

# Municipality of Lakeshore

## Regular Council Meeting Agenda



Tuesday, November 9, 2021, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Moment of Reflection
3. Disclosures of Pecuniary Interest
4. Recognitions
5. Public Meetings under the Planning Act
  1. Zoning By-law Application ZBA-30-2021, 2730 County Road 42 7

**Recommendation:**  
Approve Temporary Zoning By-law Amendment Application ZBA-30-2021 (By-law 98-2021) to permit the temporary use of 2730 County Road 42 to allow five (5) transport trailers as storage for three years, on a parcel of land, indicated as the "Subject Property" on the Key Map, Figure 1 (Appendix 1) and adopt the implementing by-law, as presented at the November 9, 2021, Council meeting.
6. Public Presentations
  1. Essex Windsor Solid Waste Authority - Regional Food and Organics Waste Management Project 13
7. Delegations
8. Completion of Unfinished Business
  1. Reports for Direction

1.	Draft Animal Care and Control By-law	40
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**Recommendation:**

Direct the Clerk to read draft By-law 85-2021, known as the Animal Care and Control By-law, during the Consideration of By-laws, as further described in the report presented at the November 9, 2021 Council meeting.

**2. Consideration of By-laws**

**Recommendation:**

By-law 86-2021, 87-2021 and 88-2021 be read a first and second time and provisionally adopted;

By-law 67-2021 be read a third and adopted; and

By-laws 70-2021, 83-2021, 85-2021, 93-2021, 95-2021, 96-2021 and 97-2021 be read and passed in open session on November 9, 2021.

1.	By-law 67-2021, Being a By-law for the Brown Drain Enclosure	47
2.	By-law 70-2021, Being a By-law to Amend By-law 97-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore and the Conduct of its Members	48
3.	By-law 83-2021, Being a By-law to Adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore	51
4.	By-law 85-2021, Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore	58
5.	By-law-86-2021, Being a By-law for Access Bridge over the Ellis Drain	95
6.	By-law 87-2021, Being a By-law for the South Talbot Road Bridge over the Hyland Drain	96
7.	By-law 88-2021, Being a Bylaw for the Bridge over the West Townline Drain	97
8.	By-law 93-2021, Being a By-law to Adopt a Paid Holiday Policy	98
9.	By-law 95-2021, Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Lakeshore Road 115	103

- |     |   |     |
|-----|---|-----|
| 10. | By-law 96-2021, Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Columbus Drive | 104 |
| 11. | By-law 97-2021, Being a By-law Confirming the Proceedings of Council for the October 12, 2021 Meeting   | 105 |

## 9. Consent Agenda

### Recommendation:

Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.

- |    |   |     |
|----|---|-----|
| 1. | October 26, 2021 Regular Council Meeting Minutes                              | 106 |
| 2. | November 2, 2021 Special Council Meeting Minutes                              | 116 |
| 3. | City of Windsor - Food and Organic Waste Management                           | 119 |
| 4. | CUPE Ontario - Request for Independent Review of OMERS Investment Performance | 121 |

## 10. Reports for Information

### Recommendation:

Receive the Report for Information as listed on the agenda.

- |    |  |     |
|----|--|-----|
| 1. | Drainage Board minutes October 4, 2021 | 124 |
|----|--|-----|

## 11. Reports for Direction

- |    |  |     |
|----|--|-----|
| 1. | 2nd Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges – Roll No. 010.000.02600 | 131 |
|----|--|-----|

### Recommendation:

Award the tender for the 2<sup>nd</sup> Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges to Shepley Excavating & Road Maintenance Limited in the amount of \$93,305.00 (excluding HST) as presented at the November 9, 2021 Council meeting.

- |    |  |     |
|----|--|-----|
| 2. | Council Member COVID-19 Vaccination Policy | 134 |
|----|--|-----|

### Recommendation:

Direct the Clerk to read By-law 104-2021 adopting Council Policy – Council Member COVID-19 Vaccination Policy, as presented at the November 9, 2021 Council meeting.

3. **Beachside Development Ltd. Vacant Land Condominium Amendment Agreement** 136
- Recommendation:**  
Direct the Clerk to read By-law 99-2021 authorizing the Mayor and Clerk to execute the Vacant Land Condominium Amendment Agreement between Beachside Development Ltd. and the Municipality of Lakeshore, as presented at the November 9, 2021 Council meeting.
4. **Mayor's Art Awards 2021 – Artist in a Pandemic Grant Recipients** 142
- Recommendation:**  
Direct the Clerk to read By-law 103-2021 to authorize grants to the 6 recipients of the 2021 Mayor's Art Awards – Artist in Pandemic Grant, as presented at the November 9, 2021 Council meeting.
5. **Atlas Tube Recreation Centre WFCU Pools Replacement of 22 Windows** 147
- Recommendation:**  
Approve the replacement of the existing 22 black tinted windows on the East wall of the WFCU Pools with clear glass windows, as presented at the November 9, 2021 Council meeting.
12. **Announcements by Mayor**
13. **Reports from County Council Representatives**
14. **Report from Closed Session**
15. **Notices of Motion**



**1. Councillor Walstedt - Speed Limit on County Road 34**

151

**Recommendation:**

Whereas the residents who reside on Dawson Road and those who reside on County Road 34, from Dawson Road west to Manning Road, have petitioned the Municipality of Lakeshore and the County of Essex to have the speed limit reduced from 80 kilometers per hour to 50 kilometers per hour from Dawson Road to Manning Road due to safety concerns for all residents, young and old; and

Whereas the speed limit from Manning Road westerly to the Essex County Bypass is currently 50 kph;

Therefore be it resolved that that the Council of the Municipality of Lakeshore hereby directs the Mayor and Deputy Mayor of Lakeshore to put before Essex County Council a resolution to lower the aforementioned speed limit of 80 kph to 60kph from Dawson Road to Manning Road as requested by 100% of the residents who reside in this area.

**2. Councillor McKinlay - Hydro One Chatham to Lakeshore Line**

152

**Recommendation:**

Whereas Hydro One's Chatham to Lakeshore preferred line cuts through 220 acres of prime employment land situated on the 401 interchange, restricting the use of this land and strongly interfering with the Community of Comber;

Whereas this engagement done by Hydro One in selecting their preferred route was insufficient;

Whereas hydro lines in close proximity to residential districts lowers property value and creates health concerns;

Whereas hydro lines seriously impede farm machinery from operating their GPS equipment;

Whereas the proposed 2A line chosen by Hydro One affects far more commercial and residential stakeholders than the existing line north of the 401;

Therefore, be it resolved that the Council of the Municipality of Lakeshore will only accept an alignment travelling west along the existing Hydro One corridor North of the 401 to the West side of the Rochester Townline Road. From here, travel south to the Substation.

**16. Question Period**

**17. Non-Agenda Business**

**18. Consideration of By-laws**

**Recommendation:**

By-laws 94-2021, 98-2021, 99-2021, 103-2021, 104-2021 and 106-2021 be read and passed in open session on November 9, 2021.

- |    |  |     |
|----|--|-----|
| 1. | By-law 94-2021, Being a By-law Imposing Special Annual Drainage Rates Under the Tile Drainage Act  | 153 |
| 2. | By-law 98-2021, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-30-2021)                                     | 157 |
| 3. | By-law 99-2021, Being a By-law to Authorize the Execution of a Condominium Amending Agreement pertaining to Beachside Condos                             | 160 |
| 4. | By-law 103-2021, Being a By-law to Authorize Grants by the Municipality of Lakeshore for the 2021 Mayor's Art Awards: Artist in a Pandemic Grant Program | 162 |
| 5. | By-law 104-2021, Being a By-law to Adopt a Council Member COVID-19 Vaccination Policy  | 164 |
| 6. | By-law 106-2021, Being a By-law to Confirm Proceedings of Council for October 26th and November 2nd, 2021  | 171 |

**19. Closed Session**

**20. Adjournment**

**Recommendation:**

Council adjourn its meeting at \_\_\_\_ PM.

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council

**From:** Aaron Hair, Division Leader - Community Planning

**Date:** October 22, 2021

**Subject:** Zoning By-law Application ZBA-30-2021, 2730 County Road 42

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### Recommendation

Approve Temporary Zoning By-law Amendment Application ZBA-30-2021 (By-law 98-2021) to permit the temporary use of 2730 County Road 42 to allow five (5) transport trailers as storage for three years, on a parcel of land, indicated as the “Subject Property” on the Key Map, Figure 1 (Appendix 1) and adopt the implementing by-law, as presented at the November 9, 2021, Council meeting.

### Background

The subject of this application is, located at the intersection of County Road 42 and 31 (See Appendix 1). The applicant is proposing to place five (5) transport trailers on their site to act as storage containers for tires.

At the September 14, 2021, Council Meeting, Council directed Administration to prepare a Temporary Use By-law (up to 3 years, with the ability for Council to extend) to allow the use of parking transport trailers, while allowing the applicant additional time to find an alternative, such as reducing the need for storage or constructing a proper building. Resolution 276-09-2021 states:

Defer consideration of the zoning by-law amendment and the site plan application and direct Administration to prepare a Temporary Use By-law to allow the use of the parking of the transport trailers.

Subject Parcel	Existing Use – Hamlet Commercial with Exception 9 Proposed Use – Hamlet Commercial with Exception 9 Access – existing through Provincial Highway and County Road Servicing – municipal piped and operated supply
Surrounding Uses	North – residential East – residential and hamlet residential West – Mixed use South – County Road 42 and an Agricultural site

Official Plan	Hamlet
Existing Zoning	HC-9

## Comments

### ***Planning Act***

Under Section 39 of the *Planning Act*, a municipal council may pass a by-law authorizing the temporary use of land or buildings “for any purpose...otherwise prohibited by the by-law.” The by-law may be for a period of up to three years with further extension of up to three years for each increment.

### ***Provincial Policy Statement (PPS) and County Official Plan (COP)***

These two documents are silent on the matter of temporary use.

### ***Lakeshore Official Plan (LOP)***

Temporary use by-law policies are found in Section 8.3.2.2 of the LOP and are below, with comments following:

- a) the proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;

Comment: the additional storage will be trailer, which can be moved and removed when required. Placing a trailer will require little to no construction for the owner and maintenance for the trailer that will remain dormant and act as a storage unit will require little repairs and maintenance.

- b) the compatibility of the proposed use with the surrounding land uses and character of the surrounding area;

Comment: the character of the surrounding area will remain largely unaffected since the tires will remain out of sight if using a trailer.

- c) the proposed use will be properly serviced and not require the extension or expansion of existing municipal services;

Comment: there will be no requirement for the extension of municipal services.

- d) the proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the areas roads;

Comment: adding a storage unit on the existing site will not affect surrounding traffic.

- e) parking facilities will be provided entirely on-site;

Comment: all parking can be accommodated on site.

- f) the proposed use will generally be beneficial to the surrounding community; and
- g) the conformity of the proposed temporary use with the policies of this Plan. Where the proposed temporary use may not conform in its entirety with the Official Plan, the Town will consider what is in the best interests of the public.

Comment: the addition of the trailer storage will be somewhat beneficial to the community as the current tire storage will be kept within a facility as opposed to keeping all the tires outside. The temporary use will conform with the Municipality's Plan.

### ***Zoning By-law***

The subject lands are currently zoned "Hamlet Commercial exception 9 (HC-9)" which permits a retirement home and a warehouse. The regulations for this use exception are that only existing will be permitted for a warehouse use. Any need to expand an existing building or construction of a new building would require relief from this by-law.

### **Financial Impacts**

There are no adverse financial impacts resulting from the recommendation.

### **Attachments**

Appendix A – Key Map

Appendix B – Plan showing location of trailer parking

## Report Approval Details

Document Title:	Temporary Use By-law Report ZBA-30-2021.docx
Attachments:	- Appendix A – Key Plan.pdf - Appendix B – Plan showing location of trailers.pdf
Final Approval Date:	Nov 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

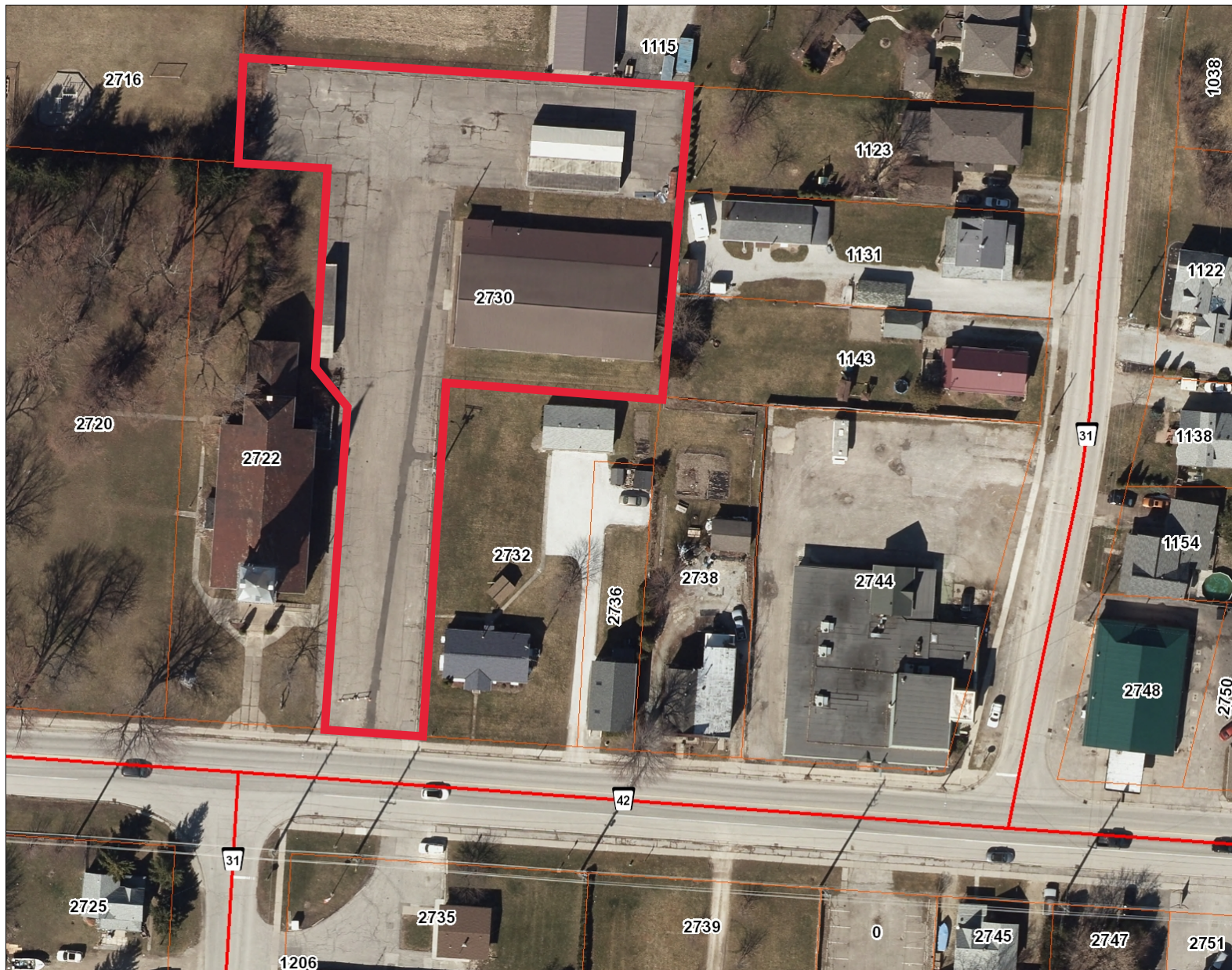
Jessica Gaspard

Kristen Newman

Truper McBride



# Appendix A – Key Plan



## Legend

- Tax Parcel
- Address Label
- WorkingParcel
- Street Centreline
- <all other values>
- CNTY
- LAK
- PRIV
- PROV
- Subject Property

1: 1,023



Notes:

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



ZONING  
HC-9 (HAMLET COMMERCIAL EXCEPTION)

PERMITTED USES  
WAREHOUSE

SET BACK  
FRONT YARD DEPTH = (3.0m)  
REAR YARD DEPTH = (7.5m)  
SIDE YARD DEPTH FROM DWELLING = (3m)  
SIDE YARD DEPTH FROM EXTERIOR = (3m)

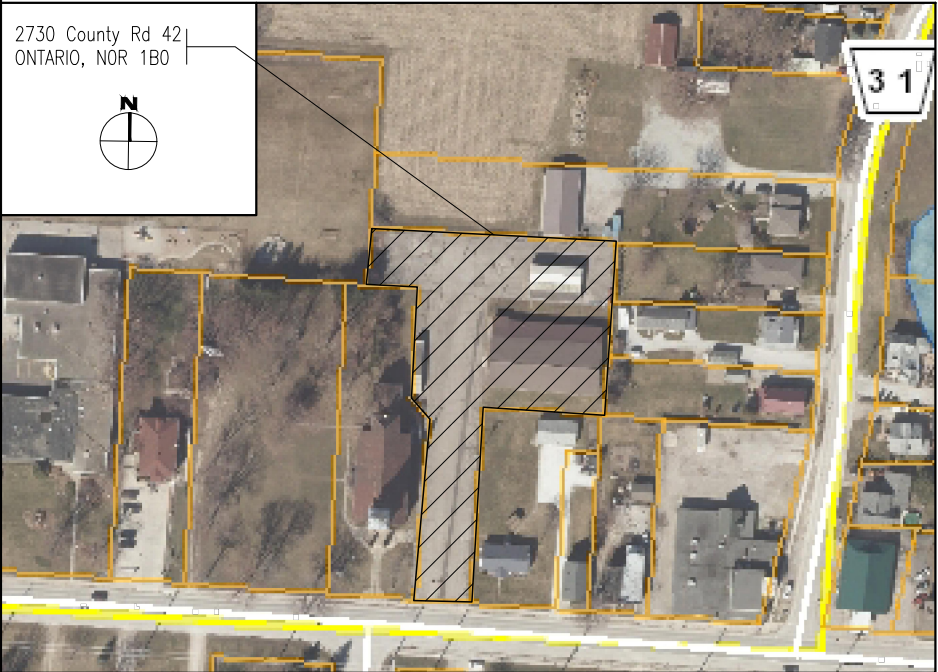
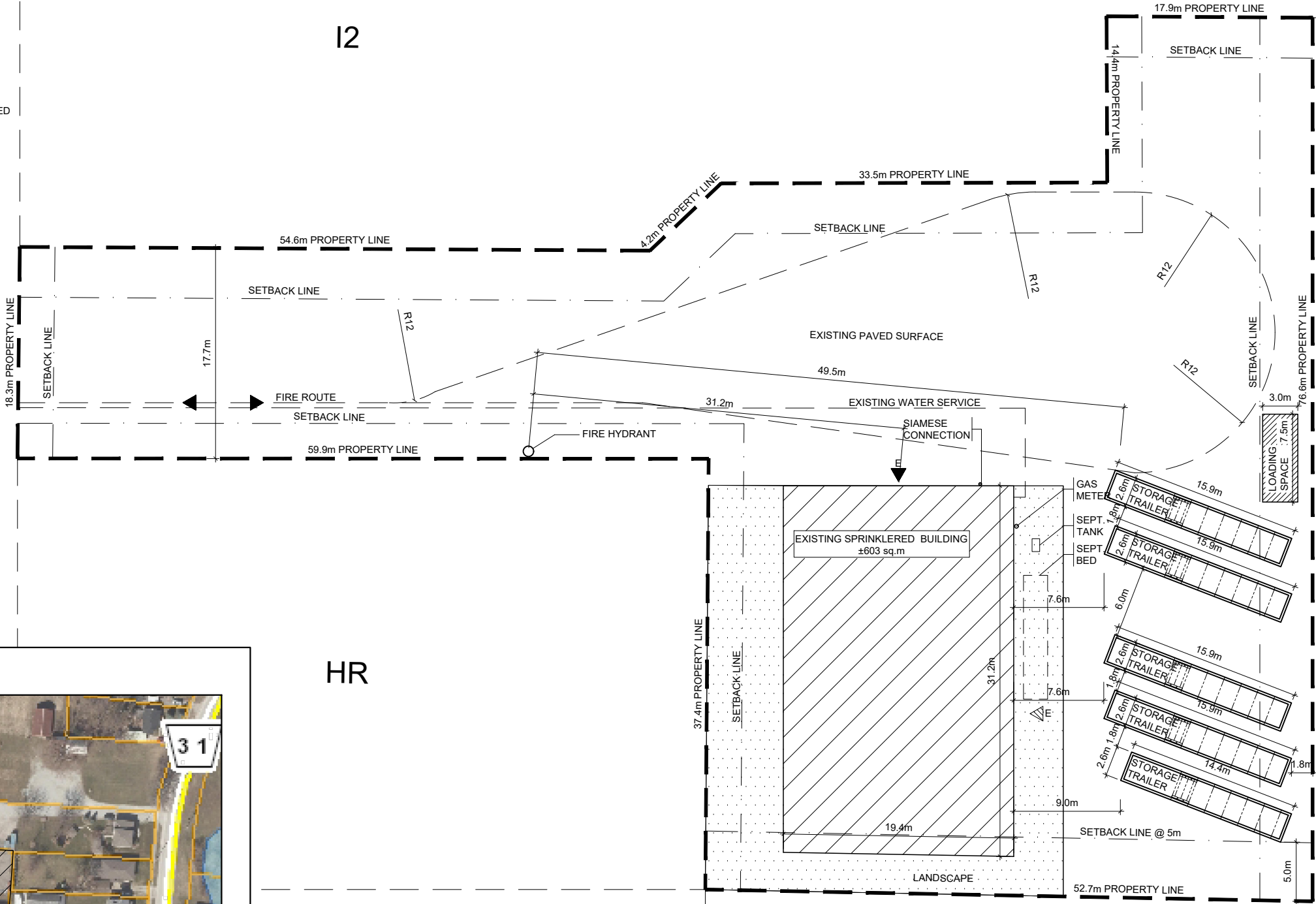
LANDSCAPE OPEN 25% ( EXISTING )  
MAX. COVERAGE 15% ( EXISTING )

FIRE ROUTE : OBC 3.2.5.6

REQUIRED PARKING SPACE

	REQUIRED	PROVIDED
PARKING SPACE 1 /140sq.m( 1506 sq.f)	4	4

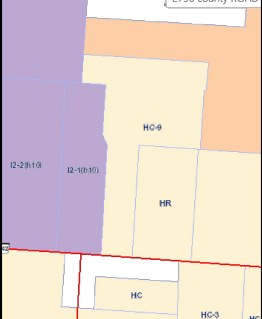
COUNTY RD. 42



HR

HC

RW-1



ZONING MAP  
NTS

02 JUNE '21	CLIENT REVIEW
14 DEC. '20	1 CLIENT REVIEW
9 DEC '20	CLIENT REVIEW

NO. ISSUED FOR

The Architect noted above has exercised responsible control with respect to design activities. The architect's seal number is the architect's BCDN.

TIRE WAREHOUSE  
TRAILER STORAGE

2730 County Rd 42  
ONTARIO, NOR 1B0

CONCEPTUAL  
SITE PLAN & STATISTICS

DATED	: DEC. 2020
SCALE	: AS NOTED
DESIGNED BY	: MH
DRAWN BY	: MH
CHECKED BY	: MH
APPROVED BY	: MH
NO.	: 20-138





# Regional Food, Organic and Biosolids Waste Processing

Michelle Bishop  
EWSWA General Manager

# Provincial Legislation

- ▶ Ontario's Food and Organic Waste Policy Statement pursuant to Section 11 of the 2016 Resource Recovery and Circular Economy Act (collectively the Organics Provincial Policy Statement, or OPPS) requires some municipalities in Essex-Windsor to achieve specific reduction or recovery target rates by 2025
- ▶ Key Points:
  - ▶ Reduction targets shall be achieved by the prevention or reduction of food and organic waste; the safe rescue and redirection of surplus food; and the recovery of food and organic waste to develop end-products for beneficial use
  - ▶ Reduction targets cannot be achieved through the use of food and organic waste to generate alternative fuels or energy from waste without the concurrent recovery of nutrients

Ontario



2

# Municipal Participation Requirements as per the Organics Provincial Policy Statement (OPPS)

Municipalities in Essex-Windsor are required to achieve specific reduction and recovery target rates by 2025 as follows:

- ▶ **City of Windsor** - Provide curbside collection of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 70%;
- ▶ **Amherstburg, LaSalle, Leamington and Tecumseh** - Provide collection (through a public drop-off depot or community composting area or through curbside collection) of food and organic waste to single family dwellings in an urban settlement area and to achieve a target rate of reduction of 50%;
- ▶ **Essex, Kingsville and Lakeshore** - Not required to achieve specific rates of reduction for food and organic waste based on their population and population densities.



