The Corporation of the City of Kawartha Lakes

Agenda

Regular Council Meeting

CC2018-18

Tuesday, September 25, 2018

Closed Session Commencing at 1:30 p.m. Open Session Commencing at 2:00 p.m.

Victoria Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham
Councillor Isaac Breadner
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Gord James
Councillor Gerard Jilesen
Councillor Brian S. Junkin
Councillor Rob Macklem
Councillor Mary Ann Martin
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor John Pollard
Councillor Kathleen Seymour-Fagan
Councillor Heather Stauble
Councillor Stephen Strangway
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

Pages

1. Call to Order

2. Adoption of Closed Session Agenda

3. Disclosure of Pecuniary Interest in Closed Session Items

4. Closed Session

4.1 CC2018-18.4.1

Closed Session Minutes, Regular Council Meeting of August 14, 2018
Municipal Act, 2001 s.239(2)(f)

4.2 LGL2018-008

Fenelon Falls Secondary Plan
Litigation or Potential Litigation
Municipal Act, 2001 s.239(2)(e)
Robyn Carlson, City Solicitor

4.3 CLK2018-012

2018 Municipal Election - Compliance Audit Committee Appointments
Personal Matters About Identifiable Individuals
Municipal Act, 2001 s.239(2)(b)
Cathie Ritchie, City Clerk
Jennifer Stover, Director of Corporate Services

5. Opening Ceremonies

5.1 Call Open Session to Order

5.2 O Canada

5.3 Moment of Silent Reflection

5.4 Adoption of Open Session Agenda

6. Disclosure of Pecuniary Interest

7. Notices and Information by Members of Council and Staff

7.1 Council

7.2 Staff

8. Matters from Closed Session

9. Minutes

9.1 CC2018-18.9.1 36 - 58

Regular Council Meeting Minutes of August 14, 2018
Special Council Information Meeting Minutes of September 18, 2018 (To be circulated with Amended Agenda)

That the Minutes of the August 14, 2018 Regular Council Meeting, be received and adopted.

10. Presentations and Deputations

10.1 CC2018-18.10.1

Sovereign's Medal for Volunteers Presentation
Andy Letham, Mayor, on behalf of the Office of the Governor General

10.2 CC2018-18.10.2 59 - 60

Drainage Task Force Recommendations
(Report ENG2018-018, Item 11.1.21 on the Agenda)
Paul Brown

10.3 CC2018-18.10.3 61 - 62

Petition Re By-law to Regulate the Discharge of Firearms
(Item 13.1 on the Agenda)
Richard Weston

10.4 CC2018-18.10.4 63 - 64

Appeal of Land Management Committee Decision - 195 Louisa Street, Fenelon Falls
(Item 11.2.4 on the Agenda)
Morley Bradburn

10.5 CC2018-18.10.5 65 - 81

PAC Recommendation PAC2018-038
Zoning By-law Amendment Application D06-2018-022
(Items 12.1 and 15.1.71 on the Agenda)
James and Mary Ellen Blair

10.6 CC2018-18.10.6 82 - 83

Full Road Closure and Request for Noise By-law Exemption
(Item 11.2.5 on the Agenda)
Ken Smith, D.M. Wills Associates Limited

10.7 CC2018-18.10.7

Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards
(Report ED2018-011, Item 11.1.13 on the Agenda)
Leisha Newton, Economic Development Officer

11. Consent Matters

That all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

11.1 Reports

11.1.1 CLK2018-009 84 - 98

2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule
Ann Rooth, Deputy Clerk

That Report CLK2018-009, **2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule**, be received; and

That the schedule for Council, Committee of the Whole and Planning Advisory Committee Meetings for 2019, as outlined in Appendix A to Report CLK2018-009, be approved.

11.1.2 CLK2018-010 99 - 104

Repeal of Tag Day By-law
Ann Rooth, Deputy Clerk

That Report CLK2018-010, **Repeal of Tag Day By-law**, be received;

That the solicitation of monetary contributions, known as Tagging, be prohibited at City Parks and Facilities; and

That a by-law to repeal By-law 2001-53, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work, be brought forward for adoption.

11.1.3 LIC2018-006 105 - 156

Canine Day Boarding and Kennel By-Law Amendments
Alix Scarr, Senior Licensing Officer

That Report LIC2018-006, **Canine Day Boarding and Kennel By-Law Amendments**, be received;

That the necessary By-Law 2014-141, a By-Law to Licence, Regulate and Govern Kennels in Kawartha Lakes, be repealed; and

That a by-law to Licence, Regulate and Govern Kennels in Kawartha Lakes attached as Schedule A to this Report LIC2018-006 be forwarded to Council for adoption.

11.1.4 MLE2018-007 157 - 201

Removal of Soil, Placement of Fill, Alteration of Grade By-Law
Aaron Sloan, Manager, Municipal Law Enforcement and Licensing

That Report MLE2018-007, **Removal of Soil, Placement of Fill, Alteration of Grade By-Law**, be received;

That By-law 2012-200 a By-law Regulating the Removal of Topsoil, Placement of Fill and the Alteration of Grades be repealed; and

That a by-law Regulating the Removal of Soil, Placement of Fill, Alteration of Grade attached as Schedule B to this Report MLE2018-007 be forwarded to Council for adoption.

11.1.5 RS2018-025 202 - 216

Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655
Laura Carnochan, Law Clerk, Realty Services

That Report RS2018-025, **Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase in the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655**, be received;

That the subject property, being the Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, be declared surplus to municipal needs;

That Council support the closure of the road allowance and release the City's right to re-purchase the subject property in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

That the by-law attached as Schedule E to close the road and release the City's right to re-purchase the subject property shall be passed; and

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and releasing the City's right to re-purchase the subject property.

11.1.6 RS2018-026 217 - 242

Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon
Christine Oliver, Law Clerk

That Report RS2018-026, **Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon**, be received; and

That the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix A on behalf of the City of Kawartha Lakes, being a Lease Agreement with Ontario Clean Water Agency for the purpose of leasing space for the district administration office for a one year term.

11.1.7 RS2018-027 243 - 260

Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)
Laura Carnochan, Law Clerk, Realty Services

That Report RS2018-027, **Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)**, be received; and

That the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix B on behalf of the Corporation of the City of Kawartha Lakes, being a Lease Agreement with Dunsford Community Centre Inc. for the purpose of leasing space for the Dunsford Library for a one year term.

11.1.8 CS2018-014 261 - 271

Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs
Lisa Peimann, Executive Assistant, Community Services

That Report CS2018-014, **Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs**, be received; and

That the Fenelon Falls Chamber of Commerce be approved for funding in the amount of $14,350.00 with the allocation to come from the Powerlinks Reserve (1.32065).

11.1.9 CORP2018-015 272 - 282

Council Computer Systems Policy
Kari Kleven, Manager Information Technology
Justin Chevrier, Supervisor Network and Client Systems

That Report CORP2018-015, **Council Computer Systems Policy**, be received; and

That the policy entitled Council Computer Systems, attached as Appendix A to Report CORP2018-015, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions.

11.1.10 PUR2018-034 283 - 285

Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand
Marielle van Engelen, Buyer
Richard Monaghan, Senior Engineering Technician

That Report PUR2018-034, **Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand**, be received;

That Kawartha Capital Corp of Peterborough, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand for the Manvers Depot for the quoted price of $99,000.00 plus HST;

That Robert E. Young Construction of Selwyn, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand for all other depot locations for a total quoted price of $901,417.00 plus HST;

That Council approve the four (4) – one (1) year renewal periods included in the quotation, with a unit price increase according to the Canadian Consumer Price Index percentage change, pending successful vendor performance review and annual budget approval;

That subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreements to award Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand; and

That the Purchasing Division be authorized to issue a purchase order(s) as required.

11.1.11 PUR2018-035 286 - 288

Request for Quotation 2018-85 CQ Refurbishment of One Landfill Compactor
Marielle van Engelen, Buyer
Todd Bryant, Manager of Fleet and Transit Services

That Report PUR2018-035, **Request for Quotation 2018-85-CQ Refurbishment of One Landfill Compactor**, be received;

That Iron Equipment Ltd. of Pontypool, Ontario, be selected for the award of Quotation 2018-85-CQ Refurbishment of One Landfill Compactor for the total quoted price of $101,300.00 not including HST; and

That Financial Services be authorized to issue a purchase order.

11.1.12 PUR2018-036 289 - 291

2018-86-CQ Gravel Road Rehabilitation
Linda Lee, Buyer
Mike Farquhar, Supervisor, Technical Services

That Report PUR2018-036, **2018-86-CQ Gravel Road Rehabilitation**, be received;

That Four Brothers Construction Corporation be selected for the award of 2018-86-CQ Gravel Road Rehabilitation for the total amount of $1,078,077.50 plus HST;

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

That the Financial Services Division be authorized to issue a purchase order.

11.1.13 ED2018-011 292 - 334

Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards
Leisha Newton, Economic Development Officer - Downtown

That Report ED2018-011, **Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards**, be received.

11.1.14 ED2018-012 335 - 338

Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls
Debra Soule Economic Development Officer - Arts Culture and Heritage

That Report ED2018-012**, Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls**, be received;

That the Council endorse the Municipal Heritage Committee's recommendation to designate Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That the designating by-law be presented to Council for its consideration after the notification process has been completed.

11.1.15 ED2018-013 339 - 342

Proposed Designation of 910 Hartley Road, Woodville (Palestine Community Centre)
Debra Soule Economic Development Officer - Arts Culture and Heritage

That Report ED2018-013, **Proposed Designation of 910 Hartley Road, Woodville**, be received;

That the Council endorse the Municipal Heritage Committee's recommendation to designate 910 Hartley Road, in Woodville under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That the designating by-law be presented to Council for its consideration after the notification process has been completed.

11.1.16 ED2018-014 343 - 348

Community Improvement Plan Implementation Overview
Rebecca Mustard, Manager of Economic Development

That Report ED2018-014, **Community Improvement Plan Implementation Overview**, be received.

11.1.17 PLAN2018-058 349 - 359

Application for Condominium Description Exemption for a 38 unit apartment building on property identified as 58 Glenelg Street West, Lindsay (Wilson Developments (Lindsay) Inc.)
Sherry L. Rea, Development Planning Supervisor

That Report PLAN2018-058, respecting Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, Application No. D04-2018-001, be received;

That the Application for Condominium Description Exemption filed by Jack Keat of Coe Fisher Cameron, Land Surveyors, on behalf of Wilson Developments (Lindsay) Inc. for a 38 unit apartment building being Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

11.1.18 PLAN2018-074 360 - 371

An application for Part-Lot Control Exemption (D05-18-003) under Section 50(5) of the Planning Act for Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay, now the City of Kawartha Lakes, Grimesway Construction Ltd.
Anna Kalnina, Planner II

That Report PLAN 2018-074, entitled "Grimesway Construction Ltd. – D05-18-003" be received for information;

That a By-law to exempt Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay from Part-Lot Control, substantially in the form attached as Appendix C to Report PLAN2018-074, be approved and adopted by Council; and

That the Mayor and City Clerk be authorized to execute any documents and agreements required by the approval of this application and decision.

11.1.19 PLAN2018-075 372 - 380

An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to also permit an indoor car storage facility on Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 3922 Highway 35 (Schleifer)
Mark LaHay, Planner II

That Report PLAN2018-075, respecting Part of Lot 6, Concession 5, geographic Township of Fenelon**, Schleifer – Application D06-2018-024**, be received;

That Zoning By-Law Amendment application D06-2018-024 identified as 3922 Highway 35, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-075, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

11.1.20 ENG2018-017 381 - 393

Wechsel Petition for Drainage
Juan Rojas, Director of Engineering and Corporate Assets

That Report ENG2018-017 Wechsel Petition for Drainage be received by Council.

That Council proceeds with the petition submitted by Ella Wechsel for drainage works and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

That Council appoints R.D Dobbin as Engineer of record for this project; and

That Council instructs R.D Dobbin to combine the Webster petition and Ella Wechsel petition into one report as per section 8(4) of the Ontario Drainage Act.

11.1.21 ENG2018-018 394 - 409

Drainage Task Force Recommendations
Juan Rojas, Director of Engineering and Corporate Assets

That Report ENG2018-018, **Drainage Task Force Recommendations**, be received; and

That the recommendations contained in Report ENG 2018-018 be presented to the new Council through consideration of the revised terms of reference and appointments for the City's Drainage Board.

11.1.22 ENG2018-019 410 - 413

Request for Traffic Control - Oakwood
Joseph Kelly, Senior Engineering Technician

That Report ENG2018-019 **Request for Traffic Control - Oakwood** be received;

That a stop sign be installed on the south leg of Grant Drive intersecting Brenda Boulevard;

That a stop sign be installed on Brenda Boulevard intersecting the north leg of Grant Drive;

That a stop sign be installed on Albert St (Oakwood) intersecting Grant Drive;

That the necessary By-laws for the above recommendations be forwarded to council for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

11.1.23 ENG2018-020 414 - 418

Request for Traffic Control - Thurstonia
Joseph Kelly, Senior Engineering Tech

That Report ENG2018-020, **Request for Traffic Control –** Thurstonia, be received;

That a stop sign be installed on the north approach at the intersection of First Street and Hotel Road;

That a stop sign be installed on the north approach at the intersection of Second Street and Hotel Road;

That a stop sign be installed on the north approach at the intersection of Third Street and Hotel Road;

That a stop sign be installed on the north approach at the intersection of Clipper Street and Pavillion Road;

That a stop sign be installed on the north approach at the intersection of Second Street and Pavillion Road;

That a stop sign be installed on the north approach at the intersection of Third Street and Pavillion Road;

That stop signs be installed on the east and west approaches of Thornton Street at Silver Birch Street;

That a stop sign be installed on the west approach at the intersection of Alfred Street and Silver Birch Street;

That a stop sign be installed on the north approach at the intersection of McLernon Street and Birchcliff Avenue;

That a stop sign be installed on the north approach at the intersection of Hollyville Boulevard and Birchcliff Avenue;

That a stop sign be installed on the north approach where Birchcilff Avenue intersects itself;

That the necessary By-laws for the above recommendations be forwarded to council for adoption; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

11.1.24 HS2018-003 419 - 422

Grant Program for Medical Services
Rod Sutherland, Director of Human Services

That Report HS2018-001, **Grant Program for Medical Services**, be received; and

That the a Decision Unit be included in the 2019 Operating Budget for an increase of $36,000 to the Kawartha Lakes Health Care Initiative to develop and deliver a Family Physician Professional Development program.

11.1.25 WM2018-010 423 - 427

Residential Clear Bag and Leaf and Yard Waste Drop off Pilot Project (2018) - Interim Review
David Kerr, Manager Environmental Services

That Report WM2018-010, **Residential Clear Bag and Leaf and Yard Waste Drop off Pilot Project (2018) - Interim review**, be received; and

That Staff report back to Council by the end of December 2018 on the results of the second event (fall 2018) of the pilot project with recommendations regarding continuation or not of a similar program.

11.1.26 WWW2018-008 428 - 452

Water Wastewater Service Connection Strategy
David Kerr, Manager, Environmental Services

That Report **WWW2018-008, Water Wastewater Service Connection Strategy**, be received; and

That staff be directed to prepare the necessary amendments to By-Law 2014-255, A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes, to require property owners who meet requirements of mandatory connection process to connect to available municipal water and/or wastewater services upon failure of their private infrastructure.

11.2 Correspondence

11.2.1 CC2018-18.11.2.1 453 - 453

Repaving of Carlton Crescent, Omemee
Clive A. Robertson

That the September 5, 2018 e-mail correspondence from Clive A. Robertson, regarding **Repaving of Carlton Crescent, Omemee**, be received.

11.2.2 CC20.18-18.11.2.2 454 - 461

Kawartha Lakes Municipal Airport - Governance Review
Douglas Erlandson, Chair, Kawartha Lakes Municipal Airport Board

That the August 27, 2018 correspondence from Douglas Erlandson, Chair, Kawartha Lakes Municipal Airport Board, regarding **Kawartha Lakes Municipal Airport - Governance Review**, be received.

11.2.3 CC2018-18.11.2.3 462 - 462

Spawning Bed Repairs and Water Level Management to Support Walleye Population in Sturgeon and Pigeon Lakes
Andy Letham, Mayor

Whereas the walleye population has declined since the 1960s when hydraulic dams were installed along the Trent-Severn Waterway; and

Whereas water levels in winter have experienced a higher (ecologically-damaging) draw-down in the last several decades; and

Whereas the river spawning areas in Bobcaygeon and Lindsay are too high, too smooth, and in need of repair to facilitate successful walleye spawning in the spring; and

Whereas the Trent-Severn Waterway is working with MP Jamie Schmale's Save the Walleye committee to make suggested repairs to walleye spawning grounds below the dams; and

Whereas These improvements have the potential to improve water quality and the ecological health of Sturgeon and Pigeon Lakes; and

Whereas These improvements could increase the revenues in the recreation and fishing tourism economy to the strong levels once enjoyed in this area; and

Whereas These pilot projects align with the objectives of Kawartha Conservation/Council's lake enhancement objectives; and

Whereas the goals of the Save the Walleye committee are supported by MP Jamie Schmale, MPP Laurie Scott, Kawartha Conservation, Parks Canada/Trent-Severn Waterway, and Bobcaygeon Chamber of Commerce;

Now Therefore be it Resolved That the City of Kawartha Lakes Council supports the proposed spawning bed repairs at the Lindsay and Bobcaygeon dams as well as water level management that respects aquatic life, especially the walleye population that has dropped to baseline numbers in Sturgeon and Pigeon Lakes; and

That this resolution be circulated to the Minister of Natural Resources, MPP Laurie Scott, Lindsay Bassmasters, Bobcaygeon and Area Chamber of Commerce, Lindsay and District Chamber of Commerce, Ontario Federation of Anglers and Hunters and the Trent-Severn Waterway.

11.2.4 CC2018-18.11.2.4 463 - 463

Appeal of Land Management Committee Decision - 195 Louisa Street, Fenelon Falls
Morley Bradburn

That the September 11, 2018 correspondence from Morley Bradburn, regarding **An Appeal of the Land Management Committee Decision - 195 Louisa Street, Fenelon Falls**, be received.

11.2.5 CC2018-18.11.2.5 464 - 469

Full Road Closure and Request for Noise By-law Exemption
Ken Smith, D.M. Wills Associates Limited

That the September 17, 2018 correspondence from Ken Smith, D.M. Wills Associates Ltd., regarding **Full Road Closure and Request for Noise By-law Exemption** , be received;

That the exemption from the City's Noise By-law 2005-025, as amended, to undertake the work required for the replacement/rehabilitation of three (3) non-structural culverts on the Highway 35 corridor, as detailed in the correspondence letter provided by D.M. Wills Associates Limited dated September 17, 2018, to be completed between January 2, 2019 and December 31, 2019 , be approved; and

That the contractor be required to provide written notice, to all property owners within 500 meters and the City, of the construction schedule a minimum of 14 days prior to commencement of work.

11.2.6 CC2018-18.11.2.6 470 - 470

PAC Recommendation PAC2018-038
Zoning By-law Amendment Application D06-2018-022
(Items 12.1 and 15.1.71 on the Agenda)
Idele and Rod Hynes

That the September 18, 2018 correspondence from Idele and Rod Hynes, regarding PAC Recommendation PAC2018-038 - Zoning By-law Amendment Application D06-2018-022, be received.

11.2.7 critchieCC2018-18.11.2.7 471 - 471

PAC Recommendation PAC2018-038
Zoning By-law Amendment Application D06-2018-022
(Items 12.1 and 15.1.71 on the Agenda)
Maria Civello

That the September 17, 2018 correspondence from Maria Civello, regarding **PAC Recommendation PAC2018-038 - Zoning By-law Amendment Application D06-2018-022**, be received.

11.3 Items Extracted from Consent

11.3.1 CLK2018-011 472 - 523

Procedural By-law Amendments Update
Cathie Ritchie, City Clerk
Ann Rooth, Deputy Clerk

That Report 2018-011, **Procedural By-law Amendments Update**, be received;

That the updates to the Procedural By-law identified in Appendix A to Report CLK2018-011, be approved; and

That the necessary by-law to repeal and replace By-law 2014-266 be brought forward for adoption.

(A two-thirds majority vote is required to pass this specific resolution)

11.3.2 RS2018-028 524 - 568

Parkland and Greenspace Surplus Property Update
Robyn Carlson, City Solicitor and Acting Manager of Realty Services

That Report RS2018-028, Parkland and Greenspace Surplus Property Update, be received;

That Resolution CR2013-848 be amended to remove the property legally described as BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES, being PIN: 63119-0568 (LT) (Roll Number: 1651 310 020 42400) from the list of properties in Appendix B to Report LM2013-009;

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2014-101 be amended to remove the following properties from the list of properties to be sold:

- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES

  PIN: 63171-0144 (LT)

  Roll Number: 1651 160 050 32900

- LT 21 PL 333; KAWARTHA LAKES

  PIN: 63171-0379 (LT)

  Roll Number: 1651 160 050 38000

- LT 31 PL 333; KAWARTHA LAKES

  PIN: 63171-0390 (LT)

  Roll Number: 1651 160 050 39000

- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES

  PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)

  Roll Number: 1651 160 050 73600

- LT 10 PL 317; KAWARTHA LAKES

  PIN: 63169-0328 (LT)

  Roll Number: 1651 160 050 75800

- LT 19 PL 317; KAWARTHA LAKES

  Part of PIN: 63169-0319 (LT)

  Roll Number: 1651 160 050 76700

- LT 20 PL 317; KAWARTHA LAKES

  Part of PIN: 63169-0319 (LT)

  Roll Number: 1651 160 050 76800

- BLK A PL 322 S/T A12547; KAWARTHA LAKES

  PIN: 63169-0380 (LT)

  Roll Number: 1651 160 050 81400

- BLK B PL 322 S/T A12547; KAWARTHA LAKES

  PIN: 63169-0372 (LT)

  Roll Number: 1651 160 050 82200

- BLK A, B PL 523; KAWARTHA LAKES

  PIN: 63146-0359 (LT)

  Roll Number: 1651 210 030 58204

- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES
  PIN: 63160-0413 (LT)
  Roll Number: 1651 210 040 67801

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2015-1164 be amended to remove the property legally described as LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES, being PIN: 63273-0108 (LT) (Roll Number: 1651 420 002 22300) from the list of properties to be sold:

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2016-755 be amended to remove the property legally described as Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES, being Part of PIN: 63269-0356 (LT) (Part of Roll Number: 1651 008 010 09701) from the list of properties to be sold;

(A two-thirds majority vote is required to pass this specific resolution)

That the surplus declaration of the following properties be rescinded:

- BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES

  PIN: 63119-0568 (LT)

  Roll Number: 1651 310 020 42400

- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES

  PIN: 63171-0144 (LT)

  Roll Number: 1651 160 050 32900

- LT 21 PL 333; KAWARTHA LAKES

  PIN: 63171-0379 (LT)

  Roll Number: 1651 160 050 38000

- LT 31 PL 333; KAWARTHA LAKES

  PIN: 63171-0390 (LT)

  Roll Number: 1651 160 050 39000

- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES

  PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)

  Roll Number: 1651 160 050 73600

- LT 10 PL 317; KAWARTHA LAKES

  PIN: 63169-0328 (LT)

  Roll Number: 1651 160 050 75800

- LT 19 PL 317; KAWARTHA LAKES

  Part of PIN: 63169-0319 (LT)

  Roll Number: 1651 160 050 76700

- LT 20 PL 317; KAWARTHA LAKES

  Part of PIN: 63169-0319 (LT)

  Roll Number: 1651 160 050 76800

- BLK A PL 322 S/T A12547; KAWARTHA LAKES

  PIN: 63169-0380 (LT)

  Roll Number: 1651 160 050 81400

- BLK B PL 322 S/T A12547; KAWARTHA LAKES

  PIN: 63169-0372 (LT)

  Roll Number: 1651 160 050 82200

- BLK A, B PL 523; KAWARTHA LAKES

  PIN: 63146-0359 (LT)

  Roll Number: 1651 210 030 58204

- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES

  PIN: 63160-0413 (LT)

  Roll Number: 1651 210 040 67801

- LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES

  PIN: 63273-0108 (LT)

  Roll Number: 1651 420 002 22300

- Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES
  Part of PIN: 63269-0356 (LT)
  Part of Roll Number: 1651 008 010 09701

(A two-thirds majority vote is required to pass this specific resolution)

12. Committee of the Whole and Planning Committee Minutes

12.1 CC2018-18.12.1 569 - 588

Planning Advisory Committee Meeting Minutes of September 12, 2018

That the Minutes of the September 12, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted.

