all times</i>	<i>At all times</i>
<i>5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.</i>	<i>At all times</i>	<i>10:00 p.m. to 8:00 a.m.</i>	<i>10:00 p.m. to 8:00 a.m.</i>

The Rotary Club requires the use of sound amplifying equipment for event entertainment / music and announcements. The Rotary Club has indicated it is aware of the surrounding neighbours and will make every effort to maintain the sound at an acceptable level. The Rotary Club is requesting a waiver of the Noise By-law in order that they may utilize sound amplifying equipment throughout the event operating hours.

Administration recommends that relief be granted from the Noise By-law No. 2002-07, as amended, in order to permit the Rotary Club to operate loud speakers or sound amplifying equipment during the Fish Fry event starting at 4:00 p.m. to 8:00 p.m. on Friday, July 20, 2018.

## Consultations

Special Events Resource Team

## Financial Implications

Administration will be preparing a Facility Use Agreement for use of Lakewood Park in accordance with the Fees and Charges Bylaw. The Facility Use Agreement will include any additional fees for site servicing such as delivery and installation of temporary fencing.

In accordance with the terms and conditions of the Facility Use Agreement, the Rotary Club will be required to provide the Town of Tecumseh with a certificate of insurance naming the Town of Tecumseh as an additional named insured in the amount of \$5 million.

The Rotary Club is responsible for any costs associated for OPP resources. The Tecumseh OPP will invoice the Rotary Club directly.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Brian Hillman, MA, MCIP, RPP  
Acting Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	



## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-09

**Subject:** Annual Outdoor Bonfire and Fireworks Event

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### Recommendations

It is recommended:

1. **That** the Tecumseh Parks and Recreation Department **be approved** to coordinate a community event on Saturday, September 1, 2018 at Lakewood Park that includes supervised bonfires and a fireworks display.

### Background

Since 2014, the Tecumseh Parks and Recreation Department has coordinated a community event that included bonfires on the beach at Lakewood Park and provided complimentary marshmallows and sticks for roasting. Members of the Tecumseh Fire and Emergency Services have been onsite to provide supervision of the bonfires. The event has become an end-of-summer feature to the Parks & Recreation's Summer Concert Series and is typically scheduled the Saturday evening of the Labour Day holiday weekend.

In 2017, due to inclement weather conditions, the Fireworks scheduled for the Canada 150 Weekend celebration was postponed and rescheduled to coincide with the final summer concert with bonfire and marshmallow roast event. As a result of the event's success, Tecumseh Town Council approved a fireworks display to be included in the 2018 Special Events budget.

### Comments

The 2018 Outdoor Bonfire with Marshmallow Roast and Fireworks Display is scheduled at Lakewood Park on Saturday, September 1, 2018.



The final summer concert will begin at 6:00 PM at Lakewood Park (north) and will include bonfires on the beach along with complimentary marshmallows and sticks for event visitors to enjoy. The concert and bonfires will continue to 8:00 PM and will be followed by a fireworks display that will begin at approximately 9:00 PM at Lakewood Park (south). Members of the Tecumseh Fire and Emergency Services will be onsite during the scheduled events, including the bonfire and fireworks display.

The Town's Open Burn By-law No. 2007-51, requires that a permit be obtained from the Fire Chief prior to holding an open burn. Additionally, the Open Burn By-law regulates the setting of open air fires and identifies the precautions and conditions to be observed for such fires within the Town of Tecumseh. According to section 4.9 of the By-law, permitted fires shall be kept to manageable size that shall not be greater than one (1) square metre with flames no higher than one (1) metre in height; and in residentially zones areas, be completely extinguished by 2:00 a.m.

The Parks Department will be responsible for preparing the site and obtaining the materials for the bonfires. The Parks Department will have a member of the staff onsite to ignite the bonfires, monitor the fires throughout the evening, and extinguish the fires at the end of the evening. Members from Tecumseh Fire and Emergency Services will be onsite to monitor the fires and will have equipment available to respond to any situations that may arise. Signage will be posted at the beach advising attendees that the area is restricted and designated as "No unaccompanied children beyond this point". The Parks Department will be responsible for extinguishing the fire and ensuring that all embers are extinguished and removed from the beach prior to leaving the site at the end of the evening.

The Town's Fireworks By-law No. 2013-50, sets out certain restrictions and limitations on fireworks display. Additionally, the Fireworks By-law, under paragraph 4(a) requires that a permit be obtained from the Fire Chief prior to holding a fireworks display. The Manager Recreation Programs & Events, on behalf of the Tecumseh Parks and Recreation Department, will be required to inform in writing Tecumseh Fire and Emergency Services with the name of the organization that will be igniting the fireworks.

K & H Distributing has been contracted to ignite the fireworks display on September 1, 2018 and will be required to provide the Town of Tecumseh with a certificate of insurance naming the Corporation of the Town of Tecumseh as an additional named insured. K & H Distributing will be responsible for fully supervising the discharge of all fireworks and pyrotechnics that are going to be discharged and transported for the event and ensuring that any persons involved in the discharge and transportation of material for the display are licensed by the Explosive Division, Energy, Mines and Resources Canada and all Regulations set out by the agency must be strictly adhered to. Tecumseh Fire and Emergency Services will review the information provided by K & H Distributing to ensure it meets all applicable regulations.

## **Consultations**

Fire & Emergency Services

## Financial Implications

The 2018 Business Plan and Budget representing the 2018 Operating, Lifecycle and Reserve Budgets for the Town of Tecumseh as approved by Council on December 12, 2017 includes Special Events that incorporates funding for the Summer Concert Series, bonfire with marshmallow roast, and fireworks display.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Doug Pitre  
Director Fire Services & Fire Chief, C.E.M.C.

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None



## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-08

**Subject:** Tecumseh Corn Festival 2018

---

### Recommendations

It is recommended:

1. **That relief be granted** from Noise By-law No. 2002-07, as amended, in order to permit the operation of loud speakers or sound amplifying equipment during the 2018 Tecumseh Corn Festival during the following time periods: Friday, August 24, 2018 from 12:00 pm - 11:00 pm; Saturday, August 25, 2018 from 11:00 am - 11:00 pm, and Sunday, August 26, 2018 from 12:00 pm – 7:00 pm.

### Background

The Tecumseh Corn Festival began in 1975 when the local Kinsmen Club, with the help of Green Giant of Canada Ltd. hosted a family oriented weekend event in Lacasse Park that would showcase and support the local farming community. The event continued to grow and has become an important part of the Town and the surrounding community by providing four fun filled days of family entertainment that brings the community together and showcases the beautiful Town of Tecumseh.

At the Regular Council Meeting on October 24, 2017, the Members directed the following (RCM-244/17):

That Parks and Recreation Report No. 24/17 respecting the Transition Timelines for the Tecumseh Corn Festival Update be received;  
And that the 2018 Tecumseh Corn Festival be managed by the Parks and Recreation Department as a department program and as an alcohol-free 3-day event;



And that upon Council's approval of this proposal, a 2018 Corn Festival Budget will be drafted for Council's consideration at the 2018 Budget deliberations;  
And further that following the 2018 Festival, Administration will prepare a report for Council's consideration on the overall operations of the Festival with recommendations for future years.

## Comments

The plans for the 2018 Tecumseh Corn Festival (Festival), scheduled for August 24 to August 26, 2018 at Lacasse Park include the following:

August 20 - 23, 2018:

Site preparation for the Festival will begin at Lacasse Park on August 20, 2018. Parks staff will inspect the site to ensure no hazards exist. In addition, Parks staff will supply garbage and recycling containers as well as picnic tables required for the event. Additionally, Parks staff will arrange for the required gas/hydro locates to be completed. The Parks Department will install the Town's temporary fencing and two 15' x 15' tents. Parks staff will ensure that any final improvements to the site be completed, including grass cutting, weed trimming and garbage collection.

The Manager Recreation Programs & Events will be coordinating volunteers and event staff to oversee and conduct the event layout and set-up. During this time, various event vendors will prepare booths and tents for the purposes of showcasing and selling their products and services. In addition, the Carter Shows Midway will begin to set up various amusement rides.

August 24 - 26, 2018:

The Manager Recreation Programs & Events will be working with a number of former Corn Festival Committee Members to coordinate the daily events and activities for the Tecumseh Corn Festival, including the Miss Tecumseh Pageant, Parade, Entertainment, Vendors and Grounds Maintenance. The 2018 Festival operating hours will be:

Friday, August 24, 2018	12:00 p.m. – 11:00 p.m.
Saturday, August 25, 2018	11:00 a.m. – Parade, 12:00 p.m. – 11:00 p.m.
Sunday, August 26, 2018	12:00 p.m. – 7:00 p.m.

Event Parking and Tecumseh Transit Service:

The Festival will once again be incorporating paid onsite parking locations within Lacasse Park for Festival visitors. Since 2015, onsite parking has generated additional revenue for the Festival and provides a convenient service for festival visitors. The Festival will also be promoting the use of the municipal parking lots located at Town Hall and Tecumseh Arena & Recreation Complex as areas for Festival visitors to park vehicles during the event.

The Festival will also be encouraging visitors to utilize the Tecumseh Transit service as a convenient way to and from the Festival grounds. The regular service route for the Tecumseh Transit service, on Friday and Saturday of the Festival weekend, includes a drop-off and pick-up location on Lacasse Boulevard near Lacasse Park. Tecumseh Transit will also be providing an extended transit service on Friday and Saturday evenings, with direct service from the Tecumseh Mall to Lacasse Park from 6:00 pm to 12:00 am. Regular rider fares will be applied.

August 27, 2018:

The Manager Recreation Programs & events will coordinate volunteers and event staff along with Parks Staff to clean Lacasse Park and restore it to its condition for public use.

Noise By-law:

According to Section 4 of By-law No. 2002-07, a by-law respecting the emission of sounds (Noise By-law):

No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.

	Prohibitions Periods of Time		
	Residential Area	Agricultural Area	Commercial Area
4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.	At all times	At all times	At all times
5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	10:00 p.m. to 8:00 a.m.	10:00 p.m. to 8:00 a.m.

Over the past several years, the Festival has received few complaints or concerns regarding the use of loud speakers or sound amplifying equipment and in the event issues are brought to the Festival's attention, they have made efforts to address the concerns. The Festival is a tradition in the neighbourhood and many neighbouring residents embrace the event by hosting gatherings on their property to take in the Festival's musical entertainment. This year, the hours of operation have been reduced whereas the Festival will be closed by 11:00 p.m. on Friday and Saturday evening, therefore reducing the hours in which sound amplification will be intrusive to the surrounding area.

It is recommended that Noise By-law No. 2001-07 be waived in order that the scheduled events outlined above may proceed with the use of loud speakers or sound amplifying equipment throughout the 2018 Tecumseh Corn Festival for the following dates and times.

Friday, August 24, 2018	12:00 p.m. – 11:00 p.m.
Saturday, August 25, 2018	11:00 a.m. – 11:00 p.m.
Sunday, August 26, 2018	12:00 p.m. – 7:00 p.m.

## Consultations

Corporate Services & Clerk

## Financial Implications

The 2018 Business Plan and Budget representing the 2018 Operating, Lifecycle and Reserve Budgets for the Town of Tecumseh as approved by Council on December 12, 2017 includes the Tecumseh Corn Festival.

	2018 Budget
11 General Operating	
<b>REVENUES</b>	
TOTAL REVENUES	<b>109,000</b>
<b>EXPENDITURES</b>	
TOTAL EXPENDITURES	<b>122,211</b>
<b>NET EXPENDITURES</b>	<b>13,211</b>

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	





## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-10

**Subject:** Optimist Club's Family Fun Fair

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### Recommendations

It is recommended:

1. **That** relief **be granted** from Noise By-law 2002-07, as amended, in order to permit the Optimist Club of St. Clair Beach to operate loud speakers or sound amplifying equipment during the following time period: Saturday, September 22, 2018 from 12:00 p.m. to 5:00 p.m. for background and event announcements at McAuliffe Park for the purposes of hosting the Family Fun Fair.

### Background

The Optimist Club of St. Clair Beach [Optimist Club] was formed in 1978 and since that time they have given generously to the promotion of healthy activities and in the provision of services essential to a well-balanced community. The Optimist Club is actively involved in numerous community events including the annual Victoria Day Weekend Fireworks, Fishing Derby, Taste of Tecumseh Festival, Tecumseh Corn Festival, Tecumseh Terry Fox Run and Christmas in Tecumseh. The Optimist Club is continually exploring opportunities to give back to the community such as a financial contribution to the Tecumseh Parks & Recreation Department's Financial Assistance program that supports low-income families by covering the cost of registration fees for recreational programs.

Since 2016, the Optimist Club has coordinated a Family Fun Fair [Fair] that provides an afternoon of free family activities at McAuliffe Park. The event is enjoyed by many residents and visitors and has occurred without incident.

## Comments

The Optimist Club has indicated an interest in hosting the 3<sup>rd</sup> annual Family Fun Fair for the community on Saturday, September 22, 2018 at McAuliffe Park. The event will once again be free for the community and will include a variety of activities including sport challenges, inflatable bouncy castles, face-painting, interactive games/activities, side-walk chalk, craft table, and more.

The Town of Tecumseh's Outdoor Special Events Policy No. 85 identifies various types of permitted uses for municipal parks, including festivals and events. This Policy provides Administration with guidelines for the scheduling of events within municipal parks based on scheduled maintenance, programming, and potential impact on the surrounding residents. The Policy addresses factors that impact events such as noise restrictions, road closures, parking, park maintenance and clean-up, use of tents and washroom facilities, electrical requirements, food and alcohol services, smoking and use of smokeless of tobacco restrictions, and the need to complete an Application/Facility Use Agreement.

Administration has reviewed Policy No. 85 as it relates to the request made by the Optimist Club to host the Fair and has determined that the event is in accordance with the Policy. Therefore, Administration is prepared to execute the Facility Use Agreement accordingly.

**NOISE BY-LAW:** According to Section 4 of By-law No. 2002-07, a by-law respecting the emission of sounds:

No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.

	Prohibitions Periods of Time		
	Residential Area	Agricultural Area	Commercial Area
4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.	At all times	At all times	At all times
5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	10:00 p.m. to 8:00 a.m.	10:00 p.m. to 8:00 a.m.

The Fair requires the use of a sound amplifying system for background music and for event announcements. The Optimist Club has indicated that they will be mindful of the surrounding neighbours and will make every effort to maintain the sound at an acceptable level. The Optimist Club is requesting a waiver of the Noise Bylaw in order that they may utilize sound amplifying equipment throughout the Fair event.

Administration recommends that Noise By-law No. 2002-07 be waived in order that the Optimist Club may proceed with the use of loud speakers or sound amplifying equipment throughout the Fair event.

## Consultations

Corporate Services & Clerk

## Financial Implications

The Parks and Recreation Department will be preparing a Facility Use Agreement for use of McAuliffe Park and site servicing requirements in accordance with the Fees and Charges Bylaw. In accordance with the Facility Rental Agreement's Terms & Conditions, the Optimist Club will be required to provide payment in full two weeks prior to the event date along with a certificate of insurance naming the Corporation of the Town of Tecumseh as an additional named insured.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	





## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-11

**Subject:** Tecumseh BIA's Fall Into Health Day Event

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### Recommendations

It is recommended:

**THAT** relief **be granted** from Noise By-law 2002-07, as amended, in order to permit the Tecumseh Business Improvement Area to operate loud speakers or sound amplifying equipment for the purpose of hosting the Fall Into Health Day event during the following time period: Sunday, September 23, 2018 from 11:00 a.m. to 5:00 p.m. for background music and event announcements in Lakewood Park

### Background

The Tecumseh Business Improvement Area [BIA] is an association of business and property owners who work in partnership with the Town of Tecumseh to foster Tecumseh's retail and service sectors as a successful and increasingly competitive business area. The BIA is a significant contributor to health and welfare of the local economy, civic improvements, and quality of life through various initiatives, community events and strategic promotions such as The Gallery without Walls Banner Program that celebrates the wealth of creative talent in the area.

Since 2015, the BIA has hosted the Fall Into Health Day at Lakewood Park. The free event provides visitors with the opportunity to connect with top health and wellness vendors, exhibits, expert speakers on various health, wellness and lifestyle topics. The event includes live demonstrations, food vendors, physical activities and demonstrations such as Yoga, Nordic Pole Walking, Disc Golf, Tai Chi, Taekwondo, High Impact Exercise, and Stand Up Paddle Boarding.

## Comments

The BIA plans to host the 4<sup>th</sup> annual Fall Into Health Day event [Health Day] at Lakewood Park on Sunday, September 23, 2018 from 11:00 a.m. to 5:00 p.m. at Lakewood Park. Activities are scheduled on both the north and south side of Lakewood Park and will once again be free to the community.