# Food and Organic Waste



Food Waste



Soiled Paper



Pet Wastes



Personal Hygiene Wastes



Sanitary Wastes



Processing of Pet Waste, Personal Hygiene, and Sanitary Wastes were determined to be to problematic - would not be included as a mandatory feedstock



# Food and Organic Waste - Already Captured



Seasonal Outdoor Waste



Leaf and Yard Waste



Flowers and Houseplants

Currently  
included in  
Yard Waste  
Program



Compostable Products and Packaging



Paper Fibre Products

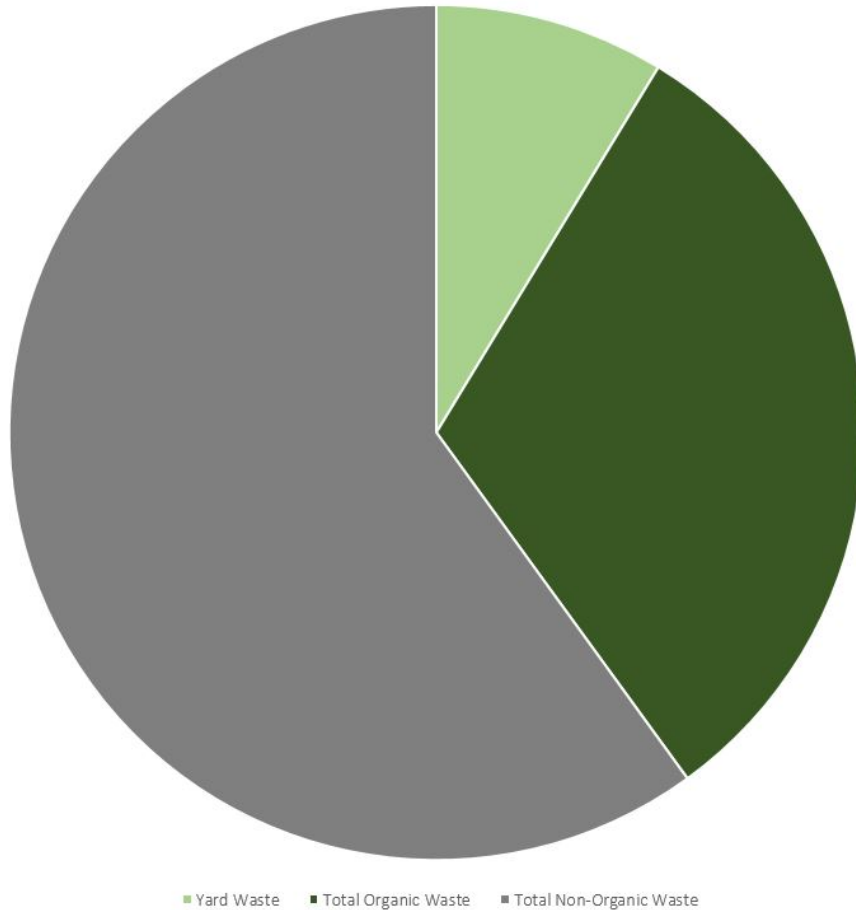


Shredded Paper

Currently  
included in  
Paper  
Recycling  
Program

# Organic Waste Production

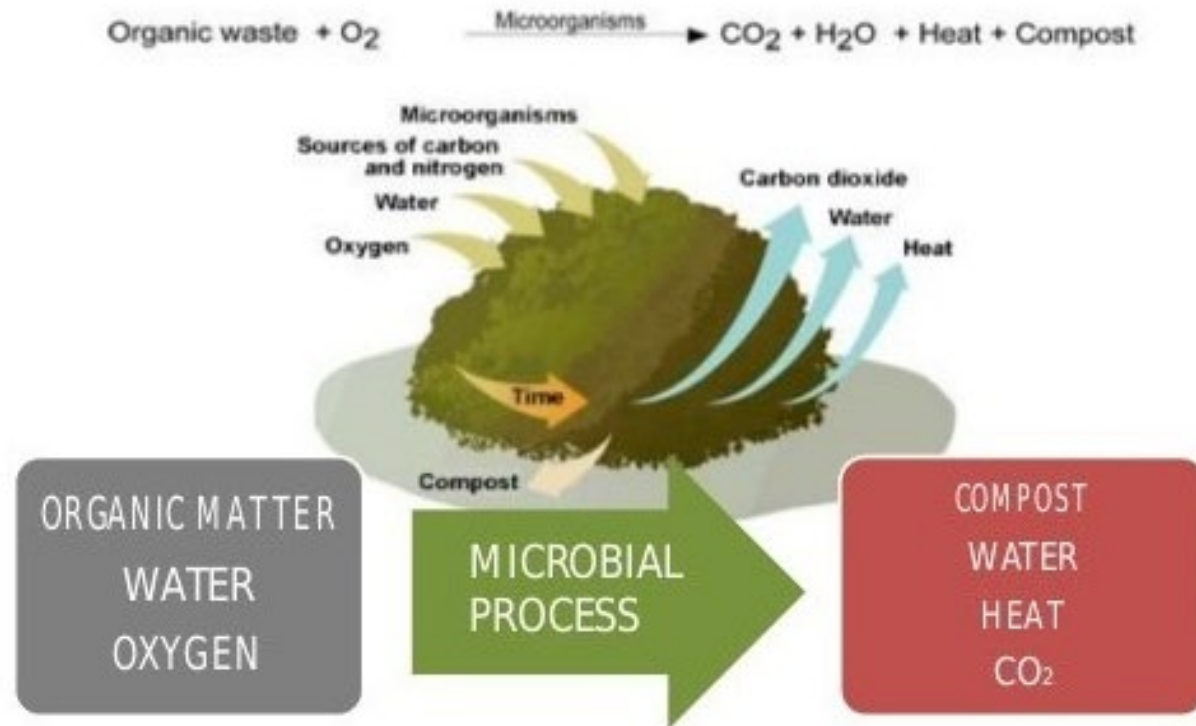
Windsor and Essex County Municipal Waste Generation



- ▶ Approximately 60% of total waste generation from our region consists of non-organic materials
- ▶ Approximately 9% of waste generated consists of yard waste, which is currently captured in the existing Yard Waste Collection Program
- ▶ Approximately 31% of waste generated consists of organic matter that is currently sent to landfills
- ▶ It is estimated that about 35,000 tonnes of residential food and organic waste was sent to landfill for disposal from Windsor and Essex County in 2020 alone

# Available Technologies - Composting

## COMPOSTING PROCESS



- Decomposition of organic matter by bacteria in an oxygen-rich (aerobic) environment
- Generates Compost, CO<sub>2</sub>, Water, Heat
- Meets the requirements of the OPPS



# Composting

## ► Benefits

- Lowest Capital and Operating Cost
- Generates a dry, stable product (compost)
- Simple, well-established process currently in use to process yard waste (i.e. small learning curve)
- Could integrate with existing leaf and yard waste program

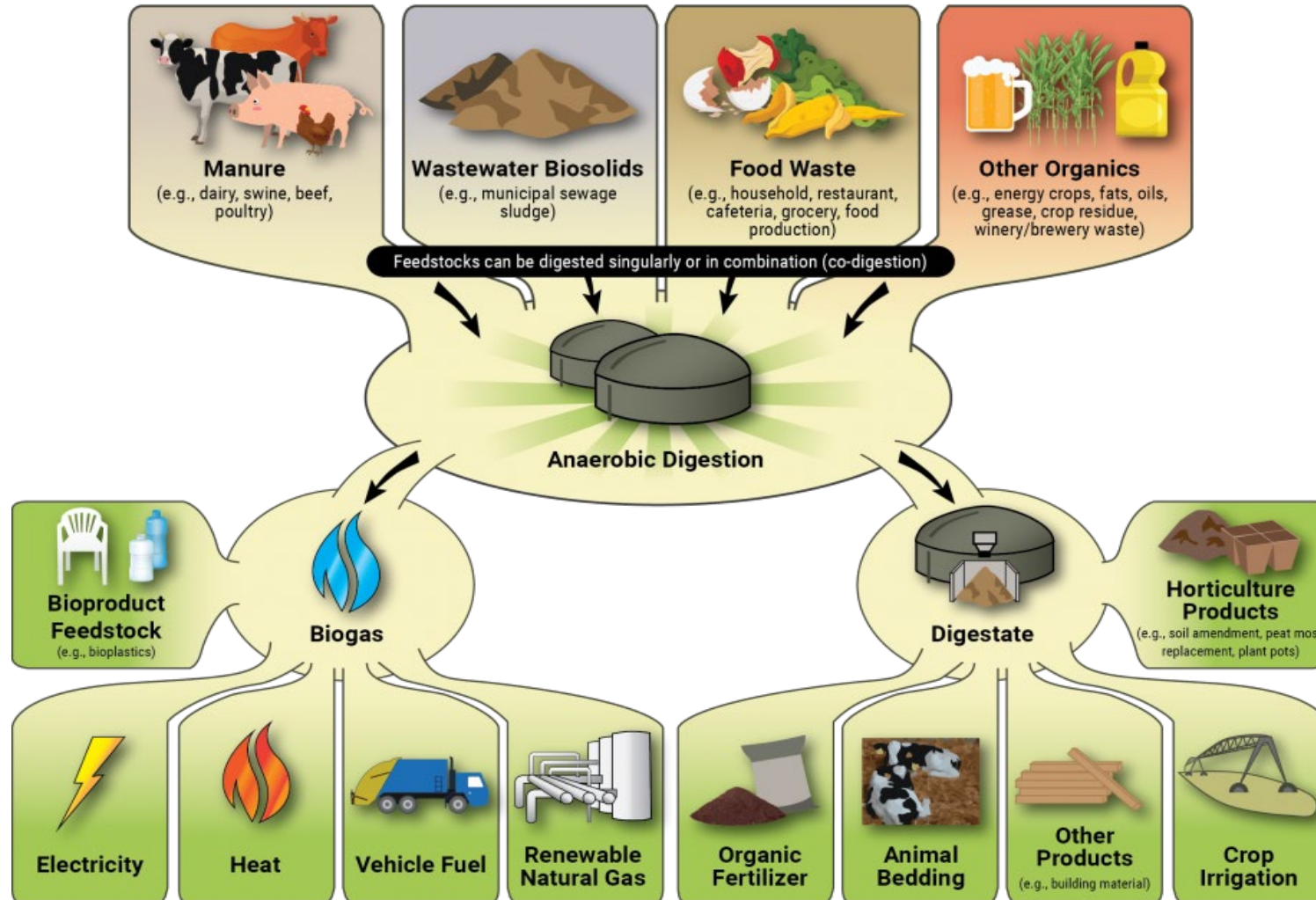
## ► Drawbacks

- Large footprint is required
- Some Greenhouse Gases (Methane, CO<sub>2</sub>, etc.) are generated during the process
- Lost opportunity to capitalize on the generation of Renewable Energy
- Other projects/solutions will need to be pursued to achieve Greenhouse Gas and Energy Reduction Targets





# Available Technologies - Anaerobic Digestion



- Decomposition of organic matter by bacteria in an oxygen-limited (anaerobic) environment
- Generates Biogas and Digestate
- Meets the requirements of the OPPS

# Anaerobic Digestion

## ► Benefits

- Generates biogas, which can be further processed into Renewable Natural Gas
- Generates digestate, which can be further processed into fertilizers, etc.
- Smaller footprint required than composting
- Greater volumes of Renewable Natural Gas can be realized from anaerobic digestion projects with the addition of wastewater sludge as feedstock (and displace current natural gas usage to dry sludge), or methane from the landfill gas collection system;
- OPPS encourages municipalities to plan for the management and beneficial use of biosolids

## ► Drawbacks

- Higher Capital and Operating Costs than composting
- Process is more complicated than composting, however it is well established in Canada

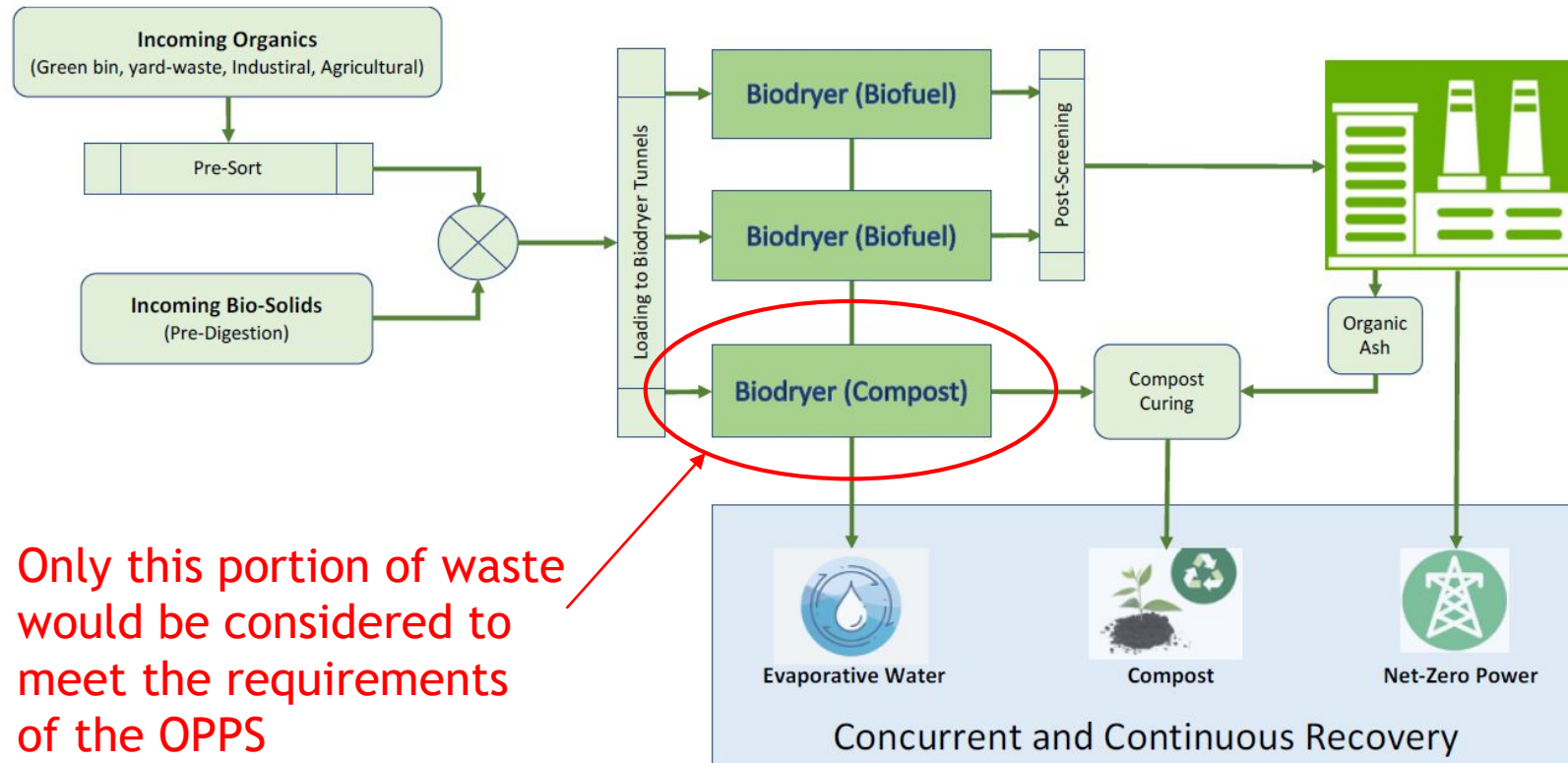
# Other Benefits to Anaerobic Digestion

## Anaerobic Digestion

- ▶ Environmental Stewardship
- ▶ Better Odour Control
- ▶ Opportunity to combine Food and Organics Waste Management Project with a Greenhouse Gas and Energy Reduction Project
- ▶ Will contribute to GHG and Energy Reduction targets to a greater degree than composting, resulting in fewer additional projects required to meet reduction targets
- ▶ May be eligible for future Federal and Provincial grants and financial incentives
- ▶ Compliments other capital projects required
  - ▶ City of Windsor WBPF - expiration of existing contract, plant expansion, and provide additional options for biosolids processing in the future
  - ▶ EWSWA Landfill - upgrades to landfill gas collection system are required



# Available Technologies - BioDryer



Only this portion of waste would be considered to meet the requirements of the OPPS

- ▶ Aerobic process, however no methane is produced
- ▶ A fraction of the feedstock is directed to a composting unit, the remaining fraction is directed to a Biofuel unit(s). Consultation with Ministry of the Environment, Conservation and Parks (MECP) representatives have indicated that **only the fraction diverted to the composting process** would be considered acceptable in accordance with the OPPS.
- ▶ Better suited for WWTP sludge and biosolids than SSO
- ▶ High maintenance and capital replacement costs



# Available Technologies - Syngas (i.e. Bradam)

- ▶ Converts organic waste into Synthesis Gas (Syngas) for production of electricity
- ▶ During the conversion of Syngas to Renewable Natural Gas, ammonia can be recovered and sold as a fertilizer product
- ▶ In theory capable of destroying PFAS, pathogenic, hormone compounds and weevils
- ▶ No known operating facilities
- ▶ Complex system, potential for odours
- ▶ High capital costs
- ▶ Consultation with MECP representatives have indicated that ***this process is required to demonstrate compliance with the OPPS***. A timeline for demonstration of compliance has not been provided by the proponent.



# Fugitive Odour Prevention Principles

- ▶ Odour will be generated during any organics process
- ▶ Composting involves the addition of air into the organic mass, which generates larger quantiles of air with potential odours
- ▶ AD is a contained process, with no addition of air (oxygen), therefore odours are more easily contained when the facility is constructed and operated according to best industry standards
- ▶ Municipally owned and operated AD facilities generally have very little or no odour issues (e.g. Toronto, etc.)
- ▶ Odour controls would be thoroughly evaluated during procurement to ensure the best industry standards are being applied
- ▶ Fugitive Odour Prevention Principles:
  - ▶ Minimize off-site and on-site queuing of vehicles
  - ▶ All processing and storage occurs in enclosed buildings and tanks under negative air pressure
  - ▶ Buildings are designed to prevent ingress or egress of uncontrolled air and water
  - ▶ All process and building air is collected and treated before discharge
  - ▶ Air flows through the plant from “clean” to “dirty” areas
  - ▶ Process air is not permitted to be used for building air
  - ▶ Wastes are normally processed the same day they are received
  - ▶ Fast acting overhead doors
  - ▶ All doors remain closed when not in use
  - ▶ Two layers of containment between waste process and storage areas and the outside
  - ▶ Daily monitoring for odour at property line
  - ▶ Maintain minimum air flows or air changes within buildings to ensure fresh air is being circulated

# Project Timeline

- ▶ October 6, 2020 - EWSWA Board approved development of Regional Food and Organic Waste Management Plan
- ▶ November 3, 2020 - EWSWA Board approved Oversight Committee and Working Group consisting of EWSWA, City of Windsor, and County of Essex representation
- ▶ December 1, 2020 - EWSWA Board approved consultant (GHD Limited) budget and project charter
- ▶ December 2020 - May 2021 - GHD, Oversight Committee and Working Group completed the following:
  - ▶ Worked closely with GHD to complete a Regional Food and Organic Waste Management Plan (Plan)
  - ▶ Provided EWSWA Board with regular project updates
  - ▶ Attended Regional CAO meetings on December 9, 2020 and April 30, 2021 to provide project updates
  - ▶ Held meetings with stakeholders - Essex County municipalities, Toronto, London, Chatham-Kent, Lambton, Sarnia, Association of Municipalities of Ontario, and Essex Region Conservation Authority



# Project Timeline Cont'd

- ▶ June 1, 2021 - EWSWA Board reviewed the findings of the Plan, directed EWSWA Administration to conduct a third-party review of GHD Report. Tetra Tech Canada Inc. (Tetra Tech) was retained following a competitive bidding process.
- ▶ September 15, 2021 and October 5, 2021 - Tetra Tech findings reported to EWSWA Board
  - ▶ GHD Reports are substantially sound, offer comparative impacts of various options
  - ▶ Recommend all 8 communities be part of a Regional solution
  - ▶ Recommended an open-ended RFP that requires proponents meet the following:
    - ▶ Proponent has the skill, experience and technology that works
    - ▶ Proposal meets requirements of OPPS and Regional energy reduction policies
    - ▶ Costs be evaluated on a Net Present Value basis





# Consultation with Ministry of Environment, Conservation and Parks (MECP)

- ▶ GHD, Working Group met with MECP on May 19, 2021 and May 21, 2021; Tetra Tech on August 24, 2021
- ▶ Changes to the OPPS may be forthcoming in late fall/winter 2021; however they indicated that the nature of those changes will be in relation to the types of compostable products included only. No changes to targets or deadlines are being considered.
- ▶ A Guidance Document is expected to be released when the OPPS is revised
- ▶ A new regulation currently being developed will contain language regarding a ban on organic disposal in landfills, the tentative date being considered is 2030
- ▶ Non-compliance with 2025 deadline will require municipalities to report to MECP on their OPPS status and how compliance will be achieved in short order

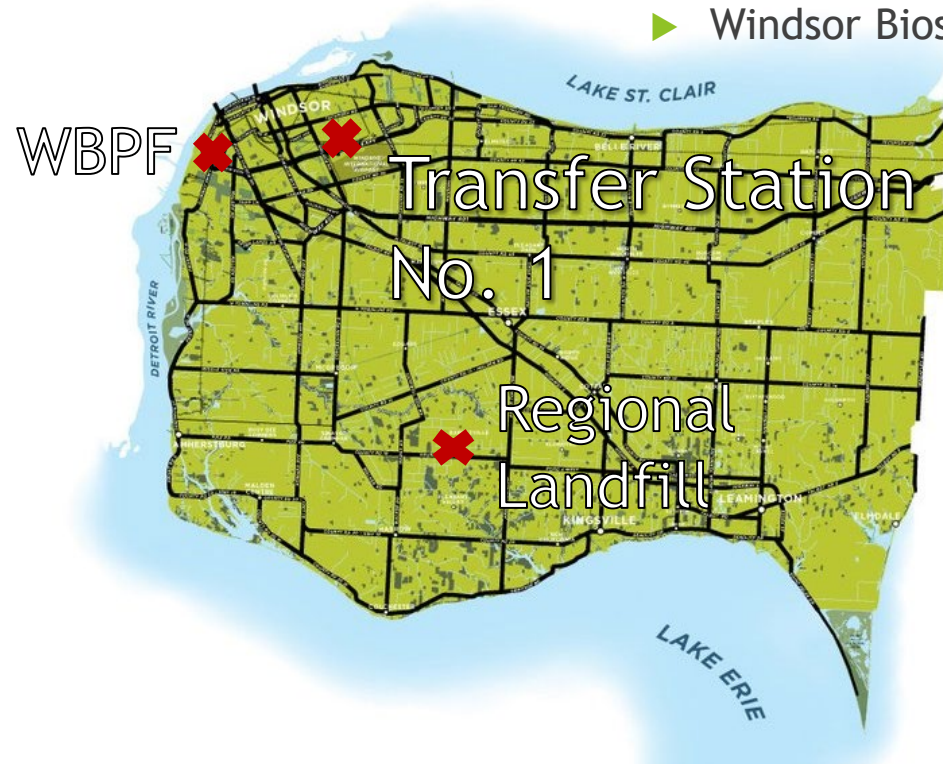
# Potential Locations

## Composting

- ▶ Requires 3.5 - 9.25 hectares
- ▶ Service Contract
- ▶ New Site (if proposed by Proponents)
- ▶ Lands Adjacent to Regional Landfill

## Anaerobic Digestion

- ▶ Requires 2.25 - 4 hectares
- ▶ Service Contract
- ▶ New Site (if proposed by Proponents)
- ▶ Lands Adjacent to Regional Landfill
- ▶ Windsor Biosolids Processing Facility



# Other Considerations

- ▶ Collection method, procedures and schedules will be evaluated at a later date
- ▶ Timeline of Processing Facility:
  - ▶ Procurement - 1.5 - 2 years
  - ▶ Design and Approvals - 1 - 1.5 years
  - ▶ Construction and Start-Up - 1.5 - 2.5 years
  - ▶ Total - 4 - 6 years
- ▶ A landfill gas utilization project would be of significant Greenhouse Gas reduction and financial benefit to EWSWA regardless of the presence of an anaerobic digestion facility, but co-locating them would streamline permitting and pipeline construction
- ▶ The anaerobic digestion options would provide more local economic stimulus over the project life - creating jobs and bringing in outside fees
- ▶ Anaerobic digestion projects create Renewable Natural Gas that will displace Non-Renewable Natural Gas. Anaerobic digestion allows the creation of an energy source from waste, that is not obtainable from composting.