13. Petitions

13.1 CC2018-18.13.1 589 - 597

Petition Re By-law to Regulate the Discharge of Firearms
Richard Weston, President, Kinmount Park Estates Association

That the petition received from Richard Weston, regarding **By-law 2005-329 A By-law to Regulate the Discharge of Firearms**, be received.

14. Other or New Business

15. By-Laws

That the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1._ be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

15.1 By-Laws by Consent

15.1.1 CC2018-18.15.1.1 598 - 602

A By-law to Repeal and Replace By-law 1984-26, Being a By-law to Designate 17 Sussex Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.2 CC2018-18.15.1.2 603 - 607

A By-law to Repeal and Replace By-law 1992-12, Being a By-law to Designate 37 Colborne Street, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

15.1.3 CC2018-18.15.1.3 608 - 611

A By-law to Repeal and Replace By-law 2001-172 Being a By-law to Designate 15 Lindsay Street, Fenelon Falls in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.4 CC2018-18.15.1.4 612 - 615

A By-law to Repeal and Replace By-law 2010-090, Being a By-law to Designate 746 Janetville Road, Janetville in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.5 CC2018-18.15.1.5 616 - 619

A By-law to Repeal and Replace By-law 1990-71, Being a By-law to Designate 23 Adelaide Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.6 CC2018-18.15.1.6 620 - 624

A By-law to Repeal and Replace By-law 1985-15, Being a By-law to Designate 55 Albert Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.7 CC2018-18.15.1.7 625 - 628

A By-law to Repeal and Replace By-law 1990-10, Being a By-law to Designate 28 Albert Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.8 CC2018-18.15.1.8 629 - 632

A By-law to Repeal and Replace By-law 1991-24, Being a By-law to Designate 40 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.9 CC2018-18.15.1.9 633 - 636

A By-law to Repeal and Replace By-law 1985-42, Being a By-law to Designate 46 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.10 CC2018-18.15.1.10 637 - 640

A By-law to Repeal and Replace By-law 1987-48, Being a By-law to Designate 54 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.11 CC2018-18.15.1.11 641 - 645

A By-law to Repeal and Replace By-law 1994-055, Being a By-law to Designate 60 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.12 CC2018-18.15.1.12 646 - 649

A By-law to Repeal and Replace By-law 1991-25, Being a By-law to Designate 78 Bond Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.13 CC2018-18.15.1.13 650 - 653

A By-law to Repeal and Replace By-law 1988-86, Being a By-law to Designate 31 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.14 CC2018-18.15.1.14 654 - 658

A By-law to Repeal and Replace By-law 1994-017, Being a By-law to Designate 51 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.15 CC2018-18.15.1.15 659 - 662

A By-law to Repeal and Replace By-law 1988-87, Being a By-law to Designate 58 Cambridge Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.16 CC2018-18.15.1.16 663 - 667

A By-law to Repeal and Replace By-law 2012-221, Being a By-law to Designate 4 Colborne Street East, City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.17 CC2018-18.15.1.17 668 - 672

A By-law to Repeal and Replace By-law 1994-097, Being a By-law to Designate 22 Elgin Street, Lindsay in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.18 CC2018-18.15.1.18 673 - 677

A By-law to Repeal and Replace By-law 1989-01, Being a By-law to Designate 19 Francis Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.19 CC2018-18.15.1.19 678 - 681

A By-law to Repeal and Replace By-law 1989-19, Being a By-law to Designate 21 Francis Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.20 CC2018-18.15.1.20 682 - 685

A By-law to Repeal and Replace By-law 1985-23, Being a By-law to Designate 9 Glenelg Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.21 CC2018-18.15.1.21 686 - 690

A By-law to Repeal and Replace By-law 1990-11 Being a By-law to Designate 2 Kent Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.22 CC2018-18.15.1.22 691 - 695

A By-law to Repeal and Replace By-law 1988-48 Being a By-law to Designate 3 Kent Street West, Lindsay in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.23 CC2018-18.15.1.23 696 - 700

A By-law to Repeal and Replace By-law 1980-02 Being a By-law to Designate 2 Lindsay Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.24 CC2018-18.15.1.24 701 - 704

A By-law to Repeal and Replace By-law 1992-76 Being a By-law to Designate 29 Regent Street, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.25 CC2018-18.15.1.25 705 - 708

A By-law to Repeal and Replace By-law 2013-102, Being a By-law to Designate 46 Regent Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.26 CC2018-18.15.1.26 709 - 712

A By-law to Repeal and Replace By-law 1983-09, Being a By-law to Designate 63 Regent Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.27 CC2018-18.15.1.27 713 - 717

A By-law to Repeal and Replace By-law 1981-46, Being a By-law to Designate 45 Russell Street West, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.28 CC2018-18.15.1.28 718 - 721

A By-law to Repeal and Replace By-law 1986-05 Being a By-law to Designate 10 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.29 CC2018-18.15.1.29 722 - 726

A By-law to Repeal and Replace By-law 1987-06, Being a By-law to Designate 12 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.30 CC2018-18.15.1.30 727 - 731

A By-law to Repeal and Replace By-law 1984-34, Being a By-law to Designate 29 Russell Street East, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.31 CC2018-18.15.1.31 732 - 735

A By-law to Repeal and Replace By-law 1988-85, Being a By-law to Designate 45 Victoria Avenue North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.32 CC2018-18.15.1.32 736 - 739

A By-law to Repeal and Replace By-law 1993-01, Being a By-law to Designate 37 William Street North, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.33 CC2018-18.15.1.33 740 - 744

A By-law to Repeal and Replace By-law 1992-38, Being a By-law to Designate 73 William Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.34 CC2018-18.15.1.34 745 - 748

A By-law to Repeal and Replace By-law 1988-84, Being a By-law to Designate 8, 10, &12 William Street South, Lindsay, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.35 CC2018-18.15.1.35 749 - 753

A By-law to Repeal and Replace By-law 2005-154, Being a By-law to Designate 704 Fingerboard Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.36 CC2018-18.15.1.36 754 - 757

A By-law to Repeal and Replace By-law 1997-10 Being a By-law to Designate 166 Ramsey Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.37 CC2018-18.15.1.37 758 - 761

A By-law to Repeal and Replace By-law 1995-26 Being a By-law to Designate 1201 Salem Road, Little Britain, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.38 CC2018-18.15.1.38 762 - 765

A By-law to Repeal and Replace By-law 1996-36, Being a By-law to Designate 17025 Simcoe Street, Manilla, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.39 CC2018-18.15.1.39 766 - 769

A By-law to Repeal and Replace By-law 1992-04 Being a By-law to Designate 977 Eldon Road, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.40 CC2018-18.15.1.40 770 - 774

A By-law to Repeal and Replace By-law 1993-19, Being a By-law to Designate 949 Highway 7, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.41 CC2018-18.15.1.41 775 - 778

A By-law to Repeal and Replace By-law 1993-19, Being a By-law to Designate 430 Taylor's Road, Oakwood, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.42 CC2018-18.15.1.42 779 - 783

A By-law to Repeal and Replace By-law 2007-124, Being a By-law to Designate 1185 Ballyduff Road, Pontypool, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.43 CC2018-18.15.1.43 784 - 788

A By-law to Repeal and Replace By-law 1993-12, Being a By-law to Designate 119 Irene Avenue, Sturgeon Point, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.44 CC2018-18.15.1.44 789 - 793

A By-law to Repeal and Replace By-law 2007-006, Being a By-law to Designate Sturgeon Point Rain Shelter, Sturgeon Point, in the City of Kawartha Lakes, as being of Cultural Heritage Value and Interest

15.1.45 CC2018-18.15.1.45 794 - 795

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Ben Poliquin)

15.1.46 CC2018-18.15.1.46 796 - 797

A By-law to Repeal By-law 2001-053, being A By-law to Fix Days for Solicitation of Monetary Contributions by Person or Organizations in Charitable or Patriotic Work

15.1.47 CC2018-18.15.1.47 798 - 799

A By-law to Appoint a Drainage Superintendent for the City of Kawartha Lakes and to Repeal By-law 2010-014 (M. Farquhar and J. Rojas)

15.1.48 CC2018-18.15.1.48 800 - 801

A By-law to Authorize the Acquisition of Part of Lot 25, Concession 3, in the Geographic Township of Manvers, City of Kawartha Lakes, Designated as Part 1 on Plan 57R-10670, being Part of PIN: 63269-0541 (LT)

15.1.49 CC2018-18.15.1.49 802 - 804

A By-law to Stop Up and Close Part of the Road Allowance Legally Described as Part of Blocks A and B, on Registered Plan No. 175, in the Geographic Township of Bexley, in the City of Kawartha Lakes, Described as Parts 3, 4, and 5 on Plan 57R-10646

15.1.50 CC2018-18.15.1.50 805 - 806

A By-law to Authorize the Acquisition of Part of Lot 18, Concession B, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10688 being part of PIN 63196-0102 (LT)

15.1.51 CC2018-18.15.1.51 807 - 810

A By-law to Amend By-law 2016-206, being the Consolidated Fees By-law in the City of Kawartha Lakes (Amendment No. 10)

15.1.52 CC2018-18.15.1.52 811 - 811

A By-law to Repeal By-law 2018-090, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (C. Neamtz)

15.1.53 CC2018-18.15.1.53 812 - 812

A By-law to Repeal By-law 2018-091, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes (C. Neamtz)

15.1.54 CC2018-18.15.1.54 813 - 813

A By-law to Repeal By-law 2018-088, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (T. Stewart)

15.1.55 CC2018-18.15.1.55 814 - 814

A By-law to Repeal By-law 2018-089, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes (T. Stewart)

15.1.56 CC2018-18.15.1.56 815 - 816

A By-law to Amend By-law 2012-173, being A By-law to Regulate Parking (Amendment No. 17)

15.1.57 CC2018-18.15.1.57 817 - 818

A By-law to Amend By-law 2007-236, being A By-Law Respecting the Sale and the Setting Off of Fireworks within the City of Kawartha Lakes

15.1.58 CC2018-18.15.1.58 819 - 820

A By-law to Amend By-law 2005-025, being A By-Law to Regulate Noise in the City Of Kawartha Lakes

15.1.59 CC2018-18.15.1.59 821 - 822

A By-law to Amend By-law 2016-110, being A By-Law to Regulate Times During Which Fires May Be Set in the Open Air, the Precautions to be Observed by Persons Setting Fires and for the Setting of Fees for Fire Permits in the City of Kawartha Lakes

15.1.60 CC2018-18.15.1.60 823 - 824

A By-law to Amend By-law 2017-039, being A By-Law to Regulate Animals in the City of Kawartha Lakes

15.1.61 CC2018-18.15.1.61 825 - 826

A By-law to Amend By-law 2014-026, being A By-law to Require the Owners of Yards within Kawartha Lakes to Clean and Clear Them

15.1.62 CC2018-18.15.1.62 827 - 833

A By-Law to authorize the submission of an application to Ontario Infrastructure and Land Corporation (OILC) for financing certain ongoing capital works of The Corporation of the City of Kawartha Lakes (the Municipality); to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long term borrowing for such works through the issue of debentures to OILC

15.1.63 CC2018-18.15.1.63 834 - 836

A By-Law To Amend The Township of Fenelon Zoning By-Law 12-95 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes (3922 Highway 35 – Schleifer)

15.1.64 CC2018-18.15.1.64 837 - 839

A By-law to Stop Up and Close Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R), and to Release the City's Right to Re-Purchase the Land

15.1.65 CC2018-18.15.1.65 840 - 842

A By-Law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 32, Concession 5, in the Geographic Township of Dalton, City of Kawartha Lakes, Designated as Parts 4 and 5 on Reference Plan 57R-10686, and to Authorize the Sale of the Land to the Abutting Owners

15.1.66 CC2018-18.15.1.66 843 - 844

A Bylaw to Temporarily Suspend the Application of Subsection 50(5) of the Planning Act for a certain property within Kawartha Lakes PIN # 63236-0114 (LT)(Grimesway Construction Ltd.)

15.1.67 CC2018-18.15.1.67 845 - 847

A By-law to Provide for the Erection of Stop Signs in the City of Kawartha Lakes (various intersection Thurstonia and Oakwood) in the City of Kawartha Lakes

15.1.68 CC2018-18.15.1.68 848 - 852

A By-Law To Amend The City of Kawartha Lakes Official Plan To Re-Designate Land Within The City Of Kawartha Lakes (408 and 422 Ranch Road)

15.1.69 CC2018-18.15.1.69 853 - 855

A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes (408 and 422 Ranch Road)

15.1.70 CC2018-18.15.1.70 856 - 858

A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes (791 and 795 Cottingham Road)

15.1.71 CC2018-18.15.1.71 859 - 860

A By-law to Amend the Township of Mariposa Zoning By-law No. 94-07 to Rezone Land within the City Of Kawartha Lakes (132 Oakdene Crescent – Alden and Sommerville)

15.1.72	CC2018-18.15.1.72	861 - 878
	A By-Law to Replace By-law 2014-141, Being a By-law to Licence, Regulate and Govern Kennels in Kawartha Lakes	
15.1.73	CC2018-18.15.1.73	879 - 906
	A By-law to Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades	
15.2	By-Laws Extracted from Consent	
15.2.1	CC2018-18.15.2.1	907 - 949
	A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266	
15.2.2	CC2018-18.15.2.2	950 - 957
	A By-law to Appoint Members to and Adopt Terms of Reference for the City of Kawartha Lakes Municipal Election Compliance Audit Committee	
16.	**Notice of Motion**	
17.	**Closed Session (If Not Completed Prior to Open Session)**	
18.	**Matters from Closed Session**	
19.	**Confirming By-Law**	
19.1	CC2018-18.19.1	958 - 958
	A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, September 25, 2018	
	That a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, September 25, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.	
20.	**Adjournment**	

The Corporation of the City of Kawartha Lakes

Minutes

Regular Council Meeting

CC2018-16
Tuesday, August 14, 2018
Closed Session Commencing at 1:30 p.m. Open Session Commencing at 2:00 p.m.
Victoria Room
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Councillor Isaac Breadner
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Gord James
Councillor Gerard Jilesen
Councillor Brian S. Junkin
Councillor Rob Macklem
Councillor Mary Ann Martin
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor John Pollard
Councillor Kathleen Seymour-Fagan
Councillor Heather Stauble
Councillor Stephen Strangway
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1. Call to Order

Mayor Letham called the Meeting to order at 1:30 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth, City Solicitor R. Carlson, Director C. Marshall and Acting Director J. Johnson were also in attendance.

2. Adoption of Closed Session Agenda

CR2018-479
Moved By Councillor Elmslie
Seconded By Councillor Pollard

That the Closed Session agenda be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest in Closed Session Items

There were no declarations of pecuniary interest noted.

4. Closed Session

CR2018-480
Moved By Councillor Miller
Seconded By Councillor Breadner

That Council convene into closed session at 1:30 p.m. in order to consider matters on the Tuesday, August 14, 2018 Closed Session Agenda and that are permitted to be discussed in a session closed to the public pursuant to Section 239(2) of the Municipal Act, S.O. 2001. S.25.

Carried

5. Opening Ceremonies

5.1 Call Open Session to Order

Mayor Letham called the Open Session of the Meeting to order at 2:00 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway, A. Veale and E. Yeo were in attendance.

Early Departure: Councillor E. Yeo 5:13 p.m.

CAO R. Taylor, City Clerk C. Ritchie and Deputy Clerk A. Rooth were also in attendance.

5.2 O Canada

The Meeting was opened with the singing of 'O Canada'.

5.3 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

5.4 Adoption of Open Session Agenda

CR2018-484
Moved By Councillor O'Reilly
Seconded By Councillor Miller

That the Agenda for the Open Session of the Regular Council Meeting of Tuesday, August 14, 2018, be adopted as circulated and with the following amendment:

Addition - Consent Correspondence

Item 11.2.7
Request for Noise By-law Exemption
Michael Hand

Carried

6. Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest noted.

7. Notices and Information by Members of Council and Staff

7.1 Council

Councillor Elmslie:

- The Kawartha Arts Festival has a showing at the Fenelon Fairgrounds on September 1st and 2nd.

Councillor Stauble:

- Recently attended the installation of the last rafter at the Buddhist Cham Shan Temple. It was a festive celebration of an exciting milestone.

Councillor Junkin:

- The Bobcaygeon Craft Beer and Food Festival is on August 18th at Kawartha Settlers' Village from 12:00 to 7:00 p.m.

Councillor Miller:

- Kinmount Fair takes place August 31st to September 2nd at the Kinmount Fairgrounds.

Councillor O'Reilly:

- The Lindsay Exhibition takes place September 19th to 23rd at the Lindsay Fairgrounds.
- Bert Sage, a local resident and contractor, recently celebrated his 100th birthday.

7.2 Staff

CAO Taylor advised that the Association of Municipalities of Ontario (AMO) conference runs August 19th to 22nd. The City will be making delegations to:

- Ministry of Municipal Affairs and Ministry of Infrastructure regarding the Impact of 2017 Growth Plan on City of Kawartha Lakes and Lack of Supporting Provincial Infrastructure Investment.

- Ministry of Community Safety and Correctional Services regarding the Central East Correctional Facility – Personnel Shortages and Safety Concerns.

- Ministry of Health and Long Term Care regarding the Details on the Provincial Plan for Funding of Mental Illness Programs and Services.

8. Matters from Closed Session

Item 4.2

The City Solicitor provided information to Council regarding Farquhar - Lot 8, Walsh Road.

9. Minutes

9.1 CC2018-16.9.1

Regular Council Meeting Minutes of July 17, 2018

CR2018-485
Moved By Councillor Elmslie
Seconded By Councillor Strangway

That the Minutes of the July 17, 2018 Regular Council Meeting, be received and adopted.

Carried

9.2 CC2018-16.9.2

Drainage Board Meeting Minutes of July 26, 2018

CR2018-486
Moved By Councillor Junkin
Seconded By Councillor Pollard

That the Minutes of the July 26, 2018 Drainage Board Meeting, be received.

Carried

10. Presentations and Deputations

10.1 CC2018-16.10.1

Youth and Young Adult Strategy
(Report ED2018-010, Item 11.1.9 on the Agenda)
Emma Drake, Economic Development Officer – Community
Brittany Lutes, Economic Development Summer Student – Arts, Culture and Heritage
Caroline Bull, Economic Development Summer Student – Agriculture
Lauren Tzogas, Economic Development Summer Student – Tourism
Elise Karklins, KLSBEC Summer Company Coordinator

Staff presented Council with information on the development of the Youth and Young Adult Strategy.

CR2018-487
Moved By Councillor Miller
Seconded By Councillor Veale

That the presentation by Emma Drake, Economic Development Officer and Summer Students Brittany Lutes, Caroline Bull and Lauren Tzogas, regarding the **Youth and Young Adult Strategy,** Report ED2018-010, Item 11.1.9 on the Agenda, be received.

Carried

10.2 CC2018-16.10.2

Seniors Play Parks
Penni Holdham

Ms. Holdham attended Council to provide information on the Seniors Play Parks initiative. She requested Council endorsement of this initiative to support an Ontario Trillium Foundation grant submission.

CR2018-488
Moved By Councillor Elmslie
Seconded By Councillor Seymour-Fagan

That the deputation of Penni Holdham, regarding **Seniors Play Parks**, be received.

Carried

CR2018-489
Moved By Councillor Elmslie
Seconded By Councillor Strangway

That the Seniors Play Park initiative for a Senior Play Park in the area of Fenelon Falls, be endorsed;

That a Letter of Endorsement be provided to Ms. Holdham to support her submission of an Ontario Trillium Foundation grant application for a Seniors Play Park in the area of Fenelon Falls; and

That staff be directed to work with Ms. Holdham on this initiative.

Carried

10.3 CC2018-16.10.3

Planning Fee Schedule and Minor Variance D20-2018-020
(Item 11.2.3 on the Agenda)
James Head

Mr. Head attended Council to request that his proposed development be considered as a Minor Site Approval instead of a Major Site Approval.

CR2018-490
Moved By Councillor Seymour-Fagan
Seconded By Councillor Yeo

That the deputation of James Head, regarding **Planning Fee Schedule and Minor Variance D20-2018-020,** Item 11.2.3 on the Agenda, be received.

Carried

10.4 CC2018-16.10.4

Short Term Rentals
(Report LIC2018-005, Item 11.3.1 on the Agenda)
McGuire Beach Property Owner Association
Raymonde Blais Couture

Raymonde Blais Couture, on behalf of the McGuire Beach Property Owner Association, expressed concern regarding the number of occupants, noise, liability and lack of enforcement relating to Short Term Rentals. She requested that Council defer a decision on Short Term Rentals.

CR2018-491
Moved By Councillor Dunn
Seconded By Councillor Junkin

That the deputation of Raymonde Blais Couture on behalf of the McGuire Beach Property Owner Association, regarding **Short Term Rentals,** Report LIC2018-005, Item 11.3.1 on the Agenda, be received.

Carried

11. Consent Matters

The following items were requested to be extracted from the Consent Agenda:

Item 11.1.2 - Councillor Junkin
Item 11.1.4 - Councillor Dunn
Item 11.2.3 - Councillor Dunn
Item 11.2.4 - Councillor Dunn

Moved By Councillor Veale
Seconded By Councillor James

That all of the proposed resolutions shown in Section 11.1 and 11.2 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

Carried

11.1 Reports

11.1.1 CLK2018-008

2018 Municipal Election - Compliance Audit Committee
Cathie Ritchie, City Clerk

CR2018-492

That Report **CLK2018-008**, **2018 Municipal Election - Compliance Audit Committee**, be received;

That the revised Terms of Reference for the Compliance Audit Committee as attached to Report CLK2018-008 be approved;

That the Clerk and the Director of Corporate Service be authorized to recommend the proposed candidates for appointment to the Compliance Audit Committee; and

That a by-law be brought forward prior to October 1st, 2018 approving the terms of reference and committee members' appointments.

Carried

11.1.3 RS2018-024

Proposed closure of a portion of road allowance adjacent to 28 Mitchell Drive, Omemee and legally described as part of the road allowance between Lot 12, Concession 6 and 7, designated as Part 5 on 57R-7867, in the Geographic Township of Emily, City of Kawartha Lakes
Christine Oliver, Law Clerk – Realty Services

CR2018-493

That Report RS2018-024, **Proposed closure of a portion of road allowance adjacent to 28 Mitchell Drive, Omemee and legally described as part of the**

road allowance between Lot 12, Concession 6 and 7, designated as Part 5 on 57R-7867, in the Geographic Township of Emily, City of Kawartha Lakes, be received;

That the closure of the road allowance on the subject property, being a portion of road allowance adjacent to 28 Mitchell Drive, Omemee, and legally described as part of the road allowance between Lot 12, Concession 6 and 7, designated as Part 5 on 57R-7867, in the Geographic Township of Emily, City of Kawartha Lakes, be supported, in principle, in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

That staff be directed to finalize the process to stop up and close the said portion of the road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize the release of the City's interest shall be passed; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and release of the City's interest in the lands.

Carried

11.1.5 CORP2018-011

2017 Q4 Capital Close Extensions
Nicole Owens, Junior Accountant

CR2018-494

That Report CORP2018-011, **2017 Q4 Capital Close Extensions**, be received.