The objective of the Health Day is to:

- Increase health awareness by providing activities, materials, demonstrations and information
- Increase awareness of local, provincial, and national health services and resources
- Motivate participants to make positive health behaviour changes
- Teach self-care practices
- Showcase health and wellness services and products available in the Town of Tecumseh and encourage residents from Windsor/Essex to come to Tecumseh for all their health and wellness needs

The Town of Tecumseh's Outdoor Special Events Policy No. 85 identifies various types of permitted uses for municipal parks, including festivals and events. This Policy provides Administration with guidelines for the scheduling of events within municipal parks based on scheduled maintenance, programming, and potential impact on the surrounding residents. The Policy addresses factors that impact events such as noise restrictions, road closures, parking, park maintenance and clean-up, use of tents and washroom facilities, electrical requirements, food and alcohol services, smoking and use of smokeless tobacco restrictions, and the need to complete an Application/Facility Use Agreement.

Administration has reviewed Policy No. 85 as it relates to the request made by the BIA to host the Health Day event and has determined that the event is in accordance with the Policy. Therefore, Administration is prepared to execute the Facility Use Agreement accordingly.

## Noise By-law

According to By-law No. 2002-07, a by-law respecting the emission of sounds:

Section 4: No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.

	Prohibitions Periods of Time		
	Residential Area	Agricultural Area	Commercial Area
4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet,	At all times	At all times	At all times

comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.			
5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	10:00 p.m. to 8:00 a.m.	10:00 p.m. to 8:00 a.m.

The Health Day event requires the use of a sound amplifying system for background music and for event announcements. The BIA has indicated that they will be mindful of the surrounding neighbours and will make every effort to maintain the sound at an acceptable level. The BIA is requesting a waiver of the Noise Bylaw in order that they may utilize sound amplifying equipment throughout the Health Day event.

Administration recommends that Noise By-law No. 2002-07 be waived in order that the BIA may proceed with the use of loud speakers or sound amplifying equipment throughout the Health Day event.

## Consultations

Corporate Services & Clerk

## Financial Implications

The Parks and Recreation Department will be preparing a Facility Use Agreement for use of Lakewood Park and site servicing in accordance with the Fees and Charges Bylaw.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	





## The Corporation of the Town of Tecumseh

Parks & Recreation Services

**To:** Mayor and Members of Council

**From:** Kerri Rice, Manager Recreation Programs & Events

**Date to Council:** April 24, 2018

**Report Number:** PRS-2018-12

**Subject:** Etsy In The Park Event

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### Recommendations

It is recommended:

**That** relief **be granted** from Noise By-law 2002-07, as amended, in order to permit the operation of loud speakers or sound amplifying equipment during the following time period for the Etsy In The Park Event: Saturday, September 29, 2018 from 11:00 a.m. to 4:00 p.m. for background music and event announcements in Lacasse Park.

### Background

Etsy is an online buyer and seller community similar to eBay, except that it focuses on handcrafted or vintage goods. Most of the products sold fall into the category of arts, crafts, jewelry, paper-goods, housewares, and artisan candies or baked goods. With approval from Etsy, business owners are permitted to use the Etsy name and brand to promote their goods and services as well as coordinate events and/or tradeshow opportunities.

### Comments

Ms. Courtney Leigh of EVB Jewelry, is a local Etsy independent seller and has contracted the use of Lacasse Park for Saturday, September 29, 2018 for the purpose of hosting an “Etsy In The Park” event. The event will include vendors selling a variety of handmade products as well as food and non-alcoholic beverage trucks. The vendors will be setting up 10’ x 10’ tents in predetermined / preapproved areas within Lacasse Park. The event will include an admission fee to enter the park grounds and it is anticipated 2,000-2,500 visitors will attend the

park throughout the day. Visitors attending the event will have access to the onsite paved parking within Lacasse Park.

The Outdoor Special Events Policy No. 85 identifies various types of permitted uses for municipal parks, including festivals and events. This Policy provides Administration with guidelines for the scheduling of events within municipal parks based on scheduled maintenance, programming, and potential impact on the surrounding residents. The Policy addresses factors that impact events such as noise restrictions, road closures, parking, park maintenance and clean-up, use of tents and washroom facilities, electrical requirements, food and alcohol services, smoking and use of smokeless of tobacco restrictions, and the need to complete an Application/Facility Use Agreement. Administration has reviewed Policy No. 85 as it relates to the Etsy In The Park event and has determined that the event is in accordance with the Policy. Therefore, Administration has prepared the Facility Use Agreement accordingly.

**Noise By-Law:** According to By-law No. 2002-07, a by-law respecting the emission of sounds:

Section 4: No person within the municipality shall emit or cause the emission of sound resulting from any act listed in Table 4-1, hereinafter set out, if clearly audible at a Point of Reception located in an area of the municipality within a prohibited time shown for such an area.

	Prohibitions Periods of Time		
	Residential Area	Agricultural Area	Commercial Area
4. The sound from or created by any radio, phonography, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence.	At all times	At all times	At all times
5. The operation of any auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practices.	At all times	10:00 p.m. to 8:00 a.m.	10:00 p.m. to 8:00 a.m.

The Etsy In The Park event requires the use of a sound amplifying system for background music and for event announcements. Ms. Leigh has indicated that the event will be mindful of the surrounding neighbours and will make every effort to maintain the sound at an acceptable level. Ms. Leigh is requesting a waiver of the Noise Bylaw in order that they may utilize sound amplifying equipment throughout the Etsy In The Park event. Administration recommends that

Noise By-law No. 2002-07 be waived in order to allow the use of loud speakers or sound amplifying equipment throughout the Etsy In The Park event.

## Consultations

Corporate Services & Clerk

## Financial Implications

The Parks and Recreation Department has prepared a Facility Use Agreement for use of Lacasse Park and site servicing in accordance with the Fees and Charges Bylaw. As per the terms and conditions of the Facility Use Agreement, the event organizer is required to provide a certificate of insurance naming the Corporation of the Town of Tecumseh as an additional named insured in the amount no less than \$2 million.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Kerri Rice  
Manager Recreation Programs & Events

Reviewed by:

Paul Anthony, RRFA  
Director Parks & Recreation Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	



## The Corporation of the Town of Tecumseh

Planning & Building Services

**To:** Mayor and Members of Council

**From:** Brian Hillman, Director Planning & Building Services

**Date to Council:** April 24, 2018

**Report Number:** PBS-2018-15

**Subject:** Proposed Draft New Sign By-law  
Results of Public Engagement Process and  
Recommendation for Adoption

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### Recommendations

It is recommended:

**That** report PBS-2018-15, Town New Sign By-law, Results of Public Engagement and Adoption of By-law, **be received**;

**And that** By-law 2004-66, being a by-law to regulate and govern signs within the municipality, **be repealed**;

**And further that** Sign By-law 2018-33, being a by-law to regulate and govern signs with the municipality **be adopted**.

### Background

In accordance with authorization received by Council in accordance with Planning and Building Services Report No. 28/16, Planning and Building Services staff subsequently met with other Town departments, sought public input in written and verbal form along with the holding of an Open House, and attended a meeting of the BIA in order to review and consider input on a Proposed Draft New Sign By-law (in its recommended final form at Attachment 1).

The purpose of this Report is to:

1. Summarize the basis of the Existing Sign By-law;



2. Discuss the fundamental changes proposed in the Proposed Draft New Sign By-law; and
3. Describe the public and Administrative input received and revisions recommended since Council's receipt of Planning and Building Services Report No. 28/16, including changes to grandfathering flowing from recent amendments to the Municipal Act.

## Existing Sign By-law

The regulating of signs within the Town is currently governed by Sign By-law 2004-66 ("Existing Sign By-law"). The enactment of the Existing Sign By-law was originally undertaken to address two key issues, as follows:

1. Address the problem of unregulated mobile signs throughout the Town; and
2. Provide a consolidated sign by-law for the whole of the Municipality subsequent to amalgamation.

Over the past decade a number of the provisions in the Existing Sign By-law have been found to be inadequate, outdated and/or inconsistent with current administrative and business community practices within the Municipality. Accordingly, it was deemed prudent to prepare a new, updated sign by-law in order to address inadequacies of the Existing Sign By-law.

## Proposed Draft New Sign By-law

In September of 2016, Town Council received Planning and Building Services Report No. 28/16, attached to which was a Proposed Draft New Sign By-law. The Report provided an overview of the structural and provisional changes being proposed in the Proposed Draft New Sign By-law and offered Council an opportunity to provide input.

The Proposed Draft New Sign By-law was formatted so that it flowed in a much more logical manner than the Existing Sign By-law. Accordingly, the Proposed Draft New Sign By-law contains two primary sections, as follows:

1. **Permanent Signs:** this section exclusively relates to permanent signs and is subdivided by Zoning Classification, with specific regulations pertaining to specific Zone Classifications from the Zoning By-law; and
2. **Temporary Signs:** this section exclusively relates to temporary signs and is subdivided by the type of sign or the use of the sign, with specific regulations pertaining to each type of sign. The types of Temporary Signs and examples of each are summarized as follows:
  - a) **Portable Sign:** A sign designed to facilitate movement from place to place;
  - b) **Sandwich Board Sign:** A folding sign designed to facilitate movement from place to place;

- |                          |  |
|--------------------------|--|
| c) Placard Sign:         | A sign constructed of a poster supported in the ground by a wire frame;  |
| d) Ground Flag Sign:     | A sign supporting a flag at ground level;  |
| e) Banner Sign:          | A sign supported by a fence/rope/wires;  |
| f) Construction Sign:    | A sign erected at a construction site/project;   |
| g) Real Estate Sign:     | A sign for the purpose of identifying the sale of a property;  |
| h) Election Sign:        | A sign erected advertising a political party during a government election; and   |
| i) Accessory Event Sign: | A sign erected for purpose of advertising an approved special event taking place on property being leased from the Town. |

While there were numerous new definitions, particularly for the new types of Temporary Signs proposed to be regulated, there were also a number of provisional and structural changes introduced in the Proposed Draft New Sign By-law undertaken to address the concerns that had arisen over the life of the Existing Sign By-law, which are summarized as follows:

1. General Provisions for Temporary Signs to permit one sign per tenancy as opposed to one sign per owner for some of the Temporary Signs;
2. Provisions to permit Portable Signs to be displayed twice for 30 days in a calendar year (or once for 60 days as is permitted currently) and provisions to allow one sign per tenancy;
3. Temporary Sign provisions for Election Signs had originally been incorporated into the Proposed Draft New Sign By-law, however it was subsequently determined that a separate, free-standing Election Signs By-law would be preferable. Accordingly, the Corporate Services and Clerk Department is drafting such a by-law for Council's consideration under a separate Report;
4. Temporary Sign provisions for Accessory Event Signs, being a sign erected for the purpose of advertising an approved special event on property being leased from the Town. These provisions were prepared in consultation with Parks and Recreation staff, who will take the lead in overseeing the application of these regulations;
5. Provisions to permit businesses to display Banner Signs with limits similar to Portable Signs; and
6. Provisions for the care and maintenance of Signs.

## Results of Public Input/Open House

The Town held an Open House on the Proposed Draft New Sign By-law in the Town Hall Council Chambers on March 8, 2018 from 10:00 a.m. to 7:00 p.m. The Open House along with an invitation for the provision of verbal or written comments was advertised in the Shoreline, the Essex Free Press and through the Town's social media. In addition, the BIA emailed the same notice, which included a link to the draft by-law, to all of its members and encouraged their engagement.



One member of the public attended the Open House and asked general questions about signage. No concerns were expressed with respect to the Existing Sign By-law or the Proposed Draft New Sign By-law. Beyond this one person, there was no other verbal or written correspondence submitted to the Town as part of this exercise.

## Meeting with the BIA

On April 11, 2018, the writer attended a BIA Board Meeting and provided an overview of and sought input on the Proposed Draft New Sign By-law. At that time, Board Member Jules Champoux presented the findings of a survey he undertook with BIA members on the issue of signage. It was reported that 64 responses were provided. The questions asked were somewhat general in nature and provided relatively higher level information. Notwithstanding, there is some interesting information that can be gleaned from the survey results, such as:

1. 68% of respondents find it is “very important” for the success of their business to have on-site signage;
2. 36% of respondents would like to use a Portable Sign but feel restricted by the existing sign by-law; and
3. 42% of respondents would like to use a Sandwich Board Sign but feel restricted by the existing sign by-law.

It was noted that the Proposed Draft New Sign By-law would offer a somewhat greater opportunity to use Portable Signs. The Existing Sign By-law permits Portable Signs for 60 days per property per calendar year. The Proposed Draft New Sign By-law proposes to allow one Portable Sign for two 30 day periods per tenant. In addition, it was noted that Sandwich Board Signs are currently not permitted but in the Proposed Draft New Sign By-law are proposed to be permitted for each tenant between the hours of 8:00 a.m. and 11:00 p.m.

In addition, Mr. Champoux indicated that a number of respondents with whom he verbally completed the survey indicated that they would prefer Portable Signs being permitted three

times a year for 15 days each. Town Administration has reflected on this and concludes that such an approach would not be preferable. We believe it would have the effect of allowing an excessive number of Portable Signs over a calendar year, with the net impact being a sense of “sign pollution” along commercial corridors. It is recommended that the Town monitor the use of the proposed revised provisions and associated impacts prior to any further changes to the Portable Signs provisions.

### **Municipal Act Changes End Grandfathering**

The *Modernizing Ontario’s Municipal Legislation Act, 2017* came into force May 30, 2017. It includes a change to subsection 99(1) of the *Municipal Act*. Prior to the amendment, the wording in subsection 99(1) grandfathered those signs that pre-dated the by-law. Subsequent to the Municipal Act amendment, a sign is no longer grandfathered once an existing sign by-law is repealed and a new sign by-law is passed on or after June 1, 2017.

The impact of this change will affect the few existing Portable Signs (approximately 10) that have been grandfathered under the prior Municipal Act provision and the Existing Sign By-law. At the time the Town passed the Existing Sign By-law, there were approximately 75 Portable Signs throughout the Town, with a significant concentration in the Tecumseh and Manning corridor. These signs were grandfathered at that time and many have gradually, through various actions of their respective Owners, been removed. There are approximately 10 that continue to exist. These last 10 will no longer be grandfathered with the passage of the Proposed Draft New Sign By-law as a result of revisions to the *Municipal Act*.

It is proposed that the Owners of these remaining 10 signs be given a reasonable period of time (six months from date of passage of the Proposed Draft New Sign By-law) to remove these signs. The end of grandfathering and the removal of the remaining 10 signs will ultimately result in all properties in the Town being subject to the same regulations as it pertains to Portable Signs. Accordingly, there will be a “leveling of the playing field” as it relates to the use of Portable Signs.

### **Comments**

Administration is mindful of the evolving nature of advertising and advertising methods, along with the sometimes competing interests of the “public good” and the needs of the business community. As a result, the regulating of signs presents a difficult challenge for any municipality.

It is important that adequate regard be given to striking a balance between achieving a community landscape that is not inundated and overwhelmed with signage (“sign pollution”) and recognizing the value that signage provides to businesses and events. The Proposed Draft New Sign By-law attempts to achieve this balance in a manner that satisfies the needs of the Town and its residents and businesses by providing direction that addresses the majority of situations occurring presently. Accordingly, it is recommended that Council repeal the Existing Sign By-law (By-law 2004-66) and that it adopt the Proposed Draft New Sign By-law (see Attachment 1).

## Consultations

Planning & Building Services  
Parks & Recreation Services  
Corporate Services & Clerk  
Tecumseh BIA  
Town Solicitor

## Financial Implications

None.

## Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that the Town of Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of the Town of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐



This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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Development Officer

Prepared by:

Brian Hillman, MA, MCIP, RPP  
Director Planning & Building Services

Recommended by:

Tony Haddad, MSA, CMO, CPFA  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Proposed Draft New Sign By-law

**THE CORPORATION OF THE TOWN OF TECUMSEH**

**BY-LAW 2018-33**

Being a by-law to regulate and govern  
*signs* within the municipality.

**WHEREAS** Sections 8, 9, 11 and 99 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit or regulate *signs* and as part of the power to regulate or prohibit, may require persons to do things respecting *signs*, provide for a system of permits, approvals, registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a permit, approval or registration; and may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

**AND WHEREAS** Section 446 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that if a municipality has the authority under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of its being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense;

**AND WHEREAS** the Council of The Corporation of the Town of Tecumseh considers it desirable to pass such a by-law;

**NOW THEREFORE** the Council of The Corporation of the Town of Tecumseh enacts as follows:

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**SECTION 1 – DEFINITIONS**

**1.1 DEFINITIONS**

“*Area*” shall mean the surface area on one side of a *sign* including the border and frame.