# Estimated Costs – Town of Lakeshore

Estimated Costs include the following:

- ▶ Curbside Collection and other services provided directly by municipality
- ▶ Capital expenses (including landfill gas collection system expansion), operating expenses and revenues
- ▶ Does not include costs associated with wastewater sludge processing

Year	Composting at Landfill	AD with Landfill Gas	AD at WBPF
2025	\$614,645	\$878,698	\$1,236,340
2026	\$629,293	\$904,227	\$1,276,605
2027	\$655,224	\$941,486	\$1,329,209
2028	\$670,965	\$969,023	\$1,372,722
2029	\$698,613	\$1,008,953	\$1,429,287
2030	\$715,533	\$1,038,661	\$1,476,315
2031	\$745,017	\$1,081,460	\$1,537,148
2032	\$763,210	\$1,113,516	\$1,587,982
2033	\$794,659	\$1,159,400	\$1,653,416
2034	\$814,225	\$1,193,995	\$1,708,367
2035	\$847,776	\$1,243,195	\$1,778,762

# Changes to EWSWA Costs

- ▶ Includes changes in tipping fees at landfill
- ▶ Includes transition of Blue Box Program to the Extended Producer Responsibility (EPR) program in 2027
- ▶ Assumes launch of Organics program in 2025
- ▶ Assumes 2% inflation per year
- ▶ Assumes AD at the Landfill

Year	Expenditures	Non-Municipal Revenue	Municipal Costs (Fixed Costs + Tipping Fees)	Estimated Increase
2021	\$29,149,220	\$13,490,050	\$15,659,170	\$0
2022	\$29,498,877	\$14,678,050	\$14,820,827	\$0
2023	\$30,058,452	\$15,112,050	\$14,946,402	\$0
2024	\$30,638,480	\$15,179,050	\$15,459,430	\$0
2025	\$57,929,024	\$34,391,432	\$23,537,592	\$7,539,136
2026	\$59,608,062	\$35,268,057	\$24,340,005	\$7,812,194
2027	\$51,209,668	\$29,423,616	\$21,786,052	\$8,134,102
2028	\$52,741,236	\$30,279,548	\$22,461,688	\$8,429,606
2029	\$54,460,250	\$31,170,750	\$23,289,500	\$8,776,955
2030	\$56,202,796	\$32,098,674	\$24,104,122	\$9,096,656
2031	\$58,052,512	\$33,064,835	\$24,987,677	\$9,471,492
2032	\$59,683,610	\$34,070,807	\$25,612,803	\$9,817,397
2033	\$61,399,712	\$35,118,231	\$26,281,481	\$10,221,932
2034	\$63,135,068	\$36,208,815	\$26,926,253	\$10,596,217
2035	\$64,983,102	\$37,344,338	\$27,638,764	\$10,932,844

# Information to be Considered

- ▶ The population and population density figures that have identified the level of participation for each municipality are based on the 2016 census, consideration should be given for growth in each municipality
- ▶ Ontario's Environment Plan includes the development of a proposal to ban food waste from landfill (target - 2030)
- ▶ Regional landfill expenditures are predominantly fixed, any diversion activities that result in the redirection of waste from the landfill will not generate a savings for the municipalities
- ▶ The diversion of waste from the landfill may increase the tipping fees for municipalities that do not participate in organics diversion
- ▶ A regional solution from the onset would ensure consistent public education for all residents
- ▶ Targets would likely not be achieved through depot collection
- ▶ The success of an organics program can be influenced by the structure of traditional garbage collection programs (restrictions on garbage will encourage organics diversion). Consideration should be given to current waste collection contract expiration dates
- ▶ Terms of the project and resulting recommendations combine two sets of requirements: organics legislation and energy plan targets

# EWSWA Board

At the October 5, 2021 meeting the EWSWA Board approved the following:

That the Essex-Windsor Solid Waste Authority RECEIVE the following recommendations of the Food and Organics Waste Management Oversight Committee, as amended and refer to Essex County Council for direction:

1. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a Procurement Plan for an organic waste management facility that meets the following minimum criteria:
  - a. That, should a new facility be constructed, the facility BE LOCATED:
    - ▶ on lands adjacent to the Regional Landfill, or
    - ▶ on lands adjacent to the Windsor Biosolids Processing Facility, or
    - ▶ at a site supplied by a proponent through the procurement submissions, and;
  - b. That, consistent with the intent of the City of Windsor Community and Corporate Energy Plans and the Essex County Regional Energy Plan, that the RFP BE REQUIRED to utilize a technology that produces renewable energy, in addition to helping municipalities move towards their greenhouse gas reduction goals and to meet or exceed waste diversion targets set out in the OPPS, and;
  - c. That the RFP BE REQUIRED to accept, at a minimum, source separated organics from Windsor and the County of Essex, and;



# EWSWA Board Cont'd

- d. That if the facility is located at the Windsor Biosolids Processing Facility, biosolids from the City of Windsor's wastewater treatment facilities BE INCLUDED in the minimum feedstock, with the costs and revenues related to the processing of the biosolids portion of the feedstock being apportioned to the City of Windsor, and;
  - e. That industry standards BE EXCEEDED regarding odour control measures implemented at the facility and the end product, and;
- 2. That the EWSWA Board APPROVE a sole source for the next phase of consulting services related to the preparation of a Request for Qualifications, followed by an RFP to GHD for additional fees at an upset limit of \$50,000, and that the EWSWA Board approve the terms of reference prior to the publishing of the RFQ and the RFP, and;
- 3. That the Council of the County of Essex be requested to initiate and lead organics collection and processing on a regional basis, and;
- 4. That the Food and Organics Waste Oversight Committee BE DIRECTED to report back to the EWSWA Board with a recommended Procurement Plan outlining project delivery model selection, timing and next steps, and;
- 5. That the Food and Organics Waste Oversight Committee BE DIRECTED to investigate planning and environmental approval requirements for the municipally owned sites adjacent to the regional landfill in the County of Essex and the Windsor Biosolids Processing Facility in the City of Windsor and report findings back to the Board, and;
- 6. That, prior to any contract award, the General Manager of EWSWA BE DIRECTED to report back to the EWSWA Board with a Regional Food and Organics Waste Management Plan, such plan to include the proposed funding model including sharing of expenses, revenues and environmental credits and responsibilities of all parties related to the facility, including biosolids processing if the Windsor Biosolids Processing Facility is the selected location, and the food and organic waste collection system.



# County Council

- ▶ On October 20, 2021 Essex County Council approved the following:

**THAT** the Essex County Council consider a Regional approach to the Food and Organics Waste Management Project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021.

# Benefits to Participation at the Onset

- ▶ Consistent service levels throughout Essex-Windsor
- ▶ Can establish a regional collection system, which will lower collection costs
- ▶ Regional Promotion & Education (P&E) programs can be simplified to provide the same service across the region
- ▶ Higher SSO waste committed to at the onset will result in lower per tonne costs
- ▶ Higher costs to enter into SSO program at a later date
- ▶ A regional solution would likely yield higher diversion

Thank you!

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Civic Affairs  
**Date:** October 19, 2021  
**Subject:** Draft Animal Care and Control By-law

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### Recommendation

Direct the Clerk to read draft By-law 85-2021, known as the Animal Care and Control By-law, during the Consideration of By-laws, as further described in the report presented at the October 26, 2021 Council meeting.

### Background

At the September 16, 2021 Council meeting, Administration presented a report regarding the results of the Public Consultation process for the draft Animal Care and Control By-law. Following the presentation, Council passed the following resolutions:

#### Resolution #284-09-2021

Direct Administration to include provisions in the Animal Care and Control By-law for minimum primary enclosure space requirements that exceed the level of the *Provincial Animal Welfare Act*, and include additional resources for education and enforcement in the 2022 Budget, as presented at the September 16, 2021 Council meeting.

#### Resolution #285-09-2021

Direct Administration to review the minimum distance requirement for kennels to neighbouring properties and present the draft by-law for review.

Administration has included a further revised draft Animal Care and Control By-law (By-law 85-2021) in the "Consideration of By-laws" section of the agenda.

### Comments

The final draft of the Animal Care and Control By-law includes provisions relating to animal welfare, dog licensing, kennels, cats and backyard hens. The following is a brief

overview of the changes that have been included in the draft by-law at the direction of Council.

### ***Animal Welfare***

Council provided direction in relation to tethering of dogs at the December 11, 2018 meeting.

#### Resolution #975-12-2018

Whereas the Town of Lakeshore considers dog tethering for long durations to be inhumane because it is a threat to the safety of the confined dog;

Whereas the Town of Lakeshore acknowledge that dogs are naturally social beings that thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive;

Whereas, placing a dog on a tether to get fresh air can be acceptable if it is done for short periods of time, keeping a dog tethered for long periods is never acceptable; and

Whereas, in an effort to increase the safety of citizens and their pets, the Town of Lakeshore is enacting an Anti-Tethering by law;

Therefore, be it resolved that a by-law is enacted limiting the use of tethering of dogs to a limit of 4 hours.

As directed by Council, the draft Animal Care and Control By-law includes a tethering limit of 4 hours.

Subsequent to this meeting, Administration presented a report to Council on August 13, 2019 which recommended several updates to the current Animal Control By-law, including dangerous dog provisions, anti-abandonment provisions and consistent language with the Zoning By-law.

At the August 11, 2020 meeting, Council directed Administration to prepare a draft by-law to present to Council prior to further public consultation. The draft by-law was presented at the June 22, 2021 meeting and included the updates relating to animal welfare, including General Standards of Care consistent with the *Provincial Animal Welfare Services Act*.



Following the presentation, Council passed the following resolution:

Resolution #217-06-2021

Direct Administration to publish the draft Animal Care and Control By-law as presented June 22, 2021 for public consultation until July 31; and

Present a report at the September 14, 2021 Council meeting summarizing the public commentary and present recommendations for Council consideration.

As noted in the background section of this report, the results of the public consultation were presented to Council at the September 16<sup>th</sup> Special Council meeting. Council directed Administration to include provisions in the draft Animal Care and Control By-law for minimum primary enclosure space requirements that exceed the level of the *Provincial Animal Welfare Act*.

### ***Dog Licencing***

The draft Animal Care and Control By-law includes licensing requirements for all dogs, with a fee exemption for service animals, Police dogs and dogs temporarily fostered by rescue groups (maximum 48 hours). In addition, the By-law included provisions relating to dangerous dogs. The dangerous dogs provisions include a process to declare a dog dangerous, provisions for muzzling orders, and provides a process for appeal a muzzling order as required by the *Municipal Act, 2001*.

### ***Kennel Licencing***

The draft Animal Care and Control By-law includes several provisions for kennel licensing, including minimum welfare standards for kennel structures, proof of membership with the Canadian Kennel Club and a requirement for inspections.

As directed by Council at the September 16<sup>th</sup> meeting, Administration has included minimum primary enclosure space requirements, as presented in the Code of Practice for Canadian Kennel Operations.

As noted in the background section of this report, Council directed Administration to review the minimum distance requirement for kennels to neighbouring properties. While Administration has recommended keeping the 600m distance requirement, research was undertaken regarding similar provisions for local municipalities.

Municipality	Minimum Distance Requirement for Kennels
Town of Amherstburg	2,000ft (61m)
Town of Essex	60m (200ft)
Town of Kingsville	300m (984ft)
Town of LaSalle	120m
<b>Municipality of Lakeshore</b>	<b>600m</b>
Municipality of Leamington	60m (197 ft)
Town of Tecumseh	91.4m (300ft)
Municipality of Chatham-Kent	200m
City of Windsor	Do not licence kennels

The draft Animal Care and Control By-law includes the following provision relating to minimum distance requirements for kennels:

44(1) No person shall operate a Kennel on a property that is not designated in the Zoning By-law to permit a Kennel.

Should Council wish to reduce the minimum distance requirement, it is recommended that this direction be provided for the upcoming Zoning By-law Update.

### **Cats**

At the August 11, 2020 Council meeting, Administration provided several options for animal control. The following 3 options were presented relating to cat licensing:

Option 1 – Do not regulate or licence cats (recommendation of Administration)

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to require owners to licence cats on an annual basis, without prohibiting running at large.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to licence and regulate cats and dogs in the same manner, including all licensing and fines.

Administration also presented the following 4 options relating to limiting the number of cats per household:

Option 1 – Do not limit the number of cats per household (recommendation of Administration)

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to three (3) per household in all areas of the municipality to be equal to the limit for dogs.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in all areas of the municipality.

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in rural areas and \_\_\_\_\_ per household in urban areas.

Following the presentation, Council passed the following resolution:

Resolution #279-08-2020

Direct Administration to prepare a draft by-law to present to Council, prior to further public consultation that includes **Option 3 with respect to limiting cats** and Option 3 with respect to chickens as described in the report of the Manager of Legislative Services at the August 11, 2020 Council meeting.

As directed by Council, the draft Animal Care and Control By-law includes provisions prohibiting more than 3 cats per household.

### ***Backyard Hens***

At the August 11, 2020 Council meeting, Administration provided several options for animal control. The following 4 options were presented relating to urban chickens:

Option 1 – Do not allow chickens in any residential areas (recommendation of Administration)

Option 2 – Direct Administration to bring a report regarding a pilot program to allow the licensing of chickens in all residential areas

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on residential properties more than 1 acre in size

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on all residential properties in the municipality.

Following the presentation, Council passed the following resolution:

Resolution #279-08-2020

Direct Administration to prepare a draft by-law to present to Council, prior to further public consultation that includes Option 3 with respect to limiting cats and **Option 3 with respect to chickens** as described in the report of the Manager of Legislative Services at the August 11, 2020 Council meeting.

As per the above direction, the draft Animal Care and Control By-law includes provisions allowing a maximum of 5 hens per property only on residential properties larger than 1 acre in size, subject to conditions such as coop size and location on the property. This includes a requirement to be registered with the Chicken Farmers of Ontario Family Food Program as well as general care provisions.

### ***Other Modifications***

The following other modifications were made to increase clarity and enforceability based on feedback from the Windsor/Essex County Humane Society:

- A modified definition of “at large” to apply to hens in addition to dogs;
- Include the Windsor/Essex County Humane Society in the definition of rescue group to ensure that rescue premises serving the Humane Society are included in provisions to permit the keeping of more than 3 dogs;
- Other revisions suggested by the Humane Society include the following:
  - Additional provisions relating to authorizing first responders to rescue animals in hot vehicles: These powers already exist for police officers under the PAWS Act and the Lakeshore Fire Department’s procedure is to refer these types of situations to the OPP;
- Provisions for the impoundment of roosters apprehended under the by-law.

Other revisions to the draft were included to address formatting issues.

### **Financial Impacts**

There are no immediate financial impacts as a result of approving the draft Animal Care and Control By-law as recommended. Dog and kennel licensing will remain at current rates and the cost for Animal Control Services remain in effect until the conclusion of the current contract on October 14, 2022.

### Report Approval Details

Document Title:	Animal Care and Control By-law.docx
Attachments:	
Final Approval Date:	Oct 20, 2021

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Jessica Gaspard

Truper McBride



**MUNICIPALITY OF LAKESHORE  
BY-LAW 067 - 2021**

**BEING A BY-LAW FOR THE BROWN DRAIN ENCLOSURE  
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF  
ESSEX.**

**WHEREAS**, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 78 of the said Act.

**BROWN DRAIN ENCLOSURE  
IN THE MUNICIPALITY OF LAKESHORE –  
IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$175,573.00

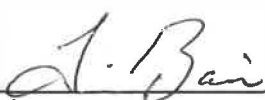
**THEREFORE** the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:


1. The considered report dated July 19<sup>th</sup>, 2021 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$175,573.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Brown Drain Enclosure

First Reading: September 16<sup>th</sup>, 2021

Second Reading: September 16<sup>th</sup>, 2021

Provisionally adopted this 16<sup>th</sup> day of September, 2021

  
\_\_\_\_\_  
Tom Bain,  
Mayor

  
\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this 9<sup>th</sup> day of November, 2021.  
Enacted this 9<sup>th</sup> day of November, 2021.

\_\_\_\_\_  
Tom Bain,  
Mayor

\_\_\_\_\_  
Kristen Newman,  
Director of Legislative and Legal  
Services

## Municipality of Lakeshore

### By-law 70-2021

#### **Being a By-law to Amend By-law 97-2017 being a Comprehensive By-law to Provide Rules Governing the Proceedings of the Council of the Municipality of Lakeshore and the Conduct of its Members**

**Whereas** By-law 94-2017 was passed on December 12, 2017 pursuant to the *Municipal Act, 2001* for governing the calling, place and proceedings of meetings;

**And whereas** By-law 94-2017 was amended on March 19, 2020 to allow for the electronic participation of members in meetings during times of emergency;

**And whereas** section 238(3.3) of the *Municipal Act, 2001* was adopted on July 21, 2020 to allow for the electronic participation of a member of council, a local board or committee, to the extent and in the manner set out in the procedure by-law;

**And whereas** on August 12, 2021, the Council of the Municipality of Lakeshore approved resolution #265-08-2021 directing Administration to prepare the necessary amendments to the Procedural By-law to allow for virtual Council meetings;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. By-law 94-2017 shall be amended as follows:
  - a. Section 1.1n.1) of By-law 94-2017 is repealed and replaced with the following:

“ **“Electronic Attendance”** means attendance at a meeting by use of video-enabled technology that:

    - i. enables all of the meeting’s participants to see, hear and speak with each other; and
    - ii. enables the public to hear the statements and votes of the Council Members during the part of the meeting that is open to the public.”
  - b. Section 3.2(a) of By-law 94-2017 is repealed and replaced with the following:

“a) All Regular and Special meetings of Council shall be held virtually in a manner that permits Electronic Attendance by all Council Members.”
  - c. Section 3.6.1 of By-law 94-2017 is repealed and replaced with the following:

**“3.6.1** a) In the event that a Member is disconnected from a meeting held virtually, the Chair shall announce a recess until it is determined whether or not the virtual connection can be re-established, at which time the Clerk shall attempt to contact the Member by an alternative method of communication and permit the Member time to re-establish the connection.

b) In the event that a disconnection impacts more than one Council Member, the meeting shall be deemed recessed until such time as the connections are re-established.

c) In the event that the Chair is disconnected from a meeting held virtually, the Vice-Chair shall act in the place of the Chair.

d) In the event that a Member has been disconnected and confirms with the Clerk that the connection cannot be re-established, the Chair shall:

- i. Continue the meeting and treat the interruption in the same manner as if a Member who is physically present leaves the meeting room; or
- ii. Recess the meeting until such time as the Member is able to establish a different connection, including connection by audio only, to continue attendance at the meeting; or
- iii. Adjourn the meeting; or
- iv. Any combination of i, ii or iii.”

d. Section 7.2 of By-law 94-2017 is repealed and replaced with the following:

**“7.2** The Chair may curtail, mute or disconnect any presenter, any questions of a presenter or debate during a public presentation, for disorder or any other breach of this by-law and, if the Chair rules that the presentation is not in compliance with section 7.3 of this by-law, the person or persons appearing shall withdraw from the table, and the decision of the Chair shall not be subject to challenge.”

e. Section 7.3 of By-law 94-2017 is repealed and replaced with the following:

“Rules for Presenters

7.3.1 Members of the public shall attend the meeting virtually by use of telephone, video or a combination of both.

7.3.2 Members of the public shall:

- a) Respect the decorum of Council;
- b) Where possible, mute their microphones while not speaking; and
- c) Refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of the meeting.

7.3.3 Members of the public shall not:

- a) Speak disrespectfully of any person and any member of Council;
- b) Use offensive words;
- c) Speak on any subject other than the subject for which they have received approval to address Council;
- d) Disobey a decision of the Chair or Council;
- e) Enter into a cross-debate with other members of the members of the public, Administration, Council Members or the Chair; or
- f) Appear for the sole purpose of publicly announcing a local event.”

2. This By-law comes into force and effect upon passage.

Read and passed in an open session on November 9, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **Municipality of Lakeshore**

## **By-law 83-2021**

### **Being a By-law to Adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore**

**Whereas** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt an Employee COVID-19 Vaccination Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the October 26, 2021 Council meeting;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Schedule "A" to this By-Law is adopted and shall be referred to as the "Employee COVID-19 Vaccination Policy".
2. This By-law comes into force and effect upon passage.

Read and passed in open session on November 9<sup>th</sup>, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**





# Schedule "A" to By-law 83-2021 **Employee COVID-19 Vaccination Policy**

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

## **1.0 Purpose and Scope**

- 1.1** The Municipality of Lakeshore is committed to taking every reasonable precaution in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19 as required by the *Occupational Health and Safety Act* (OHSA).
- 1.2** Vaccination in accordance with federal and provincial directives has been shown to be effective in reducing COVID-19 virus transmission and protecting unvaccinated individuals from severe consequences of COVID-19 and COVID-19 variants. Therefore, it is critical for employees to be vaccinated in order to protect themselves from COVID-19 as well as to provide indirect protection to others during service delivery.
- 1.3** The Municipality is committed to a workplace free from discrimination and harassment. The Municipality will accommodate employees qualifying for medical exemption or who qualify based on one or more of the protected grounds of discrimination in the Human Rights Code up to the point of undue hardship.
- 1.4** This policy applies to all Municipal employees including those employed on a permanent, part-time or contract basis (for example contracted by the Municipality directly or those employed by an employment agency), co-op and placement students whether in receipt of compensation or salary or not, volunteers.
- 1.5** Where employees are subject to an Ontario provincial directive with respect to COVID-19 vaccination that is more strict than this policy, an employee vaccination policy for those employees will be established in accordance with such directive and that specific policy will prevail over this policy. In addition, where an employee's departmental COVID-19 vaccination policy is more stringent than this policy, such departmental policy will prevail over this policy.

## **2.0 Definitions**

- 2.1 COVID-19:** coronavirus disease is an infectious disease caused by the SARS-CoV-2 virus and includes variants of this disease.



# Employee COVID-19 Vaccination Policy

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

- 2.2 Fire Call:** means a call from the Municipality's Fire Dispatch provider to dispatch Volunteer Firefighters.
- 2.3 Exemption:** means a Medical or Protected Ground Exemption.
- 2.4 Fully Vaccinated and Full Vaccination:** means 14 days after having received the completed series of an accepted COVID-19 vaccine as recommended by Chief Medical Officer of Health for the Province of Ontario. In the event that a Government of Canada or Province of Ontario health official recommends an additional vaccine dose (or booster), such dose shall be required to be considered Fully Vaccinated.
- 2.5 Lab-Based Test:** This is a polymerase chain reaction (PCR) test taken through a medical laboratory that detects SARS-CoV-2 genetic material and is used to diagnose an active COVID-19 infection.
- 2.6 Leadership:** This group of positions includes persons in the role of Team Leaders, Division Leaders, Corporate Leaders and the Chief Administrative Officer and any other persons deemed to be supervisors under the OHSA.
- 2.7 Medical Exemption:** This is a situation in which an employee has provided written proof in a form satisfactory to the Municipality from an appropriately qualified physician or nurse practitioner of a medical reason for not being Fully Vaccinated.
- 2.8 Protected Ground Exemption:** This is a situation in which an employee has provided written proof in a form satisfactory to the Municipality of a valid exemption from the requirement to be Fully Vaccinated based on a protected ground under the *Human Rights Code*.
- 2.9 Rapid Antigen Test:** This is a COVID-19 test administered using a nasal swab to identify positive cases in asymptomatic individuals. This test safely yields a result within 15 minutes.



# Employee COVID-19 Vaccination Policy

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

**2.10 Workplace:** Any location that a Municipal employee performs tasks, jobs or projects for the Municipality, but does not include a person's home if working remotely.

**2.11 Vaccine:** a preparation that is administered (as by injection) to stimulate the body's immune response against a specific infectious agent or disease. A vaccine approved by Health Canada for use in Canada in relation to COVID-19.

## 3.0 Policy

**3.1** Subject to 3.2, all employees are required to become Fully Vaccinated before January 4, 2022.

**3.2** The Municipality respects its obligations pursuant to the Human Rights Code and OHSA. As such, to ensure the health and safety of its employees, the Municipality will accommodate those employees that are not able to be Fully Vaccinated for a reason relating to an Exemption. Employees seeking any such exemption shall provide valid written proof of evidence as required by the Municipality COVID-19 Employee Vaccination Policy.

**3.2.1** After January 3, 2022, an Employee that has been granted an Exemption or is awaiting a decision with respect to an Exemption must participate in rapid antigen testing twice per week which shall be performed at the cost of the Municipality.

**3.3** Commencing January 4, 2022, an Employee that is not eligible for an Exemption and is not Fully Vaccinated shall not enter the Workplace without engaging in a Rapid Antigen Testing two times per week in accordance with Municipal procedures.

**3.4** Despite anything to the contrary in this policy, Volunteer Firefighters that are not Fully Vaccinated shall not respond to a Fire Call.



# Employee COVID-19 Vaccination Policy

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

- 3.5** In addition to COVID-19 screening results collected by the Municipality, the Municipality will maintain the confidentiality of an employee's vaccination status. The collection of personal health information will be limited to:

**3.5.1** Rapid Antigen Test results;

**3.5.2** Lab-based Test Results;

**3.5.3** Proof of Exemption;

**3.5.4** Ministry of Health Dose Administration Receipts or other Provincially-sanctioned proof of vaccination; and

**3.5.5** Personnel records associated with Exemptions, administration of this policy and vaccination, where necessary.

**3.5.6** The personal health information collected in accordance with this policy may be used for the purpose of administering this policy. The personal health information may be disclosed only for the purpose of this purpose or for otherwise permitted in accordance with applicable law.

**3.5.7** Notwithstanding an Employee having received a vaccine or Exemption, all Employees shall continue to comply with COVID-19 preventative measures including COVID-19 screening, donning a mask, maintaining a physical distance and the use of barriers where possible.

## **4.0 Responsibilities**

- 4.1** Workforce Development is responsible for developing administrative procedures to accompany this policy.



# Employee COVID-19 Vaccination Policy

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

- 4.2** Workforce Development and all levels of Leadership are responsible for the administration of this policy in accordance with applicable law.
- 4.3** All employees are responsible for compliance with this policy, and shall comply with all applicable legal obligations in doing so, including with respect to public health measures such as physical distancing, wearing a mask, and staying home if they are sick.