Carried

11.1.6 PUR2018-033

Procurement Awards Q2 2018
Launa Lewis, Supervisor of Financial Services

CR2018-495

That Report PUR2018-033, **Procurement Awards for Q2**, be received.

Carried

11.1.7 PUR2018-037

Request for Proposal 2018-79-OP Implementation of a Document Imaging Program
Ashley Wykes, Buyer
Leanne Mitchell, Supervisor, Cost Accounting

CR2018-496

That Report PUR2018-037, **Request for Proposal 2018-79-OP Implementation of a Document Imaging Program**, be received;

That Forza Consulting B.V., of The Netherlands be selected for the award of proposal 2018-79-OP Implementation of a Document Imaging Program for the proposal cost of $160,606 not including HST;

That subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreement to award proposal 2018-79-OP; and

That the Financial Services Division be authorized to issue a purchase order.

Carried

11.1.8 PUR2018-038

2018-81-CQ Road Lifecycle Extension – Asphalt Overlay
Linda Lee, Buyer
Mike Farquhar, Supervisor, Technical Services

CR2018-497

That Report PUR2018-038, **2018-81-CQ Road Lifecycle Extension – Asphalt Overlay**, be received;

That Royel Paving, A division of CRH Canada Group Inc., be selected for the award of 2018-81-CQ Road Lifecycle Extension – Asphalt Overlay, for the total quoted amount of $267,839.50 plus HST.

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

That the Procurement Division be authorized to issue a Purchase Order.

Carried

11.1.9 ED2018-010

Youth and Young Adult Action Plan
Denise Williams, Manager of Economic Development (Acting)
Emma Drake, Economic Development Officer – Community

CR2018-498

That Report ED2018-010, **Youth and Young Adult Action Plan**, be received; and

That the draft Youth and Young Adult Action Plan be referred back to staff to address and incorporate comments from Council and the public and be brought forward to a subsequent Council meeting.

Carried

11.1.10 PLAN2018-062

Removal of Holding (H) Symbol for Stoll Metal Sales Inc.
Ian Walker, Planning Officer – Large Developments

CR2018-499

That Report PLAN2018-062, **Removal of Holding (H) Symbol for Stoll Metal Sales Inc.**, be received;

That Zoning By-Law Amendment application D06-2018-017 identified as 1993 Glenarm Road, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2018-062, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Carried

11.1.11 PLAN2018-065

A by-law to deem Lots 31 and 32, Registered Plan 321, 38 Marlene Lane, Geographic Township of Carden (Morris) – Planning File D30-2018-011
David Harding, Planner II

CR2018-500

That Report PLAN2018-065, respecting Lots 31 and 32, Registered Plan 321, geographic Township of Carden, **Morris – Application D30-2018-011**, be received;

That a Deeming By-law respecting Lots 31 and 32, Registered Plan 321, substantially in the form attached as Appendix D to Report PLAN2018-065, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

11.1.12 PLAN2018-066

An application to amend the Village of Omemee Zoning By-law 1993-15 to remove the Holding (H) symbol to permit a dwelling on former Part Midland Railway Lands, Part of Block 10, Plan 109, former Village of Omemee, now City of Kawartha Lakes (Westlake)
Mark LaHay, Planner II

CR2018-501

That Report PLAN2018-066, respecting former Part Midland Railway Lands, Part of Block 10, Plan 109, Deane Street, former Village of Omemee, **Westlake – Application D06-2018-021**, be received;

That Zoning By-Law Amendment application D06-2018-021, identified as 46 Deane Street, City of Kawartha Lakes as generally outlined in Appendix C to Report PLAN2018-066, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Carried

11.1.13 WWW2018-009

Woodville Drinking Water System Provincial Officer's Order Number 1-IXCS7
Kayla Strackholder, Contract Coordinator

CR2018-502

That Report WWW2018-009, **Woodville Drinking Water System Provincial Officer's Order Number 1-IXCS7**, be received.

Carried

11.2 Correspondence

11.2.1 CC2018-16.11.2.1

Request for Noise By-law Exemption
Karol Hein

CR2018-503

That the July 20, 2018 e-mail correspondence from Karol Hein regarding a **Request for Noise By-law Exemption**, be received; and

That the exemption of the City's Noise By-law 2005-025, as amended, for the wedding event being held at 442 Meadowview Road, Omemee, from 3:30 p.m. to 11:30 p.m. on August 18, 2018, be approved.

Carried

11.2.2 CC2018-16.11.2.2

Request for Noise By-law Exemption
Amanda Smit

CR2018-504

That the July 19, 2018 correspondence from Amanda Smit regarding a **Request for Noise By-law Exemption**, be received; and

That the exemption of the City's Noise By-law 2005-025, as amended, for the wedding event being held at 21 Ridgewood Road, Lindsay, from 2:00 p.m. on September 22, 2018 to 1:00 a.m. on September 23, 2018, be approved.

Carried

11.2.5 CC2018-16.11.2.5

Short Term Residential Rentals
(Report LIC2018-005, Item 11.3.1 on the Agenda)
Rolling Hills Estates Homeowners Association

CR2018-505

That the August 1, 2018 correspondence from Rolling Hills Estates Homeowners Association, regarding **Short Term Residential Rentals,** Report LIC2018-005, Item 11.1.1 on the Agenda, be received.

Carried

11.2.6 CC2018-16.11.2.6

Memo - Revised Council Meeting Schedule
Cathie Ritchie, City Clerk

CR2018-506

That the August 14, 2018 memorandum from Cathie Ritchie, City Clerk, regarding **Revised 2018 Council Meeting Schedule**, be received; and

That Council approves the revised 2018 Council Meeting Schedule as recommended in the 2018-08-14 Memorandum – Revised 2018 Council Meeting Schedule.

Carried

11.2.7 CC2018-16.11.2.7

Request for Noise By-law Exemption
Michael Hand

CR2018-507

That the August 10, 2018 e-mail correspondence from Michael Hand regarding a Request for Noise By-law Exemption, be received; and

That the exemption of the City's Noise By-law 2005-025, as amended, for the wedding event being held at 15 Vanier Court, Bobcaygeon, from 5:00 p.m. on September 8th to 1:00 a.m. on September 9, 2018, be approved.

Carried

11.3 Items Extracted from Consent

Item 11.2.3 was moved up on the Agenda to be dealt with next.

11.2.3 CC2018-16.11.2.3

Planning Fee Schedule and Minor Variance D20-2018-020
James Head

CR2018-508
Moved By Councillor Dunn
Seconded By Councillor Veale

That the correspondence from James Head, regarding **Panning Fee Schedule and Minor Variance D20-2018-020**, be received.

Carried

Council recessed at 3:35 p.m. and reconvened at 3:45 p.m.

11.1.2 MLE2018-004

Parking By-law Amendments
Aaron Sloan, Manager, Municipal Law Enforcement and Licensing

Moved By Councillor Junkin
Seconded By Councillor Dunn

That Report MLE2018-004, **Parking By-Law Amendments**, be received;

That the Parking By-law 2012-173, Schedule A be amended to include prohibited parking areas, save and except Aylmer Drive and Clonsilla Drive; and

That the necessary By-Law be forwarded to Council at a future meeting for adoption.

Motion Failed

CR2018-509
Moved By Councillor Junkin
Seconded By Councillor Dunn

That Report MLE2018-004, **Parking By-Law Amendments**, be received;

That the Parking By-law 2012-173, Schedule A, be amended to include prohibited parking areas; and

That the necessary By-Law be forwarded to Council at a future meeting for adoption.

Carried

11.1.4 CS2018-013

Revised Terms of Reference for the Lindsay Legacy C.H.E.S.T. Fund Grant Committee
Lisa Peimann, Executive Assistant, Community Services

CR2018-510
Moved By Councillor Dunn
Seconded By Councillor Junkin

That Report CS2018-013, **Revised Terms of Reference for the Lindsay Legacy C.H.E.S.T. Fund Grant Committee**, be received and referred to staff to report back in the new Term of Council.

Carried

11.2.4 CC2018-16.11.2.4

Reconstruction of Downtown Lindsay
Lindsay Downtown BIA

CR2018-511
Moved By Councillor Dunn
Seconded By Councillor Breadner

That the July 26, 2018 correspondence from the Lindsay Downtown Business Improvement Association, regarding **Reconstruction of Downtown Lindsay**, be received and referred to staff to report back on options in Q1 2019.

Carried

11.3.1 LIC2018-005

Short Term Residential Rentals Follow-up Report
Alix Scarr, Senior Licensing Officer
Aaron Sloan, Manger Municipal Law Enforcement

Alix Scarr, Senior Licensing Officer, provided a brief overview of the report.

CR2018-512
Moved By Councillor Elmslie
Seconded By Councillor O'Reilly

That Report LIC2018-005, **Short Term Residential Rentals Follow-up Report**, be received;

That staff be directed to implement Option #1 Status Quo and Monitoring as outlined in Report LIC2018-004;

That By-Law 2016-206 be amended to amend **General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear)**;

That the necessary by-Law amendments be forwarded to Council for adoption; and

That staff continue to dialogue with residents and tax payers who experience ongoing issues with short term rentals and to monitor the effectiveness of implementing these changes with a report back to Council in Q2 2019.

A recorded vote was requested by Councillor Elmslie.

Recorded	**For**	**Against**	**Absent**
Mayor Letham	X		
Councillor Breadner	X		
Councillor Dunn		X	
Councillor Elmslie	X		
Councillor James	X		
Councillor Jilesen	X		
Councillor Junkin		X	
Councillor Macklem	X		
Councillor Martin	X		
Councillor Miller	X		
Councillor O'Reilly	X		
Councillor Pollard	X		
Councillor Seymour-Fagan	X		
Councillor Stauble		X	

Councillor Strangway	X		
Councillor Veale	X		
Councillor Yeo	X		
Results	**14**	**3**	**0**

Carried

Council recessed at 5:06 p.m. and reconvened at 5:14 p.m.

Councillor Yeo left the Council Chambers at 5:06 p.m. and did not return.

11.3.2 PLAN2018-068

Planning Approvals Task Force Recommendations Update
Chris Marshall, Director of Development Services

Director Marshall provided a brief overview of the report.

CR2018-513
Moved By Councillor Strangway
Seconded By Councillor Breadner

That Report PLAN2018-068, **Planning Approvals Task Force Recommendations Update**, be received.

Carried

11.3.3 PLAN2018-069

Community Improvement Plan - Final
Leah Barrie, Policy Planning Supervisor

Leah Barrie, Policy Planning Supervisor, provided a brief overview of the report.

CR2018-514
Moved By Councillor O'Reilly
Seconded By Councillor Elmslie

That Report PLAN2018-069, **Community Improvement Plan – Final**, be received;

That the By-law to adopt the Community Improvement Project Area and CIP, attached as Appendices A and B to Report PLAN2018-069, be approved by Council;

That the Mayor and Clerk be authorized to execute any documents and agreements required by this approval; and

That a $100,000.00 contribution for Community Improvement Plan funding, with funding source options including the Economic Development Reserve, be included in the 2019 budget as a decision unit.

Carried

12. Committee of the Whole and Planning Committee Minutes

12.1 CC2018-16.12.1

Planning Advisory Committee meeting Minutes of August 1, 2018

CR2018-515
Moved By Councillor O'Reilly
Seconded By Councillor Miller

That the Minutes of the August 1, 2018 Planning Advisory Committee Meeting be received.

Carried

13. Petitions

13.1 CC2018-16.13.1

Petition - McGregor Drive, Bobcaygeon
Patrick Callaghan

CR2018-516
Moved By Councillor Dunn
Seconded By Councillor Macklem

That the petition received from Patrick Callaghan regarding **McGregor Drive, Bobcaygeon**, be received and referred to the next update of the Roads 5 Year Plan and included in the 2019 budget for consideration.

Carried

14. Other or New Business

15. By-Laws

The mover requested the consent of Council to read the by-laws by number only.

CR2018-517
Moved By Councillor Martin
Seconded By Councillor Stauble

That the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.13 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

15.1 By-Laws by Consent

15.1.1 By-law 2018-126

A By-law to Repeal By-law 2016-160, as amended, being A By-Law to Licence, Regulate and Govern Taxicab, Limousine, and Transportation Network Businesses and Their Owners, Operators, Brokers, and Drivers in Kawartha Lakes

15.1.2 By-law 2018-127

A By-Law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 7, Concession 11, in the Geographic Township of Laxton, City of Kawartha Lakes, Designated as Parts 1, 2, 3, 4, and 5 on Reference Plan 57R-10644, and to Authorize the Sale of the Land to the Abutting Owners

15.1.3 By-law 2018-128

A By-law to Stop Up and Close Part of the Road Allowance Between the Townships of Manvers and Cavan, in the Geographic Township of Manvers, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10661, Being Part of PIN: 63266-0465 (LT), and to Authorize the Sale of the Land to the Abutting Owners

15.1.4 By-law 2018-129

A By-law to Stop Up and Close that Portion of the Road Allowance Set Out As Part of Lot 1 on Plan 186 as in R173327; Part of Road Allowance between Concession 6 and 7; Part 5 on Plan 57R-7867, together with R173327, Being Part of PIN: 63253-0264 (LT), in the Geographic Township of Emily, City of Kawartha Lakes

15.1.5 By-law 2018-130

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (J.C. Stubbings)

15.1.6 By-law 2018-131

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (V. Stagliano)

15.1.7 By-law 2018-132

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (G. Young)

15.1.8 By-law 2018-133

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (R. Parson)

15.1.9 By-law 2018-134

A By-law to Amend By-law 2016-206, being the Consolidated Fees By-law in the City of Kawartha Lakes
(Amendment No. 9)

15.1.10 By-law 2018-135

A By-law to Amend the Township of Fenelon Zoning By-law 12-95 to Remove the Holding Symbol (H) from a Zone Category on Property within the City of Kawartha Lakes
(West Half Lot 21 and Part of Lot 22, Concession 5 - Brenneman)

15.1.11 By-law 2018-136

A By-Law to Deem Part of a Plan of Subdivision, Previously Registered for Lands Within Kawartha Lakes, *Not* to be a Registered Plan of Subdivision in Accordance with the Planning Act, PIN 63108-0660 (LT) And PIN 63108-0807 (LT), Described as Lot 31 and Lot 32, Registered Plan 321, Geographic Township of Carden, now City Of Kawartha Lakes
(38 Marlene Lane (Lot 31) and Lot 32, Plan 321, Vacant Land on Marlene Lane – Morris)

15.1.12 By-law 2018-137

A By-Law to Amend the Village of Omemee Zoning By-Law 1993-15 to Remove the Holding Symbol (H) from a Zone Category on Property within the City of Kawartha Lakes
(Former Part of Midland Railway Lands, Part of Block 10, Registered Plan 109, former Village of Omemee – Westlake)

15.1.13 By-law 2018-138

A By-law to Designate Lands within the City of Kawartha Lakes as a Community Improvement Project Area and to Adopt a Community Improvement Plan

15.2 By-Laws Extracted from Consent

16. Notice of Motion

17. Closed Session (If Not Completed Prior to Open Session)

18. Matters from Closed Session

19. Confirming By-Law

19.1 By-law 2018-139

A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, August 14, 2018

CR2018-518
Moved By Councillor Macklem
Seconded By Councillor Breadner

That a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, August 14, 2018 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

20. Adjournment

CR2018-519
Moved By Councillor James
Seconded By Councillor Strangway

That the Council Meeting adjourn at 6:03 p.m.

Carried

Read and adopted this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

10.2

Request to Make a Deputation/Presentation to Council/Committee

City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Paul Brown

Address: *

[redacted]

City/Town/Village:

[redacted]

Province: *

Ont

Postal Code:

[redacted]

Telephone: *

[redacted]

Email: *

[redacted]

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

Paul Brown

Please provide details of the matter to which you wish to speak: *

Drainage Task Force Report

What action are you hoping will result from your presentation/deputation? *

The recommendations in the report are adopted by council

Signature:

Paul Brown

Date:

Sept 13 2018

Please complete this form and return to the City Clerk's Office:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

10.3

KAWARTHA LAKES

RECEIVED

SEP 14 2018

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

Request to Make a Deputation/Presentation to Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Richard Weston

Address: *

[redacted]

City/Town/Village:

[redacted]

Province: *

ON

Postal Code:

Telephone: *

[redacted]

Email: *

[redacted]

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

Richard Weston

Please provide details of the matter to which you wish to speak: *

Speaking in support of a petition to ~~adding~~ add the waterfront lots on CREGO LAKE to By-Law 2005-329 (A By-law to regulate the discharge of firearms) in Section 3.00 Specific Provisions. 3.01 Area description: Geographic Township of Somerville

What action are you hoping will result from your presentation/deputation? *

That the lakefront lots on Crego Lake be added to By-law 2005-329 insection 3.0, 3.01 so that only law enforcement may discharge a firearm on those properties.

Signature:

Date: Sept. 14 2018

Please complete this form and return to the City Clerk's Office:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

10.4

KAWARTHA LAKES

Request to Make a Deputation/Presentation to Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

MORLEY BRADBURN

Address: *

195 LOUISA ST.

City/Town/Village:

FENELON FALLS

Province: *

[redacted]
ONT.

Postal Code:

[redacted]

Telephone: *

[redacted]

Email: *

—

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

MORLEY BRADBURN
(OWNER)

Please provide details of the matter to which you wish to speak: *

PROPERTY ON LOUISA ST. AT STREAM — BOUGHT PROPERTY IN 1962 — I HAD 2 CULVERTS INSTALLED TO ACCESS PROPERTY — NEW CONCRETE CULVERTS ACROSS ROAD INSTALLED THIS YEAR — REMOVED MY CULVERTS & NOW NO ACCESS TO MY PROPERTY!

I WOULD LIKE TO TRANSFER OWNERSHIP TO THE CITY AT NO CHARGE & GIVE TO ME A CERTIFICATE FOR $6,500.00 FOR →

What action are you hoping will result from your presentation/deputation? *

A CERTIFICATE FOR THE AMOUNT OF $6500 FOR INCOME TAX PURPOSES / OTHERWISE REPLACE MY 2 CULVERTS BY CUTTING THE NEW GUARD RAILS AT A MUCH LARGER EXPENSE FOR THE CITY!
THANK YOU!

Signature:

M. J. Bradburne

Date:

SEPT. 13/18.

Please complete this form and return to the City Clerk's Office:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

INCOME TAX PURPOSES.

10.5

KAWARTHA LAKES

Request to Make a Deputation/Presentation to Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

James Blair

Address: *

[redacted]

City/Town/Village:

[redacted]

Province: *

Ontario

Postal Code:

[redacted]

Telephone: *

[redacted]

Email: *

[redacted]

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

James Blair
Mary Ellen Blair

Please provide details of the matter to which you wish to speak: *

Application of an amendment to the Zoning By-law
File # D06-2018-022
Plan 2018-073 respecting Application D06-2018-022 be DENIED.

What action are you hoping will result from your presentation/deputation? *

To Deny an application to amend the Township of Mariposa Zoning By-law to add an observation tower and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa. As a direct neighbour ([redacted]), we are hoping that this application will be DENIED.

Signature:

Date:

September 17, 2018

Please complete this form and return to the City Clerk's Office:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to Section 10 of City of Kawartha Lakes By-law 2014-266. This information may be circulated to members of Council, staff and the general public. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

September 17, 2018

Subject: Zoning By-law Amendment for Observation Tower - AGAINST

File Application #: D06-2018-022

Re: Plan 2018-073

Mr. Mayor and Council

My name is James Blair. My wife Mary Ellen and I reside a 130 Oakdene Crescent, R.R # 1 Little Britain, directly adjacent to the property and structure in question. We are against the proposed by-law change.

The reason for our being here today, more than anyone that we may hear from during this hearing, the structure has a direct impact upon the safety, privacy and enjoyment of the property we have resided in for the past 22 years.

A brief outline of my family's history and of my own past work experience, I hope, will assist in your considering and finding merit in our concerns.

For the past 28 years I have been employed with Ontario Power Generation, stationed for a time at the Bruce Nuclear site and the Pickering Nuclear Generating Station; the last ten years of which was in one of the Engineering Departments.

My Great Grandfather, Leonard McClure Blair, immigrated to Canada from Ireland very early in the 1900's. Where did he decide to settle? Why, of all places, Lindsay. He married my Great Grandmother in 1910. He was employed as a locomotive Engineer with the Grand Trunk Railroad in those early years. When the First World War broke out, he enlisted in the 109th Battalion and eventually sent into battle in France, as part of a machine gun crew. He took part in many battles which included Passchendaele. After being wounded twice, he was invalided back to Canada in 1917. When he recovered from his wounds, he went back to his pre-war position with the rail his retirement. He passed away in 1962 and is beside his wife in Riverside Cemetery in Lindsay.

My mother's side arrived in Canada, emigrating from France in the early 1600's. I will not go into much depth as to the family history as it would take far too long. What is of importance though, is that there were many marriages over the time span, between different nationalities including many with Native or Aboriginal people. There was a time, including when I was younger, where there was a stigma associated with being and Aboriginal or a descendant of such. You never would have admitted such, unless of course you lived on a reservation. As is evident by the Federal Government's attempts to make amends for past wrongs, and even establishing a nation holiday to celebrate Native Canadians, but I believe a date has not been chosen yet.

I had to secretly embrace my past, being of Aboriginal descent. Upon moving to our home some 22 years ago, the setting allowed me to experience uninterrupted time to enjoy the spiritual contact and experience I had been lacking. I installed a bench at the top of our property, where I could go and sit to meditate and be one with nature. To simply relax and reflect in a spiritual sense. I did this for many years and that was my spot with no distractions, only the natural sights and sounds to aid in my spirituality.

Then the structure, which looks right down on my bench was erected. I stopped visiting my bench shortly after completion of the structure (or tower as the owners refer to it.) Noise from those up on the structure, abusive comments raining down, the shouting of obscenities all emanating from individuals on the platform of the structure, my wife cannot walk about our own yard without hearing these from either behind the privacy fence or from the top of the structure.

The structure is an invasion of our privacy rights as property owners, and an invasion, and prevention of myself to continue my spiritual practices. Just the mere presence of the structure is enough of a distraction now to prevent me from obtaining the state where I am able to meditate or spiritually connect. I no longer visit that area of my yard or my bench.

Safety Concerns

- Support posts are sunk into unstable ground. Earth has the consistency of beach sand (see sample provided)
- Structure is constructed on a grade
- Structure is already leaning in a downhill direction

- Structures location in relation to the property line equals 7 metres. Total height of structure as provided by owner exceeds 29 feet. If the structure fails, the top section of the structure could fall onto our property. The top of the structure is where the bulk of construction material is located (observation deck). This creates an unstable load, making the structure top heavy. If the structure where to fall in the direction of the property line, there may be a possibly be interference by two trees growing between the structure and the fence, then again, there may not. Any shrapnel from the structure or broken tree limbs would cause serious or possible fatal injuries to any persons or pets in the vicinity of the collapse.

- Cables installed between support posts offer no reinforcement to the structure. They may have aided in the assembly of the structure, but in no way prevent the structure from failing. It is virtually a free standing structure, only supported by four posts set in the ground.

Case in Point

We recently switch from oil heating to propane. Before any fuel tanks could be delivered, we were required to provide a level concrete pad for the tanks. Why would a structure, such as the one we are currently discussing, not require the same regulations? We are not debating fuel tanks here, but human lives!

- Access to the structure is virtually unrestricted. On two sides of the property (North and East sides), is a four foot chain link fence, the south side boundary has a six foot privacy fence and a four foot section of fence and a gate. On the North side of the home, top of the driveway, exhibits no barrier to the backyard or rear of property. Any of the fences, including the privacy fence, are easily scalable from outside the property in question. Kids being kids, are naturally curious and some quite adventurous. This structure is easily visable from the roadway and only invites those of both traits. There are many resident and non-resident teens and preteen youths on the street. It would only take one, to climb the structure and through either misadventure or accident, become injured or suffer a fatality. Who is then responsible? I think the city of Kawartha Lakes may find itself, and the property owner, responsible and liable for any incident that may occur, whether through trespass or failure of the structure.