“*Average Finished Grade*” shall mean the average elevation of the whole of a lot. The determination of the *average finished grade* shall be solely at the discretion of the *Town*.

“*By-law Enforcement Officer*” shall mean any individual charged with the responsibility of enforcing the By-laws of the *Town*.

“*Council*” shall mean the Council of The Corporation of the *Town* of Tecumseh.

“*Defined Area*” shall have the same meaning as found in the applicable Zoning By-law of the *Town*.

“*Exposed Building Face*” shall mean a building face that is visible from an adjacent street or highway or from a primary parking area or internal roadway on a property. The determination as to which faces of a building are *exposed building faces* shall be at the *Town*’s sole discretion.

“*Erect*” shall mean to attach, build, construct or reconstruct, enlarge, locate or relocate any *sign* or paint a wall *sign* or to maintain any *sign* but does not include copy changes on a *sign*.

“*Legal Non-Conforming Use*” shall mean a use that legally existed on a *property* prior to the passing of a Zoning By-law governing the property, and that continues to operate out of conformity with the governing Zoning By-law regulations.

“*Owner*” when used in reference to a property shall mean that person whose name appears on the last revised assessment roll of the *Town*.

“*Property*” shall mean a property as listed on the last revised assessment roll of the *Town*.

“*Sign*” shall mean any device, including all its component parts and supporting structure, erected for the purpose of conveying information or attracting the attention of the public by means of letters, numerals, symbols, characters, logos, lights, colours, designs, textures or objects. Without limiting, the generality of the foregoing, *signs* may be classified by their design, means of support, ownership, or purpose as follows:

“*Accessory Event Sign*” shall mean a *sign* erected for the purpose of advertising an approved special event taking place on property being leased from the *Town*.



“*Banner Sign*” shall mean any *sign* made of wood, plastic, fabric or other material similar in nature, with its main body supported by a fence, ropes, posts, wires or cords.

“*Billboard Sign*” shall mean any *sign* that is rented or leased but does not include a *portable sign*.

“*Construction Sign*” shall mean a *sign* erected for the for the purpose of identifying or advertising a major construction project, the determination of which shall be at the *Town’s* sole discretion.

“*Election Sign*” shall means any sign advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or any sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.

“*Exempt Sign*” shall mean any *sign* exempted pursuant to subsection 2.5 of this By-law.

“*Existing Sign*” shall mean a *sign* that legally existed prior to the date of the adoption of this By-law.

“*Fascia Sign*” shall mean a *sign* painted on or attached to and parallel to an *exposed building face*.

“*Flashing Sign*” shall mean an illuminated *sign*, upon which the source of artificial light is not stationary or the intensity or colour is not constant or where the illumination is projected in an intermittent sequence.

“*Gateway Sign*” shall mean a *sign* erected by the Municipality at an entrance to the Municipality for the purpose of identifying the entrance and may include an area provided by the Municipality for the attachment of an *Accessory Event Sign*.

“*Ground Sign*” shall mean any *sign* with its main body supported by posts, a foundation or the ground.

“*Ground Flag Sign*” shall mean any *sign*, supporting a flag at ground level or otherwise.

“*Illuminated Sign*” shall mean a lighted *sign*, which emits light from the *sign* face, or a *sign* which reflects light from a source intentionally directed upon it.

“*Inflatable Sign*” means a *sign* filled with air or gas and designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable advertising device.

“*Institutional Accessory Sign*” shall mean a *sign* indicating the location of or directions to be followed to an institutional use as defined in the Zoning By-law.

“*Light Standard Banner Sign*” shall mean a *Banner Sign* designed to be attached to that area of a municipal light standard provided for the accommodation of a *Banner Sign*.

“*Off Site Sign*” shall mean a *sign* identifying a property or displaying advertising related to a property other than the property on which the *sign* is located.

“*Placard Sign*” shall mean a *sign* constructed of a poster supported in the ground by means of a wire frame or other similar material or attached to any other structure including a fence.

“*Portable Sign*” shall mean any *sign*, which is designed to facilitate its movement from place to place, including but not limited to inflatable *signs*.

“*Projecting Sign*” shall mean a *sign* attached and perpendicular to the main wall of a building.

“*Real Estate Sign*” shall mean a *sign* erected for the purpose of identifying the sale or lease of a *property* or advertising a major development on a *property*.

“*Sandwich Board Sign*” shall mean a portable, folding, or single panel *sign*, which is supported by the ground and able to be transported by a single individual.

“*Temporary Sign*” shall mean a *sign*, or advertising device, which is intended to be displayed for a limited time period.

“*Street*” shall mean a highway as defined in the Municipal Act.

“*Structure*” shall mean the foundation, supports, uprights, bracing and framework of a *sign*.

“*Town*” shall mean The Corporation of the Town of Tecumseh.

“*Zone*” shall have the same meaning as it has in the applicable *Town Zoning By-law*.

## SECTION 2 – GENERAL

- 2.1 This By-law may be referred to variously as the “Sign By-law” or the “By-law”.
- 2.2 The provisions of this By-law shall apply to all lands within the boundaries of the *Town* as are now or hereafter legally constituted.
- 2.3 References in this By-law to *zones*, zoning terms, classification or uses permitted on a *property* shall have the same meaning and attributes as determined by reference to the applicable *Town Zoning By-law*.
- 2.4 No *signs* shall be erected, displayed, structurally altered or used except in conformity with the provisions of this By-law.
- 2.5 Notwithstanding subsection 2.4, the following *signs* shall be exempt from the provisions of this By-law; flags, emblems or insignias of any nation or political subdivision, *election signs* (see subsection 6.8.1), crop identification plates, garage and yard sale *signs*, holiday decorations, municipal numbers, plaques or nameplates, building corner stones, grave markers, trademarks or brand names incidental to the *structure* or equipment on which they are located, *signs* erected by the *Town*; *signs* erected by The Corporation of the County of Essex, *signs* erected by the Government of the Province of Ontario, *signs* erected by the Government of Canada. All *signs* erected pursuant to the provisions of this subsection shall not be erected or displayed on a highway, *property* owned by the *Town* or *property* managed or controlled by a public utility or local board.
- 2.6 Nothing in this By-law shall serve to relieve any person from the obligation to comply with all other applicable law.
- 2.7 It is hereby acknowledged and confirmed that the grandfathering provision previously contained in Section 99 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, have been deleted. Accordingly, all *signs* within the *Town*’s boundaries shall now be required to conform to all provision of this By-law, regardless of any previous status afforded the *sign* under any previous legislation or By-law. Accordingly, the *Town* will undertake to remove all previously grandfathered signs within six months of the passing of this By-law.
- 2.8 If any court of competent jurisdiction finds any provision of this By-law invalid or ultra vires of the jurisdiction of the *Town*, such provision shall be deemed severable and shall not invalidate any of the other provisions of this By-law.
- 2.9 Council may upon an application from the *owner* of a *property*, authorize minor variances from this By-law if in the opinion of Council the general intent and purpose of the By-law is maintained and the impact on abutting properties is minor in nature.

- 2.10 The *Town* may by agreement permit any *sign* within the *Town* that does not otherwise comply with the provisions of the By-law.
- 2.11 By-law No. 2004-66 and any portions of any By-law of the *Town* that is inconsistent with this By-law is hereby repealed.
- 2.12 Imperial measurements, provided in brackets, are shown for convenience only and do not form part of this By-law.
- 2.13 This By-law comes into full force and effect on the day it is finally passed.
- 2.14 All schedules affixed to this By-law are included in this By-law and form part of this By-law by reference.
- 2.15 Only *signs* that can be categorized within the provisions of this By-law may be a permitted *sign*, and any *sign* that cannot be categorized in accordance with the provisions of this By-law shall be a prohibited *sign*, at the sole determination of the *Town*.
- 2.16 Any determination required in the application of this By-law shall be at the sole determination of the *Town* and such determination shall be final and binding.

### SECTION 3 – ADMINISTRATION AND ENFORCEMENT

- 3.1 This By-law shall be administered and enforced by the Chief Building Official, a By-law Enforcement Officer or such other person as the Council of the *Town* designates.
- 3.2 Where any matter or thing is to be determined in the application of or enforcement of this By-law, the determination of such matter or thing shall be at the sole discretion of the *Town*.
- 3.3 A By-law Enforcement Officer may enter upon any lands and into buildings at any reasonable time to inspect any *sign* for the purposes of determining or effecting compliance with this By-law.
- 3.4 If, after inspection, the By-law Enforcement Officer is satisfied that there is a contravention of this By-law, or the conditions of a permit issued pursuant to this By-law, the By-law Enforcement Officer may issue an order to the *owner* and may, at the same time, provide the *sign owner* and occupants of the land with a copy of such order.
- 3.5 An order issued under subsection 3.4 shall contain:
  - (a) the municipal address and or the legal description of the *property*;
  - (b) notice that the *sign* must comply with the provisions of this By-law or the *sign* shall be removed within the time period specified; and
  - (c) notice that if compliance with the order is not achieved, the *sign* may be pulled down, removed, stored and disposed of at the expense of the *owner*, and that the *Town*, in addition to all other remedies it may have, may enter onto the lands with its employees and agents for this purpose.
- 3.6 An order issued pursuant to subsection 3.4 shall be served personally on the *owner* or by prepaid registered mail to the last known address of the *owner*.
- 3.7 If a notice or order is served by registered mail, the service shall be deemed to have been made on the fifth (5<sup>th</sup>) day after the day of the mailing unless the person to whom the notice or order is given or that person or their agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

- 3.8 Any costs incurred by the *Town* in the enforcement of this By-law shall be recovered in like manner and with the same priority as municipal taxes or alternatively as a lien in accordance with the Repair and Storage Liens Act, 2006, c. 32, Schedule A, s. 39, as a debt owed by the *owner* of the *sign*.
- 3.9 Any *sign* erected on property owned by the *Town*, County or Province of Ontario or property managed or controlled by a public utility or local board without consent of the *Town*, public utility or local board, may be pulled down, removed, stored or disposed of by the *Town* or its agents without prior notice, at the expense of the *owner* and/or the *sign owner*.
- 3.10 No person shall obstruct a By-law Enforcement Officer or any agent of the *Town* while they are carrying out their duties under this By-law.
- 3.11 Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the maximum amount provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33 as may be amended from time to time.
- 3.12 Notwithstanding subsection 3.11 above, every person who contravenes any provision of this By-law is guilty of an offence and may, at the option of the *Town* be prosecuted pursuant to the provisions of Part 1 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Act and regulations passed thereunder.

#### **SECTION 4 – GENERAL SIGN PROVISIONS**

- 4.1 The provisions of this section shall apply to all *signs* within the limits of the *Town*.
- 4.2 No person shall erect, display, alter or repair any *sign*, unless it is in conformity with the provisions of this By-law, the provisions of the applicable Zoning By-law of the *Town*, the provisions of the Ontario Building Code and all other applicable law.
- 4.3 No person shall erect, display, alter or repair any *sign* without a permit unless the requirement for a permit has been specifically waived by this By-law.
- 4.4 To apply for a permit, an applicant shall submit an application to the *Town*, which shall be accompanied by the following unless deemed unnecessary by a By-law Enforcement Officer or Building Official:
- (a) drawings and specifications showing:
    - (i) the major (permanent or temporary) and minor type, number of and location of the *sign/signs* to be erected;
    - (ii) the construction details, including the type of materials;
    - (iii) the supporting framework;
    - (iv) the foundation;
    - (v) illumination details;
    - (vi) the height and weight of the *sign*;
    - (vii) the length and width of the *sign* face;
    - (viii) the location of the *sign* on the lot;
    - (ix) the elevation of the *sign*;
    - (x) the location of the *sign* in relationship to adjacent buildings;
    - (xi) the *sign* type; and
    - (xii) the zoning classification of the property;
  - (b) in the case of *signs* affixed to any wall, plans showing the elevation of the wall of the building on which the proposed *sign* is to be erected showing all doors, windows and other openings and the location of the proposed *sign*;
  - (c) where a proposed *sign* will front on a Provincial or County Road, a copy of the approval from the appropriate authority; and
  - (d) the permit fee as prescribed in Schedule “A” to this By-law.

- 4.5 The *Town* shall issue a permit for any *sign* if the application complies with this By-law and other applicable law.
- 4.6 A *sign* permit that has been issued may be revoked after a period of one (1) year from the date of the issuance if the *sign* installation has not been completed.
- 4.7 Every person who has been issued a *sign* permit to erect, display, alter or repair a permanent *sign*, shall notify the *Town* within seven (7) days that such erection, display, alteration or repair has been completed.
- 4.8 No *sign* shall be located or constructed in such a manner that it creates an unsafe condition. Any *sign* deemed unsafe; said determination being at the sole discretion of the *Town*, may be removed and disposed of, without notice by the *Town*.
- 4.9 No person shall erect and/or display anywhere within the limits of the *Town*:
- (a) a *sign* on any Municipal, County or Provincial highway, street, alley or right of way, or *projecting* over any Municipal, County or Provincial highway, street, alley or right-of-way;
  - (b) a *sign* on *property* owned by the *Town*;
  - (c) a *sign* attached to a tree, utility pole or light standard;
  - (d) a *sign* on a roof;
  - (e) a *sign* erected or painted on a vehicle where the vehicle is parked or located in such a manner so as to make the vehicle visible from a street and as such causes the vehicle to function as a *sign*;
  - (f) a *sign* located in a side or rear yard, except a side or rear yard which abuts a street;
  - (g) a *sign* that is not in conformity with a By-law of the County of Essex, a policy of the Ministry of Transportation or any other applicable law;
  - (h) a *Billboard Sign*;
  - (i) an *Offsite Sign*;
  - (j) a *sign* that will encroach upon any spatial clearance required by Ontario Hydro, Essex Power or the *Town*, vertically or horizontally for any electrical wires, poles, or light standards; or
  - (k) a *sign* on *property* managed or controlled by a public utility or local board.
- 4.10 The *owner* of a *property* on which is erected or displayed a *sign*, which no longer relates to a permitted use operating on the *property*, shall remove the *sign* or cause the *sign* to be removed within thirty (30) days of the mailing of an order to remove the *sign* by the *Town*.
- 4.11 All permitted *Illuminated Signs* shall be constructed so as to direct light away from any adjacent *property*.
- 4.12 All *signs* shall be maintained in good repair, be structurally sound and not exhibit signs of weathering. *Signs* not conforming to the requirements of this section shall be repaired to bring them into compliance with this subsection or be removed from the *property*.

## SECTION 5 – PERMANENT SIGNS

### 5.1 - RESIDENTIAL ZONE SIGNS

- 5.1.1 In addition to all other requirements of this By-law, the requirements of this section shall apply to all permanent *signs* erected or displayed on a *property* in a Residential Zone.
- 5.1.2 Permanent *signs* shall be permitted on a *property* in a Residential Zone for the purpose of:
- (a) identifying a permitted home occupation use operating on a *property*; and
  - (b) identifying or advertising a permitted *Defined Area* use or *Legal Non-Conforming* use operating on a *property*.



5.1.3 The following *signs* shall be permitted on a property for the purpose of subsection 5.1.2(a):

- (a) one (1) *Fascia Sign*; or
- (b) one (1) *Ground Sign*.

5.1.4 *Signs* permitted by subsection 5.1.3 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) identify, but not advertise the permitted home occupation;
- (d) not exceed 0.8 square metres (8.62 square feet) in area; and
- (e) if a *Ground Sign*:
  - (i) not exceed 1.2 metres (3.94 feet) in height above the *average finished grade*; and
  - (ii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.1.5 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.1.2(b):

- (a) one (1) *Fascia Sign*;
- (b) one (1) *Projecting Sign*; and
- (c) one (1) *Ground Sign*.

5.1.6 *Signs* permitted by subsection 5.1.5 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) if a *Fascia Sign* shall:
  - (i) not exceed 2 square metres (21.53 square feet) in area;
  - (ii) not extend above the top of the *exposed building face* to which it is attached;
  - (iii) not extend beyond the ends of the *exposed building face* to which it is attached;
- (d) if a *Projecting Sign* shall:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face* to which it is attached;
  - (ii) not be less than 3.0 metres (9.84 feet) above *average finished grade*; and
  - (iii) not exceed 1.0 square metre (10.76 square feet) in area;
- (e) if a *Ground Sign* shall:
  - (i) not exceed 2.0 square metres (21.53 square feet) in area;
  - (ii) not exceed 2.0 metres (6.56 feet) in height from the *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

## 5.2 – AGRICULTURAL AND HOLDING ZONE SIGNS

5.2.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all permanent *signs* erected or displayed on property in an *Agricultural Zone* or *Holding Zone*.