## **5.0 Consequences**

- 5.1** After January 3, 2022, no employee will be permitted to attend a Workplace unless:
  - 5.1.1** The employee is Fully Vaccinated and has provided proof of vaccination to the Municipality; or
  - 5.1.2** The employee has been granted an Exemption and has complied with Municipal testing requirements; or
  - 5.1.3** The employee has submitted the employee's request for an Exemption and is awaiting a decision from the Municipality with respect to the request and has complied with Municipal testing requirements; or
  - 5.1.4** The employee has provided Rapid Antigen Testing in accordance with Municipal procedures.
- 5.2** Employees who refuse to disclose their vaccination status in accordance with this policy may be subject to certain health and safety measures and progressive discipline, including without limitation, , restricting access to the workplace, placing the individual on an unpaid leave of absence, and/or modifying or terminating their contract of employment.
- 5.3** Employees failing to follow this policy may be subject to disciplinary action up to and including termination of employment.





# Employee COVID-19 Vaccination Policy

Policy # [C or A] - [DI] - XXXXXX

Date Last Reviewed:

## 6.0 Reference Documents

6.1 *Occupational Health and Safety Act*

6.2 Human Rights Code

6.3 Employee COVID-19 Vaccination Procedures

## 7.0 Communication and Training

7.1 All employees will be notified of this policy through email or employees meetings.

## 8.0 Review/Revisions

8.1 The Municipality will review this policy and update it as required and as reasonable in the evolving nature of the pandemic, vaccine availability and government and public health authority direction.

#	Date Revised	Author	Section	Details of Change
1	Sept 2021			New draft policy
2	October 2021			Revised draft policy
3				
4				

Refer policy questions to: Workforce Development

# **Municipality of Lakeshore**

## **By-law 85-2021**

### **Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore**

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## **Recitals**

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the Municipality of Lakeshore to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 and 8 of subsection 11(2) and paragraph 9 of subsection 11(3) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of Persons and property; and animals;

And whereas subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a Person to do things respecting the matter, or may provide for a system of licences respecting the matter;

And whereas subsection 103(1) of the *Municipal Act, 2001* provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

And whereas section 425 of the *Municipal Act, 2001* authorizes the Municipality of Lakeshore to pass by-laws providing that a Person who contravenes a by-law of the Municipality of Lakeshore passed under that Act is guilty of an offence;

And whereas subsection 391(1) of the *Municipal Act, 2001* further authorizes the Municipality of Lakeshore, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

## **Terminology**

1. In this by-law:

"Altered" when used in reference to a Dog means the Dog has been spayed or neutered and "Unaltered" means the Dog has not been spayed or neutered;

"Animal" means any member of the animal kingdom, other than a human, Dog, Cat or Hen;

"At Large" in relation to a Dog means:

- (i) somewhere other than the Dog Owner's Premises or Dwelling Unit, or the Premises or Dwelling Unit of another Person with the consent of that Person; and,
- (ii) not wearing a leash and under the physical control of a Person;

"At Large" in relation to a Hen means:

- (i) somewhere other than the Premises described in section 56; and,
- (ii) not under the physical control of a Person;

"Attack" in reference to a Dog means aggressive behaviour resulting in unwanted physical contact resulting in harm to a Person or Domestic Animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries or damage to clothing and "Attacked" or "Attacking" have similar meanings;

"Bite" means the bruising, breaking, or puncturing of the skin of a Person or Domestic Animal caused by the tooth or teeth of a Dog and "Biting" has a similar meaning;

"Business Day" means Monday to Friday, except for a Holiday;

"Cat" means any breed of domesticated cat or cross-breed of domesticated cat;

"Clerk" means the clerk of the Municipality appointed pursuant to the *Municipal Act, 2001*;

"Council" means the municipal council of the Municipality of Lakeshore;

"Dangerous Dog" means a Dog determined to be dangerous pursuant to Division 2 of this by-law;

"Dangerous Dog Tag" means a Tag issued by the Licence Issuer as proof of a Dog Licence for a Dangerous Dog;

"Dangerous Dog Warning Sign" means a sign designed, made, and issued by the Licence Issuer;

"Dog" means any breed of domesticated canine or crossbreed of a domesticated canine;

"Dog Licence" means a Licence issued pursuant to Division 2 and includes a renewal Dog Licence;

"Domestic" when referring to a Dog, Cat, Hen or Animal refers to a pet which is generally understood to be domesticated;

"Dwelling Unit" means one or more habitable rooms, each of which is accessible from the others and which function as an independent or separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building;



"Fee" means a fee prescribed in the User Fee Bylaw;

"Hearing Committee" means a committee appointed by Council to which Council has delegated the authority to handle appeals pursuant to this by-law;

"Hen" means a domesticated biological female chicken that is a minimum of four months old;

"Hen Coop" means a fully enclosed weatherproof and tamperproof building where Hens are Kept and the interior includes nest boxes for egg laying, perches for the Hens and food and water containers;

"Hen Enclosure" means both a Hen Run and a Hen Coop;

"Hen Run" means a secure enclosure that allows Hens access to the outdoors;

"Holiday" means a Statutory or civic holiday;

"Keep" includes to provide care, or to own, harbour, possess or have control over, whether temporary or permanent, and "Keeping" or "Kept" have similar meanings;

"Kennel" means any building or structure or part thereof used or intended for use for the purpose of breeding, boarding or raising three or more Dogs;

"Kennel Licence" means a licence issued to operate a Kennel pursuant to Division 7, and includes a renewal licence;

"Leash" means a restraining device not exceeding 1 metre in length in the case of a Dog found to be a Dangerous Dog under this by-law and, otherwise, not exceeding 2 metres in length which is attached to the collar or harness worn by a Dog and of sufficient strength to restrain the Dog;

"Licence Issuer" means the Person appointed as the Clerk and includes their authorized designate or designates with respect to any authority delegated by the Licence Issuer to such designate;

"Microchip" means an approved Canadian Standard encoded identification device implanted into a Dog which is programmed to store a unique and permanent identification number that permits access to Owner information which is stored in a central data base accessible to the Licence Issuer and "Microchipped" when used in reference to a Dog means a Microchip has been implanted into the Dog;

"Municipality" means the Municipality of Lakeshore, or the geographic area of the Municipality of Lakeshore, depending on the context;

"Muzzle" means a humane fastening or covering device that is strong enough and fitted to prevent the Dog from Biting, without interfering with the breathing, panting

or vision of the Dog or with the Dog's ability to drink and "Muzzling" means to cause the Dog to wear a Muzzle and "Muzzled" means the Dog is wearing a Muzzle; "Off-Leash Dog Park" means an area designated as a leash free area by Municipal by-law where a Person who Owns a Dog which has been issued a Dog Licence is permitted to allow the Dog to be off Leash;

"Own" in reference to a thing, including an Animal, Dog, Cat or Hen, means to possess, harbour or have custody, and "Owner" means a Person that possesses, harbours or has custody and if the Person is a minor under the age of 18 years, the "Owner" is the Person responsible for the custody of the minor;

"Permitted Animal" means any Animal of the class of Animal described in Schedule "A", Row 1;

"Person" includes an individual, a corporation, a partnership, and an unincorporated association, as the context requires;

"Police" means the police force contracted to provide local policing for the Municipality pursuant to the *Police Services Act*;

"Police Dog" means a Dog trained to aid police officers or peace officers and used by police officers or peace officers in the execution of their duties;

"Pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to this by-law or the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16;

"Pound Operator" means the operator of a Pound;

"Premises" means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

"Prohibited Animal" means any Animal of the class of Animal described in Schedule "A", Row 2;

"Rear Yard" has the same meaning as "Rear Yard" in the Zoning By-law;

"Redemption Period" means three days, excluding the day on which the Animal was impounded and Holidays shall not be included;

"Rescue Group" means a not-for-profit or charitable organization for which the mandate is predominantly the rescue and placement of Dogs and facilitating the Altering of Dogs for Animal welfare purposes and premises utilized by the Windsor-Essex County Humane Society;

“Restricted Animal” means any Animal of the class of Animal described in Schedule “A”, Row 3;

"Service Dog" means a Dog required by a Person with a disability for assistance; and the Person has documentation from one of the following regulated health professionals confirming that the Person requires the animal for reasons relating to their disability:

- (a) A member of the College of Audiologists and Speech-Language Pathologists of Ontario;
- (b) A member of the College of Chiropractors of Ontario;
- (c) A member of the College of Nurses of Ontario;
- (d) A member of the College of Occupational Therapists of Ontario;
- (e) A member of the College of Optometrists of Ontario;
- (f) A member of the College of Physicians and Surgeons of Ontario;
- (g) A member of the College of Physiotherapists of Ontario;
- (h) A member of the College of Psychologists of Ontario; and,
- (i) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;

“Standards of Care” means the Standards of Care described in Schedule “B”;

"Tag" means an identification tag issued by the Licence Issuer as proof of a Dog Licence;

“User Fee By-law” means the Municipality’s By-law to Establish User Fees for Certain Services Provided by the Municipality; and,

“Zoning By-law” means the Municipality’s Comprehensive Zoning By-law 2-2012.

### **Application**

2. The provisions of this by-law apply to the entire geographic area of the Municipality.
3. The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
4. In the event that any set-back requirements in this by-law are inconsistent with the requirements set out in the Zoning By-law, the requirements of the by-law which are more onerous shall prevail.

5. If there is a conflict between a provision of this by-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of animals prevails.
6. (1) The provisions of this by-law do not apply to:
  - (a) the Premises of a Pound except insofar as the Pound is referred to in particular;
  - (b) Premises used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
  - (c) a supply facility Licenced in accordance with the *Animals for Research Act*;
  - (d) a research facility registered in accordance with the *Animals for Research Act*;
  - (e) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*;
  - (f) a university or college;
  - (g) any display held by an agricultural or horticultural organization incorporated under the *Agricultural and Horticultural Organizations Act* including but not limited to a fair, exhibition or competition held by the Comber Agricultural Society;
  - (h) a temporary public display of animals including a circus, carnival or classroom display;
  - (i) bees; and,
  - (j) the Premises of slaughterhouses licenced pursuant to the *Meat Inspection Act (Ontario)*, R.S.O. 1990, c. M.5.

### **Interpretation**

7. (1) The following rules of interpretation shall be applied to interpretation of this by-law:

- (a) References to items in the plural include the singular, as applicable. "Their" may refer to both the singular and the plural and includes references to a Person or thing that is feminine, masculine or non-binary.
- (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (d) Specific references to laws are printed in italic font and are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
- (e) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or a Holiday if the expiration of the time period occurs on a Sunday or Holiday.
- (f) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- (g) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- (h) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- (i) Nothing in this by-law shall give any Person any right to Keep any Animal where it is not permitted by:
  - (1) a Zoning By-law regulating the Premises on which the Animals are Kept; or,
  - (2) federal or provincial statute or regulation thereunder.

- (j) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- (k) Nothing in this by-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- (l) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

## **Part 1: Dogs and Cats**

### **Division 1: Care of Dogs**

#### **Standards of Care for Dogs**

- 8. (1) Every Owner of a Dog shall ensure that they comply with the Standards of Care.

#### **Tethered Dogs**

- 9. (1) Every Person that tethers a Dog shall ensure that the tether:
  - (a) must be at least three metres long;
  - (b) must allow the Dog to move safely and unrestricted, except by its length; and
  - (c) must allow the Dog to have access to adequate and appropriate water and shelter.
- (2) the Tether does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered;
- (3) the Dog is tethered for no more than a total of four hours in any one consecutive 24 hour period.

#### **Dogs in Vehicles**

- 10. (1) Subject to subsection (2), no Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.

(2) A Person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the Dog is:

- (a) in a fully-enclosed trailer;
  - (b) in a topper enclosing the bed area of a truck;
  - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.
11. (1) No Person shall leave a Dog unattended in a motor vehicle if the weather conditions are not suitable for containment of a Dog.

## **Division 2: Dog Licencing**

### **Licence Requirement**

12. (1) No Person shall Own a Dog without a current, valid Dog Licence.
- (2) Despite subsection (1), no Licence for a Dog shall be required for:
- (a) a Dog which has not been weaned and which is under the age of 12 weeks; or
  - (b) a Dog which is temporarily Kept at a Kennel, if the Dog, when not being Kept at the Kennel, is Kept at premises located outside of the Municipality.
13. (1) In addition to the requirements of Division 2, an applicant for a Dog Licence or renewal of a Dog Licence shall file with the Licence Issuer:
- (a) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;
  - (b) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
  - (c) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
  - (d) where applicable, evidence satisfactory to the Licence Issuer that a Rescue Group is the applicant; and



- (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Owner is compliant with the requirements of sections 34 to 38.

### **Dog to Wear Tag**

- 14. (1) Every Owner shall ensure that the Tag corresponding to the Licence issued for their Dog is attached to the Dog at all times.
- (2) Despite subsection (1), the Owner is not required to ensure that the Dog Tag remains securely attached to a Dog if:
  - (a) the Dog is on the Premises of its Owner;
  - (b) a veterinarian has determined it is necessary to remove the Dog Tag for medical treatment of that Dog and evidence of such requirement is produced upon request of a By-law Compliance Officer; and
  - (c) the Dog is a Police Dog while the Police Dog is working.
- (3) No Person shall remove a Tag from a Dog without the consent of the Dog Owner.
- (4) No Person shall attach a Tag to a Dog other than the Dog for which the Licence was provided.
- (5) No Owner shall cause, allow or permit the Owner's Dog to have a Tag attached to it other than the Tag provided for that Dog.
- 15. (1) Every Tag issued by the Licence Issuer remains the property of the Municipality and shall be surrendered upon request of the Licence Issuer or a By-law Compliance Officer after:
  - (a) the death of the Dog to which the Tag corresponds;
  - (b) a change in Ownership of a Dog; or
  - (c) the revocation of the Licence for a Dog for which the Tag was issued.

### **Application for Licence & Renewal of Licence**

- 16. (1) An applicant for a Licence or renewal of a Licence under this by-law shall file with or provide to the Licence Issuer:
  - (a) an application in the form established by the Licence Issuer from time to time;
  - (b) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;

- (c) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
  - (d) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
  - (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Owner has complied with sections 34 to 38; and,
  - (f) payment of any Fees required pursuant to the User Fee By-law.
17. (1) Despite paragraph 1(f), a Fee for an application for a Licence or renewal is not required where the application for a Licence or a renewal is submitted:
- (a) by a Rescue Group for a Licence for a Dog; or,
  - (b) for a Licence for a Service Dog or a Police Dog.
- (2) No application Fee shall be refundable for any reason.
18. (1) Subject to any provision to the contrary, if an application satisfies the requirements of this by-law, the Licence Issuer may issue to the applicant, a Licence and Tag for the Dog that is the subject of the application.

#### **Refusal to Issue Licence**

19. (1) The Licence Issuer shall refuse to issue or renew a Licence for a Dog where the Licence Issuer is not satisfied that:
- (a) the Dog has a current rabies vaccination;
  - (b) the applicant is 18 years of age or older;
  - (c) the application is complete and applicable Fees have been paid; or
  - (d) in the case of a Dangerous Dog, the Owner does not provide proof of compliance with sections 34 to 38.

#### **Expiry of Licence**

20. (1) A Licence for a Dog shall expire upon the earliest of:
- (a) the transfer of Ownership of the Dog;
  - (b) the death of the Dog; and,
  - (c) the date set out in the Licence as the expiry date.

### **Revocation of Licence**

21. (1) The Licence Issuer shall have the right to revoke the Dog Licence in the event that:
- (a) the Dog Licence was issued in error or as a result of false information provided in the application;
  - (b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,
  - (c) in the case of a Dog found to be a Dangerous Dog, the insurance required pursuant to section 38 expires or is cancelled or terminated for any reason, without being replaced.

### **Replace Lost Tag**

22. (1) The Licence Issuer shall provide a replacement Tag to the Owner of a Licenced Dog upon:
- (a) application in writing by the Owner in the form established by the Licence Issuer that a replacement Tag is required; and,
  - (b) payment of the applicable Fee.

### **Change in Information**

23. (1) Except as provided to the contrary in section 17, the Owner of a Licenced Dog shall advise the Licence Issuer in writing within 7 days of:
- (a) a change in any information provided in the most recent application for a Licence or renewal of a Licence;
  - (b) the death of the Dog; and
  - (c) the sale or other transfer of Ownership of the Dog.
- (2) Every Owner of a Dog which is Microchipped shall maintain the currency of the information recorded on the Microchip.

## **Division 3: Control of Dogs**

### **Number of Dogs**

24. (1) Unless licenced as a Dog Kennel pursuant to this by-law, No Person shall Keep in or about any Dwelling Unit or Premises more than three Dogs.

(2) The total number of Dogs shall not include any Dog under the age of twelve weeks.

(3) Despite subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Dogs stated in subsection (1) may keep the any Dogs over the total number of Dogs permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Person claiming an exemption from subsection (2) to satisfy the By-law Compliance Officer of the Person's entitlement to the exemption.

25. (1) Despite section 24, an authorized Person affiliated with a Rescue Group may Keep up to Six Dogs in or about any Dwelling Unit or Premises provided that the Keeping of more than three Dogs lasts no more than 48 hours in any 90 day period.

(2) The onus shall be on the Person claiming an exemption from subsection (1) to satisfy the By-law Compliance Officer of the Person's entitlement to an exemption.

26. (1) No Owner of a Dog shall cause, allow or permit their Dog to be At Large.

(2) Despite subsection (1), a Licenced Dog shall not be At Large if it is:

(a) within an Off-Leash Dog Park;

(b) a Police Dog and is performing the duties for which it was trained.

### **Abandonment**

27. (1) No Person shall leave a Dog in or about any municipal Premises without making provision for its continued care.

### **Control of Dogs Outdoors but Not At Large**

28. (1) Every Premises Owner who allows or permits a Dog to be outdoors shall ensure that the Dog is:

(a) confined to a pen or other enclosed structure or area, including an area enclosed by electronic fencing known as underground fencing;

(b) Tethered by a Tether no less than 3 metres in length and which does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered; or

(c) under the control of a Person so as to prevent the Dog from leaving the Premises.

(2) For the purposes of subsection (1), the Owner of the Premises on which the Dog is found shall be deemed to have allowed or permitted the Dog to be outdoors on that Premises.

(3) A Premises Owner may be exempt from subsection (1), if the Dog is on Premises designated as Agricultural in the Zoning By-law that are more than 0.5 hectares in size and the Dog is sufficiently trained so as to remain on the Premises.

### **Not to Use Dog to Attack or Menace**

29. (1) No Person shall cause, use or direct a Dog to Attack, Bite, chase, harass or threaten a Person or Domestic Animal.

(2) No Owner of a Dog shall cause, allow or permit their Dog to behave in a manner that poses a menace to the safety of a Person or domestic Animal.

### **Not Torment Dog**

30. (1) No Person shall tease, torment or annoy any Dog.

### **Remove Excrement**

31. (1) Every Dog Owner shall immediately remove excrement deposited by their Dog on municipal property and dispose of the excrement in a sanitary manner.

(2) Subsection (1) does not apply to an Owner of a Dog where the Owner is unable to remove the excrement due to a physical disability or a visual impairment.

## **Division 4: Dangerous Dogs**

### **Investigation**

32. (1) The Licence Issuer may conduct an investigation to determine if a Dog should be found to be a Dangerous Dog, where the By-law Compliance Officer receives:

(a) a written complaint, signed by the complainant, that a Dog has Attacked or Bitten a Person or Domestic Animal without provocation or mitigating factors;

(b) particulars of the name and address of the Owner of the Dog or adequate information to ascertain the Owner of the Dog which is the subject of the complaint; and

(c) particulars of the incident or incidents giving rise to the complaint.

(2) Where a form for such complaints has been established by the Licence Issuer, the prescribed form shall be used.

(3) The Licence Issuer may decline to investigate a complaint received more than 72 hours after the Bite or Attack.

(4) In conducting the investigation and making a determination of whether a Dog should be found to be a Dangerous Dog, a Licence Issuer shall consider all of the circumstances known to the Licence Issuer, including without limitation:

(a) the severity of the Attack or Bite and any resulting injuries;

(b) any prior record of the Dog having Bitten or Attacked;

(c) the circumstances leading to the Bite or Attack and the location of the Dog at the time;

(i) the Dog acting in defence to a Bite or Attack by or menacing actions by a Person or Animal, whether or not such attack was directed towards the Dog in question;

(ii) the Dog acting in defence of its young;

(iii) the Dog reacting to a Person or a Domestic Animal trespassing on or entering on the Premises where the Dog was situate; or

(iv) the Dog being teased, provoked or tormented.

(4) Where, after the investigation, the Licence Issuer is of the opinion that it is appropriate to do so, the Licence Issuer may make a finding that the Dog is a Dangerous Dog.

### **Dangerous Dog Determination**

33. (1) Where the Licence Issuer finds that a Dog is a Dangerous Dog, the Licence Issuer shall issue an order declaring the Dog a Dangerous Dog.

(2) The Licence Issuer may prescribe any such other conditions as the Licence Issuer deems appropriate to protect the health and safety, including but not limited to:

(a) prohibiting the Dangerous Dog from attending any or all Off-Leash Dog Parks or municipal lands;

(b) restricting the movement of the Dangerous Dog from certain areas or locations;

(c) requiring the Dangerous Dog to wear a Dangerous Dog Tag; and

(d) such other conditions as the Licence Issuer may deem appropriate.

(3) The Licence Issuer shall serve the Dangerous Dog Owner with notice of the order and advise the Owner of the following:

(a) the right of appeal of the order;

(b) the requirement to comply with sections 34 to 38 and any additional conditions imposed by the Licence Issuer; and,

(c) that the finding that the Dog is a Dangerous Dog shall continue in effect unless the Hearing Committee finds to the contrary.

### **Dangerous Dog Conditions**

34. (1) Every Dangerous Dog Owner shall comply with such other conditions as may be prescribed by the Licence Issuer.

35. (1) Every Dangerous Dog Owner shall immediately and at all times, display a Dangerous Dog Warning Sign in such a manner that:

(a) it is displayed at the edge of the Premises or at the entrance to the Dwelling Unit where the Owner keeps the Dangerous Dog so that is clearly visible to a Person approaching the entrance to the Dwelling Unit or Premises;

(b) it is erected or placed in a manner that cannot be easily removed by a passerby; and

(c) the Dangerous Dog Warning Sign is replaced from time to time in the event that the Sign is removed, defaced, lost or otherwise becomes illegible.

(2) An Owner required to display a Dangerous Dog Warning Sign shall purchase the Sign from the Licence Issuer at the applicable Fee.

(3) No Person shall remove a Dangerous Dog Warning Sign required to be displayed pursuant to this by-law.

36. (1) Every Owner of a Dangerous Dog shall ensure that at all times when the Dog is on the Owner's Premises, the Dog is:

(a) securely confined inside the Owner's Dwelling Unit; or

(b) if outside the Owner's Dwelling Unit, Dog is securely confined within a pen or other enclosed structure constructed so as to prevent the Dog from leaving the premise and that is constructed in a manner such that the Dog is unable to come into contact with Persons or other Domestic Animals.

(2) For the purposes of this section, secure confinement does not include underground fencing.



37. (1) Every Owner of a Dangerous Dog shall ensure that at all times when the Dog is not on the Owner's Premises, the Dog is:

(a) Muzzled;

(b) Securely fitted with a collar or harness in a manner such that the Dog cannot detach from the collar or harness;

(c) Leashed securely to a collar or harness at all times in a manner such that the Dog cannot detach the Leash from the collar or harness with the Leash held by a Person who has the strength to control the Dog so as to not permit or allow unwanted contact with another Person or a Domestic Animal.

38. (1) Within 14 days of receipt of service of an order issued pursuant to section 33, every Owner of a Dangerous Dog shall:

(a) provide evidence to the Licence Issuer that the Dog has a Microchip;

(b) obtain and maintain a policy of liability insurance with an insurer licenced to operate in Ontario providing:

(i) coverage in an amount not less than two million dollars per occurrence for losses arising from injuries caused by the Dog,

(ii) that the Municipality shall be notified in writing 30 days or more prior to any cancellation, termination or expiry of the policy, and

(iii) adding the Municipality as an additional named insured; and,

(c) provide proof of the insurance required in subsection (2) to the Licence Issuer.

(2) Prior to any change of Ownership or residence of a Dangerous Dog, an Owner shall provide the Licence Issuer with the new physical address of the Dangerous Dog and, if any, the telephone number and other contact information of the Dangerous Dog's new Owner.

### **Appeal of Order**

39. (1) Every Person who is served with an order under this by-law shall comply with the requirements of the order within the time period specified in the order, unless, the Person files an appeal with the Clerk within 10 Business Days of the effective date of service of the order.

(2) An appeal shall be filed only if filed in the form and with the information required by the Clerk and, if filed with the applicable Fee.

(3) In the event that the Clerk determines that the appeal is not filed as required in subsections (1) or (2), the Clerk shall decline the request for a hearing.

(4) A request of the Owner of a Dog for a hearing under this section does not act as a stay of the muzzling requirement.