- Scaffolding is being employed as stairs to access the top of the structure. In industry, scaffold cannot be used as a permanent part of a structure. How does it apply in a residential situation? Does it have to be CSA or TSAA approved? In regards to the use or even manufacture of this equipment, does it have to be purchased from a manufacturer who has been certified by either CSA or TSAA for use where people use it for access or egress from a structure.

- One of two major fault lines in Ontario passes on both sides of Lake Scugog. This area is not immune to earthquakes and or tremors. This Fault Line is considered to be a major fault line and is reported to be capable of producing a major seismic event at any time. **Is this structure seismically qualified?**

- **In reference to the Ontario Building Code, has any information been provided, in particular to Division "B" Part 4 Sections:**

4.1.3 Limit States Design

4.1.3.2 Strength and Stability

4.1.3.3 Fatigue

4.1.3.4. Service Ability

4.1.3.5 Deflection

4.1.4 Dead Loads

It has come to our attention that a petition of sorts was circulated in an attempt to garner support for this structure. Regardless of the number of names, if this committee were to dissect the list, first eliminating those who do not reside in the City of Kawartha Lakes, next those who do not reside on Oakdene Crescent. Followed by those who do not live in close proximity to the structure. By that, I mean who cannot see it at all from their property. Lastly, those who are seasonal residents who are not directly affected. I think that all that would remain would be one or two names, not including the owners responsible for the structure. I hope this reviewing Committee will consider this and disregard any such list provided by [redacted]

Should this rezoning go ahead, a precedent may be set for anyone else who may decide to erect a similar structure on their property, regardless of where that property may be located? Structures could be spring up like invasive weeds throughout the City of Kawartha Lakes. If a precedent is to be set, it should be one in which the city will no longer tolerate flagrant violation of its regulations. I.E. Building Permits, and making a mockery of the process in dealing with such violations.

If this is the normal process for dealing with such matters, I believe it may be time for the Mayor and Council to review this process so that in the future failure to abide and follow the regulations is dealt with swiftly and decisively. If the task appears too difficult, I am sure that the newly elected provincial Government may be more than willing to assist in setting up a procedure and regulations to eliminate such mockery.

It is my understanding that when the city was made aware of the structure, it was found that no permit was applied for or obtained prior to the erection and completion of the structure. It was also determined that the structure exceeded what is the allowable by some sixteen feet. The owners of the structure were instructed to apply for a Minor Variance. The application was rejected, leading us to this hearing. ***Why are we here?***

For the reasons already presented, the owners should be directed to remove the structure. END OF STORY.

Closing

In closing, I request that this reviewing committee should any rezoning be considered, allowing this structure to remain, obtain the following:

- A document from the property owner's insurance company acknowledging their knowledge of the structure, and liability insurance for the specific structure in question. Not just simple homeowners insurance, as most likely the insurance company is completely unaware of the structure.
- A complete in depth comprehensive inspection of the structure, the site, and through analysis of the concerns as previously outline. I.E. Location and grade, no stable base materials, etc. To be performed by the cities own Civil Engineering staff.

The city of Kawartha Lakes should also realize that being aware of these concerns and failure to act in a reasonable course to investigate them could result in further liability, and the case of personal injury or death, through either failure of the structure, or misadventure...criminal proceedings.

Attachment:

After reviewing a letter submitted by [redacted], [redacted], to the City of Kawartha Lakes Planning Department, I can only hope that this Reviewing Committee does not fall victim to the ruse as detailed in the same mentioned letter. The supposed "wildlife habitat" outlined in the document did not exist until after this 'observation tower' became an issue with the area residents and it's referral to the City of Kawartha Lakes for investigation. I think if the committee might further waste it's time investigating some of the claims. i.e. clubs and associations, except perhaps 'The Friends of the Osprey', you will find that the memberships, articles and associations listed groups or associations, did not exist prior to community concerns over the structure. It is all a complete fabrication to garner support and possible acceptance of any rezoning of the property to allow the structure to remain.

I would also like to refer to document from M.B. Finney Ltd. There appears to be a couple of misleading headings on the document.

1 Contractor - Scott Sommerville

Scott Sommerville does not indicate what type of contractor he is. To the best of our knowledge, Scott Sommerville may be an Electrical Contractor, not a General, or Structural Contractor.

2 Project- Elevated Osprey Nest Platform

There are not Ospreys on the platform. It is a platform intended for Humans. When the Ospreys are nesting, any visit to the platform only serves to harass the Osprey as they are nesting and rearing young, during a span from the birds arrival in spring, until their departure in the fall. The remainder of the year, the birds have migrated south. How than can the structure be associated at all with the Osprey. Again, only a ruse to justify the structures existence.

Also, attention should be paid to the footnotes on page 1 (one) of the same document. M.B. Finney is not assuming any responsibility for his inspection of this structure. In my 10 plus years' experience in one of the Engineering Departments of Ontario Power Generation, many drawings crossed my desk for review, especially pertaining to new builds or engineering changes. The drawings or related documents always bared the stamp identifying that the Engineer is a member of the society of Professional Engineers of Ontario. I have no doubt that

Mr. Finney is a member of this Fraternity, but the absence of his stamp on either the written document or the submitted drawing of the structure should raise red flags. Although he may have been impressed by some aspects of the structure, specifically some of the pieces used in its construction, it in no way states that the location, means of construction, foundation, or the intent to be used by persons, or the number of persons that the structure may support safely. As an Engineering basis for the continued existence of the structure it has no legal basis, especially for liability only excluding liability of Mr. Finny.

Further to the document from Mr. Finney, the recommendations in particular 6.2, would likely require the use of heavy equipment such as a boom truck or similar equipment. It would also require some disassembly of the structure, without an approved building permit or minor variance if sections are removed. Can they be reinstalled without these approvals. Also becase of the location of the structure, I do not believe it will be accessible to the required heavy equipment to complete the task.

Sincerely,

_____

James (Jim) Blair

130 Oakdene Crescent, Little Britain, K0M 2C0

Letter to Council

Sept. 25, 2018
Meeting Date

Plan 2018-073
File: D06-2018-022

Subject: Application for Zoning By-law Amendment for Observation Tower - AGAINST

File #: D06-2018-022

Re: Plan 2018-073

Dear Mayor and Council

We have lived at 130 Oakdene Crescent for the past 22 years and have enjoyed this time and have respected our privacy and our neighbours privacy. Since Suzanne and Scott have moved in there has been a lot of issues but the Tower is the most significant one.

Initially when the Osprey nest was erected we were asked not to make noise or limit our use of our backyard due to the Osprey nesting. We tried to abide, but we have grandchildren who love to play and make noise. This was prior to the tower being built. After the tower was built, I asked Suzanne and Scott about building without a permit and they stated if caught they would state it was the largest birdfeeder ever and "Guinness Book of Record" worthy. Suzanne stated that once it was up, she would never take it down and would just plead forgiveness. She stated she knew a lot of people on various committees in the City of Kawartha Lakes that would side with her.

She claimed this dispute, regarding the tower, came about due to a neighbourly disagreement. That is not true. Facts being that she ensures everyone on the street abide by all the rules and by-laws, but apparently they do not apply to her as in her words, "She knows people".

In the Planning Meeting, held September 12 2018, she emphasized that they do no approach or climb the tower during the Osprey season so as to not disturb them. The tower itself does disturb them and I have pictures to prove they are up there entertaining on a frequent basis. If you ask to go up, Suzanne and Scott would never say no. Even if it was disturbing the birds they would encourage you to go up and stay a while in order to gain a vote to keep the tower.

Contrary to what was stated in the Planning meeting, Suzanne and Scot use the tower all summer as Suzanne has stated in her letter that it is for sanity and relaxation and to watch the sunsets, but it is also used in the winter months. New Years of 2017, I was outside when I heard the commotion of a group of people climbing the tower to bring in the New Year. Weather conditions were not great and so I stayed outside to ensure they all got down safely as I could tell they had been ringing in a lot of cheer for the evening. Please note that she also has a letter submitted from a visitor from Scotland...a friend of a neighbour, which proves they are up there on summer months.

My husband and I have lost the use of our backyard for privacy. We can no longer participate in family functions or common use due to the obscenities being rained down upon us even when our grandchildren are present. Obscenities I believe due to the fact she believes we started this process.. which we did not.

In the past we had anticipated cutting down trees but could not as we would be further exposed. Instead we hired people to trim our trees to still provide us with some semblance of privacy. This tower limits the use of our yard and activities as we are constantly being watched and criticized from above.

Yes they built a fence to provide for their privacy, but with the tower have no consideration for the privacy of others. The people she has had submit letters in favor of the tower either do not live here, or are just cottagers that are here part time and do not have voting privileges in this area.

I wish more people could attend this meeting to protest this grotesque structure, but this is a weekday and they must work to earn their living and cannot take the time off.

But, we are the most impacted of them all. We live beneath this tower, scrutinized day and night by their use and voices.

We used to use our yard, but now remain on our deck under a gazebo as we feel we are no longer able to branch beyond its privacy and safety.

In conclusion, I must mention that this tower will definitely decrease the value of our home and surrounding homes. I feel that the by-laws are not being taken seriously as this issue should never have reached this point. Suzanne has stated in her initial letter that she hates it here and if she should move, what will happen with the tower and the use of it by the new owners? If this does get rezoning...does it limit what we can do in **our** own back yard.

If Suzanne and Scott had applied for a permit initially this would not be an issue as they could not have been able to build it too high and too wide. I guess we can all build towers if this is approved and apply for forgiveness later.

With Respect,

MaryEllen Blair

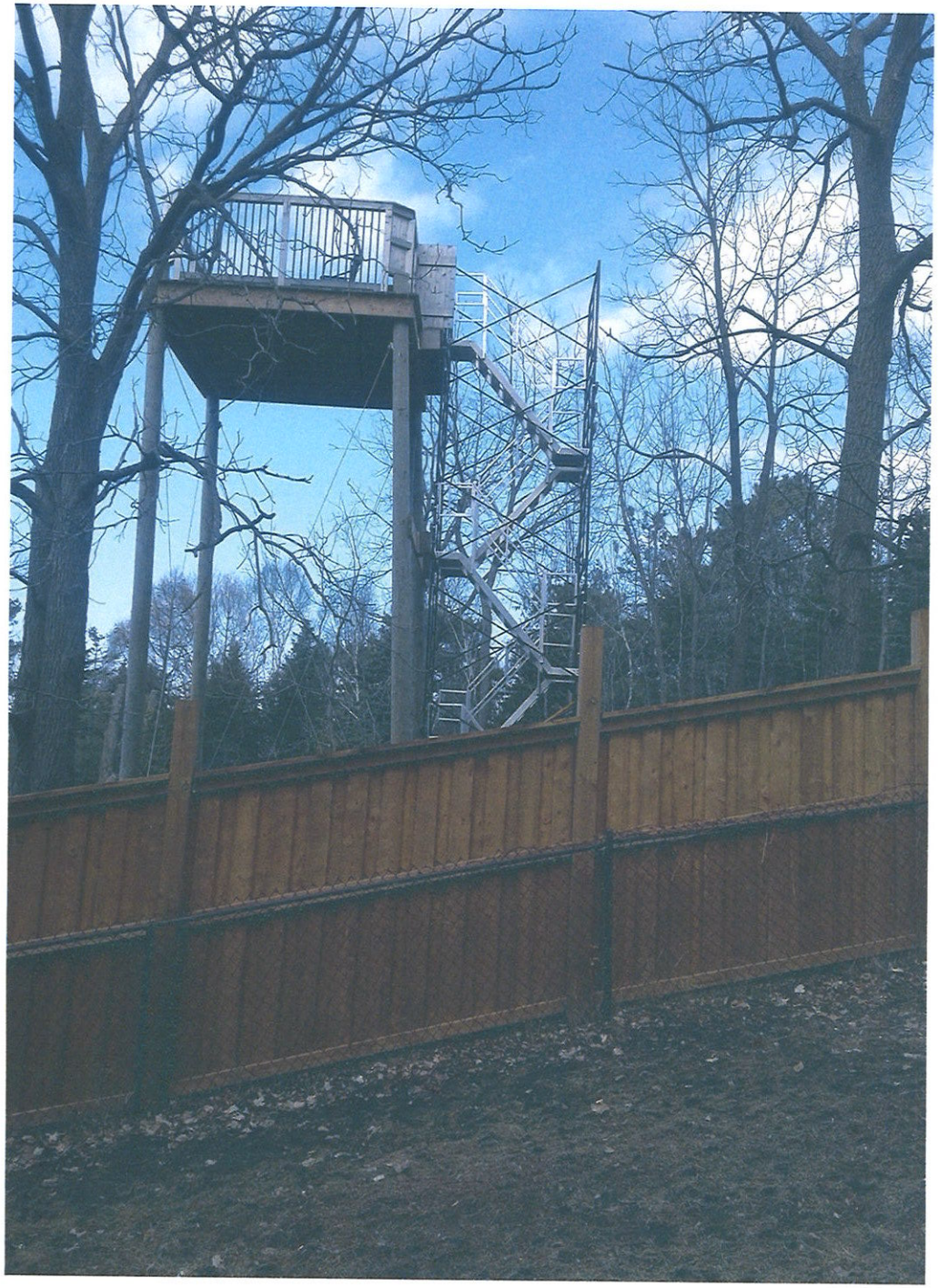
130 Oakdene Crescent, Little Britain K0M 2C0 (705) 786-3779

Attachments – Six Pictures & Video

Front view. Does not blend in to background. Very obvious & not a favorable looking structure.

Looks rediculous.

According to Suzanne they do not use the tower during summer months (Osprey nesting time), but they entertain often.



Fall view 2017

No privacy
Their view to our yard.

Note: Is this something you would like in your neighbours back yard?

No barrier /fence to prevent entry to back yard.

Request to Make a Deputation/Presentation to Council/Committee

City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Ken Smith, P. Eng. D.M. Wills Associated Limited

Address: *

150 Jameson Drive

City/Town/Village:

Peterborough

Province: *

ON

Postal Code:

K9J 0B9

Telephone: *

705-742-2297

Email: *

ksmith@dmwills.com

There can be maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda: *

Ken Smith

Please provide details of the matter to which you wish to speak: *

On behalf of the Ministry of Transportation, D.M. Wills Associates Limited is undertaking engineering work for the rehabilitation/replacement of various culverts along Highway 35. As part of this work and to expedite the process, it is anticipated that a full road closure and nighttime work are required to undertake the replacement of culverts in and near the Village of Norland. Wills would like to address the proposed full road closure including a detour and request a noise by-law exemption to the City's Noise By-law at the Council meeting.

What action are you hoping will result from your presentation/deputation? *

Council support for the proposed full road closure, detour option and approval of the noise by-law exemption request to facilitate the culvert works along Highway 35.

Signature:

Date:

September 17, 2018

Please complete this form and return to the City Clerk's Office: Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

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The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2018-009

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: **2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule**

Author and Title: Ann Rooth, Deputy Clerk

Recommendation(s):

That Report CLK2018-009, **2019 Council, Committee of the Whole and Planning Advisory Committee Meeting Schedule**, be received; and

That the schedule for Council, Committee of the Whole and Planning Advisory Committee Meetings for 2019, as outlined in Appendix A to Report CLK2018-009, be approved.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

A Council and Planning Advisory Committee meeting schedule for the entire year is developed and approved by Council which allows all parties to plan for reports and initiatives coming forward, as well as to assist in other meeting scheduling and vacations.

Further, at the Council Meeting of July 17, 2018 Council adopted the following resolution:

> **CR2018-461**
> **Moved By** Councillor Elmslie
> **Seconded By** Councillor Seymour-Fagan
>
> **That** Report CAO2018-005, **Update – Review of City and Agency Boards and Committees**, be received;
>
> **That** staff be directed to update the terms of reference for various Committees and Boards as generally outlined in Appendix A to Report CAO2018-005 in advance of the next term of Council for approval and subsequent recruitment; and
>
> **That** the City Clerk include regular monthly Committee of the Whole meetings in future annual meeting calendars beginning the next term of Council.
>
> **Carried**

This report addresses the schedule for Council, Committee of the Whole and Planning Advisory Committee for January to December of 2019.

Rationale:

The purpose of this report is to put forward a schedule for 2019 for the benefit of Council, Staff, the public and media, to achieve the following goals:

a) To provide Council, Staff, the Public and Media with an outline of the Council, Committee of the Whole and Planning Advisory Committee Meeting dates to occur in the 2019 calendar year;

b) To provide Council with reduced meeting commitments during the summer break period and a break during the Christmas season;

c) To assist with scheduling of vacations for Council and staff;

d) To accommodate Councillors and staff attendance at municipal conferences without having a conflict with a council meeting;

e) To schedule monthly Committee of the Whole Meetings to allow for planned presentations and deputations from the public for new items to Council; and

f) To facilitate the scheduling of Special Council Meetings, Workshops, Training Opportunities and Strategic Sessions with Council without overburdening Members of Council.

Other Alternatives Considered:

The schedule is to be a guiding document for 2019. Council has the option to make any revisions to the schedule as they see fit or as circumstances change throughout the year.

Special Council meetings may be called by the Chair subject to the usual notice and are not included on the schedules.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The Schedule will allow Council and staff to deal with issues relating to the adopted strategic plan in an organized manner.

Consultations:

CAO
City Clerk
Manager of Planning

Attachments:

Appendix A – 2019 Council, Committee or the Whole and Planning Advisory Committee Meeting Calendar

2019 Council,
Committee of the Wh

Department Head E-Mail:

Department Head:

Department File:

January 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 New Year's Day	2	3	4	5
6	7	8	9	10	11	12
13	14	15 Council	16 Planning Advisory Committee	17	18	19
20	21	22 Committee of the Whole	23	24	25	26 ROMA
27 ROMA	28 ROMA	29 ROMA	30	31		

February 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 Council	6 Planning Advisory Committee	7	8	9
10	11	12 Committee of the Whole	13	14	15	16
17	18 Family Day	19 Council	20	21	22	23
24	25	26	27	28		

March 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 Council	6 Planning Advisory Committee	7	8	9
10	11	12	13 March Break	14	15	16
17	18	19 Committee of the Whole	20	21	22	23
24	25	26 Council	27	28	29	30
31						

April 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9 Council	10 Planning Advisory Committee	11	12	13
14	15	16 Committee of the Whole	17	18	19 Good Friday	20
21	22 Easter Monday	23 Council	24	25	26	27
28	29	30				

May 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Planning Advisory Committee	2	3	4
5	6	7 Council	8	9	10	11
12	13	14 Committee of the Whole	15	16	17	18
19	20 Victoria Day	21 Council	22	23	24	25
26	27	28	29	30	31	

June 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4 Council	5 Planning Advisory Committee	6	7	8
9 AMCTO	10 AMCTO	11 AMCTO	12 AMCTO	13	14	15
16	17	18 Committee of the Whole	19	20	21	22
23	24	25 Council	26	27	28	29
30						

July 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Canada Day	2	3 Planning Advisory Committee	4	5	6
7	8	9	10	11	12	13
14	15	16 Committee of the Whole & Council	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5 Civic Holiday	6	7 Planning Advisory Committee	8	9	10
11	12	13 Committee of the Whole & Council	14	15	16	17
18 AMO	19 AMO	20 AMO	21 AMO	22	23	24
25	26	27	28	29	30	31

September 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Labour Day	3	4	5	6	7
8	9	10 Council	11 Planning Advisory Committee	12	13	14
15	16	17 Committee of the Whole	18	19	20	21
22	23	24 Council	25	26	27	28
29	30					

October 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8 Council	9 Planning Advisory Committee	10	11	12
13	14 Thanksgiving Day	15	16	17	18	19
20	21	22 Council	23	24	25	26
27	28	29 Committee of the Whole	30	31		

November 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5 Council	6 Planning Advisory Committee	7	8	9
10	11 Remembrance Day	12 Committee of the Whole	13	14	15	16
17	18	19 Council	20	21	22	23
24	25	26	27	28	29	30

December 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4 Planning Advisory Committee	5	6	7
8	9	10	11	12	13	14
15	16	17 Council	18	19	20	21
22	23	24	25 Christmas Day	26 Boxing Day	27	28
29	30	31				

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2018-010

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Repeal of Tag Day By-law

Author and Title: Ann Rooth, Deputy Clerk

Recommendation(s):

That Report CLK2018-010, **Repeal of Tag Day By-law**, be received;

That the solicitation of monetary contributions, known as Tagging, be prohibited at City Parks and Facilities; and

That a by-law to repeal By-law 2001-53, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work, be brought forward for adoption.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of April 23, 2001, Council adopted the following resolution:

> **Moved by Councillor McGregor, seconded by Councillor McGee,**
> **RESOLVED THAT,** report CS2001-17, Regulation of Tag Days within City Boundaries be received; and
> **THAT** the by-law to fix days for solicitation of monetary contributions by persons and organizations in charitable or patriotic work, in the form appended as Schedule "A" to Report CS2001-17, be presented to Council for reading and passage; and,
> **THAT** administration of the "tag day" process be handled by the Clerk's office, including receipt of requests, issuance of permission letters and scheduling.
>
> **CARRIED CR2001-424**

Tag Days are events that allow organizations to fundraise on City Property with the permission of the City of Kawartha Lakes.

By-law 2001-053, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work (Tag Days By-law), was intended to replace Tag Days by-laws from predecessor municipalities in order to ensure that local charitable organizations could continue the practice of 'Tagging' to raise funds in the populated and urban areas of the City. The purpose of the by-law was to allow for equal opportunity to ensure the local organizations have successful fundraising events by allocating dates for organizations to utilize municipal property, such as sidewalks and parks.

Rationale:

Staff recommend the Tag Days By-law be repealed for the following reasons:

- The number of organizations submitting Tag Days requests:
  - in 2016 - 5
  - in 2017 - 6
- Many organizations who Tag do not request approval from the City as they limit their Tagging to private property.
- Private property owners may grant permission to multiple organizations to Tag on their properties on the same day. This is beyond the control of the municipality and can cause frustration for organizations that did receive City approval and are competing for fundraising dollars.
- The by-law requiring notification to the City creates an additional layer of complexity to the process of organizing Tagging events.
- The City's current approval process does not require the requestor to provide proof of status as a charitable organization.

- Tagging on City property, such as at a recreational facility, may be ill perceived as a required donation for entry. For example, a parent attending a child's hockey game.
- Tag Day approval may open the City up to risk and potential litigation should there be an accident or incident during the Tagging event that occurs on City property with City approval.

The Tag Days By-law does not apply to the placing of donation boxes at municipal facilities with approval. This is addressed in the City's Display and Sale of Tickets/Merchandise Management Directive

The repeal of the Tag Days By-law would not stop local fundraising. By repealing the Tag Days By-law, the onus would be on organizations to seek permission from private property owners to tag on their properties.

The Safe Streets Act includes provisions to govern solicitation of money or another thing of value on a roadway, as defined in the Highway Traffic Act.

Other Alternatives Considered:

Council could opt to continue the administration of Tag Day approvals through the Clerk's Office. If the Tag Days approval process is to continue, it is recommended that additional steps be taken to mitigate risk, including the requirement for:

- Proof that the organization requesting Tag Days is a non-profit organization and is registered.
- Provision of a certificate of insurance for the event (as we require for other events taking place on City property).

This would help to protect the City in the event an accident or claim should occur, but adds to the administrative burden of the process. Should Council opt for this alternative, a replacement by-law would be brought forward to Council to deal with some housekeeping amendments including updates to legislative references.

Financial/Operation Impacts:

There will be no financial impact as the City does not collect a fee for Tag Days. Repeal of the by-law would reduce staff time required for Tag Day administration.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This report directly aligns with the Strategic Enabler, Municipal Service Excellence, as it acknowledges the opportunity to eliminate an administrative process that has become redundant and has little added value in serving the public.