5.2.2 Permanent *signs* shall be permitted on a *property* in a *Holding Zone* or *Agricultural Zone* for the purpose of:

- (a) identifying or advertising a permitted home occupation or agricultural home occupation use operating on a *property*;
- (b) identifying or advertising a permitted *Agricultural Zone* use operating on a *property*;
- (c) identifying or advertising a permitted *Defined Area* use or *Legal Non-Conforming* use operating on a *property*; and
- (d) identifying or advertising a permitted *Holding Zone* use operating on a *property*.

5.2.3 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.2.2(a):

- (a) one (1) *Fascia Sign*; or
- (b) one (1) *Ground Sign*.

5.2.4 Signs permitted by subsection 5.2.3 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) identify, but not advertise, the permitted home occupation or agricultural home occupation;
- (d) not exceed 0.8 square metres (8.62 square feet) in area;
- (e) if a *Ground Sign*:
  - (i) not exceed 1.2 metres (3.94 feet) in height above the *average finished grade*; and
  - (ii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.2.5 The following signs shall be permitted on a *property* for the purposes of subsection 5.2.2(b), (c) and (d):

- (a) one (1) *Fascia Sign*;
- (b) one (1) *Projecting Sign*; and
- (c) one (1) *Ground Sign*.

5.2.6 Signs permitted by subsection 5.2.5 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) if a *Fascia Sign*:
  - (i) not exceed twenty percent (20%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and
  - (iii) not extend beyond the ends of the *exposed building face* to which the sign is attached;
- (d) if a *Projecting Sign*:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face*, which it is attached to;
  - (ii) not be less than 3.0 metres (9.84 feet) above *average finished grade*; and
  - (iii) not exceed 1.0 square metre (10.76 square feet) in area; and
- (e) if a *Ground Sign*:
  - (i) not exceed 3.0 square metres (32.29 square feet) in area;
  - (ii) not exceed 2.0 metres (6.56 feet) in height from *average finished grade*; and
  - (iv) not be closer than 3.0 metres (9.84 feet) to any lot line.

### **5.3 – COMMERCIAL, INDUSTRIAL, BUSINESS PARK AND HIGHWAY SERVICE CENTRE ZONE SIGNS**

5.3.1 In addition to all other requirements of this By-law, the requirements of this section shall apply to all permanent signs erected or displayed on a *property* in a Commercial, Industrial, Business Park, or Highway Service Centre Zone.

5.3.2 Permanent signs shall be permitted in a Commercial, Industrial, Business Park, or Highway Service Centre Zone for the purpose of:

- (a) identifying or advertising a permitted Commercial, Industrial, Business Park, or Highway Service Centre use, operating on a *property*; and
- (b) identifying or advertising a *Defined Area* or *Legal Non-Conforming* use operating on a *property*.

5.3.3 The following signs shall be permitted on a *property* for the purposes of subsection 5.3.2(a) and (b):

- (a) one (1) *Fascia Sign* per *exposed building face* for each building or suite on a *property*;

- (b) one (1) *Ground Sign* per *property*; except where there are two (2) or more major entrances to a *property* and the *property* is greater than .5 hectares (1.24 acres) in size, a maximum of two (2) *Ground Signs* shall be permitted; and
- (c) one (1) *Projecting Sign* per building or suite on a *property*.

5.3.4 The *signs* permitted by subsection 5.3.3 shall:

- (a) if a *Fascia Sign*:
  - (i) not exceed 25 percent (25%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and
  - (iii) not extend beyond the ends of the *exposed building face* to which the *sign* is attached;
- (b) if a *Projecting Sign*:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face* to which it is attached;
  - (ii) not be less than 3.0 metres (9.84 feet) in height above *average finished grade*; and
  - (iii) not exceed 1.5 square metre (4.92 square feet) in area; and
- (c) if a *Ground Sign*:
  - (i) not exceed 20.0 square metres (215.28 square feet) in area;
  - (ii) not exceed 12.0 metres (39.37 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.3.5 Notwithstanding article 5.3.4(c) where a *Ground Sign* is erected or displayed on a *property* and the *Ground Sign* is adjacent to a County Road or a Provincial Highway, then the *Ground Sign* shall:

- (a) not exceed 24.0 square metres (258.34 square feet) in area;
- (b) not exceed 15.0 metres (49.21 feet) in height from *average finished grade*; and
- (c) not be closer than 3.0 metres (9.84 feet) to any lot line.

#### **5.4 – INSTITUTIONAL AND PARKS AND OPEN SPACE ZONE SIGNS**

5.4.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all permanent *signs* erected or displayed on a *property* in an Institutional or Parks and Open Space Zone.

5.4.2 Permanent *signs* shall be permitted in an Institutional or Parks and Open Space Zone for the purpose of:

- (a) identifying or advertising permitted Institutional or Parks and Open Space Zone uses, operating on a *property*, and
- (b) identifying or advertising a *Defined Area* or *Legal Non-Conforming* use operating on a *property*.

5.4.3 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.4.2(a) and (b):

- (a) one (1) *Fascia Sign*; and
- (b) one (1) *Ground Sign*.

5.4.4 *Signs* permitted by this subsection shall:

- (a) not be illuminated between the hours of 12:00 p.m. and 6:00 a.m.;
- (b) not contain flashing components;
- (c) if a *Fascia Sign*:
  - (i) not exceed 20 percent (20%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and

- (iii) not extend beyond the ends of the *exposed building face* to which it is attached; and
- (d) if a *Ground Sign*:
  - (i) not exceed 10.0 square metres (107.64 square feet) in area;
  - (ii) not exceed 9.0 metres (29.53 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

## SECTION 6 – TEMPORARY SIGNS

### 6.1 - PORTABLE SIGNS

- 6.1.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Portable signs*.
- 6.1.2 *Portable Signs* shall be permitted on a temporary basis in a Commercial, Industrial, Business Park, Institutional or Parks and Open Space *Zone* for the purposes of the identification of or advertising related to a permitted use operating on a *property*.
- 6.1.3 *Portable Signs* shall be permitted by permit only on the following basis:
  - (a) one (1) *Portable Sign* per *property* for a maximum of sixty (60) days once in a calendar year; or
  - (b) one (1) *Portable Sign* per *property* for a maximum of thirty (30) days twice in a calendar year.
- 6.1.4 Where a permit is issued pursuant to subsection 6.1.3(b) and the *sign* is on display in excess of the thirty (30) day permit period; the permit period shall be automatically extended to sixty (60) days and the permit shall be deemed to have been issued in accordance with the provisions of subsection 6.1.3(a).
- 6.1.5 Notwithstanding subsection 6.1.3 where there are multiple tenancies on a *property* one (1) *Portable Sign* shall be permitted per tenancy subject to the condition that no more than three (3) *signs* may be erected or displayed on a *property* at any one time.
- 6.1.6 Notwithstanding the requirements of subsections 6.1.2 and 6.1.3, an *Inflatable Sign* may be erected without a permit on a *property* in any *zone* for a maximum of three (3) days, once in any calendar year, subject to all other provisions of this By-law.
- 6.1.7 The *signs* permitted by this subsection shall:
  - (a) require a permit;
  - (b) if other than an *Inflatable Sign* not exceed the following dimensions:
    - (i) 3.0 square metres (32.29 square feet) in area;
    - (ii) 2.0 metres (6.56 feet) in height from *average finished grade*; and
    - (iii) not be closer than 0.3 metres (.98 feet) to any lot line; and
  - (c) if an *Inflatable Sign* not exceed the following dimensions:
    - (i) not be closer than 3.0 metres (9.84 feet) to any lot line.

### 6.2 – SANDWICH BOARD SIGNS

- 6.2.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Sandwich Board Signs*.
- 6.2.2 *Sandwich Board Signs* shall be permitted on a *temporary* basis in a Commercial, Industrial, or Business Park *Zone* for the purposes of the identification of, or advertising related to a permitted use operating on a *property*.
- 6.2.3 One (1) *Sandwich Board Sign* shall be permitted per *property*.
- 6.2.4 Notwithstanding subsection 6.2.3 where there are multiple tenancies on a *property*, one (1) *Sandwich Board Sign* shall be permitted per tenant.

6.2.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed between the hours of 8:00 am and 11:00 p.m.;
- (e) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (f) not exceed the following dimensions:
  - (i) .75 square metres (8.07 square feet) in area;
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

### **6.3 – PLACARD SIGNS**

6.3.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Placard Signs*.

6.3.2 *Placard Signs* shall be permitted on a temporary basis in a Commercial, Industrial, or Business Park Zone for the purpose of advertising special events taking place on the *property*.

6.3.3 *Placard Signs* shall be permitted on the basis of one (1) *Placard Sign* for every 6 metres (19.69 feet) of property line abutting a street for the purposes of subsection 6.3.2.

6.3.4 Notwithstanding subsection 6.3.3 where there are multiple tenancies on a *property* and there are multiple tenants displaying *Placard Signs* during the same time period then each tenant may display the number of *signs* determined in 6.3.3 above divided by the number of tenants displaying *Placard Signs* on the *property* during the same time period.

6.3.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be displayed for more than one (1) week per event;
- (c) not be displayed by any one (1) tenant more than three (3) times per year;
- (d) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (e) not exceed the following dimensions:
  - (i) .8 square metres (8.61 square feet) in area;
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

### **6.4 – GROUND FLAG SIGNS**

6.4.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Ground Flag Signs*.

6.4.2 *Ground Flag Signs* shall be permitted on a temporary basis in a Commercial, Industrial, or Business Park Zone for the purpose of advertising special events taking place on a *property*.

6.4.3 *Ground Flag Signs* shall be permitted on the basis of one (1) *Ground Flag Sign* per 15 metres (49.21 feet) of property line abutting a street for the purposes of subsection 6.4.2.

6.4.4 Notwithstanding subsection 6.4.3 where there are multiple tenancies on a *property* and there are multiple tenants displaying *Ground Flag Signs* during the same time period then each tenant may display the number of *signs* determined in 6.4.3 above divided by the number of tenants displaying *Ground Flag Signs* during the same time period.



6.4.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be displayed for more than one (1) week per event;
- (c) not be displayed by any one tenant more than three (3) times per year;
- (d) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (e) not exceed the following dimensions:
  - (i) 1.8 square meters (19.37 square feet) in area;
  - (ii) 3 metres (9.84 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

## **6.5 – BANNER SIGNS**

6.5.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Banners Signs*.

6.5.2 *Banner Signs* shall be permitted by permit only in a Commercial, Industrial or Business Park *Zone* for the purpose of advertising special events taking place on a *property*.

6.5.3 *Banner Signs* shall be permitted as follows:

- (a) one (1) *Banner Sign* per *property* for a maximum of sixty (60) days once in a calendar year; or
- (b) one (1) *Banner Sign* per *property* for a maximum of thirty (30) days twice in a calendar year.

6.5.4 Where a permit is issued pursuant to subsection 6.5.3(b) and the *sign* is on display in excess of the thirty (30) day permit period, the permit period shall be automatically extended to sixty (60) days and the permit shall be deemed to have been issued in accordance with the provisions of subsection 6.5.3(a).

6.5.5 Notwithstanding subsection 6.5.3 where there are multiple tenancies on a *property* one (1) *Banner Sign* shall be permitted per tenancy subject to the condition that no more than three (3) *Banner Signs* may be displayed on any one (1) *property* at any time.

6.5.6 The *signs* permitted by this subsection shall:

- (a) require a permit;
- (b) not be illuminated;
- (c) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (d) not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area; and
  - (ii) 8.0 metres (26.25 feet) in height from *average finished grade*.

## **6.6 – CONSTRUCTION SIGNS**

6.6.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Construction Signs*.

6.6.2 *Construction Signs* shall be permitted in any *zone* for the purpose of identifying or advertising a construction project on the *property* on which the *sign* is located.

6.6.3 *Construction Signs* shall be permitted for the purpose of identifying or advertising a construction project:

- (a) a maximum of two (2) *Ground Signs* per *property*; or
- (b) a maximum of two (2) *Banner Signs* per *property*.

6.6.4 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed during the period in which construction is actively occurring on the *property* as determined by the *Town*; and
- (e) not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area;
  - (ii) 4.0 metres (13.12 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metre (9.84 feet) to any lot line.

## **6.7 – REAL ESTATE SIGNS**

6.7.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Real Estate Signs*.

6.7.2 *Real Estate Signs* shall be permitted on a *property* in any *zone* for the purpose of identifying:

- (a) the development of the *property*; or
- (b) advertising the sale or lease of the *property*.

6.7.3 The following *signs* shall be permitted for the purposes of subsection 6.7.2:

- (a) a maximum of two (2) *Ground Signs* per *property*.

6.7.4 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed during the period for which the property is being actively offered for sale or lease or actively being developed, the determination of which shall be at the *Town's* sole discretion;
- (e) if a *Ground Sign*, erected or displayed for the purpose of subsection 6.7.2(a), not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area;
  - (ii) 4.0 metres (13.12 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line;
- (f) if a *Ground Sign* erected or displayed for the purpose of subsection 6.7.2 (b), not exceed the following dimensions:
  - (i) 1.0 square metre (10.76 square feet) in area in a Residential *Zone*,
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*, in a Residential *Zone*;
  - (iii) 3.0 square metres (32.29 square feet) in area in a *zone* other than a Residential *Zone*;
  - (iv) 2.5 metres (8.20 feet) in height from *average finished grade*, in a *zone* other than a Residential *Zone*; and
  - (v) not be closer than .3 metres (.94 feet) to any lot line.

## **6.8 - ELECTION SIGNS**

6.8.1 In accordance with the provisions of section 2.5 of this By-law, *election signs* are exempt from the provisions of this By-law. *Election signs* are however, subject to the provisions of the *Town Election Sign By-law*.

## **6.9 – ACCESSORY EVENT SIGNS**

6.9.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Accessory Event Signs*.

6.9.2 The provisions of this subsection shall be administered by the Director Parks and

Recreation (Director) or his/her designate. Nothing in this subsection shall be construed as to create a right by any party or organization to a permit under this subsection and any application for a permit may be arbitrarily refused or any permit issued may be arbitrarily revoked at the *Town's* sole discretion.

- 6.9.3 *Accessory Event Signs* may be permitted in any *zone* for the purpose of advertising events taking place on *Town* owned facilities at the sole discretion of the *Town*.
- 6.9.4 The following *signs* may be permitted for the purposes of this subsection, *Banner Signs*, *Light Standard Banner Signs*, *Portable Signs*, *Placard Signs* and *Gateway Signs*.
- 6.9.5 The *signs* permitted by this subsection shall:
- (a) require a permit;
  - (b) only be erected in conformity with the conditions of the permit;
  - (c) not be required to conform to the requirements of subsection 4.9 at the *Town's* sole discretion;
  - (d) be subject to immediate removal and disposal if displayed in contravention of the conditions of a permit;
  - (e) be subject to the *Town's* sole discretion and approval, as to number, location and size;
  - (f) if a *Banner Sign* be limited to a maximum of four (4) *signs*;
  - (g) if a *Placard Sign* be limited to a maximum of thirty (30) *signs*;
  - (h) if a *Light Standard Banner Sign* be permitted to be erected in those areas providing for their display subject to the *Town's* sole discretion and approval;
  - (i) if a *Portable Sign* be limited to a maximum of two (2) *signs*; and
  - (j) if a *Gateway Sign* may be permitted to be erected in those areas providing for their display subject to the *Town's* sole discretion and approval;
  - (k) not be erected or displayed more than three (3) weeks prior to the start of the event; and
  - (l) be removed within one (1) week of the finish of the event.
- 6.9.6 An applicant for an *Accessory Event Sign* permit shall:
- (a) submit a Display Plan and Permit Application in the form prescribed by the *Town*; and
  - (b) pay the required permit fee as set by the *Town*.
- 6.9.7 An application for an *Accessory Event Sign* permit may be approved, modified or denied by the *Town* and the decision shall be final and binding upon the applicant.