### **Hearing Date**

40. (1) If a request is compliant with this by-law, the Clerk shall set a date, time and place for a hearing before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant by mail, addressed to the applicant at the address set out in the application and service of the notice of hearing shall be deemed effective on the third day after mailing, whether or not it is actually received.

### **Hearing**

41. (1) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Licence Issuer and appellant and may:

(a) reverse the order;

(b) uphold the order; or,

(c) modify any or all of the conditions of the order.

(2) The decision of the Hearing Committee is final.

(3) The appellant bears the onus of providing evidence satisfactory to the Hearing Committee that the relief being sought should be granted.

(4) Upon the Hearing Committee reaching a decision, the Clerk shall serve notice of the decision in writing to the appellant at the address for the applicant set out in the appeal form.

## **Division 5: Seizure and Impoundment of Dogs**

### **Seizure and Impoundment**

42. (1) A By-law Compliance Officer may seize any Dog found At Large.

(2) A By-law Compliance Officer may, in their sole discretion, deliver a seized Licenced Dog to its Owner without impounding the Licenced Dog, provided:

(a) the By-law Compliance Officer is able to contact the Owner and make satisfactory arrangements for return of the Licenced Dog; and

(b) the By-law Compliance Officer does not have a record of the Licenced Dog having been seized in the prior 12 months.

(3) Except as provided to the contrary in subsection (2), a Dog seized under subsection (1) shall be considered impounded at the time and place it is seized by the By-law Compliance Officer and may be delivered to the Pound Operator.

(4) The Owner of a Dog impounded for being At Large shall be entitled to claim the Dog within the Redemption Period.

(5) Where a Dog that is impounded is not claimed by its Owner within the Redemption Period, the Pound Operator may retain the Dog for such further time as they may consider proper and may:

(a) dispose of the Dog in accordance with the *Animals for Research Act*;

(b) transfer the Dog to the Windsor/Essex County Humane Society; or

(c) transfer the Dog to a Rescue Group.

(6) A Person that knowingly leaves a Dog at the Pound for longer than the Redemption Period shall be deemed to have surrendered the Dog.

(7) Where a Dog is impounded and a veterinarian deems it necessary to destroy the Dog without delay for humane reasons or for reasons of safety to Persons or Domestic Animals, a veterinarian may euthanize the Dog, and may do so without permitting any Person to reclaim the Dog.

(8) Where a Dog is impounded, and the services of a veterinarian are secured by the Pound Operator for the Dog, the Owner shall pay to the Pound Operator all applicable Fees, whether the Dog is alive or dies.

(9) Where, in the opinion of a By-law Compliance Officer, a Dog cannot be captured and the safety of Persons or Domestic Animals are endangered, a Police Officer or other trained Person appointed by a By-law Compliance Officer, may euthanize the Dog and no damages or compensation shall be recovered by the Dog Owner for the destruction.

(10) No compensation, damages, fees or any other sum of money paid by a Person on account of or by reason of the impoundment, euthanization or other disposal of a Dog in the course of the administration and enforcement of this by-law shall be recovered by any Owner or other Person from the Municipality or the Pound Operator.

#### **Division 6: Number of Cats in Dwelling or on Premises**

43. (1) No Person shall Keep in or about any Dwelling Unit or Premises more than three Cats.

(2) The total number of Cats shall not include any Cat under the age of twelve weeks.

(3) Notwithstanding subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Cats stated in subsection (1) may keep any Cats over the total number of Cats permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Owner of the Cat claiming an exemption from subsection (3) to satisfy the By-law Compliance Officer of the Owner's entitlement to the exemption.

## **Division 7: Dog Kennels**

### **Requirement for a Licence**

44. (1) No Person shall operate a Kennel without a current, valid Kennel Licence.

45. (1) No Person shall operate a Kennel on a property that is not designated in the Zoning By-law to permit a Kennel in the Zoning By-law.

46. (1) Every Person operating a Kennel shall ensure that the Kennel is operated in accordance with the applicable Standards of Care.

### **Licence Application**

47. (1) In addition to the requirements in Division 2, an applicant for a Kennel Licence or renewal of a Kennel Licence shall file with the Licence Issuer proof of membership in good standing with the Canadian Kennel Club.

### **Refusal to Issue Licence**

48. (1) The Licence Issuer shall refuse to issue or renew a Kennel Licence where the Licence Issuer is not satisfied that:

(a) the application does not comply with Division 2;

(b) the applicant is in good standing with the Canadian Kennel Club;

(c) the application is complete and applicable Fees have been paid; or

(d) after inspection by a By-law Compliance Officer, the Kennel is found not to be in compliance with this by-law.

### **Expiry of Licence**

49. (1) A Kennel Licence shall expire upon the earliest of:

(a) the date that the Person operating the Kennel ceases to operate the Kennel; or,

(b) the date set out in the Licence as the expiry date.

## **Revocation of Licence**

50. (1) The Licence Issuer may revoke a Kennel Licence in the event that:

(a) the Kennel Licence was issued in error or as a result of false information provided in the application;

(b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,

(c) the Person operating the Kennel:

(i) after inspection by a By-law Compliance Officer, fails to satisfy the Standards of Care on more than 3 occasions in a 2 year period; or

(ii) is convicted of an offence under this by-law.

(2) In the event that a Person's licence is revoked pursuant to subsection (1), that Person shall not make application for a Kennel Licence on any Premises earlier than 1 year following the date of revocation.

## **Part 2: Keeping of Hens**

51. (1) Sections 44 through to and including 50 do not apply to the Keeping of Hens on property designated Agricultural in the Zoning By-law.

52. (1) No Person shall Keep any Backyard Hens unless the Person is registered with the Chicken Farmers of Ontario Family Food Program.

53. (1) No Person shall Keep any Backyard Hens on any Premises unless:

(a) The Person resides on the Premises;

(b) the Premises are 1 acre or more in size and designated by the Zoning By-law to permit a single detached Dwelling Unit;

(c) the Backyard Hens are Kept only in the Rear Yard of the Premises;

(d) the Backyard Hens are Kept in a Hen Coop that is closed on all of its sides and a Hen Run is provided; and,

(e) the Hen Enclosure is a maximum of 10 square metres useable floor area and a maximum building height of 3 metres;

(f) the Hens are secured in a predator-proof Hen Enclosure or Hen Coop after 10 PM and before 5 AM.

54. (1) No Person shall Keep in or about any Dwelling Unit or Premises more than 5 Backyard Hens.

55. (1) No Person shall Keep a rooster.

56. (1) No Owner of any Backyard Hen shall:

(a) cause, allow or permit their Backyard Hen to be At Large;

(b) destroy a Backyard Hen on the Premises;

(c) Keep any Backyard Hen for a commercial purpose which includes giving, selling or exchanging eggs, manure or other products derived from a Backyard Hen to a Person that does not reside on the Premises;

(d) store more than 0.08 cubic metres of manure on the Premises; or

(e) store manure in any way other than a fully enclosed waterproof container.

57. (1) Every Owner of a Hen shall:

(a) comply with the Standards of Care;

(b) Promptly and humanely dispose of deceased Hens;

(c) Remove uneaten feed from a Hen Enclosure promptly; and

(d) Store bulk feed outside of the Hen Enclosure in a weatherproof and tamperproof container.

58. (1) A By-law Compliance Officer may seize any Backyard Hen found At Large or any rooster kept in contravention of this by-law.

(2) A By-law Compliance Officer may, in their sole discretion, deliver a seized Backyard Hen to its Owner without impounding the Hen, provided that:

(a) the By-law Compliance Officer is able to contact the Owner and make satisfactory arrangements for its keeping; and

(b) the By-law Compliance Officer does not have a record of the Hen having been seized in the prior 12 months.

(3) Except as provided to the contrary in subsection (2), a Hen which is seized under subsection (1) shall be considered impounded at the time and place it is seized and may be delivered to the Windsor/Essex Humane Society or disposed of in a humane manner.

### **Part 3: Animals Other than Dogs, Cats or Hens**

59. (1) No Person shall Keep:

- (a) any Permitted Animal, except on Premises designated Agricultural in the Zoning By-law;
- (b) any Prohibited Animal; or,
- (c) subject to subsection (2), more than a total of 3 of any Restricted Animals on any Premises.

(2) No Person shall Keep a Restricted Animal, unless:

- (a) in the case of a Raptor, the Person is licenced to practice falconry in the Province of Ontario.
- (b) in the case of Rodentia,
  - (i) the Animal will not weigh more than 1,500 grams at any time in its life; and,
  - (ii) the Animal is derived from a self-sustaining captive population;
- (c) in the case of Squamata, except if:
  - (i) the Animal is a snake or a lizard;
  - (ii) the snake or lizard is non-venomous; and,
  - (iii) in the case of a snake, it will not exceed 3 metres in length from nose to tip of tail at any time in its life; and
  - (iv) in the case of a lizard, it will not exceed 2 metres in length from nose to tip of tail at any time in its life.

60. (1) Despite anything to the contrary, no Person shall Keep:

- (a) any insect, spider, Rodentia, or Squamata, except in an escape-proof enclosure; or
- (b) any Animal that produces any poison, venom or toxin.

### **Part 4: Inspection and Enforcement**

#### **Inspection Powers**

61. (1) A By-law Compliance Officer may:



- (a) at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;
- (b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
- (c) during an inspection require information from any Person concerning a matter related to the inspection;
- (d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;
- (e) conduct or direct a Person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Compliance Officer believes necessary for the purposes of inspection;
- (f) conduct inspections prior to a determination as to whether to issue a licence or to confirm compliance with a Licence or conditions of a Licence; and
- (g) require that a Licence holder or Owner provide any such information as may be required for the enforcement of this by-law.

62. (1) In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under the Officer's direction to enter onto or into any Premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Licence issued under this by-law, or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.

63. (1) No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Compliance Officer pursuant to this by-law.

## **Enforcement**

### **Prohibition**

- 64. (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.
- (2) No Person shall omit information or provide a false or intentionally misleading statement or representation in any application, agreement, investigation or inspection.

## **Order to Comply**

65. (1) Where a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, an order may be made requiring the Person who contravened this by-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this by-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the By-law Compliance Officer, that the By-law Compliance Officer may cause the work to be done at the expense of the Premises Owner.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, an order pursuant to subsection (1) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this by-law making them a contravention came into force.

## **Offence**

66. (1) Any Person who contravenes any provision of this by-law, a Licence, a condition to a Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time. A Person found guilty shall be liable upon conviction:

- (a) to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine of \$10,000 with the total of all daily fines not exceeding \$100,000; and,
- (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of all daily fines not exceeding \$100,000.

(2) An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

(3) Any director, employee or officer of a corporation who knowingly authorizes, permits or acquiesces in the contravention of this by-law, a Licence, a condition to a

Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*.

(4) For the purposes of subsections (1) and (2), each day on which a Person, includes a director or officer of a contravention, contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.

(5) The levying and payment of any fine as provided for under *the Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this by-law.

### **Prohibition Order**

67. (1) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the Court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order:

(a) prohibiting the continuation or repetition of the offence by the Person convicted; and,

(b) requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

### **Fees and Charges**

#### **Attendance Fee**

68. (1) A Fee shall be payable for:

(a) an inspection conducted by a By-law Compliance to ascertain compliance with this by-law for the purpose of a Person applying for a licence; and,

(b) for the second and each subsequent inspection conducted by a By-law Compliance Officer to ascertain compliance with a notice, direction or order pursuant to this by-law that is conducted after the specified date for compliance.

#### **Collection of Fees**

69. (1) All Fees and charges payable under this by-law are due on demand and are a debt owing to the Municipality bearing interest at the rate established in the User Fee By-law from the date of demand until payment in full. The debt may be enforced by any means available to the Municipality, and without limiting the generality of the foregoing, the debt in the nature of fees may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the Municipality are cumulative.

(2) All Fees and charges incurred under this by-law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.

(3) Fines owing to the Municipality that are in default pursuant to section 69 of the *Provincial Offences Act* shall be added by the Treasurer to the tax roll for any property in the Municipality for which the Owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

## **Part 5 - General**

### **Administration & Delegation**

70. (1) The administration of this by-law is assigned to the Licence Issuer who is delegated the authority to:

- (a) make all decisions required of the Licence Issuer under this by-law;
- (b) perform all administrative functions assigned under this by-law and those incidental to and necessary for the due administration and implementation of this by-law;
- (c) establish and revise from time to time, such forms, documents, and such standards, protocols and procedures as the Licence Issuer may determine are required to implement and administer this by-law;
- (d) develop, implement and promote programs and guidelines to encourage responsible ownership, care and control of Dogs, Cats and Hens provided that the programs and guidelines are consistent with the spirit of this by-law and within Council approved budgets; and,

(2) The Licence Issuer may delegate the performance of any one or more of his or her functions under this by-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Licence Issuer may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this by-law, the decisions of the Licence Issuer are final and not subject to appeal.

(4) Without limiting the generality of subsection (2), the Licence Issuer may, from time to time enter into agreements, in a form established by the Licence Issuer to authorize Persons who are not Municipality employees to issue Licences on behalf of the Licence Issuer, pursuant to this by-law and subject to the terms and conditions of the Agreement. The Licence Issuer may authorize payment of such Persons of the applicable commission for such service, established by the Licence Issuer from time to time. The Licence Issuer may terminate any such agreement in writing, in accordance with the provisions of the Agreement.

71. (1) This by-law shall be enforced by any By-law Compliance Officer and, where provided in this by-law, the Licence Issuer.

(2) Unless specifically provided to the contrary in this by-law or otherwise at law, the decisions of the Licence Issuer and By-law Compliance Officer are final and not subject to appeal.

72. (1) The Licence Issuer may develop, implement and maintain in force, a program to control or monitor Cats which authorizes participants, in accordance with program guidelines to at their own cost and expense or in accordance with approved budgets to:

(a) trap feral Cats;

(b) cause the trapped feral Cat to be Altered; and,

(c) release the Altered Cat in the same area from which they were captured.

(2) Participation in any program to control or manage feral Cats shall be restricted to Persons approved by the Licence Issuer upon application in writing, in the form established by the Licence issuer, and in accordance with guidelines established by the Licence Issuer in establishing the program. The Licence Issuer may revoke any approval granted.

### **General Requirements - Licence Application Requirements**

73. (1) Every Person applying for a License or renewal of a License under this by-law shall provide to the License Issuer:

(a) an application in the form established by the License Issuer from time to time;

(b) information including, but not limited to, name, date of birth, address where Dog will reside, email address, and phone number;

(c) such information, including evidence in support of the application, as may be deemed necessary by the Licence Issuer to process the application for a Licence; and

(d) except as provided to the contrary in this by-law, payment of the applicable fee for applying for a License.

(2) An Person applying for a licence under this by-law must be a minimum of 18 years in age.

## **Service of Notices and Orders**

74. (1) An order under this by-law shall be deemed to have been served on a Person if:

- (a) delivered to the Person Personally;
- (b) by sending to the Person by regular mail;
- (c) by sending to the Person by registered mail at the last known address of the Person, or by posting in a visible location on the Premises in a manner likely to bring it to the attention of the Person being served.

(2) Service of a notice or order under this by-law shall be effective:

- (a) In the case of Personal service, on the date that Personal service is effected;
- (b) In the case of regular or registered mail, 4 days following the date of mailing;
- (c) In the case of posting, 2 days after the date of posting.

(3) Where Dog Ownership is in question, the Licence Issuer or By-law Compliance Officer may:

- (a) deem the last known Owner of a Dog to be the Dog Owner and serve that Person accordingly; or
- (b) at such address as appears to be the address of the Dog Owner.

## **Confidential Information**

75. (1) Every Person authorized to conduct activities under this by-law is authorized to collect Personal Information for the purposes of administering and enforcing this by-law in accordance with this by-law. Questions regarding collection of personal information may be referred to the Licence Issuer.

(2) All information submitted to and collected by the Municipality in accordance with this by-law shall, unless the Clerk determines otherwise, be available for disclosure to the public in accordance with the MFIPPA.

## **Transition**

76. (1) Any Dog Licence and Tag issued pursuant to By-law 46-2002 shall be continued under this by-law until its expiry on December 31st, 2021, despite the repeal of By-law 46-2002.

(2) An enforcement proceeding commenced under By-laws 46-2002 and 40-2004 shall continue despite the repeal of those by-laws.

### **Schedules**

77. (1) Schedules attached to this by-law form part of this by-law.

### **Short Title**

78. (1) This by-law shall be referred to as the “Animal Care and Control By-law”.

### **Repeal**

79. (1) By-laws 46-2002 and 40-2004 and any amendments to those by-laws are repealed.

(2) Where a by-law is repealed by this by-law, the repeal does not:

(a) revive any by-law not in force or existing at the time of which the repeal takes effect;

(b) affect the previous operation of any by-law so repealed;

(c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed; or

(d) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

### **Enactment**

80. (1) This by-law comes into force and effect on January 1, 2022.

Read and passed in open session on November 9<sup>th</sup>, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**



## Schedule “A” to By-law 85-2020

### Classes of Animals

Row	Class	Type of Animal
Row 1	Permitted Animals	<p>Anseriformes (e.g. ducks, geese, swans and screamers)</p> <p>Artiodactyla (e.g. cattle, goats, sheep, pigs, deer, elk, alpacas and llamas)</p> <p>Galliformes (e.g. pheasants, grouse, guinea fowls, turkeys, chickens, quails and peafowls)</p> <p>Horses, donkeys, jackasses, mules, zebras and ponies</p> <p>Struthioniformes (e.g. ostriches, rheas, cassowaries, emus and kiwis)</p>
Row 2	Prohibited Animals	<p>Carnivora (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, skunks, weasels, badgers, mongooses and racoons), except Dogs, Cats, mink, and ferrets;</p> <p>Chiroptera (e.g. bats, myotis and flying foxes);</p> <p>Crocodylia (e.g. alligators, crocodiles, gavials and caimans);</p> <p>Edentates (e.g. anteaters, sloths and armadillos);</p> <p>Lagomorpha (e.g. hares and pikas), except domestic rabbits</p> <p>Perissodactyla including rhinoceroses, hippopotamuses and tapirs and excluding horses, donkeys, jackasses, mules, zebras and ponies</p> <p>Marsupialia (e.g. koalas, kangaroos, opossums and wallabies)</p> <p>Primates (e.g. chimpanzees, gorillas, monkeys and lemurs)</p>

Row	Class	Type of Animal
Row 3	Restricted Animals	<p>Domestic rabbit, mink, and ferret</p> <p>Raptors (e.g. eagles, hawks, falcons and owls), except as permitted under a falconry licence</p> <p>Rodentia (e.g. porcupines, prairie dogs, nutria and chinchillas)</p> <p>Squamata (e.g. lizards and snakes)</p>

**Schedule “B”  
to By-law 85-2021**

**Standards of Care**

**General Standards of Care for Dogs and Hens**

1. (1) Every Dog or Hen must:
  - (a) be provided with adequate and appropriate food and water;
  - (b) be provided with adequate and appropriate medical attention;
  - (c) be provided with the care necessary for its general welfare;
  - (d) be transported in a manner that ensures its physical safety and general welfare;
  - (e) be provided with an adequate and appropriate resting and sleeping area; and
  - (f) be provided with adequate and appropriate:
    - (i) space to enable the Dog or Hen to move naturally and to exercise;
    - (ii) sanitary conditions;
    - (iii) ventilation;
    - (iv) light; and
    - (v) protection from the elements, including harmful temperatures.

**Standards of Care for Dogs that Live Outdoors**

2. (1) Every Dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times.
- (2) The enclosure must be weather-proofed and insulated.
- (3) The size and design of the enclosure must be adequate and appropriate for the Dog.

**Standards of Care for Hen or Dog Enclosures**

3. (1) Every Person that confines a Hen or Dog to a pen or other enclosed structure or area, including a Hen Coop or Hen Run, shall ensure that:
  - (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;

(b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are:

(i) safe and non-toxic for the Hen or Dog, and

(ii) of a texture and design that will not bruise, cut or otherwise injure the Hen or Dog; and

(c) the pen or other enclosed structure or area must not contain one or more other animal that may pose a danger to the Hen or Dog.

4. (1) In addition to the provisions in Section 3.1, every Person that confines a Dog shall ensure that:

(a) the following minimum space requirements are met regarding primary enclosures:

Table 1: Minimum Primary Enclosure Space Requirements

Height of the dog measured at the shoulder (cm)	Area (m <sup>2</sup> )	Width (m)	Height (m)
70 or greater	15	2.40	1.80
40 to 70	10	1.80	1.80
20 to 40	6	1.40	1.20
5 to 20	4	1	1.20

(b) the minimum primary enclosure space requirements in Section 4.1(a) apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age must be provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified are increased by 1.5 m<sup>2</sup> for each dog kept in the enclosure.

**MUNICIPALITY OF LAKESHORE  
BY-LAW 086 - 2021**

**BEING A BY-LAW FOR THE ACCESS BRIDGE REPLACEMENTS**

**OVER THE ELLIS DRAIN  
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF  
ESSEX.**

**WHEREAS**, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 78 of the said Act.

**ACCESS BRIDGE REPLACEMENTS  
OVER THE ELLIS DRAIN  
IN THE MUNICIPALITY OF LAKESHORE –  
IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$39,000.00

**THEREFORE** the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated September 21<sup>st</sup>, 2021 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$39,000.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Access Bridge Replacements over the Ellis Drain

First Reading: November 9<sup>th</sup>, 2021

Second Reading: November 9<sup>th</sup>, 2021

Provisionally adopted this 9<sup>th</sup> day of November, 2021

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of  
Enacted this                              day of

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

**MUNICIPALITY OF LAKESHORE  
BY-LAW 087 - 2021**

**BEING A BY-LAW FOR THE SOUTH TALBOT ROAD BRIDGE  
OVER THE HYLAND DRAIN  
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF  
ESSEX.**

**WHEREAS**, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 78 of the said Act.

**SOUTH TALBOT ROAD BRIDGE  
OVER THE HYLAND DRAIN  
IN THE MUNICIPALITY OF LAKESHORE –  
IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$178,900.00

**THEREFORE** the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated September 21<sup>st</sup>, 2021 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$178,900.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as South Talbot Road Bridge over the Hyland Drain.

First Reading: November 9<sup>th</sup>, 2021

Second Reading: November 9<sup>th</sup>, 2021

Provisionally adopted this 9<sup>th</sup> day of November, 2021

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of  
Enacted this                              day of

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

**MUNICIPALITY OF LAKESHORE  
BY-LAW 088 - 2021**

**BEING A BY-LAW FOR THE BRIDGE OVER THE WEST TOWNLIN DRAIN  
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF  
ESSEX.**

**WHEREAS**, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 78 of the said Act.

**BRIDGE OVER THE WEST TOWNLIN DRAIN  
IN THE MUNICIPALITY OF LAKESHORE –  
IN THE COUNTY OF ESSEX.**

**AND WHEREAS**, the estimate cost of repairing and improving the drainage works is \$75,798.00

**THEREFORE** the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated September 17<sup>th</sup>, 2021 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$75,798.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
  - (a) Grants received under Section 85 of the Act;
  - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
  - (c) Monies paid under subsection 61 (3) of the Act, and;
  - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Bridge over the West Townline Drain

First Reading: November 9<sup>th</sup>, 2021

Second Reading: November 9<sup>th</sup>, 2021

Provisionally adopted this 9<sup>th</sup> day of November, 2021

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

Third Reading this                      day of  
Enacted this                          day of

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Tom Bain,  
Mayor

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Kristen Newman,  
Director of Legislative and Legal  
Services

# **Municipality of Lakeshore**

## **By-law 93-2021**

### **Being a By-law to Adopt a Paid Holiday Policy**

**Whereas** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt the Paid Holidays Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the October 26, 2021 Council meeting;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Schedule "A" to this By-Law is adopted and shall be referred to as the "Paid Holidays Policy".
2. This By-law comes into force and effect upon passage.

**Read and passed in open session on November 9<sup>th</sup>, 2021.**

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**





# Schedule "A" to By-law 93-2021 **Paid Holidays Policy**

Policy # C - WD - 00254

Date Last Reviewed: September 29, 2021

## **1.0 Purpose and Scope**

- 1.1** To set out a procedure regarding payment on statutory and non-statutory holidays.
- 1.2** This policy applies to all full time, part time, contract, temporary, casual, seasonal and student employees that work for the Municipality of Lakeshore.
- 1.3** Where a conflict exists between this policy and a collective agreement, the collective agreement will prevail.
- 1.4** Where a conflict exists between this policy and another policy, the more specific policy shall prevail.

## **2.0 Definitions**

- 2.1 Non-Statutory Holiday** is a holiday that is not designated as a statutory holiday in accordance with the laws of Ontario but is observed by the Municipality as a paid holiday.
- 2.2 Statutory Holiday** is a holiday that is designated as a statutory holiday in accordance with the laws of Ontario and is a paid holiday.
- 2.3 Statutory Holiday Rate** is 1.5 times the regular rate of pay of the employee.
- 2.4 Regular Rate** is the rate of pay the employee receives for their respective assigned position.