Consultations:

Director of Community Services
Manager of Municipal Law Enforcement and Licensing
Insurance Risk Management Coordinator

Attachments:

Appendix A – By-law 2001-53

By-law 2001-053.pdf

Department Head E-Mail:

Department Head:

Department File:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2001 - 53

A BY-LAW TO FIX DAYS FOR SOLICITATION OF MONETARY CONTRIBUTIONS BY PERSONS AND ORGANIZATIONS IN CHARITABLE OR PATRIOTIC WORK.

WHEREAS Section 236 (14) of the Municipal Act, R.S.O. 1990, Chapter M45, authorizes Councils of municipalities to pass a by-law to fix days when persons and organizations, in charitable or patriotic work, may solicit contributions of money from persons on highways, sidewalks and / or municipally owned properties within the municipality;

AND WHEREAS it is deemed desirable by the Council of the Corporation of the City of Kawartha Lakes to fix days when persons and organizations in charitable or patriotic work, may occur on the highways, sidewalks and / or municipally owned properties within the municipality;

AND WHEREAS Section 28(g) of the Interpretation Act, R.S.O. 1990, c. I.11, authorizes Councils to alter or revoke by-laws, regulations, rules or orders from time to time and to make others;

NOW THEREFORE the Council of the Corporation of the City of Kawartha Lakes enacts as follows:

1. Definitions

1.1 In interpreting this by-law, the following definitions shall apply:

a) "Charitable" shall mean a registered charity or not-for-profit organization;
b) "City" shall mean the Corporation of the City of Kawartha Lakes, City and Municipality shall have the same meaning.
c) "Clerk" shall mean the person appointed by Council under the Municipal Act to perform the duties of that office for the Corporation of the City of Kawartha Lakes;
d) "Council" shall mean the Council of the Corporation of the City of Kawartha Lakes;
e) "Highway" shall mean the travelled roadway within the City, highway and street shall have the same meaning;
f) "Sidewalks" shall mean municipally property traveled by the general public
g) "Patriotic" shall mean used for the purpose of Canada's prosperity, freedom or rights;
h) "Person" shall mean any individual, firm, group, partnership or organization;
i) "Solicit" shall mean to make appeals or requests for money from the public;
j) "Tag Day" shall mean the day or days upon which solicitation is to take place.

3. General

3.1 No person shall solicit money from persons on the highways, sidewalks and / or municipally owned properties within the Corporation of the City of Kawartha Lakes on any day unless that person is so authorized by the Council or Clerk of the City. This shall include persons in charitable or patriotic work.

3.2 Applications to solicit money from persons on the highways sidewalks and / or municipally owned properties within the City of Kawartha Lakes must be received by the Clerk not less than one week prior to the proposed date of the tag day and shall include all dates requested for tag day, the organization or persons sponsoring the tag day, a contact person, address and telephone number to verify all necessary information and communicate confirmation.

4. Contravention

4.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

5. Repeal of Previous By-laws

5.1 All by-laws passed pursuant to Sections 236(14) of the *Municipal Act, R.S.O. 1990, c.M.45, as amended,* authorizing or regulating the fixing of days for solicitation of monetary contributions by persons or organizations in charitable or patriotic work of the Municipal Corporations of the former County of Victoria, namely: The Corporation of the County of Victoria, The Corporation of the Town of Lindsay, The Corporation of the Municipality of Bobcaygeon\Verulam, The Corporation of the Village of Fenelon Falls, The Corporation of the Village of Omemee, The Corporation of the Village of Sturgeon Point, The Corporation of the Village of Woodville, The Corporation of the Township of Bexley, The Corporation of the Township of Carden/Dalton, The Corporation of the Township of Eldon, The Corporation of the Township of Emily, The Corporation of the Township of Fenelon, The Corporation of the Townships of Laxton, Digby & Longford, The Corporation of the Township of Manvers, The Corporation of the Township of Mariposa, The Corporation of the Township of Ops, The Corporation of the Township of Somerville and the Police Villages of Kirkfield and Pleasant Point,, are hereby repealed.

6. Force and Effect

6.1 This by-law shall come into force and take effect on the final day of passing.

Read a First Time:	***April 23, 2001***	***Mayor***
Read a Second Time:	***April 23, 2001***	
Read a Third Time and Finally Passed on:	***April 3, 2001***	***Clerk***

wjh/drf/22mar01/4,611/

The Corporation of the City of Kawartha Lakes

Council Report

Report Number LIC2018-006

Date:	September 25, 2018
Time:	2:00 p.m.
Place:	Council Chambers

Ward Community Identifier: All

Subject: Canine Day Boarding and Kennel By-Law Amendments

Author Name and Title: Alix Scarr, Senior Licensing Officer

Recommendation(s):

That Report LIC2018-006, **Canine Day Boarding and Kennel By-Law Amendments**, be received; and

That the necessary By-Law 2014-141, a By-Law to Licence, Regulate and Govern Kennels in Kawartha Lakes, be repealed; and

That a by-law to Licence, Regulate and Govern Kennels in Kawartha Lakes attached as Schedule A to this Report LIC2018-006 be forwarded to Council for adoption**.**

Department Head:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of March 20, 2018 Council directed staff to directed to prepare an amendment to By-Law 2014-141, a By-Law to Licence, Regulate, and Govern Kennels in Kawartha Lakes, to include licensing provisions to permit and regulate canine day boarding facilities located in industrial and commercial zones within the City of Kawartha Lakes and report back by the end of the third quarter of 2018.

Following this direction, staff reviewed the matter of canine day boarding facilities in industrial and commercial areas and developed by-law amendments to allow for canine day boarding facilities in these areas. Additionally, staff reviewed the kennel licensing by-law and is recommending additional housekeeping amendments, new definitions to make the different types of kennels more clear, and to include licensing provisions for brokers of dogs and puppies. The proposed changes will have no impact on kennels with current licences issued by the City.

Because the changes to the by-law span the entire document, for clarity, staff are recommending that a new by-law be adopted rather than an amendment. The new by-law will be substantially the same as the previous by-law and will only include the changes outlined in this report.

Rationale:

Canine Day Boarding Facilities

As discussed in LIC2018-002 (attached as Appendix C), and in response to the direction from Council, Planning and Licensing staff researched the matter and determined that canine day boarding facilities are a commercial enterprise and therefore should be permitted on properties zoned for commercial use so long as they are licensed and appropriate noise attenuation measures, outdoor exercise areas, sewage management protocols, and other regulations are in place.

If adopted, the recommended amendments would allow for Canine Day Boarding Facilities on properties that are zoned for commercial or industrial use that list a “personal service” as a permitted use. The recommended licensing provisions are similar to that of other kennels and include a setback of 150 metres from residential dwelling units. Additional requirements for Canine Day Boarding Facilities include a fencing requirement to enclose all outdoor areas and the requirement to remove waste from the property daily to prevent offensive odors.

Definitions

In order to capture the new licensing provisions and to make clear the different types of kennels that are regulated by this by-law, the following changes were made to the definitions section of the by-law.

Old Definition (if applicable)	New Definition
“Aged Dogs”	Removed - does not appear in by-law
“Aggressive, dangerous, or vicious behaviour”	Removed - does not appear in by-law
“Boarding” means a temporary residence where an animal is housed	“Boarding Kennel” means a structure or part thereof in which dogs are boarded on a temporary basis for more than 10 consecutive hours for remuneration.
New Definition	“Breeding Kennel” means a structure or part thereof in which dogs are kept for the purposes of intentional breeding and sold for remuneration.
New Definition	“Broker” means any person or corporation that facilitates the sale of dogs or puppies for remuneration but does not include a breeding, boarding, working dog, or canine day boarding kennel.
New Definition	“Canine Day Boarding Facility” means a structure or part thereof in which dogs are house for a period not exceeding 10 consecutive hours and not overnight.
“City Facility”	Removed - does not appear in by-law
“Department Head”	Removed - does not appear in by-law
“Kennel” for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than B consecutive hours.	“Kennel” for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours and shall include a Breeding Kennel, Boarding Kennel, Working Dog Kennel, Canine Day Boarding Facility, and Broker as defined within this by-law.
“Purebred”	Removed - does not appear in by-law
“Rabid”	Removed - does not appear in by-law
New Definition	“Working Dog Kennel” means a structure or other enclosure in which the owners personal dogs are housed

Old Definition (if applicable)	New Definition
	and such dogs are kept for the purposes of hunting or used as working dogs such as sled dogs.

Kennel Types
The kennel licensing by-law is understood to capture boarding, breeding, and working dog kennels. However, clear definitions of these types of kennels were never included in the by-law. Given that a definition and provisions for Canine Day Boarding Facilities are being recommended, clear definitions and provisions are recommended for the other types of kennel licences as well. There have been no changes to the licensing provisions or requirements for breeding, boarding, and working dog kennels and the by-law amendments will not have any impact on currently licensed kennel operators.

Broker Requirements
Over the past year, staff has received inquiries regarding brokers of puppies and dogs. Brokers operate by obtaining puppies and dogs from breeders and selling them on behalf of the breeder. The intent of the kennel licensing by-law is to ensure that puppies and dogs sold and cared for in our municipality are done so within the standards outlined by the Ontario Society for the Prevention of Cruelty To Animals (OSPCA) and by the by-law. Brokers may represent themselves as the breeders of the dogs and puppies when they are not. This is concerning to staff as it is likely the dogs are not coming from breeders licensed under this by-law or by-laws of neighbouring municipalities and may be coming from puppy mills. As such, it was recommended by the area OSPCA inspector that brokers be included in the licensing by-law with provisions that the puppies and dogs they sell must be sourced from kennels licensed by the City of Kawartha Lakes by-law or by another municipality.

Other Alternatives Considered:

Regarding the addition of Brokers to the by-law, allowing them to be unregulated is an option however staff feels it is an important add them to ensure that puppies and dogs that are sold in the municipality come from safe and humane breeders.

Financial/Operation Impacts:

N/A

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

N/A

Review of Accessibility Implications of any Development or Policy:

N/A

Consultations:

Manager of Municipal Law Enforcement
Manager of Planning
OSPCA Inspector

Attachments:

2018-XXX By-law to Licence, Regulate, an

2014-141 Licence, Regulate, and Goverr

LIC2018-002 Canine Day Boarding.docx

Department Head E-Mail: critchie@kawarthalakes.ca

Department Head: Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-XXX

A By-Law Repeal and Replace By-law 2014-141, Being a By-law to To Licence, Regulate and Govern Kennels in Kawartha Lakes

Recitals

1. Sections 150 - 153 of The *Municipal Act, 2001*, S.O. 2001 c.25, as amended authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: If a word is used in this by-law and a definition is not provided the definition of that word will be found in a legal dictionary and if not found in a legal dictionary then a standard English dictionary definition is used. In this by-law:

"agent, trustee" means any person who may represent the owner or the kennel and includes but is not limited to an employee or operator of the kennel.

"animal" is defined in Section 11.1 of the *Municipal Act 2001 S.O. 2001 c.25*, as amended and means any member of the animal kingdom, other than a human. That definition (as amended from time to time) is adopted for this by-law.

"animal sound" means any sound emitted from an animal, which is audible at a point of reception. This term includes but is not limited to: barking, whimpering, whining, howling and yelping.

"applicant" includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

"boarding kennel" means a structure or part thereof in which dogs are boarded on a temporary basis for more than 8 consecutive hours for remuneration.

"breeding" means the generation of offspring. The terms "breed", "bred" and words of like import or intent have corresponding meanings.

"breeding kennel" means a structure or part thereof in which dogs are kept for the purposes of intentional breeding and sold for remuneration.

"broker" means any person or corporation that facilitates the sale of dogs or puppies for remuneration but does not include a breeding kennel.

"business" means a trade that requires a licence pursuant to this by-law, whether or not a licence has been issued or maintained for that business.

"business day" means Monday, Tuesday, Wednesday, Thursday, Friday, between the hours of 8:00 a.m. and 6:00 p.m. excluding any holiday as defined by the Legislation Act, 2006, S.O. 2006, c.21, Schedule F as amended.

"by-law" means this by-law, as it may be amended from time to time. The recitals to, and the schedules attached to this by-law are considered integral parts of it.

"canine day boarding facility" means a structure or part thereof in which dogs are housed for a period not exceeding 10 consecutive hours and not overnight;

"Chief Building Official" means the person within the City's administration who fulfills the function of the chief building official as required by the *Building Code Act, 1992*, S. O. c.23, as amended, or his or her delegate.

"City", "City of Kawartha Lakes", "Kawartha Lakes", or "municipality" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act*, *2001* S.O. c.25, as amended, or their delegate.

"committee" means the committee of Council to which Council has delegated the responsibility of handling licensing matters. Where no delegation has been made, the term refers to the Council itself.

"Consolidated Fees By-law" means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law."

"control" includes care and custody.

"Council" means the municipal council for the City.

"**Dog(s)**" means a male or female of the species canis familiaris.

"dog kennel shelter" means an enclosed area in a kennel building or outdoors offering protection from the elements for a dog(s) when sleeping or resting and may include but is not limited to a dwelling unit.

"dwelling unit" means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household and with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include motels, hotels, tents, truck campers, tourist trailers, cottage establishments, lodges, cabins or mobile camper trailers.

"Fire Chief" means the person within the City's administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, or their delegate.

"Health Unit" means the Haliburton, Kawartha, Pine Ridge District Health Unit.

"highway" includes every highway as defined by the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended from time to time, including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"household" means any dwelling unit, and includes the entire property (any outdoor space or accessory buildings) associated with the household. "House" has a corresponding meaning.

"Humane Society of Kawartha Lakes" means the local animal shelter and affiliate of the OSPCA from which animals may be redeemed or lawfully adopted.

"impound" means an animal is taken into custody and transported to a City pound and held. The terms "impoundment", "impounded" and words of like import or intent have corresponding meanings.

"kennel" for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours and shall include a Breeding Kennel, Boarding Kennel, and Working Dog Kennel, Canine Day Boarding Facility, and Broker as defined within this by-law.

"kennel building" is a structure or facility where the dog kennel shelters, cages or pens that house the dogs are kept and may include a dwelling unit.

"leash" means a strap, cord or chain which is designed to restrain the animal it is controlling

"licence" means a licence issued pursuant to this by-law.

"licensee" means the owner of a licence.

"licence year" means the period between January 1 and December 31 in any calendar year.

"Licensing Officer" means the municipal Licensing Officer for the City, responsible for the issuing, administration and approval of Licences in accordance with provincial legislation and City policies and procedures, or their delegate.

"Livestock Guardian Dog" means a dog that works and/or lives with domestic farm animals (i.e. cattle, sheep, goats) to protect them while aggressively repelling predators and is used exclusively for that purpose.

"Manager of Municipal Law Enforcement" means the person who holds that position and/or their delegate(s) or, in the event of organizational changes, another person designated by Council.

"Medical Officer of Health" means the Medical Officer of Health of the Health Unit or their delegate.

"Municipal Act" means the *Municipal Act, 2001, S.O. 2001 c.25* as amended from time to time.

"Municipal Law Enforcement Officer" is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Officer.

“operator” is a person with care and control of a kennel at any given point in time, with authorization of the owner of the kennel. The terms “operate”, “operation” and words of like import or intent have corresponding meanings.

“OSPCA” means the Ontario Society for the Prevention of Cruelty to Animals within the jurisdiction of the Province of Ontario. “Ontario SPCA” has the same meaning.

“OSPCA Act” means the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, C. O.36* as amended from time to time.

“owner” means a person:

1. to whom a licence for a kennel has been issued under this bylaw; or

2. who owns, is in possession of, or has the care and control of a kennel;

3. (when used in relation to a dog) who possesses or harbours the dog and, where the owner is a “minor”, the person responsible for the custody of the minor.

“Peace Officer” includes but is not limited to the mayor, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, municipal law enforcement officer, licensing officer or other person employed for the preservation and maintenance of the public peace, or for the service of execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this by-law.

“persistent” is characterized by a specified habitual behaviour pattern, which is an undesirable one. “Insistently repetitive” or “continuous” have a corresponding meaning.

“person” includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person.

"pet store" means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets.

“point of reception” means any geographic location at which a sound can be heard, excluding the premises from which the sound originates.

“Police” means the Chief of Police or other designated officer in charge of a police service within the jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate.

"premises" means a building or part of a building or a place.

"running at large" means an animal that is in a place other than a property owned or occupied by its owner, and not under the control of any person. **"run at large"** or **"at large,"** has a corresponding meaning.

"schedule" means a schedule to this by-law.

"site plan" means a sketch of the property outlining the kennel, building locations and proximity to neighbouring dwelling units.

"trade" includes business, calling or occupation and "carrying on a trade" includes any act of:

a) selling any animals, goods or providing a service; or

b) soliciting business or offering or exposing goods or services for sale or hire.

"Whelping" means the process of giving birth.

"Working Dog Kennel" means a structure or other enclosure in which the owners personal dogs are housed and such dogs are kept for the purposes of hunting or used as working dogs such as sled dogs.

"young dogs" or "puppies" are dogs that are 16 weeks of age or under.

1.02 **Interpretation Rules**:

a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

1.05 **Conflicts:** If a provision of this by-law conflict with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Section 2.00: Licensing Requirements

2.01 **Requirements:** Every person carrying on a kennel shall obtain a licence from the city. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a kennel either for profit or not for profit, without first having obtained the required licence. Failure to comply with this section or any other provision of this by-law shall be an offence.

2.02 **Regulations:** A person who receives a licence for a kennel shall comply with the regulations set out in this by-law and any other applicable by-laws, Provincial or Federal legislation or regulations. Failure to comply with the regulations in this by-law is an offence.

2.03 **Responsibility of Agents:** An agent, trustee or representative of persons operating a kennel in Kawartha Lakes shall also be personally liable for the compliance of their principal, beneficiary or persons they represent in connection with this by-law. The owner of the kennel shall be liable for any action of their agent(s) that is not in compliance with this by-law. Failure to comply with this section is an offence.

2.04 **Locational Requirement:** A licence shall be obtained for each location from which a kennel is operating. Failure to comply with this section shall be an offence.

Section 3.00: Licensing Procedures

3.01 **Application:** An application for a licence or renewal of a licence may be made at the main licensing office of the city, or at any of the city's municipal service centres, on the form prescribed by the Licensing Officer. A renewal shall be applied for at the beginning of every calendar year.

3.02 **Application Requirements and Documentation For New Applications – Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels:** Every applicant applying for a new licence for a kennel shall submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been

convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

c) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned;
f) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
g) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties;
h) copy of the Ontario Master Business Licence (if applicable);
i) registered kennel certificate (if applicable);
j) a list of all dogs to be permanently kept at the subject property, noting verification of current rabies vaccination or titer testing for each dog (except where there is proof that the dog is under four (4) months of age).

3.03 **Application Requirements and Documentation For Renewal Applications - Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels:** Every applicant applying to renew a licence for a kennel shall annually submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals”. Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.04 **Application Requirements and Documentation For New Applications – Broker:** Every applicant applying for a broker kennel licence shall submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an

animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

c) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
d) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
e) proof of insurance as outlined in Section 8;
f) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned (if applicable);
g) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
h) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties (if applicable);
i) copy of the Ontario Master Business Licence (if applicable);
j) a list of all dogs to be permanently kept at the subject property and proof of municipal dog licence for each dog.

3.05 **Application Requirements and Documentation For Renewal Applications - Broker:** Every applicant applying to renew a licence for a broker kennel licence shall annually submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
f) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.06 **Additional Documents Required:** In addition to the requirements prescribed in Sections 3.02, 3.03,3.04, and 3.05, the applicant shall, at the

request of the Licensing Officer or designate, provide additional documentation should a complaint or concern be reported to the licensing officer or a concern arises from inspection including but not limited to:

a) documentation from the Medical Officer of Health that all health requirements have been met;

3.07 **Record-keeping Requirements of a Kennel and Brokers:** Every owner of a licenced kennel and brokers shall maintain records appropriate to the type of kennel being operated and must include, at minimum, health records, the number of dogs being kept and the destination of each dog after it leaves the property.

3.08 **Additional Criteria Considered:** The Licensing Officer may deny a licence or issue a licence with specific conditions based on, but not limited to, the following criteria:

a) the applicant's kennel, premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the *Building Code Act S. O. 1992, c.23*, as amended;
b) the applicant's premises (or use of such for the kennel requested) is not in compliance with the Zoning By-law or any parking requirements of the city;
c) the applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
d) the applicant's premises requires corrective action pursuant to an order of the Fire Chief;
e) the applicant has been convicted of an offence pursuant to the *Criminal Code of Canada*, R.S.C. 1985, c. C.46 that relates to crimes against animals;
f) the applicant was previously convicted of an offence pursuant to this or a predecessor by-law;

3.09 **Inspection Requirement:** The Licensing Officer or designate will inspect any property where a kennel is to operate prior to the issuance of any new or renewal licence within 20 business days of application or on an agreed upon date at the request of the kennel operator. Any person authorized to conduct an inspection shall endeavour to take adequate precautions to ensure proper care is taken to limit the risk of spreading disease within kennels is adhered. Precautionary measures will be determined by the kennel owner/operator. Such precautions will include the use of one or a combination of the following measures: use disinfectant spray on boots and clothing, the wearing of freshly laundered clothing to each inspection, the wearing of bio-hazard suits, the wearing of protective boot covers. In addition, only one inspection will occur per day to limit the risk of spreading disease within kennels. Where appropriate, the kennel owner/operator may provide the protective supplies.

It is an offence to obstruct or permit the obstruction of an inspection under this section.

A person authorized to conduct an inspection for licence issuance purposes under this section, shall consult with the kennel owner prior to entering the kennel and meet all of the sanitation requirements of the owner to enter the kennel.

A person authorized to conduct an inspection under this section for enforcement purposes shall take every precaution to ensure adequate sanitation requirements are met when entering the kennel.

3.10 **Time Limited:** Licences shall be issued for a maximum period of one year and shall come into effect on the date of issue, and expire on December 31 of that same year. Expiring licenses remain in effect during the renewal process.

Section 4.00: Licence Regulations – All Licences

4.01 **Prerequisites for Operating a Kennel:** Kennels shall only be operated for the purposes of breeding, boarding, day boarding or training dogs. A kennel building may not be required for sled dogs, hunting dogs, working dogs or Livestock Guardian Dogs, but a dog kennel shelter shall be provided at all times.

4.02 **Zoning Requirements:** The Licensing Officer shall not issue a licence under this by-law for the operation of a kennel on lands which do not meet the requirements of the applicable city zoning by-law, or any other applicable Municipal by-law, Provincial or Federal legislation or regulation, and shall not be permitted on property less than two hectares (5 acres) in size.

4.03 **Number per Property:** The Licensing Officer shall not issue a licence under this by-law for the operation of more than one kennel per property.

4.04 **Proximity to Neighbouring Properties:** In order to qualify for a kennel licence under this by-law, no kennel shall be situated within one hundred and fifty metres (150m) of a neighbouring dwelling unit(s).

4.05 **Dogs Environmental Needs:** In order to qualify for a kennel licence under this by-law, every kennel operator must ensure that the environmental needs of dogs are met in accordance with the Ontario Society for the Prevention of Cruelty to Animals Act, as amended. Every dog in the kennel shall be provided with adequate and appropriate:

a) food and water;
b) medical attention;
c) care necessary for its general welfare;

d) resting and sleeping area;
e) space to enable the animal to move naturally and to exercise;
f) sanitary conditions;
g) ventilation;
h) light; and
i) protection from the elements, including harmful temperatures.

4.06 **Residence Requirement:** A kennel licence under this by-law shall not be issued unless one of the owners, operators, or employees of the kennel resides on a full time basis in a dwelling unit on the property where the kennel is located while the kennel is operational.

4.07 **Transition Period:** Where a kennel operated lawfully immediately before this by-law took effect, the owner or operator shall be provided with a maximum transition time period of twelve (12) months to comply with this by-law.