**READ** a first, second, third time and finally passed this 24<sup>th</sup> day of April, 2018.

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Gary McNamara, Mayor

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Laura Moy, Clerk

SCHEDULE “A” TO BY-LAW NO. 2018-XX

PERMIT FEES

Item	Fee
General <i>Sign</i>	\$50.00 per <i>sign</i>
<i>Accessory Event Sign</i>	\$50.00 per permit

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW NUMBER 2018-13

Being a by-law to provide for the repair and improvements to the 7th Concession Drain

**Whereas** the Council of The Corporation of the Town of Tecumseh [Town] has been requested to provide for the repair and improvement of the 7th Concession Drain;

**And Whereas** the Town procured a Drainage Report for the 7th Concession Drain and specifications from the consulting engineering firm of Baird AE, dated February 7, 2017 (Drainage Report);

**And Whereas** notice of a Public Meeting to hear comments from the affected property owners was given on February 13, 2017;

**And Whereas** a Public Meeting of Council was held on Tuesday, March 14, 2017, at 6:00 p.m. to hear from any affected property owners on the Drainage Report;

**And Whereas** the Drainage Report was sent back to the Engineer for reconsideration, by Council on Tuesday April 11, 2017 at the Court of Revision;

**And Whereas** the Engineer provided a Reconsidered Drainage Report for the 7th Concession Drain and specifications from the consulting engineering firm of Baird AE, dated August 8, 2017 [Reconsidered Drainage Report];

**And Whereas** notice of a Public Meeting to hear comments from the affected property owners on the Reconsidered Drainage Report was given on August 25, 2017;

**And Whereas** a Public Meeting of Council was held on Tuesday, September 12, 2017, at 6:00 p.m. to hear from any affected property owners on the Reconsidered Drainage Report and at the meeting the Reconsidered Drainage Report was referred back to the Drainage Engineer;

**And Whereas** the Engineer provided a Second Reconsidered Drainage Report for the 7<sup>th</sup> Concession Drain and specifications from the consulting engineering firm of Baird AE, dated November 23, 2017 [2<sup>nd</sup> Reconsidered Drainage Report];

**And Whereas** a Public Meeting of Council has been scheduled to be held on Tuesday, February 27, 2018 at 6:00 pm to hear from any affected property owners on the 2<sup>nd</sup> Reconsidered Drainage Report and notice of the meeting was sent to the affect landowners on January 30, 2018;

**And Whereas** the Council of The Corporation of the Town of Tecumseh is of the opinion that the repair and improvement of the 7th Concession Drain is desirable;

**Now Therefore** the Council of The Corporation of the Town of Tecumseh, pursuant to *The Drainage Act, R.S.O. 1990* (Act), hereby enacts as follows:

1. **That** the 2<sup>nd</sup> Reconsidered Drainage Report providing for the repair and improvement of the 7th Concession Drain, dated November 23, 2018, as prepared by the consulting engineering firm Baird AE and attached hereto as Schedule "A" to this by-law, is hereby adopted and the drainage works as therein indicated and set forth is hereby approved and shall be completed in accordance therewith.
2. **That** the Treasurer, subject to the approval of Council, may agree with any bank or person for temporary advances of money to meet the costs of construction pending the completion of the drain and grants and computed payments are received.
3. **That** the Town may issue debentures for the amount borrowed and the amount of such debentures shall be reduced to the total amount of:  
(a) Grants received under Section 85 of the said Act;



- (b) Commuted payments made in respect of land and roads assessed.
4. **That** such debentures shall be made payable within five (5) years from the date of the debenture and shall bear interest at a rate as approved by resolution of Council.
5. **That** the specifications and General Specifications as established are adopted as set out in the Drainage Report which forms part of this by-law.
6. **That** the Mayor and Clerk are authorized to cause a contract for the construction of the works to be made and entered into with some person or persons, firm or corporations, subject to the approval of the Council to be declared by resolution.
7. **That** Provisional By-law No. 2017-15 is hereby repealed.
8. **That** this by-law shall come into force upon and after the final passing thereof.

**Read** a first and second time this 27<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

**Read** a third and final time, and finally passed this \_\_\_\_day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

# **The Corporation of the Town of Tecumseh**

## **By-Law Number 2018-31**

Being a by-law to amend By-law 85-18,  
the Town's Comprehensive Zoning By-law  
for those lands in the former Township of Sandwich South.  
(D19 7095MAN – 7095 Manning Road/County Road 19)

**Whereas** By-law No. 85-18 is the Town's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Tecumseh, for lands situated within the former Township of Sandwich South;

**And Whereas** the Council of the Corporation of the Town of Tecumseh deems it necessary and in the best interest of proper planning to further amend By-law No. 85-18;

**And Whereas** this By-law conforms to the Official Plan in effect for the Town of Tecumseh for lands in the former Township of Sandwich South, as amended;

**Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:**

1. That Schedule "A", Map 18, to By-law 85-18, as amended, is hereby further amended by changing the zoning classification for those lands as depicted on Schedule "A" attached hereto and forming part of this by-law from "Agricultural Zone (A)" to "Agricultural Zone (A-28)".
2. That By-law 85-18, Section 15, Agricultural Zone (A) Regulations, as amended, is hereby further amended by the addition of a new subsection 15.3.28 to immediately follow subsection 15.3.27 and to read as follows:

"15.3.28     Defined Area A-28 as shown on Schedule "A", Map 18, of this By-Law.

a)     Permitted Uses

- i)     All uses permitted in the Agricultural Zone (A);
- ii)    A poultry cutting, processing and packaging facility, but not including an abattoir.

b)     Permitted Building and Structures

- i)     Buildings and structures for the uses permitted in subsection 15.3.28 a) of this By-law;
- ii)    Accessory buildings and structures for the uses permitted in subsection 15.3.28 a) of this By-law.

c)     Zone Provisions

All lot and building requirements for the permitted buildings and structures permitted in subsection 15.3.28 a) shall be in accordance with subsections 15.1.3 to 15.2.4, inclusive of this By-law.

3. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 and 39 of the *Planning Act*, R.S.O. 1990.

**Read** a first, second and third time and finally passed this 24th day of April, 2018.

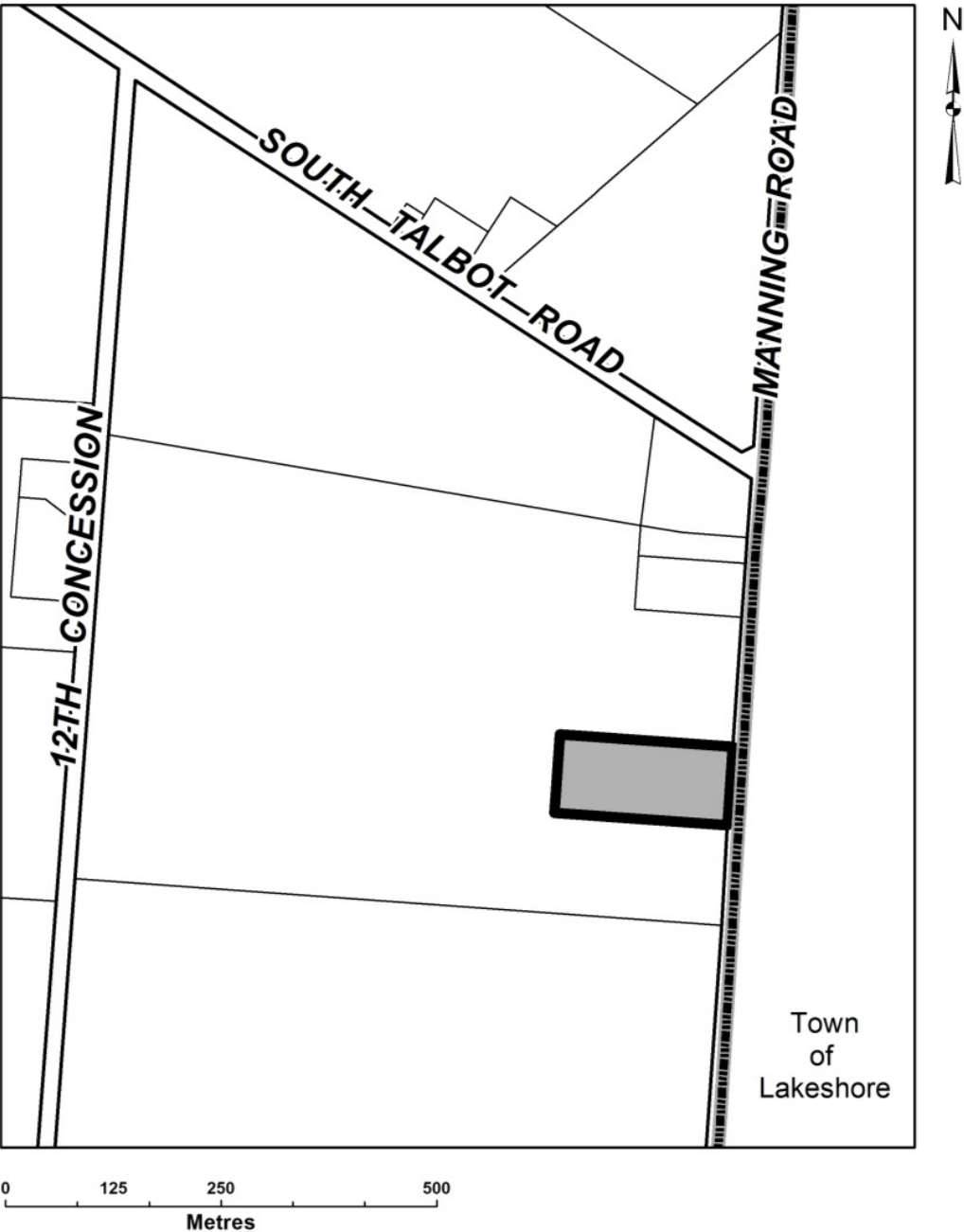
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Gary McNamara, Mayor

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Laura Moy, Clerk

SCHEDULE "A"  
PART 1, 12R-12571  
7095 MANNING ROAD  
TOWN OF TECUMSEH



Change from "A" to "A-28"

This is Schedule "A" to By-law No. 2018-31.  
Passed the 24th day of April, 2018.

Signed

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

# **The Corporation of the Town of Tecumseh**

## **By-Law Number 2018 - 32**

A By-law of The Corporation of the Town of Tecumseh being a by-law to regulate Election Signs

**Whereas** Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and, b) enhance their ability to respond to municipal issues;

**And Whereas** Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**And Whereas** Section 10 of the *Municipal Act, 2001*, provides that a single tier municipality may pass by-laws within the spheres of jurisdiction set out therein, inter alia structures, including fences and signs;

**And Whereas** Section 63 of the *Municipal Act, 2001*, S.O. 2001, as amended, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

**And Whereas** Section 99 of the *Municipal Act, 2001*, provides the rules which apply to a by-law of a municipality respecting advertising devices, including signs;

**And Whereas**, Section 425 of the *Municipal Act, 2001*, establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

**And Whereas** Section 445 of the *Municipal Act, 2001*, as amended, provides that a municipality may make a rider requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

**And Whereas** Section 446 of the *Municipal Act, 2001*, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same matter as property taxes;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

### **1. Definitions**

In this By-law, the following terms shall have the meanings indicated:

- A) **Boulevard:** means the portion of every highway between the roadway and the abutting property line.
- B) **Campaign Advertisement:** means an advertisement in any broadcast, print, electronic form or other medium purchased by or under the direction of a candidate or third party;



- C) **Campaign Office:** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information about the candidate;
- D) **Candidate:** means a person who is running or has expressed an intention to run in a municipal, provincial or federal election and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;
- E) **Election Sign:** means any sign:
- (1) advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
  - (2) intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;
- F) **Highway:** means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance;
- G) **Officer:** means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the Town of Tecumseh or designate, the Ontario Provincial Police, or a Provincial Offences Officer or other duly appointed individual;
- H) **Place:** means attach, install, erect, build, construct, reconstruct, move, display, or affix;
- I) **Premises:** includes the parking lot, adjoining fences and road allowances;
- J) **Public Utility Facility:** means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a municipal or public utility service, including the Town, Bell Canada, Union Gas, Ontario Hydro, Hydro One, Essex Power and any subsidiaries thereof;
- K) **Registered Third Party:** means any person or entity, including but not limited to a corporation or trade union whom is not a registered candidate, political party or constituency association who incurs expenses with respect to:
- (1) a question, law or by-law submitted to the electors;
  - (2) an issue associated with a person or political party participating in an election or;
  - (3) a candidate or political party participating in an election under the *Canada Elections Act*, the *Elections Act* or the *Municipal Elections Act*;
- L) **Roadway:** means the travelled portion of a highway;

- M) **Sidewalk or Trail:** means any municipal walkway, or that portion of a Highway between the roadway and the adjacent property line, primarily intended for the use of pedestrians;
- N) **Sign Height:** means the vertical distance measured from the highest point of the sign to grade and includes any support structure;
- O) **Town:** means The Corporation of the Town of Tecumseh;
- P) **Town Official Sign:** means a sign placed by the Town of Tecumseh to control and regulate the movement of vehicles and pedestrians, signs posted by the Town under the provisions of the sign by-law, includes a sign approved by the Ministry of Transportation Ontario, and signs described in the *Highway Traffic Act*;
- Q) **Town Property:** means property owned by or under the control of the Town of Tecumseh or any of its agencies, boards or commissions, including highways, boulevards and road allowances, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include, buses, bus shelters, benches, municipal garbage containers or other structures, located on a highway regardless of whether the shelters, containers or structures are owned by the Town. Property owned by the Town and leased to another person or entity shall not be deemed to be public property;
- R) **Trailer:** means a vehicle or device that is intended to at any time to be drawn, temporarily drawn, propelled or moved upon a highway by a motor vehicle and for the purposes of this by-law shall include but not be limited to a wagon, implement of husbandry, trailer designed for recreational purposes or commercially registered vehicle or trailer;
- S) **Vehicle:** includes any means of transportation propelled or driven by any kind of power including muscular power;
- T) **Voting Place:** means a place where citizens cast their ballots and shall include the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises.

## 2. General Provisions

- A) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- B) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
  - (1) on or overhanging Town property including, but not limited to, a Park or a facility that is owned or operated by the Town, a Highway, Roadway, Boulevard and Sidewalk or Trail;
  - (2) on a Public Utility Facility;
  - (3) which contains an electronic display that incorporates in any manner any flashing, moving illumination or animation which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description;

- (4) on any Town official sign or Town official sign structure;
- (5) in a location that would, by reason of size, location, or illumination, obstruct the vision and/or passage of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which are located in a sight triangle;
- (6) which makes use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic;
- (7) on a tree, stone or other natural object or on a boundary fence or safety rail;
- (8) at a Voting Place;
- (9) on or within a Vehicle or Trailer parked within 50 metres of a Voting Place;
- (10) in a location where the Election Sign:
  - (a) obstructs or impedes any required fire escape, fire exit, fire route, door, window etc., or so as to prevent or impede access of firefighters to any part of a building;
  - (b) constitutes a danger or hazard to the general public
- C) The candidate or registered third party to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this By-law have been met.
- D) No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate to whom the sign relates or the owner of the property on which the sign is erected.
- E) No person shall deface or willfully cause damage to a lawfully erected election sign.
- F) No person shall place an election sign in such a position that such sign would contravene any other applicable legislation.
- G) No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Town.

### **3. Election Signs on Private Property**

- A) Election signs may be erected or displayed on private property if:
  - (1) The signs are no larger than 1.22 metres by 1.22 metres and the sign height is no higher than two metres above ground level, save and except signs on campaign offices, billboards and signs displayed indoors;
  - (2) The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
  - (3) The signs are erected with the consent of the owner or tenant of the property.

- B) No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
- C) No more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.
- D) The use of or erection of signs for other than the purposes provided for in this By-law shall be governed by the Town's Sign By-law.

#### **4. Timing**

- A) No candidate, his agent, registered third party or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed prior to the issuance of writs for a provincial or federal election or forty-five (45) days immediately preceding the day of a municipal election or Nomination Day for a by-election.
- B) Notwithstanding section 4 A) election signs may be erected on campaign offices up to 90 days prior to voting day provided that:
  - (1) in the case of a candidate for the position of Councillor or Trustee, that right shall extend to no more than one campaign office in the ward where the candidate is running for election;
  - (2) in the case of a candidate for the position of Mayor, that right shall extend to no more than two (2) campaign offices.
- C) An election sign shall be removed within ninety-six (96) hours (4 days) immediately following 11:59 pm of the day of the election.

#### **5. Removal of Unlawful Election Signs**

- A) Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-law, a Municipal Law Enforcement Officer or any other individual designated by the Clerk may cause the sign to be removed immediately without notice to the owner or apparent owner and/or take any further action as provided within this By-law.