# Paid Holidays Policy

Policy # C - WD - 00254

Date Last Reviewed: September 29, 2021

## 3.0 Policy

3.1 The following days are paid holidays:

### **Statutory Holidays**

New Years Day  
Family Day  
Good Friday  
Victoria Day  
Canada Day  
Labour Day  
Thanksgiving Day  
Christmas Day  
Boxing Day

### **Non-Statutory Holidays**

Easter Monday  
Civic Holiday  
National Day of Truth & Reconciliation  
Remembrance Day  
Day prior to Christmas Day  
Day prior to New Year's Day

3.2 Two personal paid holidays per calendar year for each full time non-union employee.

3.3 Whenever any of the above holidays fall on a Saturday or Sunday, and are not proclaimed as being observed on some other workday, the following Monday and/or Tuesday shall be deemed to be the holiday.

3.4 In order to be eligible for payment of the above holidays, an employee is required to work the full scheduled shift immediately preceding or the full scheduled shift immediately following the holiday, except where the absence on either or both of these shifts is due to an authorized absence not including leave of absence without pay, as per the *Employment Standards Act*.

3.5 Payment for the holiday shall be at the employee's Regular Rate.

3.6 A student and a part-time non-union employee will receive payment for Statutory Holidays and the National Day of Truth & Reconciliation.

3.7 If a Statutory or Non-Statutory Holiday occurs during an employee's regularly scheduled vacation and if that employee would otherwise be



# Paid Holidays Policy

Policy # C - WD - 00254

Date Last Reviewed: September 29, 2021

eligible for holiday pay, such employee will be paid holiday pay and will receive one additional vacation day off.

**3.8** If an employee requires time off for religious observance which is not designated as a holiday pursuant to this policy, the employee shall take vacation time or unpaid leave.

**3.9** Subject to 3.9.1, should an employee be required to work on a Statutory or Non-Statutory Holiday, the employee will be paid at the Regular Rate in addition to one of the following:

A day off in lieu of the holiday that is mutually agreed upon by the supervisor and the employee; or,

Paid the Statutory Holiday rate for all hours worked on the Statutory Holiday.

**3.9.1** Non-union employees shall be paid at the Regular rate if required to work on a Non-Statutory Holiday.

## **4.0 Responsibilities**

**4.1** It is the responsibility of the Chief Administrative Officer to ensure that the policy is implemented.

**4.2** It is the responsibility of the Workforce Development to ensure that all staff are aware of this policy.

**4.3** It is the responsibility of Payroll to ensure that the employees are paid according to the terms of this policy.

## **5.0 Consequences**

**5.1** Failure to comply with this policy may result in employees not being paid appropriately.

**5.2** Failure to comply with this policy may result in discipline.



# Paid Holidays Policy

Policy # C - WD - 00254

Date Last Reviewed: September 29, 2021

## 6.0 Reference Documents

6.1 *Employment Standards Act.*

6.2 Respective collective agreements administered by the Municipality of Lakeshore.

## 7.0 Communication and Training

7.1 This policy will be posted in a common electronic repository for employees to access.

7.2 Employees will receive communication or training on this policy as necessary.

## 8.0 Review/Revisions

8.1 This policy will be reviewed every 5 years or as changes are required.

### Revision Log:

#	Date Revised	Author	Section	Details of Change
1	May 24, 2006			New policy
2	July 24, 2008			
3	May 18, 2012			Added Family Day
4	September 29, 2021	DL – Workforce Development		Added National Day of Truth & Reconciliation to the list of non statutory holidays  Added clarification of payment requirements

Refer policy questions to: Division Leader – Workforce Development

# **Municipality of Lakeshore**

## **By-law 95-2021**

### **Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Lakeshore Road 115**

**Whereas** pursuant to section 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to pass by-laws respecting services and things that the municipality is authorized to provide;

**And whereas** section 23.1 of the *Municipal Act, 2001* authorizes Council to delegate its power and duties;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law authorizing the Mayor and Clerk to execute a lease for municipally-owned farmland on Lakeshore Road 115, as recommended by the Corporate Leader – Strategic & Legal Affairs at the October 26, 2021 Council meeting;

#### **Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The Mayor and the Clerk are delegated the authority to execute a lease agreement with Daryn and Connie Dent with form and content approved by the Corporate Leader – Strategic & Legal Affairs.
2. The delegated authority described in Section 1 includes the authority to execute any related amendments or agreements in furtherance of this agreement.
3. In the event of a conflict between this by-law and another Lakeshore by-law, this by-law prevails.
4. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.
5. This By-law comes into force and effect upon passage.

Read and passed in open session on November 9<sup>th</sup>, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **Municipality of Lakeshore**

## **By-law 96-2021**

### **Being a By-law to Delegate Authority to the Mayor and Clerk to Execute a Lease Agreement for Municipal-owned Farmland on Columbus Drive**

**Whereas** pursuant to section 11(2)7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to pass by-laws respecting services and things that the municipality is authorized to provide;

**And whereas** section 23.1 of the *Municipal Act, 2001* authorizes Council to delegate its power and duties;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law authorizing the Mayor and Clerk to execute a lease for municipally-owned farmland on Columbus Drive, as recommended by the Corporate Leader – Strategic & Legal Affairs at the October 26, 2021 Council meeting;

#### **Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The Mayor and the Clerk are delegated the authority to execute a lease agreement with Andre Sylvestre and Eric Sylvestre, with form and content approved by the Corporate Leader – Strategic & Legal Affairs.
2. The delegated authority described in Section 1 includes the authority to execute any related amendments or agreements in furtherance of this agreement.
3. In the event of a conflict between this by-law and another Lakeshore by-law, this by-law prevails.
4. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.
5. This By-law comes into force and effect upon passage.

Read and passed in open session on November 9<sup>th</sup>, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

**Municipality of Lakeshore**

**By-law 97-2021**

**Being a By-law to Confirm the Proceedings of the  
Council of the Municipality of Lakeshore.**

**Whereas** in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And whereas** in accordance with said Act, the powers of a municipality shall be exercised by its Council;

**And whereas** municipal powers, including a municipality's capacity, rights, powers and privileges 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 Municipality of Lakeshore at these sessions be confirmed and adopted by By-law.

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The actions of the Council of the Municipality of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other actions passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the October 12<sup>th</sup> 2021 session of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in an open session on November 9<sup>th</sup>, 2021.

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**Mayor  
Tom Bain**

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**Kristen Newman  
Clerk**

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# Municipality of Lakeshore

## Minutes of the Regular Council Meeting

Tuesday, October 26, 2021, 5:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer Truper McBride, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Interim Corporate Leader - Finance & Technology Jessica Gaspard, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Economic Development & Mobility Ryan Donally, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Community Services Frank Jeney, Division Leader - Engineering and Infrastructure Services Marco Villella, Division Leader - Water Management Albert Dionne, Division Leader - Workplace Development Lisa Granger, Interim Division Leader - Information Management & Technology Solutions Mark Donlon, Building Inspector Brady Mahler

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### 1. Call to Order

Mayor Bain called the meeting to order at 5:06 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

### 2. Closed Session

Councillor Steven Wilder joined the meeting in closed session at 5:08 PM.



**339-10-2021**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Council move into closed session in Council Chambers at 5:06 PM in accordance with:

- a. Paragraph 239(2)(b) and (d) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, relating to employee retention.
- b. Paragraph 239(2)(b) and (d) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, relating to a salary review for non-union employees.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Council McKinlay

**Carried**

### **3. Return to Open Session**

Council returned to open session at 6:39 PM.

### **4. Moment of Reflection**

### **5. Disclosures of Pecuniary Interest**

### **6. Recognitions**

### **7. Public Meetings under the *Planning Act***

### **8. Public Presentations**

### **9. Delegations**

#### **1. Essex County Library Board Proposed Change in Level of Service – Comber and Stoney Point Libraries**

Robin Greenall, Chief Librarian/CEO of the Essex County Library Board was present to answer questions relating to the project.

Councillor Wilder joined the open session at 6:42 PM.

**340-10-2021****Moved By** Deputy Mayor Bailey**Seconded By** Councillor Santarossa

Reconsider motion 61-02-2021 regarding the lease of the Comber Medical Building located at 6405 Main Street, Comber.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

**Carried****341-10-2021****Moved By** Deputy Mayor Bailey**Seconded By** Councillor McKinlay

Direct Administration to include the estimated cost of renovation in the 2022 Budget Process for the creation of a community hub, including library premises, at 6405 Main Street, Comber;

Advise the Essex County Library Board that Council supports the use of a Programming and Outreach model in the community of Stoney Point; and

If the \$200,000 cost estimate is insufficient, that Administration be directed to prepare a report for Council's consideration.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

**Carried****10. Completion of Unfinished Business****1. Recruitment Challenges****342-10-2021****Moved By** Councillor Walstedt**Seconded By** Councillor McKinlay

Receive the Report for Information.

**Carried Unanimously**

**343-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Council be listed as an option on exit interview forms to whom the exit interview may be disclosed.

In Favour (3): Mayor Bain, Councillor Wilder, and Councillor Janisse

Opposed (5): Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

**Lost**

## **11. Consent Agenda**

**344-10-2021**

**Moved By** Councillor Santarossa

**Seconded By** Councillor Kerr

Approve minutes of the previous meeting and receive correspondence as listed on the Consent Agenda.

**Carried Unanimously**

- 1. October 12, 2021 Regular Council Meeting Minutes**
- 2. Ontario Good Roads Association - Call for Nominations for 2022-2023 Board of Directors**
- 3. County of Essex - Response to Request for Speed Limit Reduction on County Road 34**

## **12. Reports for Information**

**345-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor McKinlay

Receive the Reports for Information as listed on the agenda.

**Carried Unanimously**

**1. Quarterly Building Activity Report – 2021 Q3**

**346-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Janisse

Direct Administration to send all Quarterly Building Activity Reports received by Council to the County of Essex Council.

**Carried Unanimously**

**2. Committee of Adjustment Meeting Minutes – September 15, 2021**

**3. Council Requested Report Tracking - October 2021**

**347-10-2021**

**Moved By** Councillor Janisse

**Seconded By** Councillor Kerr

Direct Administration to conduct winter maintenance for Maidstone Park in 2021.

**Carried Unanimously**

**13. Reports for Direction**

**1. Farm Leases – Lakeshore Road 115 & Columbus Drive**

**348-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Wilder

Direct the Clerk to read By-laws 95-2021 and 96-2021 authorizing the Mayor and Clerk to execute the leases for Lakeshore Road 115 and Columbus Drive during the Consideration of By-laws at the October 26, 2021 Council meeting.

**Carried Unanimously**

**2. Revised Council Policy regarding Paid Holidays, C-WD-00254**

**349-10-2021**

**Moved By** Councillor Santarossa

**Seconded By** Deputy Mayor Bailey

Direct Administration to read By-law 93-2021 approving the revisions to the Council Policy regarding Paid Holidays, C-WD-00254, as described in the report presented at the October 26, 2021 Council meeting.

**Carried Unanimously**

### 3. **Revised Mandatory Vaccination Policy for Employees**

**350-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Kerr

Direct Administration to revise the COVID-19 Vaccination Policy to include Council Members.

In Favour (3): Councillor Wilder, Councillor Janisse, and Councillor Kerr

Opposed (5): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

**Lost**

**351-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Direct the Clerk to read By-law 83-2021 adopting Council Policy – Employee COVID-19 Vaccination Policy, as presented at the October 26, 2021 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

**Carried**

**352-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Kerr

Direct Administration to bring a COVID-19 Vaccination Policy for Council members to the November 9, 2021 Council meeting, with the same requirements for vaccination as found in the COVID-19 Vaccination Policy for Employees.

**Carried Unanimously**

Mayor Bain called a recess at 8:26 PM and reconvened the meeting at 8:36 PM.

**4. Flood Rapid Response Plan – Modification to Funding Source**

**353-10-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Kerr

Direct Administration to proceed with the Flood Rapid Response Plan as outlined in the Flood Mitigation and Protection Framework (FMPF), to be funded out of the Plans and Studies reserve in lieu of the original approved funding source, as presented at the October 26, 2021 Council meeting.

**Carried Unanimously**

**5. My Main Street, Accelerator Program, Grant Application**

**354-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Direct Administration to apply for the My Main Street, Local Business Accelerator Program led by the Economic Development Council of Ontario and the Canadian Urban Institute, as further described in the report at the October 26, 2021 Council meeting; and

Approve – if the Grant application is successful – a transfer of \$23,000 from the Community Improvement Plan surplus to satisfy the required contribution from the Municipality for staffing and program costs; and

Approve the staffing for the program for 12 months only.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

**Carried**

**6. New Workstations at Operations Center**

**355-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Approve the purchase and installation of additional cubicles, office furniture and equipment to be installed at the Operations Center to allow for 9 additional workspaces in the amount of \$46,324.81 (including applicable HST) to be funded from the Furniture and Fixtures Reserve Fund and Technology & Office Reserve Funds, as presented at the October 26, 2021 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Janisse

**Carried**

**7. Lifecycle Water Meter Replacement Program**

**356-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor McKinlay

Approve an enhanced Lifecycle Water Meter Replacement Program which includes the replacement of 4,500 meters in the amount of \$1,871,000 including net HST, as presented at the October 26, 2021 Council meeting; and

Approve single source procurement with Neptune Technologies Inc. in the amount of \$1,871,000; and

Approve the transfer of \$1,034,000 from the Water Reserve to fund the enhanced program.

**Carried Unanimously**

**8. Draft Animal Care and Control By-law**

**357-10-2021**

**Moved By** Councillor Walstedt

**Seconded By** Councillor Santarossa

Defer consideration of the Animal Care & Control By-law report to a future Council meeting.

**Carried Unanimously**

**9. 2022 Council Meeting Schedule**

**358-10-2021**

**Moved By** Councillor McKinlay

**Seconded By** Deputy Mayor Bailey

Approve Option 2 for the 2022 schedule of Regular Council Meetings, as described in the report presented at the October 26, 2021 Council meeting.

In Favour (3): Deputy Mayor Bailey, Councillor Walstedt, and Councillor McKinlay

Opposed (5): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor Kerr

**Lost**

**359-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Santarossa

Approve Option 1 for the 2022 schedule for Regular Council Meetings, as described in the report presented at the October 26, 2021 Council meeting.

In Favour (5): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, and Councillor Kerr

Opposed (3): Councillor Janisse, Councillor Walstedt, and Councillor McKinlay

**Carried**



**360-10-2021**

**Moved By** Councillor Wilder

**Seconded By** Councillor Santarossa

Extend the meeting beyond 9:30 PM.

In Favour (4): Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, and Councillor McKinlay

Opposed (4): Mayor Bain, Councillor Janisse, Councillor Kerr, and Councillor Walstedt

**Lost**

**15. Reports from County Council Representatives**

Deputy Mayor Bailey provided an update regarding County Council matters.

**21. Adjournment**

The meeting was adjourned at 9:30 PM.

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Tom Bain  
Mayor

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Kristen Newman  
Clerk

# Municipality of Lakeshore

## Minutes of the Special Council Meeting

Tuesday, November 2, 2021, 6:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer Truper McBride, Corporate Leader - Finance Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Building Services Morris Harding, Division Leader - Capital Projects Wayne Ormshaw, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Engineering and Infrastructure Services Marco Villella, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Water Management Albert Dionne, Drainage Superintendent Jill Fiorito, Interim Division Leader - Information Management & Technology Solutions Mark Donlon, Team Leader - Roads & Facilities Chad Drummond

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### 1. Call to Order

Mayor Bain called the meeting to order at 6:00 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

### 2. Moment of Reflection

### 3. Disclosures of Pecuniary Interest

### 4. Presentations

#### 1. Flooding Update and Community Feedback

The Corporate Leader - Operations provided a PowerPoint presentation as overview of the Municipality of Lakeshore flooding update and community feedback.

Councillor Steven Wilder joined the meeting at 6:09 PM.

In addition to Lakeshore Administration, the following representatives were also in attendance as requested by Administration to answer questions relating to flooding:

- Essex Region Conservation Authority - Director of Watershed Management Services James Bryant;
- Lower Thames Valley Conservation Authority - Chief Administrative Officer Mark Peacock;
- Stantec Consulting - Senior Project Manager Clarence Jubenville;  
and
- Jacobs - Senior Project Manager Stu Mitchell and Hydraulic Modeller Sannan Mansoor.

## **5. Delegations**

### **1. Ron Brant, resident**

Ron Brant was present by phone and spoke in relation to a basement flooding solution available for residents to purchase.

### **2. Celeste Willis, representing the Lakeshore Residents Flooding Action Group**

Celeste Willis was present electronically and provided a PowerPoint presentation on behalf of the Lakeshore Residents Flooding Action Group.

### **3. Gary Frost, resident**

Gary Frost was present electronically and spoke regarding to blockage in the drain near Caille Avenue.

### **4. Paula Barrett, resident**

Paula Barrett was present electronically and spoke relating to basement flooding.

### **5. Christina Schmidt, resident**

Christina Schmidt was present electronically and spoke relating to basement flooding.

**6. Darlene MacDonald, resident**

Darlene MacDonald was present electronically and asked a question relating to petitions under the *Drainage Act*.

**7. Chris Lewis, MP**

MP Chris Lewis was not able to attend but provided comments to Mayor Bain.

**8. Frank and Maria Frabotta, residents**

Frank and Maria Frabotta were present electronically and spoke regarding emergency evacuations and demarkation on the road to facilitate safe access.

**9. David Chauvin, resident**

David Chauvin was present electronically and spoke about the Reaume Drain.

**10. Mark Beaulieu, resident**

Mark Beaulieu was present electronically and spoke regarding basement flooding.

**6. Adjournment**

**361-11-2021**

**Moved By** Councillor McKinlay

**Seconded By** Councillor Walstedt

Council adjourn its meeting at 7:49 PM.

**Carried Unanimously**

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Tom Bain  
Mayor

---

Kristen Newman  
Clerk

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**Special Meeting of Council  
Decision  
Monday, October 25, 2021**

Moved by: Councillor Costante

Seconded by: Councillor Francis

Decision Number: CR467/2021 ETPS 848

That Report No. 112 of the Windsor Essex County Environment Committee (WECEC) of its meeting held June 24, 2021 indicating:

That a Letter of Support from the Windsor Essex County Environment Committee BE SENT to the Essex Windsor Solid Waste Authority (EWSWA) endorsing the following:

1. That the Food and Organic Waste Management Oversight Committee BE DIRECTED to proceed with a procurement plan for construction of a new Food and Organics Waste Processing Facility ("the Facility") with the following minimum criteria:
  - a. That the Facility BE LOCATED:
    - i. on lands adjacent to the Regional Landfill, or
    - ii. on lands adjacent to the Windsor Biosolids Processing Facility, or
    - iii. at a site supplied by a proponent through the procurement submissions, and;
  - b. That, consistent with the intent of the City of Windsor Community and Corporate Energy Plans and the Essex County Regional Energy Plan, that the Facility BE DESIGNED using a technology that produces renewable energy with concurrent recovery of nutrients, in addition to helping municipalities towards their greenhouse gas reduction goals and to meet or exceed waste diversion targets set out in the Organics Provincial Policy Statement, and;
  - c. That the Facility BE DESIGNED to accept, at a minimum, source separated organics from Windsor and the participating municipalities (confirmed by September 30, 2021), through a curbside collection program, and;

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- d. That if the Facility is located at the Windsor Biosolids Processing Facility, biosolids from the City of Windsor's wastewater treatment facilities BE INCLUDED in the minimum feedstock, with the costs and revenues related to the processing of the biosolids portion of the feedstock being apportioned to the City of Windsor, and;
  - e. That industry standards BE EXCEEDED regarding odour control at the facility and the end product, and;
2. That the 7 County municipalities BE REQUESTED to report to each of their respective Councils by September 30, 2021 for direction on whether those municipalities will participate in the Regional Food and Organics Waste Management program at its onset and to what degree, based on the recommendations of the Oversight Committee and endorsed by the EWSWA Board (attached as Schedule "A"), and;
  3. That the Food and Organics Waste Oversight Committee BE DIRECTED to report back to the EWSWA Board with a recommended Procurement Plan outlining project delivery model selection, timing and next steps, and;
  4. That the Food and Organics Waste Oversight Committee BE DIRECTED to pursue planning and environmental approvals for the municipally owned sites adjacent to the regional landfill in the County of Essex and the Windsor Biosolids Processing Facility in the City of Windsor, and;
  5. That, prior to any contract award for design and construction of the Facility, the General Manager of EWSWA BE DIRECTED to report back to the EWSWA Board with a Regional Food and Organics Waste Management Plan, such plan to include the proposed funding model including sharing of expenses, revenues and environmental credits and responsibilities of all parties related to the Facility and the food and organic waste collection system.

**BE APPROVED.**

Carried.

Report Number: SCM 303/2021, SCM 269/2021 & AI 14/2021  
Clerk's File: MB2021 8.8

*Anna Ciacelli*

Deputy City Clerk  
October 29, 2021



80 Commerce Valley Drive E, Suite 1  
Markham, ON L3T 0B2  
Phone: 905-739-9739 • Fax: 905-739-9740  
Web: cupe.on.ca E-mail: info@cupe.on.ca



Dear Municipality of Lakeshore Council:

On behalf of CUPE Ontario's nearly 125,000 active members of the Ontario Municipal Employees Retirement System (OMERS), I am writing today to express our serious concerns with OMERS' investment performance.

In 2020, OMERS posted a net loss 2.7%, representing three billion dollars in losses. This was during a year that comparable defined benefit pension plans and funds in Canada posted substantial investment gains. CUPE Ontario investigated further and tracked investment returns at OMERS for ten years. We found that OMERS has underperformed relative to other large pension plans and funds, as well as relative to its own benchmarks. We also found that OMERS no longer shares this critical information in their annual reporting, making it difficult for plan members to hold their investment managers accountable.

Attached you will find a report detailing OMERS investment underperformance. Also attached, you will find the analysis of a third-party actuary (PBI Actuarial consultants) who confirmed that our reasoning and conclusions were sound.

CUPE Ontario believes plan members and employers have the right to know why OMERS' investments have, over a ten-year period, underperformed other large defined benefit pension plans and funds. If OMERS had performed in line with the average large Canadian public pension plan, it would have a substantial, multi-billion-dollar surplus, versus the deficit it currently faces.

Considering the significant impact such underperformance could have on plan members and on all sponsors who hold the liabilities of the plan, **we are calling on OMERS to cooperate fully with an independent and transparent third-party review of its investment performance** transparent and accountable to plan members, sponsors like CUPE Ontario, other unions, and employers like the Municipality of Lakeshore.

We are hoping that the Municipality of Lakeshore Council will join our call for an independent expert review of OMERS. **We are asking you, and other municipal councils across the province, to debate the following motion or to pass a similar motion calling for a third-party expert review of OMERS.** The terms of such a review would need to be agreed upon by sponsors and they could explore whether reasonable costs could be funded from the plan.

We simply cannot afford another decade of investment returns so far below other pension plans and funds. We know that ensuring strong investment returns is a goal shared by employers like the Municipality of Lakeshore and by unions like CUPE.

CUPE Ontario staff person Liam Bedard is available to answer any questions you may have. He can be reached at [lbedard@cupe.on.ca](mailto:lbedard@cupe.on.ca).

All materials are available in French at [cupe.on.ca/francaisomers](http://cupe.on.ca/francaisomers).

It's time for all of us to work together to #FixOMERS.

Thank you,



Fred Hahn  
President of CUPE Ontario



## **Proposed Motion – Independent Review of OMERS' Investment Performance**

1. The Municipality of Lakeshore Council is calling for an immediate, comprehensive and independent third-party expert review of OMERS' investment performance and practices over the past ten years, conducted by the OMERS Pension Plan's sponsors and stakeholders.
2. Such a review would, at a minimum:
  - a. Compare OMERS plan-level, and asset class-level performance to other comparable defined benefit pension plans and funds, OMERS internal benchmarks, and market-based benchmarks.
  - b. Examine OMERS decision-making processes around the timing of various investment decisions.
  - c. Assess the risk management policies and protocols that were in place and determine if they were followed and/or if they were sufficient to protect the plan from undue risk.
  - d. Assess whether the disclosures provided to the OMERS Administrative and Sponsorship Boards were sufficient evidence to allow the Boards to respond appropriately and in a timely manner.
  - e. Examine executive compensation, investment fees and investment costs at OMERS in comparison to other major defined benefit pension plans and funds.
  - f. Examine other relevant issues identified by the third-party expert review.
  - g. Make recommendations for changes at OMERS to ensure stronger returns moving forward.
  - h. Issue their final report and recommendations in a timely manner.
  - i. Publicly release its full report and recommendations to ensure that it is available to OMERS sponsors, stakeholders, and plan members.
3. The Municipality of Lakeshore Council further calls on the OMERS Administrative Corporation to:
  - a. Provide all requested data, documentation and information required of the review panel to fulfill its mandate.
  - b. Establish a step-by-step plan, with OMERS sponsors and stakeholders, to implement any recommendations set out in the review report.

# Municipality of Lakeshore – Report to Council

## Operations

### Drainage



**To:** Mayor & Members of Council  
**From:** Jill Fiorito, Drainage Superintendent  
**Date:** October 18, 2021  
**Subject:** Drainage Board minutes October 4, 2021

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### Recommendation

This report is for information only.