4.08 **Grandfathering:** Where a kennel operated lawfully before by-law 2005-42 took effect, the current owner shall be exempt from the provisions of Subsections 4.02, 4.03, 4.04, 4.05.

4.09 **License Transfer:** Licenses issued under Section 4.08 (grandfathering) are not transferrable.

4.10 **Exemptions:**

a) **Veterinarians**: A licenced Veterinarian shall not be considered a kennel owner/operator where a dog(s) has been brought upon their premises for care or treatment.
b) **Animal Shelters or Pounds**: The operator of an animal shelter, humane society or animal pound shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for care or treatment and will not be retained for more than eight (8) weeks. In order to qualify for this exemption, an animal shelter must be a facility that has been approved by the Ontario Society for the Prevention of Cruelty to Animals, or a similar organization recognized by the Licensing Officer. The Licensing Officer may grant an extension of the time period referenced in this subsection to address special circumstances. An example of appropriate special circumstances would be a situation where the appropriate medical treatment for the recovery of an abused animal will take longer than eight (8) weeks.
c) **Pet Stores**: The operator of a pet store shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for the purposes of sale to the public.

4.11 **Unattended Animals:** It is an offence for a kennel owner to leave the kennel operation, unless the dog(s) are prevented from running at large,

by means of an adequate tether or fence or any other enclosure, and the dog(s) are attended and care for by a competent person at least twice per day.

4.12 **Noise and Nuisance Prevention:** It is an offence for the Owner or Operator of a Kennel to permit or allow any Dog(s) to make persistent or excessive Animal Sounds audible at a Point of Reception.

Section 5.00: Licence Regulations for Canine Day Boarding Facilities

5.01 **Zoning Requirements for Canine Day Boarding Facilities:** Notwithstanding Section 4.02, Canine Day Boarding Facilities shall be permitted on properties of less than two hectares (5 acres) in size that are zoned for commercial and/or industrial use and where “personal service” is listed as a permitted use.

5.02 **Fencing Requirements:** Fences are required to enclose all outdoor areas where dogs may be off leash. Fences must be constructed in accordance with By-Law 2017-216 being a By-law to Regulate Fences in Kawartha Lakes, as amended.

5.03 **Waste Removal Requirements:** Canine day boarding operators shall ensure that all outdoor and indoor areas are cleaned to prevent offensive odors. Animal waste is removed from the property daily and disposed of in accordance with any City by-law or provincial or federal regulation.

Section 6.00: Impoundment and Redemption

6.01 Dogs at Large: No Kennel Opertor shall cause or permit any dog(s) to be at large. Permitting a dog or dogs to run at large is an offence.

6.02 **Impoundment:** Any dog found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound.

6.03 **Recovery of Impounded Dogs:** The owner of an impounded dog or another person acting with the authorization of the owner may recover the dog from a pound within five business days, excluding the day on which the dog was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the dog has been in the pound and all costs incurred by the City in impounding the dog, including the full amount of any emergency veterinary care that was required for the dog and administration fee.

6.03 **Disposition of Impounded Dogs:** If an impounded dog is not recovered from a pound within the time period specified in section 6.03, the dog may be surrendered to a Humane Society or or otherwise disposed of by the City in any lawful and humane manner.

Section 7.00: Licence Issue, Revocation & Suspension

7.01 **Licence Fee:** The fee for obtaining a licence or renewal of a licence for a kennel shall be the amount set forth in the Consolidated Fees By-law. License fees shall be raised in accordance with inflation and upon review and approval by council.

7.02 **Licence Fee Refund:** No fee is refundable except in the event that a licence is revoked by reason of municipal staff error. In that case, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

7.03 **Duplicate Licence:** Except as otherwise provided in this by-law, a duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of the fee set out in Schedule B-3 to the Consolidated Fees By-law.

7.04 **Posting of Licences:** The licensee shall keep the licence obtained under this by-law in a place on the property where the kennel is being operated and be available to the public at all times. Persons licensed under this by-law shall, when requested by the Licensing Officer, the Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person authorized by council, produce the licence for inspection and shall exhibit the licence to any person to whom the licensee is offering dogs for sale or offering to board or train a persons dogs. Failure to comply with this section is an offence.

7.05 **Partnerships and Corporations and Unincorporated Associations:**

(a) A partnership, a corporation, an association or a combination of persons is considered as a single applicant for any one kennel.

(b) On any application by a partnership, the licence shall be issued in the name under which the applicant carries on the kennel. The names and addresses of all partners must be listed on the application form.

(c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.

(d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the clerk or licensing officer within thirty days. Failure to comply with this section is an offence.

7.06 **Change of Address**: Every change of mailing address or telephone number of any licensee shall be reported to the Licensing Officer within fifteen (15) days. Failure to comply with this section is an offence.

7.07 **No Transfer:** It is an offence to attempt to transfer or assign a licence issued under this by-law except in accordance with Section 7.08.

7.08 **Licence Transfer:** Upon cessation or sale or other transfer of a kennel, the licensee of that kennel shall notify the Licensing Officer of the cessation or transfer. Where the kennel is being transferred, and subject to any restrictions in the applicable section, the new owner or operator shall be required to submit an application for the licence transfer, in the form prescribed by the Licensing Officer. The requirements of Section 3.00 of this by-law apply to applications for licence transfer.

7.09 **No Vested Right:** No person enjoys a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension; all licences remain the property of the city.

7.10 **Licensees to Use Name on Licence:** It is an offence for a person licensed to carry on a kennel under this by-law to advertise or carry on that kennel under any other name than the one endorsed on their licence.

Section8.00: Insurance

8.01 **Insurance**: Any person who obtains a kennel license shall provide to the Licensing Officer, prior to the issuance of such license and any renewals thereafter, a current and valid Certificate of Insurance evidencing Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including loss of use thereof. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the Province of Ontario. The amount of insurance shall be not less than two million ($2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer.

8.02 The policy shall be endorsed to provide the Licensing Officer with thirty (30) days' prior written notice of cancellation, material change or amendment restricting coverage. Failure to provide such notification is an offence.

Section 9.00: Indemnification

9.01 **Indemnification:** Every Licensee shall, prior to the issuance of a kennel license, enter into an indemnification agreement with the Corporation of the City of Kawartha Lakes whereby the Licensee agrees that it shall at all times indemnify and save harmless the City, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

Section 10.00: Granting, Refusal and Revocation of Licenses

10.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this by-law and all other applicable by-laws, Provincial and Federal legislation and regulations.

10.02 **Grant Licence with Conditions:** The Licensing Officer may, where the provisions of this by-law have been met, propose in writing to the applicant to grant the licence subject to conditions, if appropriate. If within five (5) days following the written proposal to grant the licence with conditions, the applicant has not indicated an objection to the licence with conditions, the licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame.

10.03 **Refuse Licence:** In the event that the Licensing Officer refuses to grant for any reason, suspends or revokes a licence, and the applicant requests that the matter be considered by a committee appointed by council, the Licensing Officer shall prepare a report for the consideration of the committee and the applicant shall be provided with at least two (2) weeks notice of the meeting of council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address council prior to council making a decision.

10.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a licence.

In the exercise of its discretion under section 10.03 such discretion shall be exercised,

a) upon such grounds as are set out in this by-law; or

b) upon the grounds where the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Section 111.00: Enforcement and Penalties

11.01 **Enforcement:** Municipal Law Enforcement Officers, Police, the Licensing Officer or any person appointed by council may enforce this by-law.

11.02 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to suspension or revocation of their license and a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

11.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

11.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

11.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 12.00: Administration and Effective Date

12.01 **Administration:** The Manger of Municipal Law Enforcement is responsible for the administration of this by-law.

12.02 **Effective Date:** This by-law shall come into force and take effect on the date of passage.

12.03 **Ongoing Matters:** By-law 2014-141 shall remain in force and effect for the purpose of conclusion of any legal proceedings commenced under that by-law prior to the effective date of this by-law.

12.04 **Caveat:** Any licencing, regulation or governing process underway with respect to kennels prior to the passage of this by-law shall follow the process described in By-law 2014-141, as amended.

12.05 **Fees:** The fee's for a kennel licence shall be outlined in the Consolidated Fee's By-law, as amended.

Section 13.00: Repeals

13.01 **Repeal:** By-law 2014-141, a By-law to Licence, Regulate and Govern Kennels in Kawartha Lakes, is repealed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2014-141

A BY-LAW TO LICENCE, REGULATE AND GOVERN KENNELS IN KAWARTHA LAKES

Recitals

1. Sections 150 - 153 of The *Municipal Act, 2001*, S.O. 2001 c.25, as amended authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2013-141.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: If a word is used in this by-law and a definition is not provided the definition of that word will be found in a legal dictionary and if not found in a legal dictionary then a standard English dictionary definition is used. In this by-law:

"aged dogs" are dogs that are 10 years of age or older.

"agent, trustee" means any person who may represent the owner or the kennel and includes but is not limited to an employee or operator of the kennel.

"aggressive, dangerous or vicious behaviour" means without mitigating factors has:
- attacked, bitten or caused injury to a person, or
- demonstrated a propensity to do so, or
- attacked, bitten or caused injury to a domestic animal, or
- been placed on an Order to Restrain Animal and is kept or permitted to be kept by its owner in violation of the requirements of such order.

"animal" is defined in Section 11.1 of the *Municipal Act 2001 S.O. 2001 c.25*, as amended and means any member of the animal kingdom, other than a human. That definition (as amended from time to time) is adopted for this by-law.

"animal sound" means any sound emitted from an animal, which is audible at a point of reception. This term includes but is not limited to: barking, whimpering, whining, howling and yelping.

"applicant" includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

"boarding" means a temporary residence where an animal is housed.

"breeding" means the generation of offspring. The terms "breed", "bred" and words of like import or intent have corresponding meanings.

"business" means a trade that requires a licence pursuant to this by-law, whether or not a licence has been issued or maintained for that business.

"business day" means Monday, Tuesday, Wednesday, Thursday, Friday, between the hours of 8:00 a.m. and 6:00 p.m. excluding any holiday as defined by the Legislation Act, 2006, S.O. 2006, c.21, Schedule F as amended.

"by-law" means this by-law, as it may be amended from time to time. The recitals to, and the schedules attached to this by-law are considered integral parts of it.

"Chief Building Official" means the person within the City's administration who fulfills the function of the chief building official as required by the *Building Code Act, 1992*, S. O. c.23, as amended, or his or her delegate.

"City", "City of Kawartha Lakes", "Kawartha Lakes", or "municipality" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"city facility" means any property owned by the City that is not a highway.

"City Clerk" means the person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act, 2001* S.O. c.25, as amended, or their delegate.

"committee" means the committee of Council to which Council has delegated the responsibility of handling licensing matters. Where no delegation has been made, the term refers to the Council itself.

"control" includes care and custody.

"Council" means the municipal council for the City.

"Department Head" means the person who holds that position and their delegate(s) or, in the event of organizational changes, another person designated by Council.

"dog" means a male or female of the species canis familiaris.

"dog kennel shelter" means an enclosed area in a kennel building or outdoors offering protection from the elements for a dog(s) when sleeping or resting and may include but is not limited to a dwelling unit.

"dwelling unit" means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household and with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include motels, hotels, tents, truck campers, tourist trailers, cottage establishments, lodges, cabins or mobile camper trailers.

"Fire Chief" means the person within the City's administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, or their delegate.

"Health Unit" means the Haliburton, Kawartha, Pine Ridge District Health Unit.

"highway" includes every highway as defined by the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended from time to time, including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"household" means any dwelling unit, and includes the entire property (any outdoor space or accessory buildings) associated with the household. "House" has a corresponding meaning.

"Humane Society of Kawartha Lakes" means the local animal shelter and affiliate of the OSPCA from which animals may be redeemed or lawfully adopted.

"impound" means an animal is taken into custody and transported to a City pound and held. The terms "impoundment", "impounded" and words of like import or intent have corresponding meanings.

"kennel" for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours.

"kennel building" is a structure or facility where the dog kennel shelters, cages or pens that house the dogs are kept and may include a dwelling unit.

"leash" means a strap, cord or chain which is designed to restrain the animal it is controlling.

"licence" means a licence issued pursuant to this by-law.

"licensee" means the owner of a licence.

"licence year" means the period between January 1 and December 31 in any calendar year.

"Licensing Officer" means the municipal Licensing Officer for the City, responsible for the issuing, administration and approval of Licences in accordance with provincial legislation and City policies and procedures, or their delegate.

"Livestock Guardian Dog" means a dog that works and/or lives with domestic farm animals (i.e. cattle, sheep, goats) to protect them while aggressively repelling predators and is used exclusively for that purpose.

"Manager of Customer Services" means the person who holds that position and/or their delegate(s) or, in the event of organizational changes, another person designated by Council.

"Medical Officer of Health" means the Medical Officer of Health of the Health Unit or their delegate.

"Municipal Act" means the *Municipal Act, 2001, S.O. 2001 c.25* as amended from time to time.

"Municipal Law Enforcement Officer" is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Officer.

"operator" is a person with care and control of a kennel at any given point in time, with authorization of the owner of the kennel. The terms "operate", "operation" and words of like import or intent have corresponding meanings.

"OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals within the jurisdiction of the Province of Ontario. "Ontario SPCA" has the same meaning.

"OSPCA Act" means the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, C. O.36* as amended from time to time.

"owner" means a person:

1. to whom a licence for a kennel has been issued under this bylaw; or
2. who owns, is in possession of, or has the care and control of a kennel;
3. (when used in relation to a dog) who possesses or harbours the dog and, where the owner is a "minor", the person responsible for the custody of the minor.

"Peace Officer" includes but is not limited to the mayor, sheriff, deputy sheriff, sheriff's officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, municipal law enforcement officer, licensing officer or other person employed for the preservation and maintenance of the public peace, or for the service of execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this by-law.

"persistent" is characterized by a specified habitual behaviour pattern, which is an undesirable one. "Insistently repetitive" or "continuous" have a corresponding meaning.

"person" includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person.

"pet store" means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets.

"point of reception" means any geographic location at which a sound can be heard, excluding the premises from which the sound originates.

"Police" means the Chief of Police or other designated officer in charge of a police service within the jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate.

"premises" means a building or part of a building or a place.

"purebred" describes a dog, which is either registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).

"rabid" means affected with or pertaining to rabies. Symptoms of rabies may include but is not limited to excessive salivation, aversion to water, convulsions and paralysis.

"running at large" means an animal that is in a place other than a property owned or occupied by its owner, and not under the control of any person. **"run at large"** or **"at large,"** has a corresponding meaning.

"schedule" means a schedule to this by-law.

"site plan" means a sketch of the property outlining the kennel, building locations and proximity to neighbouring dwelling units.

"trade" includes business, calling or occupation and "carrying on a trade" includes any act of:
a) selling any animals, goods or providing a service; or
b) soliciting business or offering or exposing goods or services for sale or hire.

"Whelping" means the process of giving birth.

"young dogs" or "puppies" are dogs that are 16 weeks of age or under.

1.02 **Interpretation Rules**:
a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

1.05 **Conflicts:** If a provision of this by-law conflict with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Section 2.00: Licensing Requirements

2.01 **Requirements:** Every person carrying on a kennel shall obtain a licence from the city. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a kennel either for profit or not for profit, without first having obtained the required licence. Failure to comply with this section or any other provision of this by-law shall be an offence.

2.02 **Regulations:** A person who receives a licence for a kennel shall comply with the regulations set out in this by-law and any other applicable by-laws, Provincial or Federal legislation or regulations. Failure to comply with the regulations in this by-law is an offence.

2.03 **Responsibility of Agents:** An agent, trustee or representative of persons operating a kennel in Kawartha Lakes shall also be personally liable for the compliance of their principal, beneficiary or persons they represent in connection with this by-law. The owner of the kennel shall be liable for any action of their agent(s) that is not in compliance with this by-law. Failure to comply with this section is an offence.

2.04 **Locational Requirement:** A licence shall be obtained for each location from which a kennel is operating. Failure to comply with this section shall be an offence.

Section 3.00: Licensing Procedures

3.01 **Application:** An application for a licence or renewal of a licence may be made at the main licensing office of the city, or at any of the city's municipal service centres, on the form prescribed by the Licensing Officer. A renewal shall be applied for at the beginning of every calendar year.

3.02 **Application Requirements and Documentation For New Applications:** Every applicant applying for a new licence for a kennel shall submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule "A" of this by-law;
d) proof of insurance as outlined in Section 7;
e) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned;
f) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
g) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties;
h) copy of the Ontario Master Business Licence (if applicable);
i) registered kennel certificate (if applicable);
j) a list of all dogs to be permanently kept at the subject property, noting verification of current rabies vaccination or titer testing for each dog (except where there is proof that the dog is under four (4) months of age)

3.03 **Application Requirements and Documentation For Renewal Applications:** Every applicant applying to renew a licence for a kennel shall annually submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule "A" of this by-law;
d) proof of insurance as outlined in Section 7;
e) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.04 **Additional Documents Required:** In addition to the requirements prescribed in Section 3.02 and 3.03, the applicant shall, at the request of the Licensing Officer or designate, provide additional documentation should a complaint or concern be reported to the licensing officer or a concern arises from inspection including but not limited to:

a) documentation from the Medical Officer of Health that all health requirements have been met;

3.05 **Record-keeping Requirements of a Kennel:** Every owner of a licenced kennel shall maintain records appropriate to the type of kennel being operated and must include, at minimum, health records, the number of dogs being kept and the destination of each dog after it leaves the property .

3.06 **Additional Criteria Considered:** The Licensing Officer may deny a licence or issue a licence with specific conditions based on, but not limited to, the following criteria:

a) the applicant's kennel, premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the *Building Code Act S. O. 1992, c.23*, as amended;
b) the applicant's premises (or use of such for the kennel requested) is not in compliance with the Zoning By-law or any parking requirements of the city;
c) the applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
d) the applicant's premises requires corrective action pursuant to an order of the Fire Chief;
e) the applicant has been convicted of an offence pursuant to the *Criminal Code of Canada*, R.S.C. 1985, c. C.46 that relates to crimes against animals;
f) the applicant was previously convicted of an offence pursuant to this or a predecessor by-law;

3.07 **Inspection Requirement:** The Licensing Officer or designate will inspect any property where a kennel is to operate prior to the issuance of any new or renewal licence within 20 business days of application or on an agreed upon date at the request of the kennel operator. Any person authorized to conduct an inspection shall endeavour to take adequate precautions to ensure proper care is taken to limit the risk of spreading disease within kennels is adhered. Precautionary measures will be determined by the kennel owner/operator. Such precautions will include the use of one or a combination of the following measures: use disinfectant spray on boots and clothing, the wearing of freshly laundered clothing to each inspection, the wearing of bio-hazard suits, the wearing of protective boot covers. In addition, only one inspection will occur per day to limit the risk of spreading disease within kennels. Where appropriate, the kennel owner/operator may provide the protective supplies.

It is an offence to obstruct or permit the obstruction of an inspection under this section.

A person authorized to conduct an inspection for licence issuance purposes under this section, shall consult with the kennel owner prior to entering the kennel and meet all of the sanitation requirements of the owner to enter the kennel.

A person authorized to conduct an inspection under this section for enforcement purposes shall take every precaution to ensure adequate sanitation requirements are met when entering the kennel.

3.08 **Time Limited:** Licences shall be issued for a maximum period of one year and shall come into effect on the date of issue, and expire on December 31 of that same year. Expiring licenses remain in effect during the renewal process.

Section 4.00: Licence Regulations

4.01 **Prerequisites for Operating a Kennel:** Kennels shall only be operated for the purposes of breeding, boarding or training dogs. A kennel building may not be required for sled dogs, hunting dogs, working dogs or Livestock Guardian Dogs, but a dog kennel shelter shall be provided at all times.

4.02 **Zoning Requirements:** The Licensing Officer shall not issue a licence under this by-law for the operation of a kennel on lands which do not meet the requirements of the applicable city zoning by-law, or any other applicable Municipal by-law, Provincial or Federal legislation or regulation, and shall not be permitted on property less than two hectares (5 acres) in size.

4.03 **Site Plan Control:** A kennel shall not be permitted in an area identified for Site Plan Control except for an area zoned Industrial as per Schedule "B".

4.04 **Number per Property:** The Licensing Officer shall not issue a licence under this by-law for the operation of more than one kennel per property.

4.05 **Proximity to Neighbouring Properties:** In order to qualify for a kennel licence under this by-law, no kennel shall be situated within one hundred and fifty metres (150m) of a neighbouring dwelling unit(s).

4.06 **Dogs Environmental Needs:** In order to qualify for a kennel licence under this by-law, every kennel operator must ensure that the environmental needs of dogs are met in accordance with the Ontario Society for the Prevention of Cruelty to Animals Act, as amended. Every dog in the kennel shall be provided with adequate and appropriate:

a) food and water;
b) medical attention;
c) care necessary for its general welfare;
d) resting and sleeping area;
e) space to enable the animal to move naturally and to exercise;
f) sanitary conditions;
g) ventilation;
h) light; and
i) protection from the elements, including harmful temperatures.

4.07 **Residence Requirement:** A kennel licence under this by-law shall not be issued unless one of the owners, operators, or employees of the kennel resides on a full time basis in a dwelling unit on the property where the kennel is located while the kennel is operational.

4.08 **Transition Period:** Where a kennel operated lawfully immediately before this by-law took effect, the owner or operator shall be provided with a maximum transition time period of twelve (12) months to comply with this by-law.

4.09 **Grandfathering:** Where a kennel operated lawfully before by-law 2005-42 took effect, the current owner shall be exempt from the provisions of Subsections 4.02, 4.03, 4.04, 4.05.

4.10 **License Transfer:** Licenses issued under Section 4.09 (grandfathering) are not transferrable.

4.11 **Exemptions:**

a) **Veterinarians**: A licenced Veterinarian shall not be considered a kennel owner/operator where an animal has been brought upon their premises for care or treatment.

b) **Animal Shelters or Pounds**: The operator of an animal shelter, humane society or animal pound shall not be considered a kennel owner/operator where the animal is being temporarily sheltered within their premises for care or treatment and will not be retained for more than eight (8) weeks. In order to qualify for this exemption, an animal shelter must be a facility that has been approved by the Ontario Society for the Prevention of Cruelty to Animals, or a similar organization recognized by the Licensing Officer. The Licensing Officer may grant an extension of the time period referenced in this subsection to address special circumstances. An example of appropriate special circumstances would be a situation where the appropriate medical treatment for the recovery of an abused animal will take longer than eight (8) weeks.

c) **Pet Stores**: The operator of a pet store shall not be considered a kennel owner/operator where the animal is being temporarily sheltered within their premises for the purposes of sale to the public.

4.12 **Unattended Animals:**
It is an offence for a kennel owner or operator to leave the kennel operation, unless the animals are prevented from running at large, by means of an adequate tether or fence or other enclosure, and the animals are attended and cared for by a competent person at least twice per day.

Section 5.00: Impoundment and Redemption

5.01 **Impoundment:** Any dog found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound.

5.02 **Recovery of Impounded Dogs:** The owner of an impounded dog or another person acting with the authorization of the owner may recover the dog from a pound within five business days, excluding the day on which the dog was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the dog has been in the pound and all costs incurred by the City in impounding the dog, including the full amount of any emergency veterinary care that was required for the dog and administration fee.

5.03 **Disposition of Impounded Dogs:** If an impounded dog is not recovered from a pound within the time period specified in section 5.02, the dog may be sold or otherwise disposed of by the City in any lawful and humane manner.

Section 6.00: Licence Issue, Revocation & Suspension

6.01 **Licence Fee:** The fee for obtaining a licence or renewal of a licence for a kennel shall be the amount set forth in Schedule "A" of this by-law. License fees shall be raised in accordance with inflation and upon review and approval by council.