#### **6. Notice of Removal, Storage and Disposal**

- A) Where the Town removes an election sign, a Notice shall be forwarded by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed. Such notice to the candidate or registered third party will indicate that the illegal sign has been removed by the Town and that said sign will be stored and disposed of by the Town in accordance to the provisions of Section 6 C). The Notice shall further indicate that the sign may be reclaimed by the candidate or registered third party within the time period prescribed and upon payment to the Town the cost of pulling down, removal and storage of the sign.
- B) Where the Town removes a sign and Notice has been provided as set out in Section 6 A), the candidate or registered third party shall submit payment of all fees associated with the removal, storage and disposal of each sign as set out on the Notice provided within 30 days of receipt. All costs and charges incurred by a municipality for the removal, care and storage of a sign that is erected or displayed in contravention of this by-law shall be considered a lien on the advertising device.

- C) Where a sign has been removed by the Town and stored for a period of thirty (30) days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of by the Town with no further notification to the owner of such sign.

## **7. Recovery of Costs for Removal, Storage and Disposal of Signs**

- A) If an election sign is removed in accordance with Section 5 A), any person responsible for erecting or displaying or causing the erection or display of the sign in contravention of this article shall, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the Town the cost of removing the sign. If an election sign is removed under Section 5 A), the candidate to whom the sign relates shall be responsible for payment of all fees established under the Fees By-law to cover the cost of removing the sign.
- B) Where a sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in the Fees By-law, the amount stated in the Fees By-law shall not apply and the amount shall be the Town's actual cost for taking down, removing and disposing of the sign, plus an administrative fee of an additional fifteen (15%) percent.
- C) Any applicable fees as set out in the Fees By-law may be recovered by legal action or in a like manner as municipal taxes. Outstanding amounts applied will be applied to a candidate's tax roll, if applicable, based on the qualifying address provided on the candidate's nomination paper or registered third party's registration form.
- D) Signs that have been removed under Section 5 A) shall be stored by the Town for a minimum of 30 days, during which time the candidate or registered third party, the candidate's agent or registered third party may retrieve the sign by paying any amounts owing to the Town under the Fees By-law.
- E) Notwithstanding Section 7 D) the candidate or registered third party may provide the Town with a signed acknowledgement and release in a form acceptable to the Town requesting a review of the Notice received as to the illegal placement of the election sign.

## **8. Enforcement**

- A) A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- B) No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **9. Offence**

- A) Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the *Act*.



- B) Every person who contravenes any provision of this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- C) Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- D) For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- E) For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- F) Notwithstanding Section 9 E), and in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

## **10. Liability**

- A) The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the construction, erection, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on The Corporation of the Town of Tecumseh, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any sign.

## **11. Conflicts**

- A) In the event of a conflict between the provisions of this by-law and the provisions of another by-law of The Corporation of the Town of Tecumseh regulating signage, the provisions of the more restrictive enactment shall prevail.

**12. Other Laws**

- A) Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws which regulate signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner.

**13. Validity**

- A) In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

**14. Title**

- A) This by-law may be cited as the "**Election Sign By-law**".

**15. Force and Effect**

- A) **That** this By-law shall come into force and effect immediately upon final passing.

**Read** a first, second and third time and finally passed this 24th day of April, 2018.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW 2018-33

Being a by-law to regulate and govern  
*signs* within the municipality.

**WHEREAS** Sections 8, 9, 11 and 99 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit or regulate *signs* and as part of the power to regulate or prohibit, may require persons to do things respecting *signs*, provide for a system of permits, approvals, registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a permit, approval or registration; and may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

**AND WHEREAS** Section 446 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that if a municipality has the authority under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of its being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**AND WHEREAS** the Council of The Corporation of the Town of Tecumseh considers it desirable to pass such a by-law;

**NOW THEREFORE** the Council of The Corporation of the Town of Tecumseh enacts as follows:

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**SECTION 1 – DEFINITIONS**

**1.1 DEFINITIONS**

“*Area*” shall mean the surface area on one side of a *sign* including the border and frame.

“*Average Finished Grade*” shall mean the average elevation of the whole of a lot. The determination of the *average finished grade* shall be solely at the discretion of the *Town*.

“*By-law Enforcement Officer*” shall mean any individual charged with the responsibility of enforcing the By-laws of the *Town*.

“*Council*” shall mean the Council of The Corporation of the *Town* of Tecumseh.

“*Defined Area*” shall have the same meaning as found in the applicable Zoning By-law of the *Town*.

“*Exposed Building Face*” shall mean a building face that is visible from an adjacent street or highway or from a primary parking area or internal roadway on a property. The determination as to which faces of a building are *exposed building faces* shall be at the *Town*’s sole discretion.

“*Erect*” shall mean to attach, build, construct or reconstruct, enlarge, locate or relocate any *sign* or paint a wall *sign* or to maintain any *sign* but does not include copy changes on a *sign*.

“*Legal Non-Conforming Use*” shall mean a use that legally existed on a *property* prior to the passing of a Zoning By-law governing the property, and that continues to operate out of conformity with the governing Zoning By-law regulations.

“*Owner*” when used in reference to a property shall mean that person whose name appears on the last revised assessment roll of the *Town*.

“*Property*” shall mean a property as listed on the last revised assessment roll of the *Town*.

“*Sign*” shall mean any device, including all its component parts and supporting structure, erected for the purpose of conveying information or attracting the attention of the public by means of letters, numerals, symbols, characters, logos, lights, colours, designs, textures or objects. Without limiting, the generality of the foregoing, *signs* may be classified by their design, means of support, ownership, or purpose as follows:

“*Accessory Event Sign*” shall mean a *sign* erected for the purpose of advertising an approved special event taking place on property being leased from the *Town*.

“*Banner Sign*” shall mean any *sign* made of wood, plastic, fabric or other material similar in nature, with its main body supported by a fence, ropes, posts, wires or cords.

“*Billboard Sign*” shall mean any *sign* that is rented or leased but does not include a *portable sign*.

“*Construction Sign*” shall mean a *sign* erected for the for the purpose of identifying or advertising a major construction project, the determination of which shall be at the *Town’s* sole discretion.

“*Election Sign*” shall means any sign advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or any sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.

“*Exempt Sign*” shall mean any *sign* exempted pursuant to subsection 2.5 of this By-law.

“*Existing Sign*” shall mean a *sign* that legally existed prior to the date of the adoption of this By-law.

“*Fascia Sign*” shall mean a *sign* painted on or attached to and parallel to an *exposed building face*.

“*Flashing Sign*” shall mean an illuminated *sign*, upon which the source of artificial light is not stationary or the intensity or colour is not constant or where the illumination is projected in an intermittent sequence.

“*Gateway Sign*” shall mean a *sign* erected by the Municipality at an entrance to the Municipality for the purpose of identifying the entrance and may include an area provided by the Municipality for the attachment of an *Accessory Event Sign*.

“*Ground Sign*” shall mean any *sign* with its main body supported by posts, a foundation or the ground.

“*Ground Flag Sign*” shall mean any *sign*, supporting a flag at ground level or otherwise.

“*Illuminated Sign*” shall mean a lighted *sign*, which emits light from the *sign* face, or a *sign* which reflects light from a source intentionally directed upon it.

“*Inflatable Sign*” means a *sign* filled with air or gas and designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable advertising device.

“*Institutional Accessory Sign*” shall mean a *sign* indicating the location of or directions to be followed to an institutional use as defined in the Zoning By-law.

“*Light Standard Banner Sign*” shall mean a *Banner Sign* designed to be attached to that area of a municipal light standard provided for the accommodation of a *Banner Sign*.

“*Off Site Sign*” shall mean a *sign* identifying a property or displaying advertising related to a property other than the property on which the *sign* is located.

“*Placard Sign*” shall mean a *sign* constructed of a poster supported in the ground by means of a wire frame or other similar material or attached to any other structure including a fence.

“*Portable Sign*” shall mean any *sign*, which is designed to facilitate its movement from place to place, including but not limited to inflatable *signs*.

“*Projecting Sign*” shall mean a *sign* attached and perpendicular to the main wall of a building.

“*Real Estate Sign*” shall mean a *sign* erected for the purpose of identifying the sale or lease of a *property* or advertising a major development on a *property*.

“*Sandwich Board Sign*” shall mean a portable, folding, or single panel *sign*, which is supported by the ground and able to be transported by a single individual.

“*Temporary Sign*” shall mean a *sign*, or advertising device, which is intended to be displayed for a limited time period.

“*Street*” shall mean a highway as defined in the Municipal Act.

“*Structure*” shall mean the foundation, supports, uprights, bracing and framework of a *sign*.

“*Town*” shall mean The Corporation of the Town of Tecumseh.

“*Zone*” shall have the same meaning as it has in the applicable *Town Zoning By-law*.

## SECTION 2 – GENERAL

- 2.1 This By-law may be referred to variously as the “Sign By-law” or the “By-law”.
- 2.2 The provisions of this By-law shall apply to all lands within the boundaries of the *Town* as are now or hereafter legally constituted.
- 2.3 References in this By-law to *zones*, zoning terms, classification or uses permitted on a *property* shall have the same meaning and attributes as determined by reference to the applicable *Town Zoning By-law*.
- 2.4 No *signs* shall be erected, displayed, structurally altered or used except in conformity with the provisions of this By-law.
- 2.5 Notwithstanding subsection 2.4, the following *signs* shall be exempt from the provisions of this By-law; flags, emblems or insignias of any nation or political subdivision, *election signs* (see subsection 6.8.1), crop identification plates, garage and yard sale *signs*, holiday decorations, municipal numbers, plaques or nameplates, building corner stones, grave markers, trademarks or brand names incidental to the *structure* or equipment on which they are located, *signs* erected by the *Town*; *signs* erected by The Corporation of the County of Essex, *signs* erected by the Government of the Province of Ontario, *signs* erected by the Government of Canada. All *signs* erected pursuant to the provisions of this subsection shall not be erected or displayed on a highway, *property* owned by the *Town* or *property* managed or controlled by a public utility or local board.
- 2.6 Nothing in this By-law shall serve to relieve any person from the obligation to comply with all other applicable law.
- 2.7 It is hereby acknowledged and confirmed that the grandfathering provision previously contained in Section 99 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, have been deleted. Accordingly, all *signs* within the *Town*’s boundaries shall now be required to conform to all provision of this By-law, regardless of any previous status afforded the *sign* under any previous legislation or By-law. Accordingly, the *Town* will undertake to remove all previously grandfathered signs within six months of the passing of this By-law.
- 2.8 If any court of competent jurisdiction finds any provision of this By-law invalid or ultra vires of the jurisdiction of the *Town*, such provision shall be deemed severable and shall not invalidate any of the other provisions of this By-law.
- 2.9 Council may upon an application from the *owner* of a *property*, authorize minor variances from this By-law if in the opinion of Council the general intent and purpose of the By-law is maintained and the impact on abutting properties is minor in nature.

- 2.10 The *Town* may by agreement permit any *sign* within the *Town* that does not otherwise comply with the provisions of the By-law.
- 2.11 By-law No. 2004-66 and any portions of any By-law of the *Town* that is inconsistent with this By-law is hereby repealed.
- 2.12 Imperial measurements, provided in brackets, are shown for convenience only and do not form part of this By-law.
- 2.13 This By-law comes into full force and effect on the day it is finally passed.
- 2.14 All schedules affixed to this By-law are included in this By-law and form part of this By-law by reference.
- 2.15 Only *signs* that can be categorized within the provisions of this By-law may be a permitted *sign*, and any *sign* that cannot be categorized in accordance with the provisions of this By-law shall be a prohibited *sign*, at the sole determination of the *Town*.
- 2.16 Any determination required in the application of this By-law shall be at the sole determination of the *Town* and such determination shall be final and binding.

### SECTION 3 – ADMINISTRATION AND ENFORCEMENT

- 3.1 This By-law shall be administered and enforced by the Chief Building Official, a By-law Enforcement Officer or such other person as the Council of the *Town* designates.
- 3.2 Where any matter or thing is to be determined in the application of or enforcement of this By-law, the determination of such matter or thing shall be at the sole discretion of the *Town*.
- 3.3 A By-law Enforcement Officer may enter upon any lands and into buildings at any reasonable time to inspect any *sign* for the purposes of determining or effecting compliance with this By-law.
- 3.4 If, after inspection, the By-law Enforcement Officer is satisfied that there is a contravention of this By-law, or the conditions of a permit issued pursuant to this By-law, the By-law Enforcement Officer may issue an order to the *owner* and may, at the same time, provide the *sign owner* and occupants of the land with a copy of such order.
- 3.5 An order issued under subsection 3.4 shall contain:
- (a) the municipal address and or the legal description of the *property*;
  - (b) notice that the *sign* must comply with the provisions of this By-law or the *sign* shall be removed within the time period specified; and
  - (c) notice that if compliance with the order is not achieved, the *sign* may be pulled down, removed, stored and disposed of at the expense of the *owner*, and that the *Town*, in addition to all other remedies it may have, may enter onto the lands with its employees and agents for this purpose.
- 3.6 An order issued pursuant to subsection 3.4 shall be served personally on the *owner* or by prepaid registered mail to the last known address of the *owner*.
- 3.7 If a notice or order is served by registered mail, the service shall be deemed to have been made on the fifth (5<sup>th</sup>) day after the day of the mailing unless the person to whom the notice or order is given or that person or their agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

- 3.8 Any costs incurred by the *Town* in the enforcement of this By-law shall be recovered in like manner and with the same priority as municipal taxes or alternatively as a lien in accordance with the Repair and Storage Liens Act, 2006, c. 32, Schedule A, s. 39, as a debt owed by the *owner* of the *sign*.
- 3.9 Any *sign* erected on property owned by the *Town*, County or Province of Ontario or property managed or controlled by a public utility or local board without consent of the *Town*, public utility or local board, may be pulled down, removed, stored or disposed of by the *Town* or its agents without prior notice, at the expense of the *owner* and/or the *sign owner*.
- 3.10 No person shall obstruct a By-law Enforcement Officer or any agent of the *Town* while they are carrying out their duties under this By-law.
- 3.11 Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction thereof is liable to a fine in the maximum amount provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33 as may be amended from time to time.
- 3.12 Notwithstanding subsection 3.11 above, every person who contravenes any provision of this By-law is guilty of an offence and may, at the option of the *Town* be prosecuted pursuant to the provisions of Part 1 of the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended from time to time and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Act and regulations passed thereunder.

#### **SECTION 4 – GENERAL SIGN PROVISIONS**

- 4.1 The provisions of this section shall apply to all *signs* within the limits of the *Town*.
- 4.2 No person shall erect, display, alter or repair any *sign*, unless it is in conformity with the provisions of this By-law, the provisions of the applicable Zoning By-law of the *Town*, the provisions of the Ontario Building Code and all other applicable law.
- 4.3 No person shall erect, display, alter or repair any *sign* without a permit unless the requirement for a permit has been specifically waived by this By-law.
- 4.4 To apply for a permit, an applicant shall submit an application to the *Town*, which shall be accompanied by the following unless deemed unnecessary by a By-law Enforcement Officer or Building Official:
- (a) drawings and specifications showing:
    - (i) the major (permanent or temporary) and minor type, number of and location of the *sign/signs* to be erected;
    - (ii) the construction details, including the type of materials;
    - (iii) the supporting framework;
    - (iv) the foundation;
    - (v) illumination details;
    - (vi) the height and weight of the *sign*;
    - (vii) the length and width of the *sign* face;
    - (viii) the location of the *sign* on the lot;
    - (ix) the elevation of the *sign*;
    - (x) the location of the *sign* in relationship to adjacent buildings;
    - (xi) the *sign* type; and
    - (xii) the zoning classification of the property;
  - (b) in the case of *signs* affixed to any wall, plans showing the elevation of the wall of the building on which the proposed *sign* is to be erected showing all doors, windows and other openings and the location of the proposed *sign*;
  - (c) where a proposed *sign* will front on a Provincial or County Road, a copy of the approval from the appropriate authority; and
  - (d) the permit fee as prescribed in Schedule “A” to this By-law.