### Background

The draft minutes from the Drainage Board meeting held on October 4, 2021 are attached.

### Comments

Mr. Tony Peralta from Peralta Engineering was in attendance to give a brief summary of his drainage report dated July 19<sup>th</sup>, 2021 - Brown Creek Enclosure.

Mr. Tim Oliver from Dillon Consulting Limited was in attendance to give a brief summary of his drainage reports dated September 21<sup>st</sup>, 2021 - Bridge Replacement over the Ellis Drain and South Talbot Road Bridge over the Hyland Drain.

Mr. Tony Peralta from Peralta Engineering Limited was in attendance to give a brief summary of his drainage report dated September 17<sup>th</sup>, 2021 - Bridge over the West Townline Drain.

The Drainage Board recommended that By-law No's 086-2021, 087-2021 and 088-2021 be recommended for first and second reading and By-law No. 067-2021 be recommended for third reading.

### Others Consulted

Essex Regional Conservation Authority has been consulted on these projects.

## Financial Impacts

All costs associated with these works will be assessed out according to the proportion's outlined in the engineer's reports.

## Attachments

Draft Drainage Board minutes dated October 4<sup>th</sup>, 2021

## Report Approval Details

Document Title:	Drainage board minutes October 4, 2021.docx
Attachments:	- 10 - October.4, 2021 Drainage Board Minutes.docx
Final Approval Date:	Nov 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Jessica Gaspard

Kristen Newman

Truper McBride

## MUNICIPALITY OF LAKESHORE

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### MINUTES OF THE DRAINAGE BOARD

<b>PRESENT:</b>	Chairman	-	Dave Armstrong
	Board members	-	Horst Schmidt
		-	Maurice Janisse
		-	Norbert Poggio
	Asst. Drainage Superintendent	-	Kyle Emery
	Engineers	-	Tony Peralta
		-	Tim Oliver
	Drainage Superintendent	-	Jill Fiorito

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**1. CALL TO ORDER AT 5:00 PM**

The Chair called the meeting to order at 5:00 p.m.

**2. DISCLOSURES OF CONFLICT OF INTEREST AND THE GENERAL NATURE THEREOF**

There were no disclosures of conflicts of interest.

**3. APPROVING THE MINUTES OF PREVIOUS DRAINAGE BOARD MEETING**

Drainage Board Meeting Minutes of August 9<sup>th</sup> 2021.

Board Member Schmidt moved and Board Member Poggio seconded

***That:***

***The Board approve the minutes of the Drainage Board Meeting dated August 9<sup>th</sup>, 2020***

**Motion Carried**

## 4 ENGINEERING AND INFRASTRUCTURE SERVICES

### **COURT OF REVISION**

#### **Opening of the Court of Revision.**

Board Member Schmidt and Board Member Poggio seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals respecting By-law No. 067-2021 in the Municipality of Lakeshore, in the County of Essex.

**Motion Carried**

#### **Brown Drain Enclosure**

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the assessment schedule in his report dated July 19<sup>th</sup>, 2021.

Mr. Peralta explained that Mr. Lassaline has waived his right to appeal, and he had not received any further concerns from landowner's regarding this drain enclosure.

The Drainage board has not received any questions or appeals for this assessment.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Schmidt moved and Board Member Poggio seconded:

**That:**

*The Schedule of Assessment to provide for the Brown Drain Enclosure in the Municipality of Lakeshore, in the County of Essex as prepared N.J. Peralta Engineering Ltd., dated July 19<sup>th</sup>, 2021 be approved and By-Law No. 067-2021 be recommended for third reading.*

**Motion Carried**

## **Closing of the Court of Revision**

Board Member Poggio moved and Board Member Schmidt seconded:

***That:***

The Drainage Board moves to close the Court of Revision.

**Motion Carried**

## **READING OF THE REPORT**

### **Access Bridge Replacement over the Ellis Drain**

Mr. Tim Oliver, P.Eng was in attendance and briefly outlined the key points of the report dated September 21<sup>st</sup>, 2021.

Mr. Oliver explained that Marjorie Robson contacted him to confirm that clear stone would be placed on bridge drive surface to match the existing driveway stone. Mr. Oliver confirmed that the contractor shall place clear stone to match existing. Mr. Oliver or the drainage board had not received any further concerns.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Schmidt moved and Board Member Janisse seconded:

***That:***

*The Engineer's considered report prepared by Dillon Consulting Ltd., dated September 21<sup>st</sup>, 2021, for the access bridge replacements over the Ellis Drain in the Municipality of Lakeshore, in the County of Essex be adopted and By-Law No. 086-2021 be recommended for the first and second reading.*

**Motion Carried**

### **South Talbot Road Bridge over the Hyland Drain**

Mr. Tim Oliver, P.Eng was in attendance and briefly outlined the key points of the report dated September 21<sup>st</sup>, 2021.

Mr. Oliver explained that he had not received any questions or concerns from landowners regarding the bridge replacement. The Drainage Board had not received any questions or concerns.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Schmidt moved and Board Member Poggio seconded:

***That:***

*The Engineer's considered report prepared by Dillon Consulting Ltd., dated September 21<sup>st</sup>, 2021, for the South Talbot Road Bridge over the Hyland Drain in the Municipality of Lakeshore, in the County of Essex be adopted and By-Law No. 087-2021 be recommended for the first and second reading.*

**Motion Carried**

### **Bridge over the West Townline Drain**

Mr. Tony Peralta, P.Eng was in attendance and briefly outlined the key points of the report dated September 17<sup>th</sup>, 2021.

Mr. Peralta explained that he had not received any questions or concerns from landowners regarding the bridge replacement. The Drainage Board had not received any questions or concerns.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Schmidt moved and Board Member Janisse seconded:

***That:***

*The Engineer's considered report prepared by N.J. Peralta Engineering Ltd., September 17<sup>th</sup>, 2021, for the bridge replacement over the West Townline Drain in the Municipality of Lakeshore, in the County of Essex be adopted and By-Law No. 088-2021 be recommended for the first and second reading.*

**Motion Carried**

**5. ADJOURNMENT**

Board Member Poggio moved and Board Member Janisse seconded:

***That:***

The Drainage Board adjourn its meeting at 6:00 p.m.

**Motion Carried**

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**DAVID ARMSTRONG  
CHAIRMAN**

---

**JILL FIORITO  
DRAINAGE SUPERINTENDENT**

**NEXT SCHEDULED MEETING**

The next Drainage Board Meeting is schedule for 5:00pm on November 1<sup>st</sup>, 2021 in the Municipality of Lakeshore.



# Municipality of Lakeshore – Report to Council

## Operations

### Drainage



**To:** Mayor & Members of Council

**From:** Jill Fiorito, Drainage Superintendent

**Date:** November 2, 2021

**Subject:** 2nd Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges – Roll No. 010.000.02600

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### Recommendation

Award the tender for the 2<sup>nd</sup> Concession Road Drain South of Malden Road – Gavaert/Cavers Bridges to Shepley Excavating & Road Maintenance Limited in the amount of \$93,305.00 (excluding HST) as presented at the November 9, 2021 Council meeting.

### Background

A signed request under Section 78 of the *Drainage Act* for the construction of two new bridges on the 2<sup>nd</sup> Concession Road Drain South of Malden Road was received on October 29<sup>th</sup> 2020. This request is due to a severance on this parcel of land by the existing owner/s (Gavaert/Cavers).

The 2<sup>nd</sup> Concession Road Drain South of Malden Road is an open drain with several access bridges running in a north-south orientation along the west side of Lakeshore Road 219.

### Comments

A drainage report was completed by Rood Engineering dated June 22<sup>nd</sup>, 2021, and the above project was publicly advertised on the Municipality of Lakeshore's Bids and Tenders website on October 1<sup>st</sup>, 2021. The tender closed on October 15<sup>th</sup>, 2021.

The following two (2) tenders (excluding HST) were received.

Tenderer	Tender Amount (excl. HST)
Shepley Excavating & Road Maintenance Limited	\$93,305.00
Rivard Excavating Limited	\$122,284.00

Rood Engineering Limited reviewed the two bids and found them to complete in all respects and no mathematical errors were found.

The Shepley Excavating & Road Maintenance tender amount of \$93,305.00 is above the Engineer's Report estimate of \$69,197.00 by approximately 34.8% and is slightly above the 33% limit set out in the *Drainage Act*.

Due to the tender price exceeding the limit, it was necessary to reach out to the owner/s affected to discuss the tender price as set out in the *Drainage Act*. Gavaert & Cavers have provided the municipality with written confirmation that they wish to proceed with the price from Shepley Excavating & Road Maintenance as they are paying 100% of cost of the tendered bridges.

### Others Consulted

Rood Engineering Limited and Essex Regional Conservation Authority were consulted through the tender process.

### Financial Impacts

The project costs are as follows:

<b>2<sup>nd</sup> Concession Road Drain South of Malden Road Bridges</b>	<b>Total Cost</b>
Construction Tendered Cost	\$93,305.00
Engineering and Incidentals	\$11,114.00
Non-Refundable HST	\$1,837.77
<b>Total Cost of Construction</b>	<b>\$106,256.77</b>

<b>Funding Source</b>	<b>Total Costs</b>
Estimated Landowner Assessment ( <i>as per Drainage Report</i> )	\$106,256.77
<b>Total Funding</b>	<b>\$106,256.77</b>

Based on the foregoing, Administration recommends that Council proceed with awarding the tender to Shepley Excavating & Road Maintenance Limited in the amount of \$93,305.00 (excluding HST), to be assessed to the landowner.

## Report Approval Details

Document Title:	2nd Concession Road Drain South of Malden Road .docx
Attachments:	
Final Approval Date:	Nov 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Krystal Kalbol

Justin Rousseau

Kristen Newman

Truper McBride

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council

**From:** Kristen Newman, Corporate Leader – Strategic & Legal Affairs

**Date:** November 2, 2021

**Subject:** Council Member COVID-19 Vaccination Policy

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### Recommendation

Direct the Clerk to read By-law 104-2021 adopting Council Policy – Council Member COVID-19 Vaccination Policy, as presented at the November 9, 2021 Council meeting.

### Background

At the October 26, 2021 meeting, Administration presented a report to Council regarding a Mandatory Employee Vaccination Policy. In addition to approving the policy for Employees, Council directed the following resolution #352-10-2021:

Direct Administration to bring a COVID-19 Vaccination Policy for Council Members to the November 9, 2021 Council meeting, with the same requirements for vaccination as found in the COVID-19 Vaccination Policy for Employees.

### Comments

Further to the report to Council on October 26, 2021 regarding the COVID-19 Vaccination Policy for Employees, according to WECHU, being fully vaccinated is the best protection for people to avoid becoming sick to the point of requiring ventilation and or dying. Council has indicated its desire to show leadership in this regard.

For the Municipality of Lakeshore, Administration developed the following:

- 1) A vaccination policy for employees and By-law 83-2021 for all staff as presented to Council on October 26, 2021;
- 2) A vaccination policy for contractors to be presented to Council on November 23, 2021 under separate report; and,
- 3) A vaccination policy for Members of Council as presented to Council on November 9, 2021 in this report.

The Council Member COVID-19 Vaccination Policy includes provisions for exemptions based on the respective prohibitive grounds listed in the Human Rights Code. Council Members will have until end of day January 3, 2022 to become fully vaccinated, be approved for an exemption or participate in testing.

The vaccination policy for Council Members differs from the Employee Policy because Council Members the usual approach to non-compliance with a policy does not neatly apply to Council Members. As such, the Council Member COVID-19 Vaccination Policy includes a provision which makes compliance with the policy subject to the *Code of Conduct* and, as such, the consequences for lack of compliance with the *Code*.

The Council Member COVID-19 Vaccination Policy shall also apply to Committee Members. Committee Members are subject to the *Code of Conduct* as well.

### **Financial Impacts**

The financial impact to the Municipality of Lakeshore will include paying for the rapid antigen testing twice per week for the Council Member who has an approved exemption. The cost is expected to be approximately \$40 per test. Council Members that are not fully vaccinated and that do not qualify for an exemption will be required to pay for their own testing.

### **Report Approval Details**

Document Title:	Council Member COVID-19 Vaccination Policy for the Municipality of Lakeshore.docx
Attachments:	
Final Approval Date:	Nov 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Kristen Newman

Justin Rousseau

Truper McBride

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Planning



**To:** Mayor & Members of Council  
**From:** Ayusha Hanif, Planner II  
**Date:** October 19, 2021  
**Subject:** Beachside Development Ltd. Vacant Land Condominium Amendment Agreement

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### Recommendation

Direct the Clerk to read By-law 99-2021 authorizing the Mayor and Clerk to execute the Vacant Land Condominium Amendment Agreement between Beachside Development Ltd. and the Municipality of Lakeshore, as presented at the November 9, 2021 Council meeting.

### Background

The applicant has applied for an amendment to the vacant land condominium development agreement between Beachside Developments Ltd. and the Municipality of Lakeshore to provide better clarity regarding the Stormwater management.

### Comments

At the request of the Essex Region Conservation Authority, the vacant land condominium agreement is proposed to be amended to provide better clarity regarding the stormwater management. The following wording has been proposed to be added to the agreement through an amending agreement:

**“C.1** The Owner covenants and agrees to:

Implement a stormwater management system, incorporating the design contained in an approved, Essex Region Conservation Authority *Development Review Clearance*, being (#990-21) for units 1, 2 and 3 and being (#991-21) for units 4, 5 and 6, on the Vacant Land Condominium (County of Essex File No. 37-CD-19002), referred to in Schedule “G” to this Agreement and any subsequent addendum and subject to approval of such by the Essex Region Conservation Authority and Municipality of Lakeshore.

Otherwise, construct the stormwater management works, in accordance with the approved drawings, the latest Municipality of Lakeshore Development Manual,

Windsor-Essex Region Stormwater Management Standards Manual and to the satisfaction of the Essex Region Conservation Authority and the Municipality of Lakeshore.

Upon completion of the stormwater management works, to provide certification to the Municipality of Lakeshore, through a professional engineer, that all measures have been implemented in conformity with the foregoing paragraphs.”

### **Conclusion**

Administration recommends that Council adopt By-law 99-2021 authorizing the Mayor and Clerk to execute the Vacant Land Condominium Amendment Agreement between Beachside Development Ltd. and the Municipality of Lakeshore.

### **Financial Impacts**

There are no budget impacts resulting from the recommendation.

### **Attachments**

Beachside Development Ltd. Vacant Land Condominium Amending Agreement

### **Report Approval Details**

Document Title:	Beachside Development Ltd. Vacant Land Condominium Amendment Agreement.docx
Attachments:	Beachside Vacant Land Condo Amending Agreement.docx
Final Approval Date:	Nov 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Aaron Hair

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride

**MUNICIPALITY OF LAKESHORE  
AMENDING AGREEMENT**

**THIS AGREEMENT** made this 9<sup>th</sup> day of November, 2021

**BETWEEN:**

**MUNICIPALITY OF LAKESHORE** (the "Municipality")

-and-

**BEACHSIDE DEVELOPMENT LTD.** (the "Owner")

(together, the "Parties")

**WHEREAS** on August 28, 2020 the Owner received draft plan approval for its proposed condominium development to be constructed on the lands legally described as Part of Lots 2 and 3, Concession West of Pike Creek Maidstone; designated as Parts 1-5 on Plan 12R28616; subject to an easement as in CE944982; subject to an easement in gross over Parts 2, 3 and 4 on Plan 12R28616 as in CE948151; Town of Lakeshore, being all of the Property Identifier Number 75008-0860(LT) (the "Subject Lands");

**AND WHEREAS** the Parties entered into a Plan of Condominium Agreement dated April 14, 2021, which was registered on title to the Subject Lands as Instrument Number CE1009915 on May 25, 2021 (the "Original Agreement");

**AND WHEREAS** the Parties wish to amend certain terms and provisions of the Original Agreement;

**NOW THEREFORE** in consideration of the mutual terms, conditions and covenants contained herein, the Parties agree and covenant with each other as follows:

1. Section C.1 of Schedule C of the Original Agreement is deleted in its entirety and replaced with the following:

"The Owner agrees to implement a stormwater management system, incorporating the design contained in an approved ERCA *Development Review Clearance*, being (#990-21) for units 1, 2 and 3 and being (#991-21) for units 4, 5 and 6, on the Vacant Land Condominium (County of Essex File No. 37-CD-19002), referred to in Schedule "G" to this Agreement and any subsequent addendum and subject to approval of such by ERCA and the Municipality of Lakeshore.

In addition, the Owner agrees to construct the stormwater management system in accordance with the approved drawings, the latest Municipality



of Lakeshore Development Manual, Windsor-Essex Region Stormwater Management Standards Manual and to the satisfaction of ERCA and the Municipality of Lakeshore.

Upon completion of the stormwater management works, the Owner agrees to provide certification to the Municipality of Lakeshore, through a professional engineer, that all measures have been implemented in conformity with this Section C.1.”

2. Schedule “A” of this Amending Agreement shall be added as a new schedule to the Original Agreement and that schedule shall be Schedule “G” to the Original Agreement.
3. The Original Agreement is amended to replace the words “The Corporation of the Town of Lakeshore” with the words “Municipality of Lakeshore” in all instances of occurrence.
4. Except for the amendments provided for in this Amending Agreement, all terms and provisions of the Original Agreement shall remain in full force and effect.
5. The Parties agree that the recitals above are true and that they form part of this Amending Agreement as though repeated hereafter.
6. The Owner hereby consents to the registration of this Amending Agreement on title of the Subject Lands at its sole cost and expense.
7. This Amending Agreement shall be binding upon the Owner and the Owner's heirs, executors, administrators, successors and assigns and the Owner from time to time of the Subject Lands.
8. If any term, covenant or condition of this Amending Agreement is, to any extent, declared invalid or unenforceable, the remainder of this Amending Agreement shall not be affected thereby and each term, covenant or condition of this Amending Agreement shall be valid and be enforced to the fullest extent permitted by law.
9. All obligations herein contained, although not expressed to be covenants, shall be deemed to be covenants.
10. This Amending Agreement shall enure to the benefit of the parties hereto, their successors and assigns.
11. This Amending Agreement shall be governed by the laws of the Province of Ontario and the federal laws of Canada and the parties attorn to the jurisdiction of the courts of the Province of Ontario.
12. This Amending Agreement may be executed in one or more counterparts, by electronic or digital signature, delivered by facsimile or electronic mail transmission, in accordance with section 11 of the *Electronic Commerce Act*,

2000 (Ontario), each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

**IN WITNESS WHEREOF** the Parties have duly executed this Agreement, with effect from the day first written above.

**BEACHSIDE DEVELOPMENT LTD.**

Per:

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Pietro Valente, President

**MUNICIPALITY OF LAKESHORE**

Per:

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Tom Bain, Mayor

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Kristen Newman, Corporate Leader-Strategic and  
Legal Affairs (Clerk)

**SCHEDULE “A”**

to an Amending Agreement dated November 09, 2021  
between the Municipality of Lakeshore and Beachside Development Ltd.

**SCHEDULE “G”**

**ERCA Development Review Clearance #990-21 and #991-21**

<b>Title</b>	<b>Author</b>	<b>Date (YYYY/MM/DD)</b>
ERCA Clearance Package 990-21 – Beachside Phase 1	Essex Region Conservation Authority	2021/10/12
ERCA Clearance Package 991-21 – Beachside Phase 2	Essex Region Conservation Authority	2021/10/12

# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Services



**To:** Mayor & Members of Council  
**From:** Frank Jeney, Division Leader Community Services  
**Date:** November 2, 2021  
**Subject:** Mayor's Art Awards 2021 – Artist in a Pandemic Grant Recipients

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### Recommendation

Direct the Clerk to read By-law 103-2021 to authorize grants to the 6 recipients of the 2021 Mayor's Art Awards – Artist in Pandemic Grant, as presented at the November 9, 2021 Council meeting.

### Background

At the April 20, 2021 Council meeting the following motion was passed:

Mayor's Arts Awards 2021:

1. Approve the 2021 Artist in a Pandemic Grant program with the amount of \$6,000 budgeted for the Mayor's Arts award and reception to be used for grants, as presented in the Mayors Arts Awards, Artist in a Pandemic 2021 report at the April 20, 2021 Council meeting.

Carried Unanimously

The Mayor's Art Awards Sub-Committee reviewed 6 submissions for the grant.

Members of the Committee rated each submission and all 6 were chosen.

The list of recipients is attached.

### Others Consulted

Lakeshore Mayor's Art Awards Sub-Committee

Lakeshore Arts Advisory Committee

## Financial Impacts

Council approved a total of \$6,000 towards the Artist in a Pandemic Grant program. There are 6 grants recommended for award for a total of \$500 each. These grants, totaling \$3,000, will be funded from the traditional Mayor's Arts award account.

## Attachments

Draft Minutes – Arts Advisory Committee October 28 2021

2021 – Artist in a Pandemic Recipients

## Report Approval Details

Document Title:	Mayor's Art Awards 2021 - Artist in a Pandemic Grant Recipients.docx
Attachments:	- Draft Minutes - Arts Advisory Committee October 28 2021.pdf - 2021 - Artist in a Pandemic Recipients.pdf
Final Approval Date:	Nov 3, 2021

This report and all of its attachments were approved and signed as outlined below:

Tammie Ryall

Justin Rousseau

Kristen Newman

Truper McBride

# Municipality of Lakeshore

## Minutes of the Arts Advisory Committee Meeting



Thursday, October 28, 2021, 6:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River

Members Present: Councillor Linda McKinlay, Councillor Kelsey Santarossa, Member Laurie D'Alessandro, Member Elizabeth Kyle, Member Melanie Masse, Member Crystal Mancini, Mayor Tom Bain

Members Absent: Member Melisa Fontana

Staff Present: Division Leader - Community Services Frank Jeney, Team Leader - Recreation Dave Orshinsky, Recreation Coordinator Jessica Sabolick

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### 1. Call to Order

Chair Laurie D'Alessandro called the meeting to order at 6:00 PM. All members participated in the meeting through video conferencing technology from remote locations.

### 2. Disclosures of Pecuniary Interest

### 3. Delegations

### 4. Approval of Previous Meeting Minutes

#### 1. September 2nd 2021 Meeting Minutes

**Moved By** Councillor McKinlay

**Seconded By** Member Mancini

Approve minutes of the previous meeting as listed on the agenda.

**Carried Unanimously**

### 5. Completion of Unfinished Business

Mayor Tom Bain joined the meeting at 6:03 PM.

**1. Removal of 7 Hearts for Lakeshore at Optimist Park**

The Division Leader - Community Services confirmed that the decorative hearts would be removed and an email sent to Artists requesting whether or not they would like their Heart.

**6. New Business**

**1. Mayor's Art Awards - Six Recipients**

**Moved By** Member Mancini

**Seconded By** Councillor McKinlay

Approve the six recipients of the 2021 Mayor's Art Awards - Artist in a Pandemic Grant with a grant of \$500 for each recipient.

**Carried Unanimously**

**2. Bell Box Mural Project - Elizabeth Kyle**

**3. Open Market in Optimist Park Summer 2022 - Elizabeth Kyle**

**7. Adjournment**

**Moved By** Member Mancini

**Seconded By** Councillor McKinlay

The Arts Advisory Committee adjourn its meeting at 7:23 PM.

**Carried Unanimously**

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Laurie D'Alessandro  
Chair

---

Frank Jeney  
Municipal Liaison

# **ARTIST IN A PANDEMIC**

## **RECIPIENTS**

**Christine Dexter**

**Braute Petric**

**Stephanie Kria**

**Leslie Harper Reid**

**Katrina Rawlings**

**Dawn Kirchner**





# Municipality of Lakeshore – Report to Council

## Growth & Sustainability

### Community Services



**To:** Mayor & Members of Council

**From:** Frank Jeney, Division Leader Community Services

**Date:** October 22, 2021

**Subject:** Atlas Tube Recreation Centre WFCU Pools Replacement of 22 Windows

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### Recommendation

Approve the replacement of the existing 22 black tinted windows on the East wall of the WFCU Pools with clear glass windows, as presented at the November 9, 2021 Council meeting.

### Background

At the September 16, 2021, Special Council meeting, a report was brought to Council titled ATRC Splash Pad – Use, Operations, Lifecycle, Infrastructure. The report included information regarding the dangerously high heat levels noted during an internal experiment conducted on June 9<sup>th</sup>, 2021, on the East facing black tinted windows at the WFCU Pools within the Atlas Tube Recreation Centre. The findings are below.