6.02 **Licence Fee Refund:** No fee is refundable except in the event that a licence is revoked by reason of municipal staff error. In that case the

licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

6.03 **Duplicate Licence:** Except as otherwise provided in this by-law, a duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of the fee set out in Schedule "A" of this by-law.

6.04 **Posting of Licences:** The licensee shall keep the licence obtained under this by-law in a place on the property where the kennel is being operated and be available to the public at all times. Persons licensed under this by-law shall, when requested by the Licensing Officer, the Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person authorized by council, produce the licence for inspection and shall exhibit the licence to any person to whom the licensee is offering dogs for sale or offering to board or train a persons dogs. Failure to comply with this section is an offence.

6.05 **Partnerships and Corporations and Unincorporated Associations:**

(a) A partnership, a corporation, an association or a combination of persons is considered as a single applicant for any one kennel.

(b) On any application by a partnership, the licence shall be issued in the name under which the applicant carries on the kennel. The names and addresses of all partners must be listed on the application form.

(c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.

(d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the clerk or licensing officer within thirty days. Failure to comply with this section is an offence.

6.06 **Change of Address:** Every change of mailing address or telephone number of any licensee shall be reported to the Licensing Officer within fifteen (15) days. Failure to comply with this section is an offence.

6.07 **No Transfer:** It is an offence to attempt to transfer or assign a licence issued under this by-law except in accordance with Section 6.08.

6.08 **Licence Transfer:** Upon cessation or sale or other transfer of a kennel, the licensee of that kennel shall notify the Licensing Officer of the cessation or transfer. Where the kennel is being transferred, and subject to any restrictions in the applicable section, the new owner or operator shall be required to submit an application for the licence transfer, in the form prescribed by the Licensing Officer. The requirements of Section 3.00 of this by-law apply to applications for licence transfer.

6.09 **No Vested Right:** No person enjoys a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension; all licences remain the property of the city.

6.10 **Licensees to Use Name on Licence:** It is an offence for a person licensed to carry on a kennel under this by-law to advertise or carry on that kennel under any other name than the one endorsed on their licence.

Section 7.00: Insurance

7.01 Insurance: Any person who obtains a kennel license shall provide to the Licensing Officer, prior to the issuance of such license and any renewals thereafter, a current and valid Certificate of Insurance evidencing General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including loss of use thereof. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the Province of Ontario. The amount of insurance shall be not less than two million ($2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer.

7.02 The policy holder shall inform the Licensing Officer of any changes to their insurance within 30 days. Failure to do so is an offence.

Section 8.00: Indemnification

8.01 **Indemnification:** Every Licensee shall, prior to the issuance of a kennel license, enter into an indemnification agreement with the Corporation of the City of Kawartha Lakes whereby the Licensee agrees that it shall at all times indemnify and save harmless the City, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

Section 9.00: Granting, Refusal and Revocation of Licenses

9.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this by-law and all other applicable by-laws, Provincial and Federal legislation and regulations.

9.02 **Grant Licence with Conditions:** The Licensing Officer may, where the provisions of this by-law have been met, propose in writing to the applicant to grant the licence subject to conditions, if appropriate. If within five (5) days following the written proposal to grant the licence with conditions, the applicant has not indicated an objection to the licence with conditions, the licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame.

9.03 **Refuse Licence:** In the event that the Licensing Officer refuses to grant for any reason, suspends or revokes a licence, and the applicant requests that the matter be considered by a committee appointed by council, the Licensing Officer shall prepare a report for the consideration of the committee and the applicant shall be provided with at least two (2) weeks notice of the meeting of council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address council prior to council making a decision.

9.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a licence.

In the exercise of its discretion under section 9.03 such discretion shall be exercised,

a) upon such grounds as are set out in this by-law; or

b) upon the grounds where the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Section 10.00: Enforcement and Penalties

10.01 **Enforcement:** Municipal Law Enforcement Officers, Police, the Licensing Officer or any person appointed by council may enforce this by-law.

10.02 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to suspension or revocation of their license and a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

10.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

10.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

10.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 11.00: Administration and Effective Date

11.01 **Administration:** The Manager of Customer Services is responsible for the administration of this by-law.

11.02 **Effective Date:** This by-law shall come into force and take effect on the date of passage.

11.03 **Ongoing Matters:** By-law 2005-42 shall remain in force and effect for the purpose of conclusion of any legal proceedings commenced under that by-law prior to the effective date of this by-law.

11.04 **Caveat:** Any licencing, regulation or governing process underway with respect to kennels prior to the passage of this by-law shall follow the process described in By-law 2005-42, as amended.

11.05 **Fees:** The fee increase from $150.00 to $170.00 shall come into effect on January 1, 2015.

By-law read a first, second and third time, and finally passed, this 22nd day of April, 2014.

Rick McGee, Mayor

Judy Currins, City Clerk

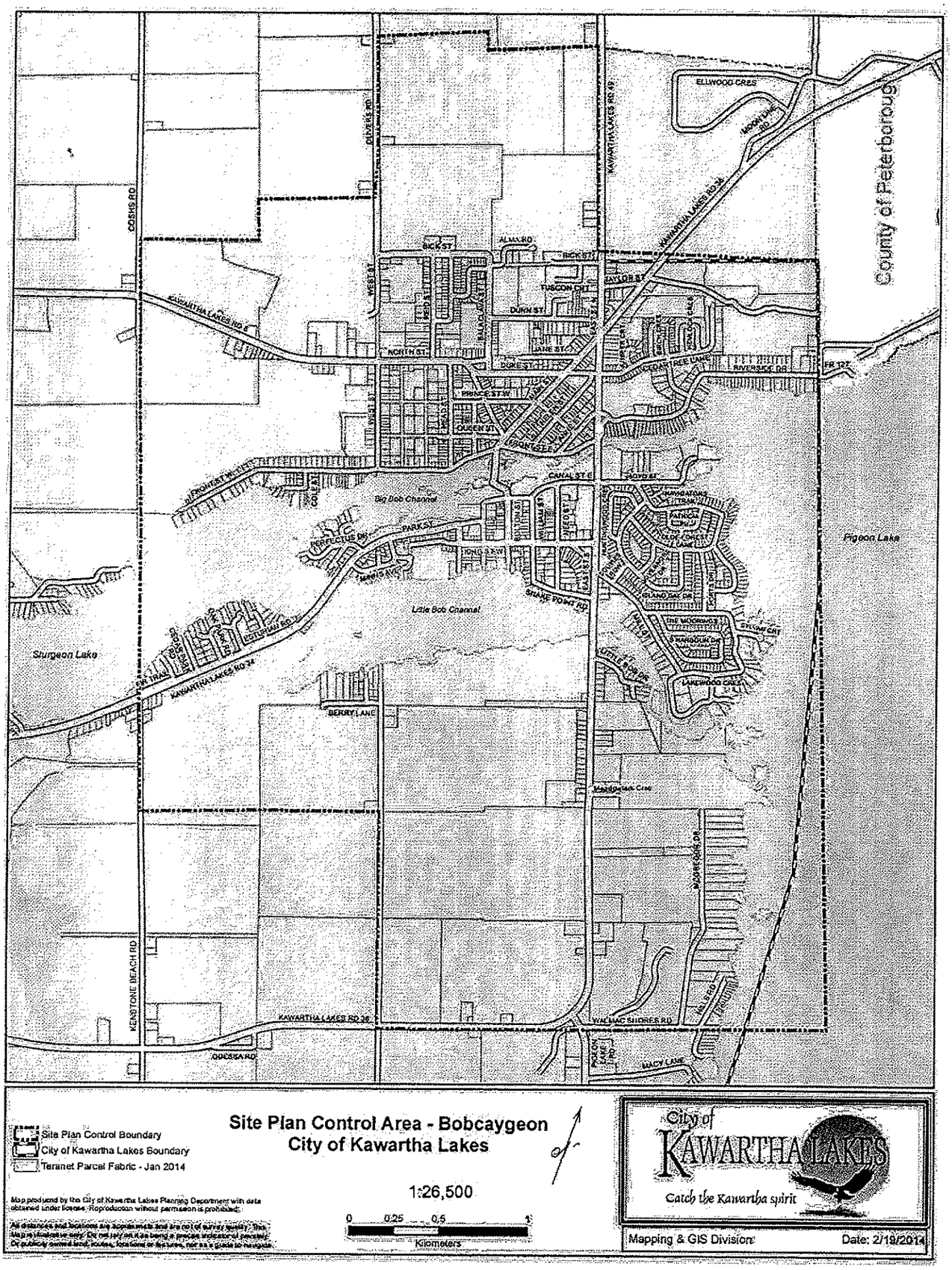
Schedule "A"
to the Kennel By-law 2013-
of the Corporation of the City of Kawartha Lakes

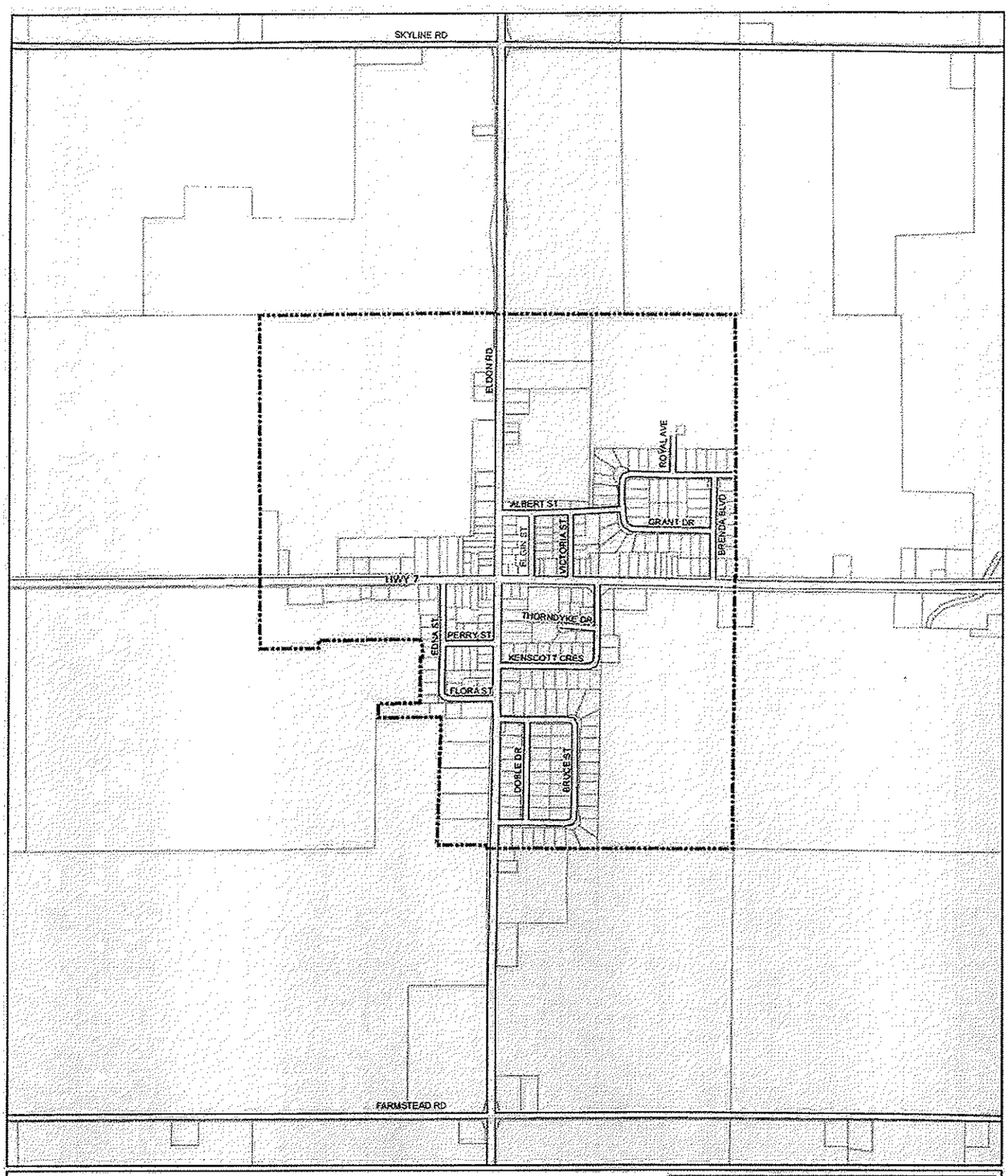
Licence Fees

Kennel Licence or Renewal of Licence per year or part year	$170.00
Replacement Licence	$15.00

Schedule "B"
to the Kennel By-law 2013-
of the Corporation of the City of Kawartha Lakes

Maps as described in section 4.03 of this by-law.





Site Plan Control Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Oakwood
City of Kawartha Lakes

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Kilometers

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City of KAWARTHA LAKES
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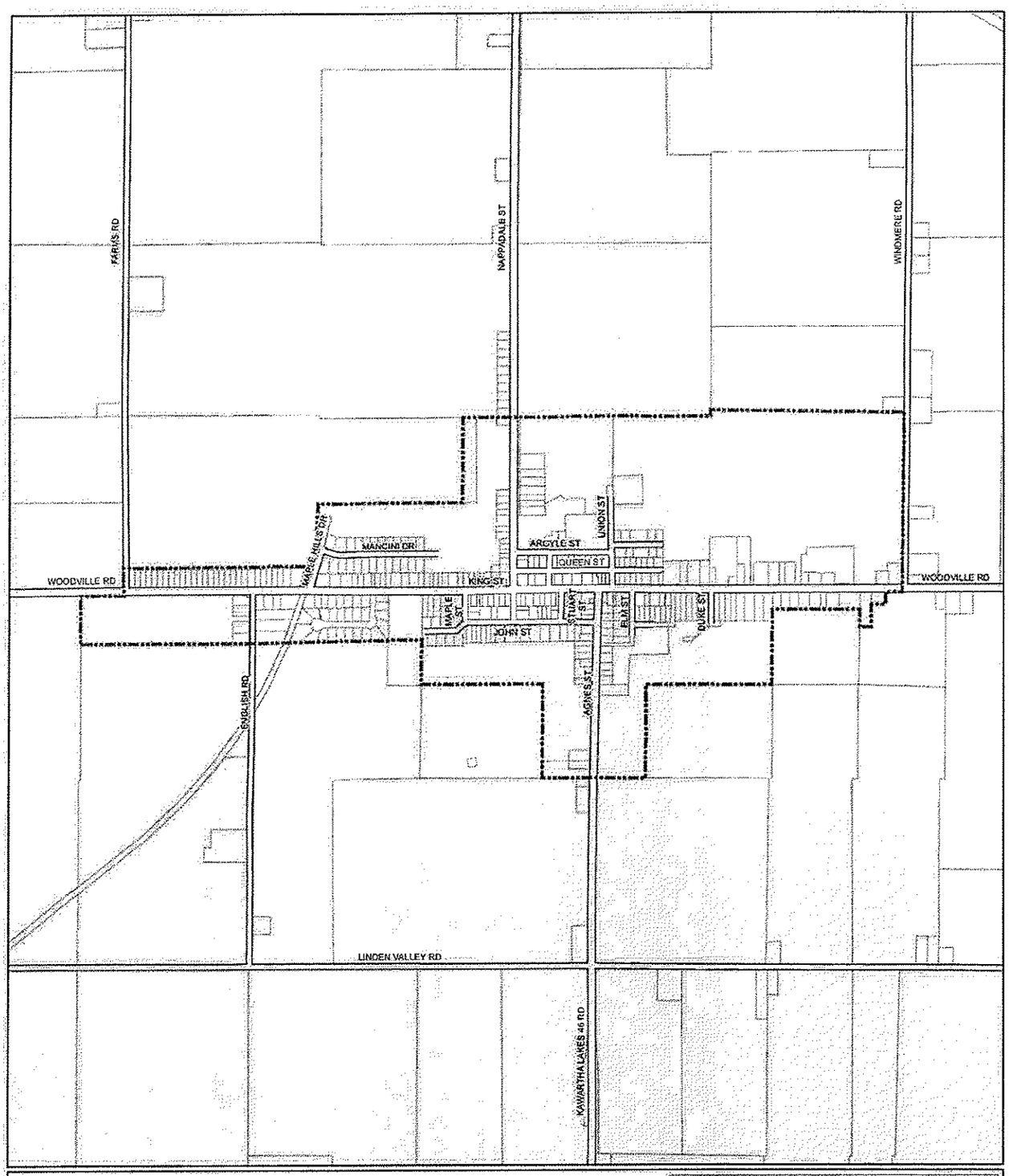
Mapping & GIS Division Date: 2/12/2014



Site Plan Control Boundary
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Site Plan Control Area - Woodville
City of Kawartha Lakes

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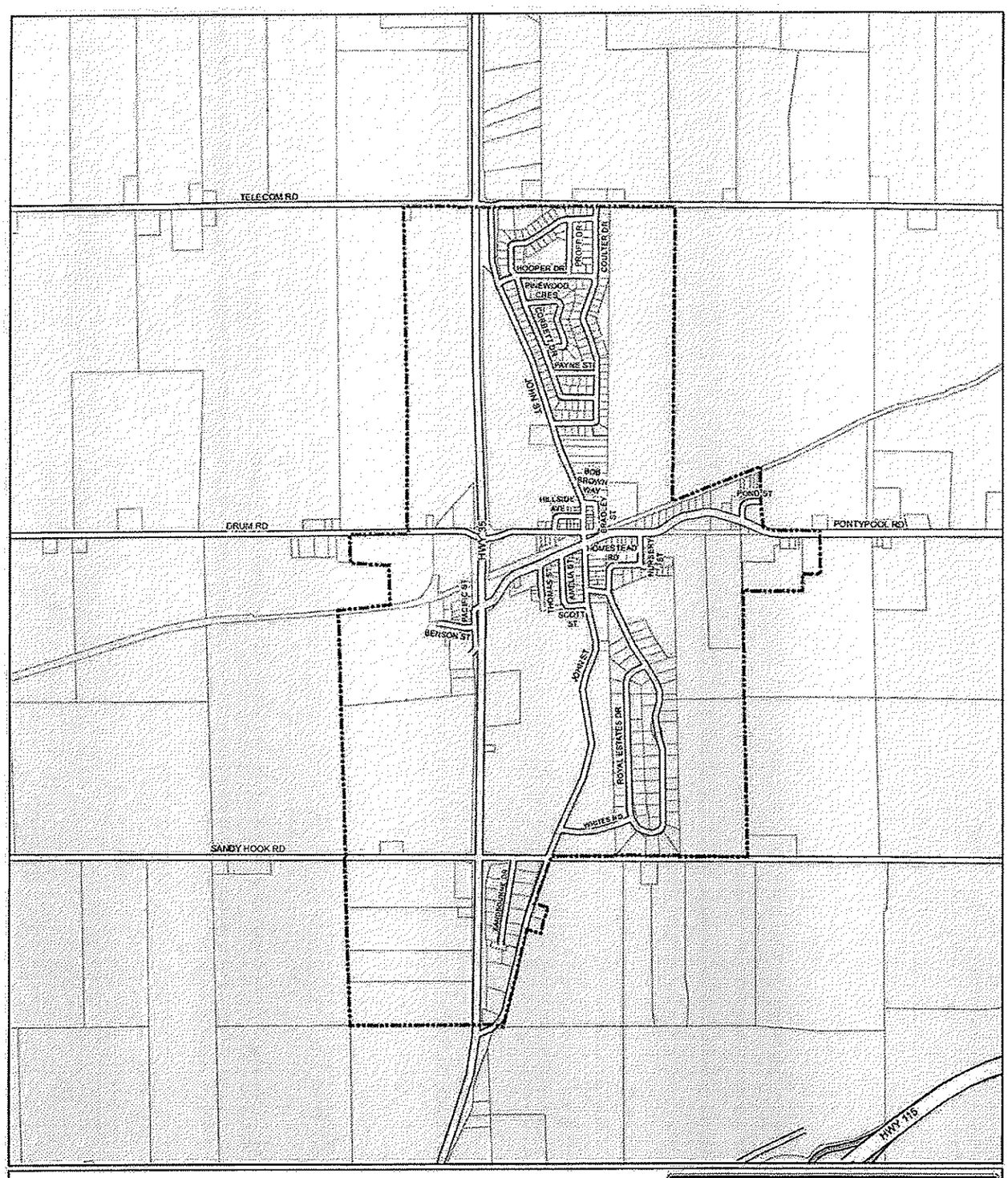

Site Plan Control Boundary

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Site Plan Control Area - Pontypool
City of Kawartha Lakes

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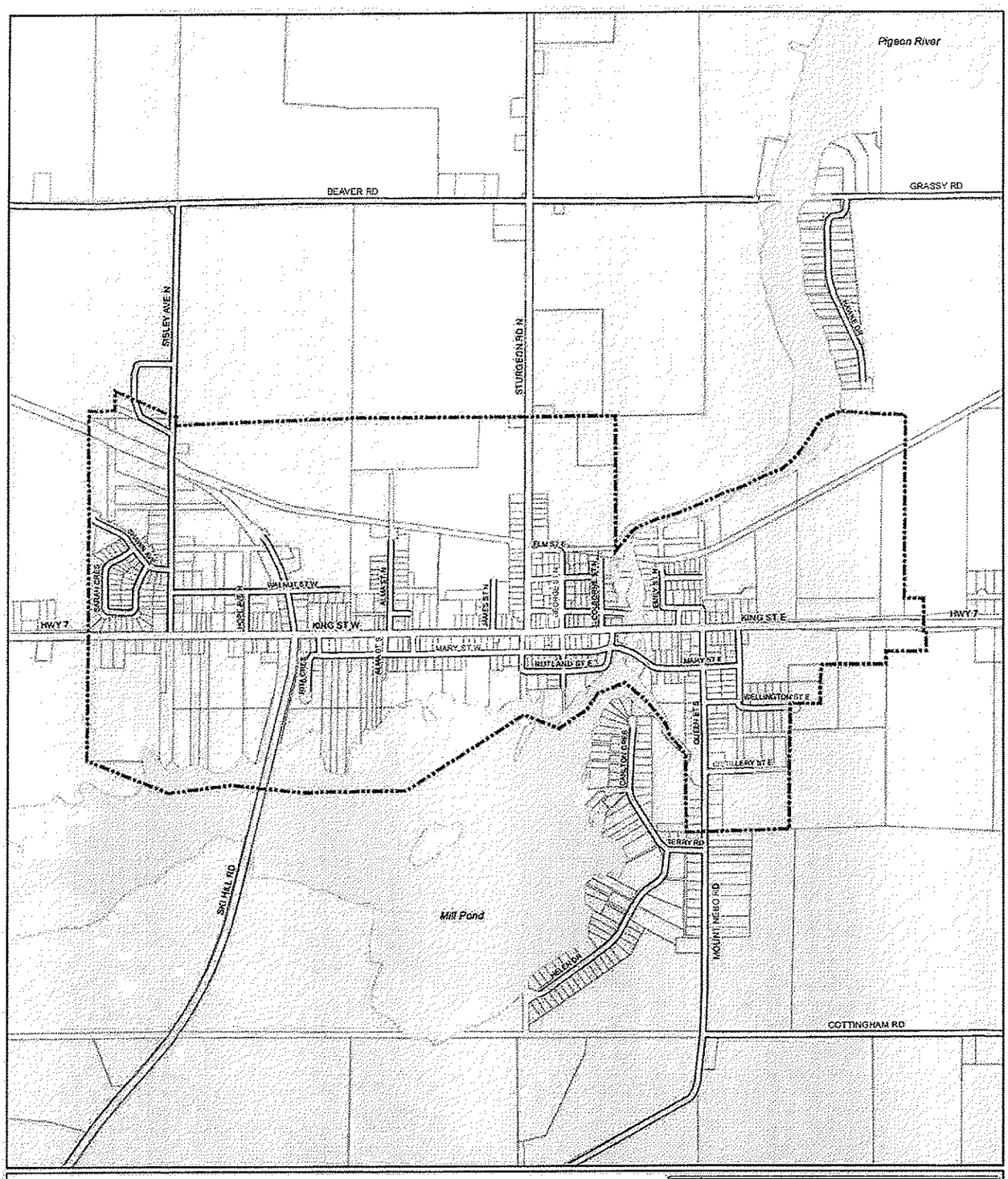