- 4.5 The *Town* shall issue a permit for any *sign* if the application complies with this By-law and other applicable law.
- 4.6 A *sign* permit that has been issued may be revoked after a period of one (1) year from the date of the issuance if the *sign* installation has not been completed.
- 4.7 Every person who has been issued a *sign* permit to erect, display, alter or repair a permanent *sign*, shall notify the *Town* within seven (7) days that such erection, display, alteration or repair has been completed.
- 4.8 No *sign* shall be located or constructed in such a manner that it creates an unsafe condition. Any *sign* deemed unsafe; said determination being at the sole discretion of the *Town*, may be removed and disposed of, without notice by the *Town*.
- 4.9 No person shall erect and/or display anywhere within the limits of the *Town*:
- (a) a *sign* on any Municipal, County or Provincial highway, street, alley or right of way, or *projecting* over any Municipal, County or Provincial highway, street, alley or right-of-way;
  - (b) a *sign* on *property* owned by the *Town*;
  - (c) a *sign* attached to a tree, utility pole or light standard;
  - (d) a *sign* on a roof;
  - (e) a *sign* erected or painted on a vehicle where the vehicle is parked or located in such a manner so as to make the vehicle visible from a street and as such causes the vehicle to function as a *sign*;
  - (f) a *sign* located in a side or rear yard, except a side or rear yard which abuts a street;
  - (g) a *sign* that is not in conformity with a By-law of the County of Essex, a policy of the Ministry of Transportation or any other applicable law;
  - (h) a *Billboard Sign*;
  - (i) an *Offsite Sign*;
  - (j) a *sign* that will encroach upon any spatial clearance required by Ontario Hydro, Essex Power or the *Town*, vertically or horizontally for any electrical wires, poles, or light standards; or
  - (k) a *sign* on *property* managed or controlled by a public utility or local board.
- 4.10 The *owner* of a *property* on which is erected or displayed a *sign*, which no longer relates to a permitted use operating on the *property*, shall remove the *sign* or cause the *sign* to be removed within thirty (30) days of the mailing of an order to remove the *sign* by the *Town*.
- 4.11 All permitted *Illuminated Signs* shall be constructed so as to direct light away from any adjacent *property*.
- 4.12 All *signs* shall be maintained in good repair, be structurally sound and not exhibit signs of weathering. *Signs* not conforming to the requirements of this section shall be repaired to bring them into compliance with this subsection or be removed from the *property*.

## **SECTION 5 – PERMANENT SIGNS**

### **5.1 - RESIDENTIAL ZONE SIGNS**

- 5.1.1 In addition to all other requirements of this By-law, the requirements of this section shall apply to all permanent *signs* erected or displayed on a *property* in a Residential Zone.
- 5.1.2 Permanent *signs* shall be permitted on a *property* in a Residential Zone for the purpose of:
- (a) identifying a permitted home occupation use operating on a *property*; and
  - (b) identifying or advertising a permitted *Defined Area* use or *Legal Non-Conforming* use operating on a *property*.



5.1.3 The following *signs* shall be permitted on a property for the purpose of subsection 5.1.2(a):

- (a) one (1) *Fascia Sign*; or
- (b) one (1) *Ground Sign*.

5.1.4 *Signs* permitted by subsection 5.1.3 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) identify, but not advertise the permitted home occupation;
- (d) not exceed 0.8 square metres (8.62 square feet) in area; and
- (e) if a *Ground Sign*:
  - (i) not exceed 1.2 metres (3.94 feet) in height above the *average finished grade*; and
  - (ii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.1.5 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.1.2(b):

- (a) one (1) *Fascia Sign*;
- (b) one (1) *Projecting Sign*; and
- (c) one (1) *Ground Sign*.

5.1.6 *Signs* permitted by subsection 5.1.5 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) if a *Fascia Sign* shall:
  - (i) not exceed 2 square metres (21.53 square feet) in area;
  - (ii) not extend above the top of the *exposed building face* to which it is attached;
  - (iii) not extend beyond the ends of the *exposed building face* to which it is attached;
- (d) if a *Projecting Sign* shall:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face* to which it is attached;
  - (ii) not be less than 3.0 metres (9.84 feet) above *average finished grade*; and
  - (iii) not exceed 1.0 square metre (10.76 square feet) in area;
- (e) if a *Ground Sign* shall:
  - (i) not exceed 2.0 square metres (21.53 square feet) in area;
  - (ii) not exceed 2.0 metres (6.56 feet) in height from the *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

## 5.2 – AGRICULTURAL AND HOLDING ZONE SIGNS

5.2.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all permanent *signs* erected or displayed on property in an *Agricultural Zone* or *Holding Zone*.

5.2.2 Permanent *signs* shall be permitted on a *property* in a *Holding Zone* or *Agricultural Zone* for the purpose of:

- (a) identifying or advertising a permitted home occupation or agricultural home occupation use operating on a *property*;
- (b) identifying or advertising a permitted *Agricultural Zone* use operating on a *property*;
- (c) identifying or advertising a permitted *Defined Area* use or *Legal Non-Conforming* use operating on a *property*; and
- (d) identifying or advertising a permitted *Holding Zone* use operating on a *property*.

5.2.3 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.2.2(a):

- (a) one (1) *Fascia Sign*; or
- (b) one (1) *Ground Sign*.

5.2.4 Signs permitted by subsection 5.2.3 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) identify, but not advertise, the permitted home occupation or agricultural home occupation;
- (d) not exceed 0.8 square metres (8.62 square feet) in area;
- (e) if a *Ground Sign*:
  - (i) not exceed 1.2 metres (3.94 feet) in height above the *average finished grade*; and
  - (ii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.2.5 The following signs shall be permitted on a *property* for the purposes of subsection 5.2.2(b), (c) and (d):

- (a) one (1) *Fascia Sign*;
- (b) one (1) *Projecting Sign*; and
- (c) one (1) *Ground Sign*.

5.2.6 Signs permitted by subsection 5.2.5 shall:

- (a) not be illuminated;
- (b) not contain flashing components;
- (c) if a *Fascia Sign*:
  - (i) not exceed twenty percent (20%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and
  - (iii) not extend beyond the ends of the *exposed building face* to which the sign is attached;
- (d) if a *Projecting Sign*:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face*, which it is attached to;
  - (ii) not be less than 3.0 metres (9.84 feet) above *average finished grade*; and
  - (iii) not exceed 1.0 square metre (10.76 square feet) in area; and
- (e) if a *Ground Sign*:
  - (i) not exceed 3.0 square metres (32.29 square feet) in area;
  - (ii) not exceed 2.0 metres (6.56 feet) in height from *average finished grade*; and
  - (iv) not be closer than 3.0 metres (9.84 feet) to any lot line.

### **5.3 – COMMERCIAL, INDUSTRIAL, BUSINESS PARK AND HIGHWAY SERVICE CENTRE ZONE SIGNS**

5.3.1 In addition to all other requirements of this By-law, the requirements of this section shall apply to all permanent signs erected or displayed on a *property* in a Commercial, Industrial, Business Park, or Highway Service Centre Zone.

5.3.2 Permanent signs shall be permitted in a Commercial, Industrial, Business Park, or Highway Service Centre Zone for the purpose of:

- (a) identifying or advertising a permitted Commercial, Industrial, Business Park, or Highway Service Centre use, operating on a *property*; and
- (b) identifying or advertising a *Defined Area* or *Legal Non-Conforming* use operating on a *property*.

5.3.3 The following signs shall be permitted on a *property* for the purposes of subsection 5.3.2(a) and (b):

- (a) one (1) *Fascia Sign* per *exposed building face* for each building or suite on a *property*;

- (b) one (1) *Ground Sign* per *property*; except where there are two (2) or more major entrances to a *property* and the *property* is greater than .5 hectares (1.24 acres) in size, a maximum of two (2) *Ground Signs* shall be permitted; and
- (c) one (1) *Projecting Sign* per building or suite on a *property*.

5.3.4 The *signs* permitted by subsection 5.3.3 shall:

- (a) if a *Fascia Sign*:
  - (i) not exceed 25 percent (25%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and
  - (iii) not extend beyond the ends of the *exposed building face* to which the *sign* is attached;
- (b) if a *Projecting Sign*:
  - (i) not project more than 1.5 metres (4.92 feet) from the *exposed building face* to which it is attached;
  - (ii) not be less than 3.0 metres (9.84 feet) in height above *average finished grade*; and
  - (iii) not exceed 1.5 square metre (4.92 square feet) in area; and
- (c) if a *Ground Sign*:
  - (i) not exceed 20.0 square metres (215.28 square feet) in area;
  - (ii) not exceed 12.0 metres (39.37 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

5.3.5 Notwithstanding article 5.3.4(c) where a *Ground Sign* is erected or displayed on a *property* and the *Ground Sign* is adjacent to a County Road or a Provincial Highway, then the *Ground Sign* shall:

- (a) not exceed 24.0 square metres (258.34 square feet) in area;
- (b) not exceed 15.0 metres (49.21 feet) in height from *average finished grade*; and
- (c) not be closer than 3.0 metres (9.84 feet) to any lot line.

#### **5.4 – INSTITUTIONAL AND PARKS AND OPEN SPACE ZONE SIGNS**

5.4.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all permanent *signs* erected or displayed on a *property* in an Institutional or Parks and Open Space Zone.

5.4.2 Permanent *signs* shall be permitted in an Institutional or Parks and Open Space Zone for the purpose of:

- (a) identifying or advertising permitted Institutional or Parks and Open Space Zone uses, operating on a *property*, and
- (b) identifying or advertising a *Defined Area* or *Legal Non-Conforming* use operating on a *property*.

5.4.3 The following *signs* shall be permitted on a *property* for the purposes of subsection 5.4.2(a) and (b):

- (a) one (1) *Fascia Sign*; and
- (b) one (1) *Ground Sign*.

5.4.4 *Signs* permitted by this subsection shall:

- (a) not be illuminated between the hours of 12:00 p.m. and 6:00 a.m.;
- (b) not contain flashing components;
- (c) if a *Fascia Sign*:
  - (i) not exceed 20 percent (20%) of the available area of the *exposed building face* which it is on or attached to;
  - (ii) not extend above the top of the *exposed building face* to which it is attached; and

- (iii) not extend beyond the ends of the *exposed building face* to which it is attached; and
- (d) if a *Ground Sign*:
  - (i) not exceed 10.0 square metres (107.64 square feet) in area;
  - (ii) not exceed 9.0 metres (29.53 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line.

## SECTION 6 – TEMPORARY SIGNS

### 6.1 - PORTABLE SIGNS

- 6.1.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Portable signs*.
- 6.1.2 *Portable Signs* shall be permitted on a temporary basis in a Commercial, Industrial, Business Park, Institutional or Parks and Open Space *Zone* for the purposes of the identification of or advertising related to a permitted use operating on a *property*.
- 6.1.3 *Portable Signs* shall be permitted by permit only on the following basis:
  - (a) one (1) *Portable Sign* per *property* for a maximum of sixty (60) days once in a calendar year; or
  - (b) one (1) *Portable Sign* per *property* for a maximum of thirty (30) days twice in a calendar year.
- 6.1.4 Where a permit is issued pursuant to subsection 6.1.3(b) and the *sign* is on display in excess of the thirty (30) day permit period; the permit period shall be automatically extended to sixty (60) days and the permit shall be deemed to have been issued in accordance with the provisions of subsection 6.1.3(a).
- 6.1.5 Notwithstanding subsection 6.1.3 where there are multiple tenancies on a *property* one (1) *Portable Sign* shall be permitted per tenancy subject to the condition that no more than three (3) *signs* may be erected or displayed on a *property* at any one time.
- 6.1.6 Notwithstanding the requirements of subsections 6.1.2 and 6.1.3, an *Inflatable Sign* may be erected without a permit on a property in any *zone* for a maximum of three (3) days, once in any calendar year, subject to all other provisions of this By-law.
- 6.1.7 The *signs* permitted by this subsection shall:
  - (a) require a permit;
  - (b) if other than an *Inflatable Sign* not exceed the following dimensions:
    - (i) 3.0 square metres (32.29 square feet) in area;
    - (ii) 2.0 metres (6.56 feet) in height from *average finished grade*; and
    - (iii) not be closer than 0.3 metres (.98 feet) to any lot line; and
  - (c) if an *Inflatable Sign* not exceed the following dimensions:
    - (i) not be closer than 3.0 metres (9.84 feet) to any lot line.

### 6.2 – SANDWICH BOARD SIGNS

- 6.2.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Sandwich Board Signs*.
- 6.2.2 *Sandwich Board Signs* shall be permitted on a *temporary* basis in a Commercial, Industrial, or Business Park *Zone* for the purposes of the identification of, or advertising related to a permitted use operating on a *property*.
- 6.2.3 One (1) *Sandwich Board Sign* shall be permitted per property.
- 6.2.4 Notwithstanding subsection 6.2.3 where there are multiple tenancies on a property, one (1) *Sandwich Board Sign* shall be permitted per tenant.

6.2.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed between the hours of 8:00 am and 11:00 p.m.;
- (e) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (f) not exceed the following dimensions:
  - (i) .75 square metres (8.07 square feet) in area;
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

### **6.3 – PLACARD SIGNS**

6.3.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Placard Signs*.

6.3.2 *Placard Signs* shall be permitted on a temporary basis in a Commercial, Industrial, or Business Park Zone for the purpose of advertising special events taking place on the *property*.

6.3.3 *Placard Signs* shall be permitted on the basis of one (1) *Placard Sign* for every 6 metres (19.69 feet) of property line abutting a street for the purposes of subsection 6.3.2.

6.3.4 Notwithstanding subsection 6.3.3 where there are multiple tenancies on a *property* and there are multiple tenants displaying *Placard Signs* during the same time period then each tenant may display the number of *signs* determined in 6.3.3 above divided by the number of tenants displaying *Placard Signs* on the *property* during the same time period.

6.3.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be displayed for more than one (1) week per event;
- (c) not be displayed by any one (1) tenant more than three (3) times per year;
- (d) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (e) not exceed the following dimensions:
  - (i) .8 square metres (8.61 square feet) in area;
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

### **6.4 – GROUND FLAG SIGNS**

6.4.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Ground Flag Signs*.

6.4.2 *Ground Flag Signs* shall be permitted on a temporary basis in a Commercial, Industrial, or Business Park Zone for the purpose of advertising special events taking place on a *property*.

6.4.3 *Ground Flag Signs* shall be permitted on the basis of one (1) *Ground Flag Sign* per 15 metres (49.21 feet) of property line abutting a street for the purposes of subsection 6.4.2.

6.4.4 Notwithstanding subsection 6.4.3 where there are multiple tenancies on a *property* and there are multiple tenants displaying *Ground Flag Signs* during the same time period then each tenant may display the number of *signs* determined in 6.4.3 above divided by the number of tenants displaying *Ground Flag Signs* during the same time period.

6.4.5 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be displayed for more than one (1) week per event;
- (c) not be displayed by any one tenant more than three (3) times per year;
- (d) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (e) not exceed the following dimensions:
  - (i) 1.8 square meters (19.37 square feet) in area;
  - (ii) 3 metres (9.84 feet) in height from *average finished grade*; and
  - (iii) not be closer than 0.3 metres (.98 feet) to any lot line.

## **6.5 – BANNER SIGNS**

6.5.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Banners Signs*.

6.5.2 *Banner Signs* shall be permitted by permit only in a Commercial, Industrial or Business Park *Zone* for the purpose of advertising special events taking place on a *property*.

6.5.3 *Banner Signs* shall be permitted as follows:

- (a) one (1) *Banner Sign* per *property* for a maximum of sixty (60) days once in a calendar year; or
- (b) one (1) *Banner Sign* per *property* for a maximum of thirty (30) days twice in a calendar year.

6.5.4 Where a permit is issued pursuant to subsection 6.5.3(b) and the *sign* is on display in excess of the thirty (30) day permit period, the permit period shall be automatically extended to sixty (60) days and the permit shall be deemed to have been issued in accordance with the provisions of subsection 6.5.3(a).

6.5.5 Notwithstanding subsection 6.5.3 where there are multiple tenancies on a *property* one (1) *Banner Sign* shall be permitted per tenancy subject to the condition that no more than three (3) *Banner Signs* may be displayed on any one (1) *property* at any time.

6.5.6 The *signs* permitted by this subsection shall:

- (a) require a permit;
- (b) not be illuminated;
- (c) not be displayed on any Municipal, County or Provincial highway, street, alley or right of way; and
- (d) not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area; and
  - (ii) 8.0 metres (26.25 feet) in height from *average finished grade*.

## **6.6 – CONSTRUCTION SIGNS**

6.6.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Construction Signs*.

6.6.2 *Construction Signs* shall be permitted in any *zone* for the purpose of identifying or advertising a construction project on the *property* on which the *sign* is located.

6.6.3 *Construction Signs* shall be permitted for the purpose of identifying or advertising a construction project:

- (a) a maximum of two (2) *Ground Signs* per *property*; or
- (b) a maximum of two (2) *Banner Signs* per *property*.



6.6.4 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed during the period in which construction is actively occurring on the *property* as determined by the *Town*; and
- (e) not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area;
  - (ii) 4.0 metres (13.12 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metre (9.84 feet) to any lot line.

## **6.7 – REAL ESTATE SIGNS**

6.7.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Real Estate Signs*.

6.7.2 *Real Estate Signs* shall be permitted on a *property* in any *zone* for the purpose of identifying:

- (a) the development of the *property*; or
- (b) advertising the sale or lease of the *property*.

6.7.3 The following *signs* shall be permitted for the purposes of subsection 6.7.2:

- (a) a maximum of two (2) *Ground Signs* per *property*.