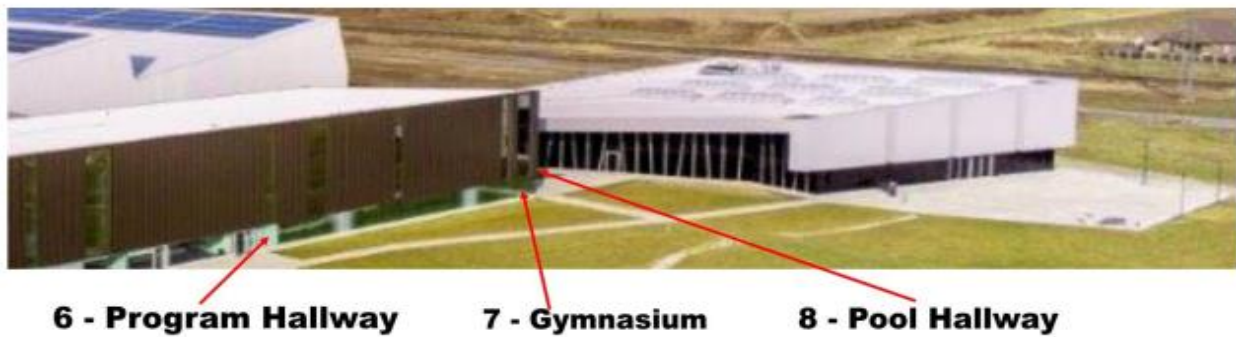
### Comments

In 2019, Council approved a budget of \$100,000 for shade structures in an attempt to remedy the safety of visitors due to the high temperatures noted on the glass at the Splash Pad/East windows of the WFCU Pools.

Note. The glass installed at the WFCU Pools is Greylite 11.

Gryphon Glass was brought in and asked to create a glass temperature testing apparatus to test the daily temperatures of different shades of glass facing the East. Other locations of current eastern facing windows were also tested.

On June 9th 2021, the following temperatures were recorded.



The results indicate that the Clear Energy Select windows can significantly reduce the amount of surface heat that is created on the eastern facing windows. The ATRC WFCU Pool lifeguards on deck, window replacement removes loss of view due to window glare.

Replacement of the windows would make for a safer environment for the many visitors to the Atlas Tube Recreation Centre, the Bell River Soccer organization, and the users of the Earth Walk Trail that connect to the ATRC sidewalks near this location.

At the September 16<sup>th</sup> Special Council meeting, the following motion was passed.

296-09-2021

Bring back a report on the cost to decommission (not remove) the splash pad at the ATRC.

Result: Carried

A report will be brought to Council for the decommissioning of the splash pad. The splash pad was winterized in the fall of 2019, and has not re-opened due to closures of the ATRC during the COVID-19 pandemic.

### **Others Consulted**

Gryphon Glass - Windsor

### **Financial Impacts**

The estimated cost to replace the twenty two (22) Greylite 11 black tinted windows with clear energy select windows is \$101,500, plus HST, which could be taken from the \$100,000 set aside to remedy the heat on the surface of the splash pad and glass at the ATRC which was approved during the 2019 budget. The amount above \$100,000 would be taken from the General Maintenance account. If approved by Council, this matter will proceed to a tender process.

## Report Approval Details

Document Title:	Atlas Tube Recreation Centre - WFCU Pools - Replacement of 22 Windows.docx
Attachments:	
Final Approval Date:	Nov 4, 2021

This report and all of its attachments were approved and signed as outlined below:

Justin Rousseau

Kristen Newman

Truper McBride

**Notice of Motion submitted by Councillor Walstedt regarding the Speed Limit on County Road 34**

Whereas the residents who reside on Dawson Road and those who reside on County Road 34, from Dawson Road west to Manning Road, have petitioned the Municipality of Lakeshore and the County of Essex to have the speed limit reduced from 80 kilometers per hour to 50 kilometers per hour from Dawson Road to Manning Road due to safety concerns for all residents, young and old; and

Whereas the speed limit from Manning Road westerly to the Essex County Bypass is currently 50 kph;

Therefore be it resolved that that the Council of the Municipality of Lakeshore hereby directs the Mayor and Deputy Mayor of Lakeshore to put before Essex County Council a resolution to lower the aforementioned speed limit of 80 kph to 60kph from Dawson Road to Manning Road as requested by 100% of the residents who reside in this area.

**Notice of Motion submitted by Councillor McKinlay regarding Hydro One Chatham to Lakeshore Line**

Whereas Hydro One's Chatham to Lakeshore preferred line cuts through 220 acres of prime employment land situated on the 401 interchange, restricting the use of this land and strongly interfering with the Community of Comber;

Whereas this engagement done by Hydro One in selecting their preferred route was insufficient;

Whereas hydro lines in close proximity to residential districts lowers property value and creates health concerns;

Whereas hydro lines seriously impede farm machinery from operating their GPS equipment;

Whereas the proposed 2A line chosen by Hydro One affects far more commercial and residential stakeholders than the existing line north of the 401;

Therefore, be it resolved that the Council of the Municipality of Lakeshore will only accept an alignment travelling west along the existing Hydro One corridor North of the 401 to the West side of the Rochester Townline Road. From here, travel south to the Substation.

## RATING BY-LAW

*Tile Drainage Act, R.S.O. 1990, c. T.8, s.8*

THE CORPORATION OF THE  
Municipality of LAKESHORE  
BY-LAW NUMBER 94-2021

A by-law imposing special annual drainage rates upon land in  
respect of which money is borrowed under the *Tile Drainage Act*.

WHEREAS owners of land in the municipality have applied to the council under the *Tile Drainage Act* for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of  
\$25,000.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the *Tile Drainage Act*, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2021-Nov-09  
yyyy/mm/dd

Second Reading 2021-Nov-09  
yyyy/mm/dd

Provisionally adopted this 09 day of November, 2021

TOM BAIN  
Name of Head of Council

Signature

KRISTEN NEWMAN  
Name of Clerk

Signature

Third Reading 2021-Nov-09

Enacted this 09 day of November, 2021

TOM BAIN  
Name of Head of Council

Signature

Corporate Seal

KRISTEN NEWMAN  
Name of Clerk

Signature

I, KRISTEN NEWMAN, clerk of the Corporation of the Municipality  
of LAKESHORE certify that the above by-law was  
duly passed by the council of the Corporation and is a true copy thereof.

Corporate Seal

KRISTEN NEWMAN  
Name of Clerk

Signature

## LAKE SHORE

\$	25,000.00	\$	3,396.70
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## OFFER TO SELL

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 5(8)*

TO THE MINISTER OF FINANCE

The Corporation of Municipality of LAKESHORE  
hereby offers to sell Debenture No. 2021-02 in the principal amount of \$25,000.00  
to the Minister of Finance as authorized by Borrowing By-law No. 72-2015 of the Corporation.

The principal amount of this debenture is the aggregate of individual loans applied for and each loan is not more than 75 per cent of the cost of the drainage work constructed.

An inspector of drainage, employed by the Corporation, has inspected each drainage work for which the Corporation will lend the proceeds of this debenture and each has been completed in accordance with the terms of the loan approval given by council.

A copy of the Inspection and Completion Certificate for each drainage work, for which the Corporation lend the proceeds of this debenture, is attached hereto.

December 01, 2021

Date

JUSTIN ROUSSEAU

Name of Treasurer

Corporate Seal

Signature of Treasurer

## TILE DRAINAGE DEBENTURE

*Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 2(1)*

\$25,000.00

No. 2021-02

The Corporation of the \_\_\_\_\_ Municipality \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ hereby promises to pay to the Minister of Finance, the principal sum of \$25,000.00 of lawful money of Canada, together with interest thereon at the rate of 6 per cent per annum in ten equal instalments of \$3,396.70 on the 1st day of December, in the years 2022 to 2031, both inclusive.

The right is reserved to The Corporation of the \_\_\_\_\_ Municipality \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ to prepay this debenture in whole or in part at any time or times on payment, at the place where and in the money in which this debenture is expressed to be payable, of the whole or any amount of principal and interest owing at the time of such prepayment.

This debenture, or any interest therein, is not, after a Certificate of Ownership has been endorsed thereon by the Treasurer of this Corporation, or by such other person authorized by by-law of this Corporation to endorse such Certificate of Ownership, transferable.

Dated at the \_\_\_\_\_ MUNICIPALITY \_\_\_\_\_ of \_\_\_\_\_ LAKESHORE \_\_\_\_\_ in the Province of Ontario, this 1st day of December, 2021, under the authority of By-law No. 72-2015 of the Corporation entitled "A by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*."

Corporate Seal

TOM BAIN  
Name of Head of Council

Signature

JUSTIN ROUSSEAU  
Name of Treasurer

Signature

# **Municipality of Lakeshore**

## **By-law 98-2021**

### **Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-30-2021)**

**Whereas** By-law 2-2012 is the comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

**And whereas** a public meeting to consider Zoning By-law Amendment ZBA-30-2021 was held November 9, 2021, with notice provided on October 20, 2021 in accordance with the notice provisions in Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to amend By-law 2-2012 to permit the temporary use of 2730 County Road 42 to allow five (5) transport trailers as storage for three years, as recommended by the Planner at the November 9, 2021 Council meeting;

**And whereas** this amendment is in conformity with the Lakeshore Official Plan and is deemed to be in the best interest of proper planning;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Section 9.8.9, Hamlet Commercial Zone Exceptions 9 (HC-9) is deleted and replaced with the following:

“9.8.9 Hamlet Commercial Exception 9 (HC-9)(Map 50)

- a) Permitted Use: A retirement home and a Warehouse shall be additional permitted uses.
- b) Zone Regulations: Only existing buildings shall be permitted for the Warehouse use. An expansion of an existing building or construction of a new building will require relief from this by-law.”
- c) Temporary Use: The parking of up to five (5) Transport Trailers shall be a permitted temporary use.
- d) The additional use of parking of up to five (5) transport trailer shall not be permitted following the expiration of the Temporary Use By-law 98-2021 on November 9, 2024. On or from the day after the expiration date referred to in this clause, Subsection 34(9)(a) of the *Planning Act*, R.S.O. 1990,

c.P.13, does not apply so as to permit the continued use of the land for the purpose temporary authorized."

2. This by-law shall come into force in accordance with Section 34 of the *Planning Act*, R.S.O. 1990 c.P.13.

Read and passed in open session November 9, 2021.

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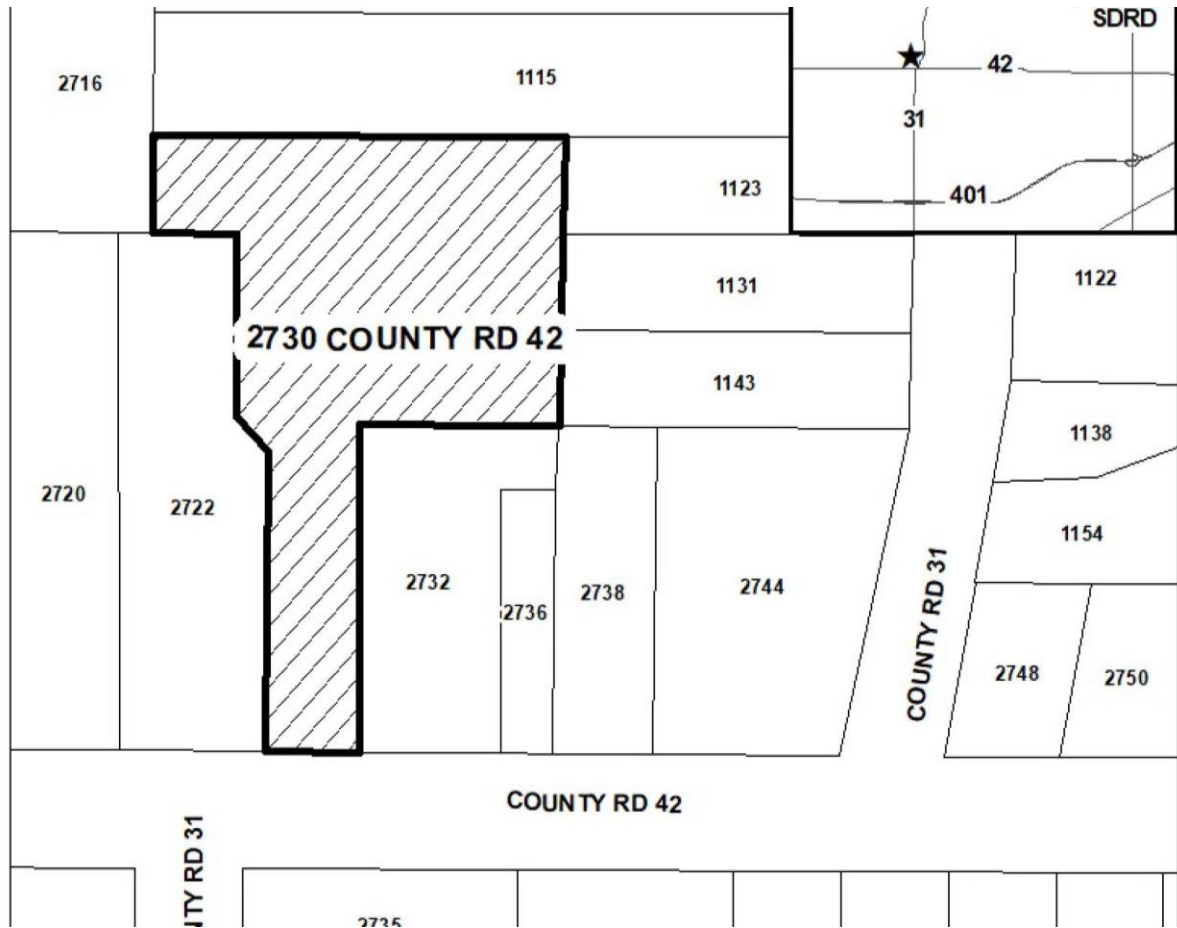
**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

## Schedule A to By-law 98-2021

Plan 248, Lot 14, Part of Lots 13 and A RP 12R24835 Parts 1 and 2  
Municipality of Lakeshore



Amend from "Hamlet Commercial Zone Exception 9" to a new site-specific  
"Hamlet Commercial Zone Exception 9"

# **Municipality of Lakeshore**

## **By-law 99-2021**

### **Being a By-law to Authorize the Execution of a Condominium Amending Agreement pertaining to Beachside Condos**

**Whereas** pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, representatives of Beachside Development Ltd. received Draft Plan Approval (File# 37-CD-19002) for a plan of condominium prepared by Bear Construction and Engineering Inc. and signed on April 14, 2021 on lands legally described as Part of Lots 2 and 3, Concession West of Pike Creek Maidstone; designated as Parts 1-5 on Plan 12R28616; subject to an easement as in CE944982; subject to an easement in gross over Parts 2, 3 and 4 on Plan 12R28616 as in CE948151; Municipality of Lakeshore, being all of the Property Identifier Number 75008-0860(LT) (the "Subject Lands");

**And whereas** the parties entered into a Condominium Agreement for the Original Development on August 28, 2020, and registered on April 14, 2021, as in instrument number CE1009915 on May 25, 2021 (the "Original Agreement");

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to amend the Condominium Agreement to recognize the stormwater management scheme as approved by the Essex Region Conservation Authority, as recommended by the Planner at the November 9, 2021 Council meeting;

### **Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The Mayor and Clerk are authorized to execute an agreement that is not intended to replace the Condominium Agreement previously entered into with Beachside Developments Ltd dated August 28, 2020, but be an amendment to it.
2. The Original Agreement shall continue to apply to the Subject Lands except in so far as it is in conflict with this Amending Agreement in which case the provisions of this Amending Agreement shall prevail.
3. This by-law shall come into force and effect upon passage.

Read and passed in open session November 9, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**

# **Municipality of Lakeshore**

## **By-law 103-2021**

### **Being a By-law to Authorize Grants by the Municipality of Lakeshore for the 2021 Mayor's Art Awards: Artist in a Pandemic Grant Program**

**Whereas** pursuant to section 107 of the *Municipal Act, 2001*, S.O. 2001, c. 25, the Council may pass by-laws for grants to certain bodies for purposes in the interest of the Municipality of Lakeshore;

**And whereas** on April 20, 2021 the Council of the Municipality of Lakeshore approved a request by the Arts Advisory Committee to direct \$6,000 to a Mayor's Arts Award grant program;

**And whereas** on October 12, 2021 the Arts Advisory Committee recommended the selection of six grant recipients for the 2021 Mayor's Art Awards: Artist in a Pandemic Grant Program;

### **Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The Municipality authorizes the financial grants to the individuals identified in Schedule "A" to this by-law. The grants shall be in the form and amount specified in column B of Schedule "A".
2. The Corporate Leader – Finance, in consultation with the Corporate Leader – Strategic & Legal Affairs, is authorized to execute any agreement, amendment thereto or other documentation to set out the terms and conditions of the grants.
3. The Corporate Leader – Finance may advance all or part of the grant at such time or from time to time, as the Corporate Leader – Finance determines to be appropriate after evidence has been provided to the Corporate Leader – Finance that the conditions upon which the grant have been issued are satisfied.
4. This By-law comes into force and effect upon passage.

Read and passed in open session on November 9, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**



**Schedule “A”  
to By-law 103-2021**

<b>Grant Recipient</b>	<b>Amount</b>
Christine Dexter	\$500
Leslie Harper-Reid	\$500
Dawn Kirchner	\$500
Stephanie Kriza	\$500
Braute Petric	\$500
Katrina Rawlings	\$500

# **Municipality of Lakeshore**

## **By-law 104-2021**

### **Being a By-law to Adopt a Council Member COVID-19 Vaccination Policy for the Municipality of Lakeshore**

**Whereas** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt a Council Member COVID-19 Vaccination Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the November 9, 2021 Council meeting;

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. Schedule "A" to this By-Law is adopted and shall be referred to as the "Council Member COVID-19 Vaccination Policy".
2. This By-law comes into force and effect upon passage.

Read and passed in open session on November 9, 2021.

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**Mayor  
Tom Bain**

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**Clerk  
Kristen Newman**



# Schedule "A" to By-law 104-2021

## Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

### 1.0 Purpose and Scope

- 1.1 The Municipality of Lakeshore is committed to taking every reasonable precaution in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19 as required by the *Occupational Health and Safety Act* (OHSA).
- 1.2 Vaccination in accordance with federal and provincial directives has been shown to be effective in reducing COVID-19 virus transmission and protecting unvaccinated individuals from severe consequences of COVID-19 and COVID-19 variants. Council Members shall be vaccinated in order to protect themselves from COVID-19, provide indirect protection to others and demonstrate leadership within the organization and in the community.
- 1.3 The Municipality is committed to a workplace free from discrimination and harassment. The Municipality will accommodate Council Members that qualify for medical exemption or that qualify based on one or more of the protected grounds of discrimination in the Human Rights Code up to the point of undue hardship.
- 1.4 This policy applies to all Council and Committee Members. This policy shall apply to a Committee Member in the same way that it applies to a Council Member.
- 1.5 Where a Council Member is subject to an Ontario provincial directive with respect to COVID-19 vaccination that is more strict than this policy, that policy will prevail over this policy.

### 2.0 Definitions

- 2.1 **Code Of Conduct for Members of Council, Local Boards, and Committees:** is the code of conduct for members established pursuant to section 232.2 of the *Municipal Act, 2001*.
- 2.2 **Committee:** is a committee created by the municipal council of the Municipality of Lakeshore.



# Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

- 2.3 Committee Member:** is a member of a Committee appointed by Council.
- 2.4 Council Member:** a member of the municipal council of the Municipality of Lakeshore.
- 2.5 COVID-19:** coronavirus disease is an infectious disease caused by the SARS-CoV-2 virus and includes variants of this disease.
- 2.6 Exemption:** means a Medical or Protected Ground Exemption.
- 2.7 Fully Vaccinated and Full Vaccination:** means 14 days after having received the completed series of an accepted COVID-19 vaccine as recommended by Chief Medical Officer of Health for the Province of Ontario. In the event that a Government of Canada or Province of Ontario health official recommends an additional vaccine dose (or booster), such dose shall be required to be considered Fully Vaccinated.
- 2.8 Lab-Based Test:** This a polymerase chain reaction (PCR) test taken through a medical laboratory that detects SARS-CoV-2 genetic material and is used to diagnose an active COVID-19 infection.
- 2.9 Medical Exemption:** This is a situation in which a Council Member has provided written proof in a form satisfactory to the Municipality from an appropriately qualified physician or nurse practitioner of a medical reason for not being Fully Vaccinated.
- 2.10 Protected Ground Exemption:** This is a situation in which a Council Member has provided written proof in a form satisfactory to the Municipality of a valid exemption from the requirement to be Fully Vaccinated based on a protected ground under the *Human Rights Code*.
- 2.11 Rapid Antigen Test:** This is a COVID-19 test administered using a nasal swab to identify positive cases in asymptomatic individuals. This test safely yields a result within 15 minutes.



# Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

- 2.12 Workplace:** Any location that an employee of the Municipality performs tasks, jobs or projects for the Municipality.
- 2.13 Vaccine:** a preparation that is administered (as by injection) to stimulate the body's immune response against a specific infectious agent or disease. A vaccine approved by Health Canada for use in Canada in relation to COVID-19.

## 3.0 Policy

- 3.1** Subject to 3.2, all Council Members are required to become Fully Vaccinated before January 4, 2022.
- 3.2** The Municipality respects its obligations pursuant to the Human Rights Code and OHSA. As such, to ensure the health and safety of its employees and Council Members, the Municipality will accommodate those Council Members who are not able to be Fully Vaccinated for a reason relating to an Exemption. Council Members seeking any such exemption shall provide valid written proof of evidence as required by the Municipality Council Members COVID-19 Vaccination Policy.
- 3.2.1** After January 3, 2022, a Council Member who has been granted an Exemption or is awaiting a decision with respect to an Exemption must participate in rapid antigen testing twice per week which shall be performed at the cost of the Municipality.
- 3.3** Commencing January 4, 2022, a Council Member who is not eligible for an Exemption and is not Fully Vaccinated shall not enter the Workplace without engaging in a Rapid Antigen Testing two times per week in accordance with Municipal procedures.
- 3.4** In addition to COVID-19 screening results collected by the Municipality, the Municipality will maintain the confidentiality of a Council Member's vaccination status. The collection of personal health information will be limited to:

# Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

**3.4.1** Rapid Antigen Test results;

**3.4.2** Lab-based Test Results;

**3.4.3** Proof of Exemption;

**3.4.4** Ministry of Health Dose Administration Receipts or other Provincially-sanctioned proof of vaccination; and

**3.4.5** Personnel records associated with Exemptions, administration of this policy and vaccination, where necessary.

**3.4.6** The personal health information collected in accordance with this policy may be used for the purpose of administering this policy. The personal health information may be disclosed only for the purpose of this purpose or for otherwise permitted in accordance with applicable law.

**3.4.7** Notwithstanding a Council Member having received a vaccine or Exemption, all Councillors shall continue to comply with COVID-19 preventative measures including COVID-19 screening, donning a mask, maintaining a physical distance and the use of barriers where possible.

## **4.0 Responsibilities**

**4.1** Workforce Development is responsible for developing administrative procedures to accompany this policy.

**4.2** The CAO is responsible for the administration of this policy in accordance with applicable law.

**4.3** All Council Members are responsible for compliance with this policy and shall comply with all applicable obligations in doing so, including with



# Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

respect to public health measures such as physical distancing, wearing a mask, and staying home if they are sick.

## 5.0 Consequences

**5.1** After January 3, 2022, no Council Member will be permitted to attend a Workplace unless:

**5.1.1** The Council Member is Fully Vaccinated and has provided proof of vaccination to the Municipality; or

**5.1.2** The Council Member has been granted an Exemption and has complied with Municipal testing requirements; or

**5.1.3** The Council Member has submitted a request for an Exemption and is awaiting a decision from the Municipality with respect to the request and has complied with Municipal testing requirements; or

**5.1.4** The Council Member has provided Rapid Antigen Testing in accordance with administrative procedures.

**5.2** Council Members who refuse to disclose their vaccination status in accordance with this policy may be subject to certain health and safety measures including without limitation restricted access to the workplace.

**5.3** This policy and procedures developed in furtherance of this policy are policies and procedures subject to the provisions of section 13 of the *Code of Conduct for Members of Council, Local Boards, and Committees*.

## Reference Documents

**6.1** *Occupational Health and Safety Act*

**6.2** Human Rights Code

**6.3** *Code of Conduct for Members of Council, Local Boards, and Committees*



# Council Member COVID-19 Vaccination Policy

Policy #C-HS-

Date Last Reviewed:

## 6.4 Council COVID-19 Vaccination Procedures

## 7.0 Communication and Training

7.1 All Council Members shall be deemed to have been notified of this policy upon passage of the by-law adopting the policy.

## 8.0 Review/Revisions

8.1 The Municipality will review this policy and update it as required and as reasonable in the evolving nature of the pandemic, vaccine availability and government and public health authority direction.

#	Date Revised	Author	Section	Details of Change
1	Oct 2021			New draft policy
2				
3				
4				

Refer policy questions to: Corporate Leader – Strategic & Legal Affairs (Clerk)



**Municipality of Lakeshore**

**By-law 106-2021**

**Being a By-law to Confirm the Proceedings of the  
Council of the Municipality of Lakeshore.**

**Whereas**, in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

**And Whereas**, in accordance with said Act, the powers of a municipality shall be exercised by its Council;

**And Whereas**, municipal powers, including a municipality's capacity, rights, powers and privileges 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 Municipality of Lakeshore at these sessions be confirmed and adopted by By-law.

**Now therefore the Council of the Municipality of Lakeshore enacts as follows:**

1. The actions of the Council of the Municipality of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other actions passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the October 26<sup>th</sup> and November 2<sup>nd</sup>, 2021 sessions of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

**Read and passed in an open session on November 9<sup>th</sup>, 2021.**

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**Mayor  
Tom Bain**

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**Kristen Newman  
Clerk**

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