6.7.4 The *signs* permitted by this subsection shall:

- (a) not require a permit;
- (b) not be illuminated;
- (c) not contain flashing components;
- (d) only be displayed during the period for which the property is being actively offered for sale or lease or actively being developed, the determination of which shall be at the *Town's* sole discretion;
- (e) if a *Ground Sign*, erected or displayed for the purpose of subsection 6.7.2(a), not exceed the following dimensions:
  - (i) 6.0 square metres (64.58 square feet) in area;
  - (ii) 4.0 metres (13.12 feet) in height from *average finished grade*; and
  - (iii) not be closer than 3.0 metres (9.84 feet) to any lot line;
- (f) if a *Ground Sign* erected or displayed for the purpose of subsection 6.7.2 (b), not exceed the following dimensions:
  - (i) 1.0 square metre (10.76 square feet) in area in a Residential *Zone*,
  - (ii) 1.2 metres (3.94 feet) in height from *average finished grade*, in a Residential *Zone*;
  - (iii) 3.0 square metres (32.29 square feet) in area in a *zone* other than a Residential *Zone*;
  - (iv) 2.5 metres (8.20 feet) in height from *average finished grade*, in a *zone* other than a Residential *Zone*; and
  - (v) not be closer than .3 metres (.94 feet) to any lot line.

## **6.8 - ELECTION SIGNS**

6.8.1 In accordance with the provisions of section 2.5 of this By-law, *election signs* are exempt from the provisions of this By-law. *Election signs* are however, subject to the provisions of the *Town Election Sign By-law*.

## **6.9 – ACCESSORY EVENT SIGNS**

6.9.1 In addition to all other requirements of this By-law, the requirements of this subsection shall apply to all *Accessory Event Signs*.

6.9.2 The provisions of this subsection shall be administered by the Director Parks and

Recreation (Director) or his/her designate. Nothing in this subsection shall be construed as to create a right by any party or organization to a permit under this subsection and any application for a permit may be arbitrarily refused or any permit issued may be arbitrarily revoked at the *Town's* sole discretion.

- 6.9.3 *Accessory Event Signs* may be permitted in any *zone* for the purpose of advertising events taking place on *Town* owned facilities at the sole discretion of the *Town*.
- 6.9.4 The following *signs* may be permitted for the purposes of this subsection, *Banner Signs*, *Light Standard Banner Signs*, *Portable Signs*, *Placard Signs* and *Gateway Signs*.
- 6.9.5 The *signs* permitted by this subsection shall:
- (a) require a permit;
  - (b) only be erected in conformity with the conditions of the permit;
  - (c) not be required to conform to the requirements of subsection 4.9 at the *Town's* sole discretion;
  - (d) be subject to immediate removal and disposal if displayed in contravention of the conditions of a permit;
  - (e) be subject to the *Town's* sole discretion and approval, as to number, location and size;
  - (f) if a *Banner Sign* be limited to a maximum of four (4) *signs*;
  - (g) if a *Placard Sign* be limited to a maximum of thirty (30) *signs*;
  - (h) if a *Light Standard Banner Sign* be permitted to be erected in those areas providing for their display subject to the *Town's* sole discretion and approval;
  - (i) if a *Portable Sign* be limited to a maximum of two (2) *signs*; and
  - (j) if a *Gateway Sign* may be permitted to be erected in those areas providing for their display subject to the *Town's* sole discretion and approval;
  - (k) not be erected or displayed more than three (3) weeks prior to the start of the event; and
  - (l) be removed within one (1) week of the finish of the event.
- 6.9.6 An applicant for an *Accessory Event Sign* permit shall:
- (a) submit a Display Plan and Permit Application in the form prescribed by the *Town*; and
  - (b) pay the required permit fee as set by the *Town*.
- 6.9.7 An application for an *Accessory Event Sign* permit may be approved, modified or denied by the *Town* and the decision shall be final and binding upon the applicant.

**READ** a first, second, third time and finally passed this 24<sup>th</sup> day of April, 2018.

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Gary McNamara, Mayor

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Laura Moy, Clerk

SCHEDULE “A” TO BY-LAW NO. 2018-XX

**PERMIT FEES**

Item	Fee
General <i>Sign</i>	\$50.00 per <i>sign</i>
<i>Accessory Event Sign</i>	\$50.00 per permit

**The Corporation of the Town of Tecumseh**

**By-Law Number 2018 - 34**

Being a by-law to authorize the execution of an Agreement between  
The Corporation of the Town of Tecumseh with Carter Shows Ltd.

**Whereas** the Council of The Corporation of the Town of Tecumseh is desirous of entering into an Agreement with Carter Shows Ltd. for the provision and operation of amusement rides and concessions for the 2018 Corn Festival;

**And Whereas** pursuant to the *Municipal Act*, S.O. 2001, c.25 the powers of the municipality shall be exercised by by-law;

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** the Mayor and the Clerk be and they are hereby authorized and empowered on behalf of the Corporation of the Town of Tecumseh, to execute an Agreement dated the 24th day of April, 2018, between The Corporation of the Town of Tecumseh and Carter Shows Ltd., a copy of which Agreement is attached hereto and forms part of this by-law, and to do such further and other acts which may be necessary to implement the said Agreement.
2. **And that** this by-law shall come into full force and take effect on the date of the third and final reading thereof.

**Read** a first, second and third time and finally passed this 24 day of April, 2018.

\_\_\_\_\_  
Gary McNamara, Mayor

\_\_\_\_\_  
Laura Moy, Clerk

**This Agreement** made in duplicate, to take effect as of the 1st day of January, 2018.

Between:

**The Corporation of The Town Of Tecumseh**

Hereinafter called the "Town"

- and -

**Carter Shows Ltd.**

Hereinafter called "Carter"

**Recitals**

**Whereas** The Corporation of the Town of Tecumseh (Town) and Carter Shows Ltd. (Carter) are desirous of entering into an agreement for the supply and operation of amusement rides and midway games for the Tecumseh Corn Festival for the year 2018;

**Witnesseth** that in consideration of the mutual covenants, terms and agreements hereinafter expressed, the parties hereto agree as follows:

**The Town Covenants and Agrees:**

1. To provide a location to Carter at Lacasse Park, located in the Town of Tecumseh, for the 2018 Tecumseh Corn Festival for the operation of a Midway Carnival;
2. To supply water, overnight power and a location for Carter's employees' RVs (the same as in prior years);
3. To provide Carter with the exclusive rights to sell candy floss, candy apples and caramel corn; and
4. To provide Carter with the exclusive rights to provide rides, games and concessions at the Tecumseh Corn Festival in 2018.

**Carter Covenants and Agrees:**

5. To provide fifteen (15) or more amusement rides, with proof of Technical Standard and Safety Authority (TSSA) certification, at the Tecumseh Corn Festival in 2018;
6. To provide a Midway Carnival, including candy floss, candy apples, caramel corn, food booths and games on the following dates:
  - a) Friday, August 24, 2018 – 12 noon – 11 pm
  - b) Saturday, August 25, 2018 – 12 noon – 11 pm
  - c) Sunday, August 26, 2018 – 12 noon – 7 pm.
7. To be responsible for the location, setup and orientation of the Midway Carnival and rides, as approved by the Town;
8. To pay the Town the following rates or amounts:
  - a) 25% of the Ride Gross less HST;
  - b) 50% of the Concession Revenue or \$5,000, whichever is the greater;
  - c) \$2,500 for Advertising.
9. To provide the Town with 100 VIP passes to the Midway Carnival;

10. To indemnify and save harmless the Town, absolutely from all liabilities however arising, caused or having to do in any way with Carter's use of the Town's lands and provision of the midway games, rides and food services referenced herein;
11. To provide the Town with proof of liability insurance from Carter's insurance carrier of not less than five million (\$5,000,000.00) with the Town named as an additional insured for 2018;
12. Covenants and agrees to keep the premises used by Carter and its employees in a clean and sanitary condition at all times and to pick up and remove all waste paper or other materials resulting from the operation of the Midway Carnival operations;
13. To ensure compliance with all government and other agencies regulations, requirements and inspections, as applicable;
14. To comply with all requirements of the *Workplace Safety & Insurance Act*, *the Occupational Health and Safety Act*, *Environmental Protection Act* and all other applicable law, regulations and by-laws. Carter shall provide proof, upon execution of this document, a valid clearance certificate issued by the Workplace Safety and Insurance Board;
15. To ensure all employees, agents, or volunteers receive training regarding the provisions of the goods and services contemplated herein to persons with disabilities in accordance with Section 6 of Ontario Regulation 429/07 (the "Regulation") made under the *Accessibility for Ontarians with Disabilities Act 2005* (the "Act"). Carter shall ensure that such training includes, without limitation, a review of the purpose of the Act and the requirements of the Regulation, as well as instruction regarding all matters set out in Section 6 of the Regulation. Carter shall submit to the Town documentation describing its customer service training policies, practices and procedures and a summary of its training program, together with a record of the dates on which training was provided and a list of the employees, agents, volunteers or others who received such training. The Town reserves the right to require Carter to amend its training policies to meet the requirements of the Act and the Regulation;
16. This agreement may not be transferred or assigned by Carter;

**The Town and Carter agree that:**

17. If any term, covenant or condition of this agreement shall, to any extent, be declared invalid or unenforceable, the remainder of this agreement shall not be affected thereby and each term, covenant or condition of this agreement shall be valid and be enforced to the fullest extent permitted by law;
18. Notwithstanding paragraph 1, the Town may terminate this agreement at any time if Carter fails to perform any of its covenants and obligations, provided that the Town provides at least thirty (30) days' notice in writing of termination. If within the thirty (30) day period Carter complies with all covenants and obligations contained in this agreement then the notice of termination will become null and void;
19. All notices, demands and requests which may be or are required to be given by the Town to Carter or by Carter to the Town under the provisions of this agreement, shall be in writing and may be mailed or delivered, and shall be addressed:



in the case of the Concessionaire, to: Carter Shows Ltd.

21891 Lagan Rd.

Delkeith, ON L0B 1E0

Attention: Bruce Wayne Brock,  
President

or in the case of the Corporation, to: Town of Tecumseh

917 Lesperance Road

Tecumseh, ON N8N 1W9

Attention: Clerk

or to such other address as either party may from time to time designate  
by written notice to the other;

20. The parties agree that any disputes pursuant to this agreement will be  
determined pursuant to the *Arbitrations Act, R.S.O. 1990, Chapter A-24*;

**In Witness Whereof** the parties have executed this agreement.

Signed, Sealed and Delivered in the presence of:

**The Corporation of the Town of Tecumseh**

By:

\_\_\_\_\_  
Name: Gary McNamara  
Title: Mayor

By:

\_\_\_\_\_  
Name: Laura Moy  
Title: Director Corporate Services & Clerk

**Carter Shows Ltd.**

\_\_\_\_\_  
Name: Bruce Wayne Brock  
Title: President

I have authority to bind the Corporation

## UNFINISHED REGULAR COUNCIL BUSINESS

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
20/14	Dec 9, 2014  Feb 14, 2017		County Rd 34 Hamlet	Administration is asked to look into property ownership and to work with the owners on opportunities for alternate service arrangements.  Administration is asked to provide an update to the affected property owners.	PWES/ Clerks	Update provided by legal on March 14, 2017. A further update will be given on May 22, 2018.
3/17	Mar 14, 2017		Alley Closing Policy	An alley closing policy is requested to establish a uniform process for closing alleys.	Clerks	Next Policies & Priorities Committee
4/17	Mar 28, 2017		Oldcastle Hamlet	The presentation and requests made by FOOD is referred to Administration for a report and recommendation.	Planning	OMB Hearing Nov. 17-17, 2017 OMB Decision Jan. 17, 2018 Section 43 Review Feb 13, 2018
13/17	May 23, 2017		Signage on Manning Road	Administration is requested to approach the Town of Lakeshore and the County of Essex in regards to establishing a gateway policy with a common standard for regulating urbanized areas and signs for Manning Road.	CAO	Tecumseh and Lakeshore Administration have met and a response is pending from Lakeshore.
18/17	July 25, 2017		Urban Chickens	Zoning Order issued to Dan Beaulieu relating to the keeping of chickens at 2380 Lesperance Road, be deferred pending further discussion and decision-making by Council on the matter of the keeping of urban chickens based on further research and reporting by Administration.	Clerks/ Planning	Research is in progress
24/17	October 28, 2017		Riverside Drive Trail	Administration is asked to provide a report with a quantitative analysis on the location of the Riverside Drive Trail to be on the north or south side of the street.	PWES	A PIC is being planned for April-May
25/17	November 14, 2017		Tenanted Farm Tax Class	Administration is requested to provide comments regarding the tenanted farm tax properties being reclassified as a residential tax class (for non-tilled land), and not implementing this change. How this action could financially impact municipalities and property owners.	Finance	
26/17	December 12, 2017		Hill at Green Acres Optimist Park	A request for a report on the environmental history of the hill located at Green Acres Optimist Park. The report should include an option to remove the hill to accommodate a soccer field or other sports related field	Parks	Research is in progress
27/17	December 12, 2017		OMB Hearing Costs	A request is made for the financial costs of the OMB Ward Boundary hearing, in addition to the Del Duca and Oldcastle Hamlet OMB Hearings.	Finance	Final costs are being evaluated

	Meeting Date	Resolution	Subject	Action/Direction	Depart.	Status/Action Taken
1/18	January 30, 2018		Video Surveillance	Administration to follow up on video surveillance and potential grant funding for acquiring a system.	ICS	Grant application is being investigated and met with local expert
2/18	January 30, 2018		PIC on Wildlife Control	An educational workshop (PIC) on pesticides and wildlife control.	Clerks	Pending coordination of a date in April with MNR
6/18	February 27, 2018		St. Mary's School	A request is made to amend Bylaw 2012-50, being a bylaw to designate community safety zones within the Town of Tecumseh, to include St. Mary's School on County Road 34 and extend to Malden Road.	PWES/Clerks	Coordinating with the County of Essex as this is a County road
8/18	March 13, 2018		Air Quality Standards and Enforcement	Administration is requested to send a letter to the Ministry of the Environment and Climate Change to seek clarification on responsibility for enforcement of air quality standards in residential areas.	Clerks	Draft letter being prepared
10/18	March 27, 2018		Noise By-law Exemptions	Administration is asked to look into delegation of authority for exemptions from the noise by-law for non-alcohol related special events on Town property.	PRS/Clerks	
11/18	April 10, 2018		Lakeview Montessori School	PWES is to look into designating a Community Safety Zone on St. Marks Rd. and is asked to meet with representatives of Lakeview Montessori School and St. Mark's Church to discuss scheduling of events to mitigate parking concerns.	PWES	
12/18	April 10, 2018		Water Ponding	Administration is to look into the ponding of water on the vacant properties on the south side of Lanoue Street (behind McDonald's) and west of Manning Road, and on Country Road 42.	PBS	Installation of drain expected by the end of the April.
13/18	April 10, 2018		St. Anne's Street	Administration is to look into the tree stump on St. Anne's Street near St. Antoine School that has overgrowth impeding the sidewalk area.	PWES	Administration has reviewed the area and the existing stump overgrowth was cut back for pedestrian safety.
14/18	April 10, 2018		VIA Rail	PWES is requested to contact VIA regarding recent brushwork along the VIA Rail and Tecumseh Road and the potential safety hazards to pedestrians.	PWES	Administration has contacted VIA Rail regarding the Town's concerns. VIA will investigate and report back to the Town at a later date.

**The Corporation of the Town of Tecumseh**

**By-Law Number 2018-35**

Being a by-law to confirm the proceedings of the **April 24, 2018** regular meeting of the Council of The Corporation of the Town of Tecumseh

**Whereas** pursuant to Section 5(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council; and

**Whereas** pursuant to Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Tecumseh at this Session be confirmed and adopted by by-law.

**Now Therefore the Council of The Corporation of The Town of Tecumseh Enacts as follows:**

1. **That** the actions of the Council of The Corporation of the Town of Tecumseh in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other action passed and taken by the Council of The Corporation of the Town of Tecumseh, documents and transactions entered into during the **April 24, 2018**, meeting of Council, are hereby adopted and confirmed, as if the same were expressly embodied in this By-law.
2. **That** the Mayor and proper officials of The Corporation of the Town of Tecumseh are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Tecumseh during the said **April 24, 2018**, meeting referred to in paragraph 1 of this By-law.
3. **That** the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of The Corporation of the Town of Tecumseh to all documents referred to in said paragraph 1.

**Read** a first, second and third time and finally passed this 24th day of April, 2018.

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Gary McNamara, Mayor

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Laura Moy, Clerk