Site Plan Control Boundary

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Site Plan Control Area - Omemee
City of Kawartha Lakes

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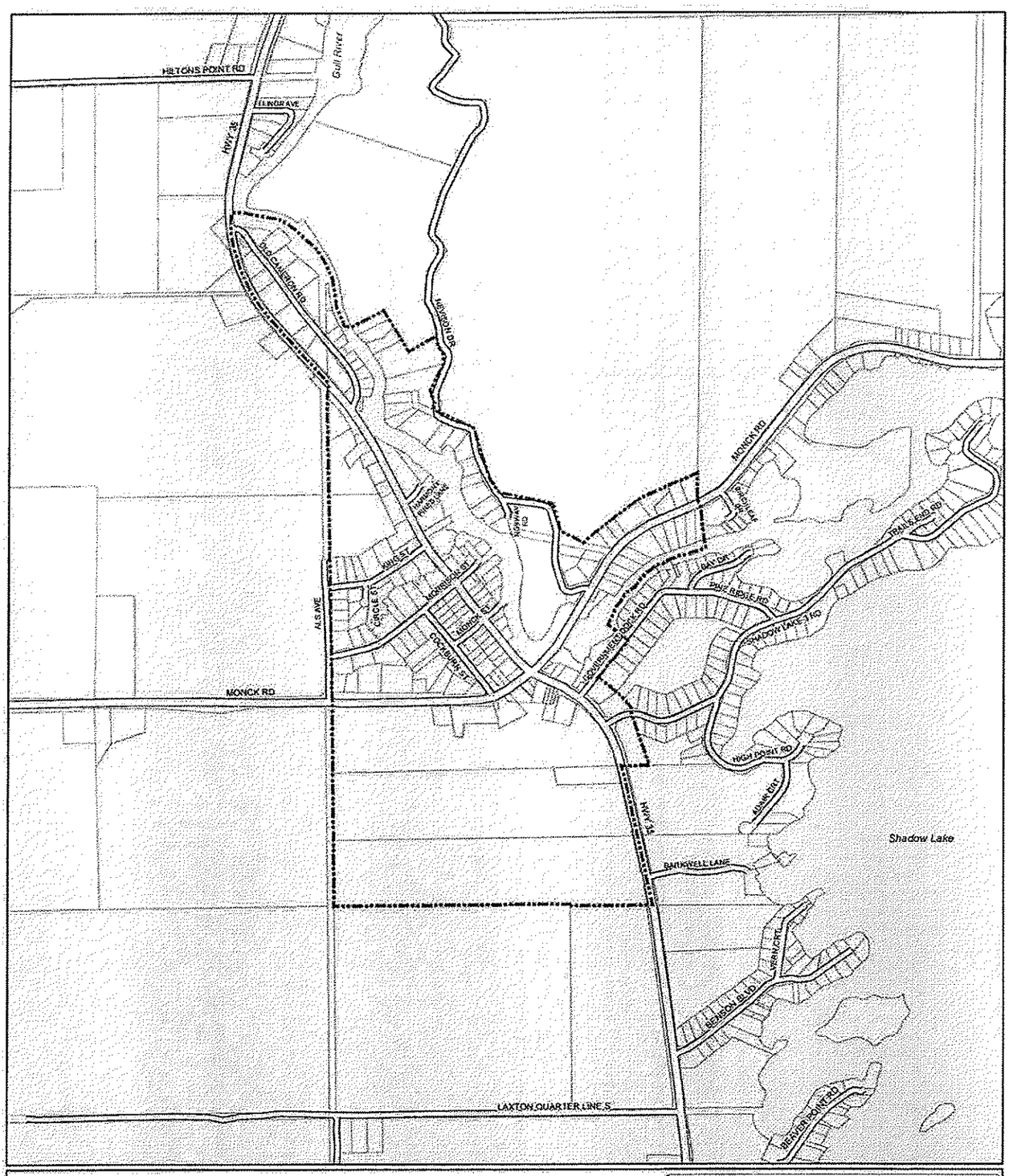

Site Plan Control Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Norland
City of Kawartha Lakes

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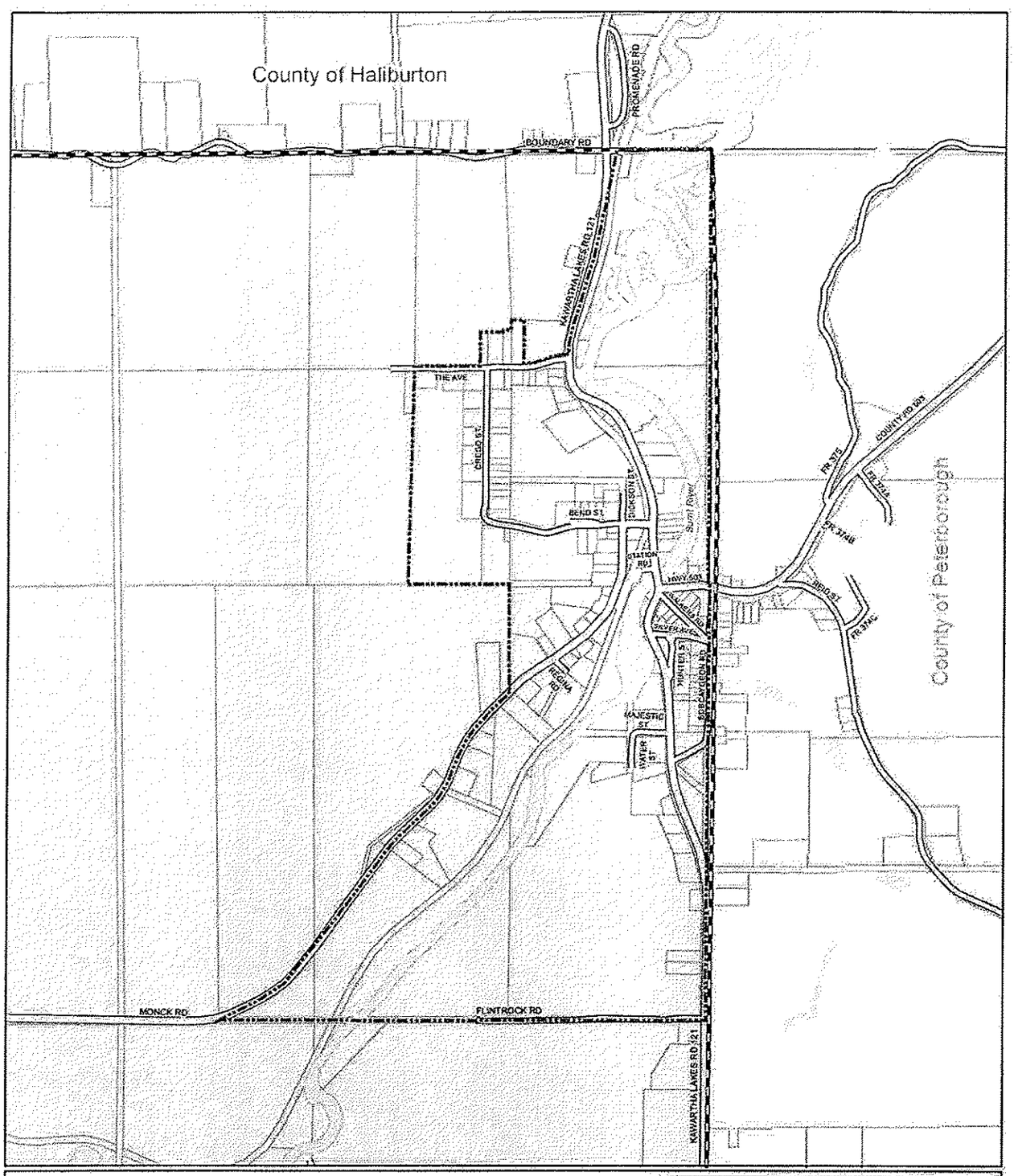
Mapping & GIS Division
Date: 2/19/2014



Site Plan Control Boundary
City of Kaartha Lakes Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Kinmount
City of Kawartha Lakes

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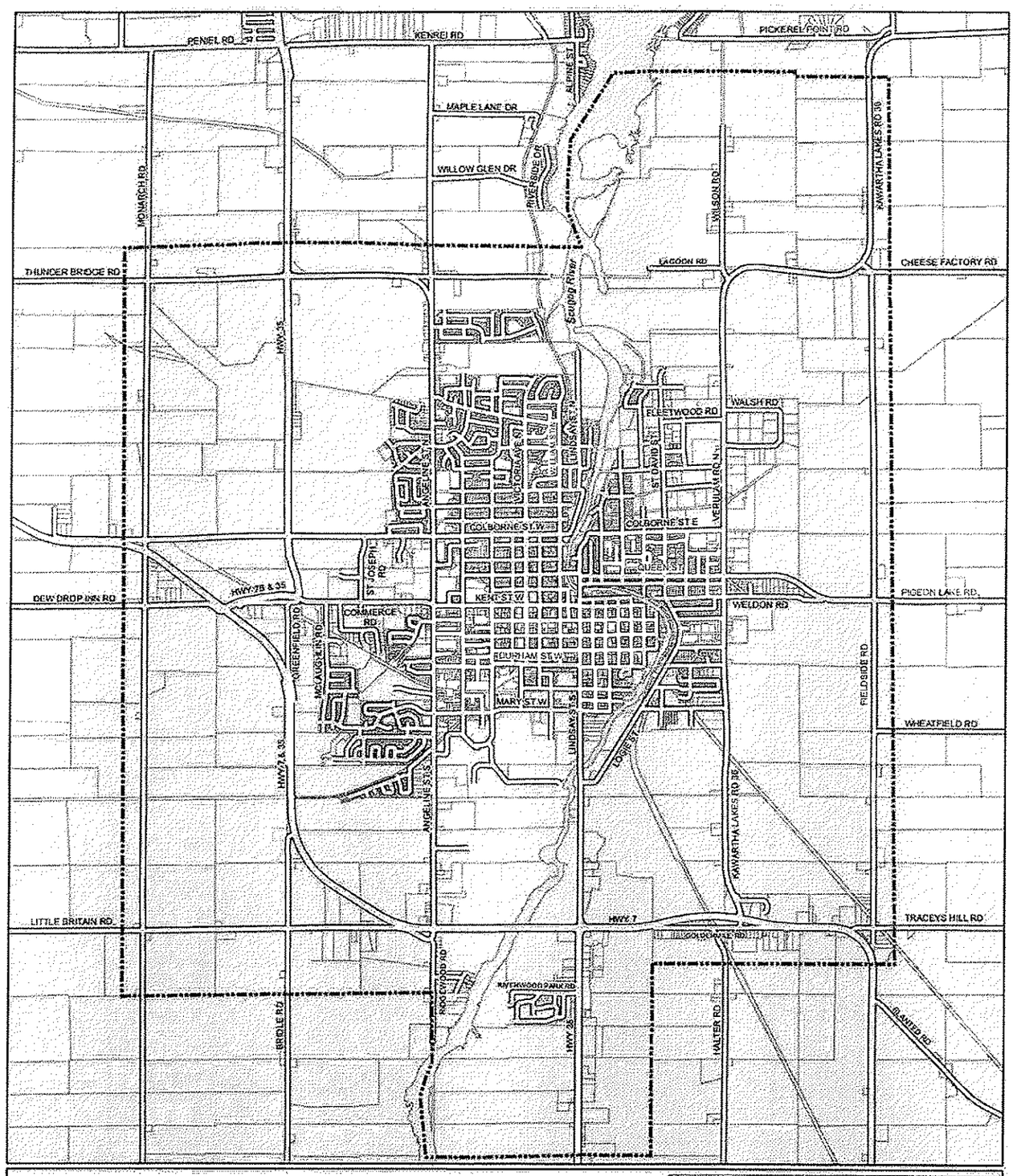

SitePlan_Boundary_-_Lindsay

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Site Plan Control Area - Lindsay
City of Kawartha Lakes

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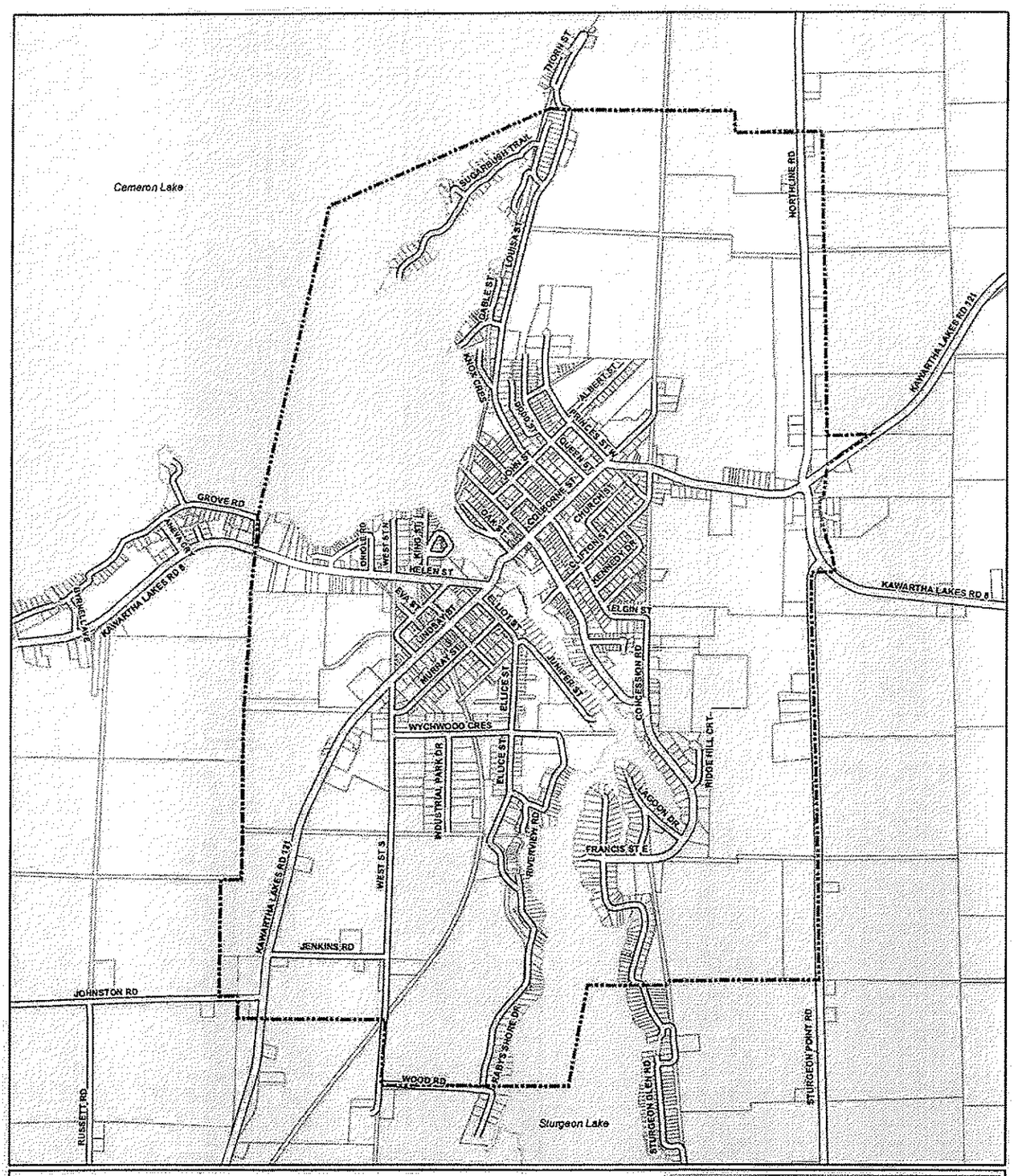
Mapping & GIS Division

Date: 2/19/2014



Site Plan Control Area - Fenelon Falls
City of Kawartha Lakes

Site Plan Control Boundary
Teranet Parcel Fabric - Jan 2014

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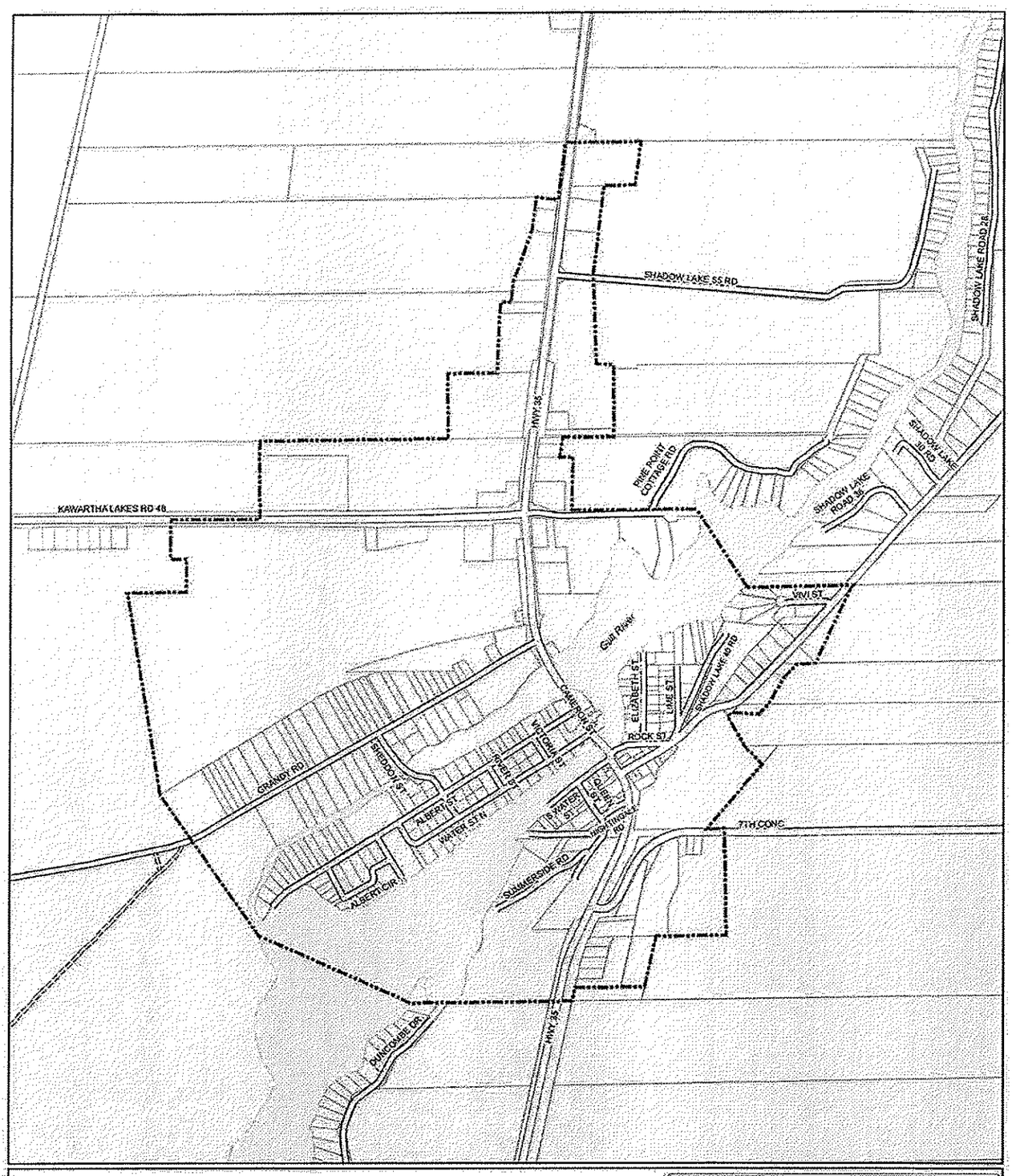
Mapping & GIS Division Date: 2/19/2014



Site Plan Control Area - Coboconk
City of Kawartha Lakes

Site Plan Control Boundary

Teranet Parcel Fabric - Jan 2014

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Kilometers

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City of KAWARTHA LAKES

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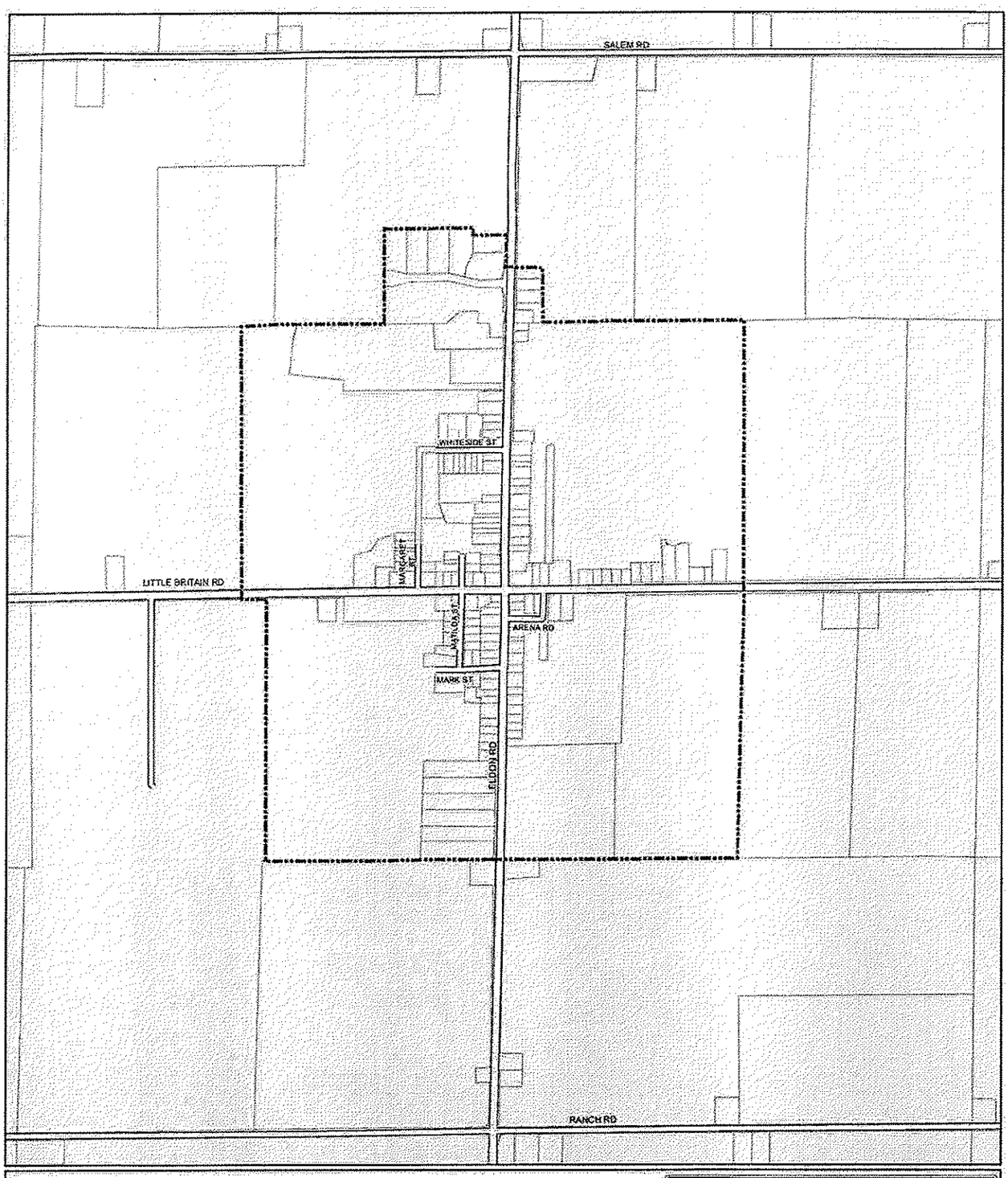
Date: 2/12/2014



Site Plan Control Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Little Britain
City of Kawartha Lakes

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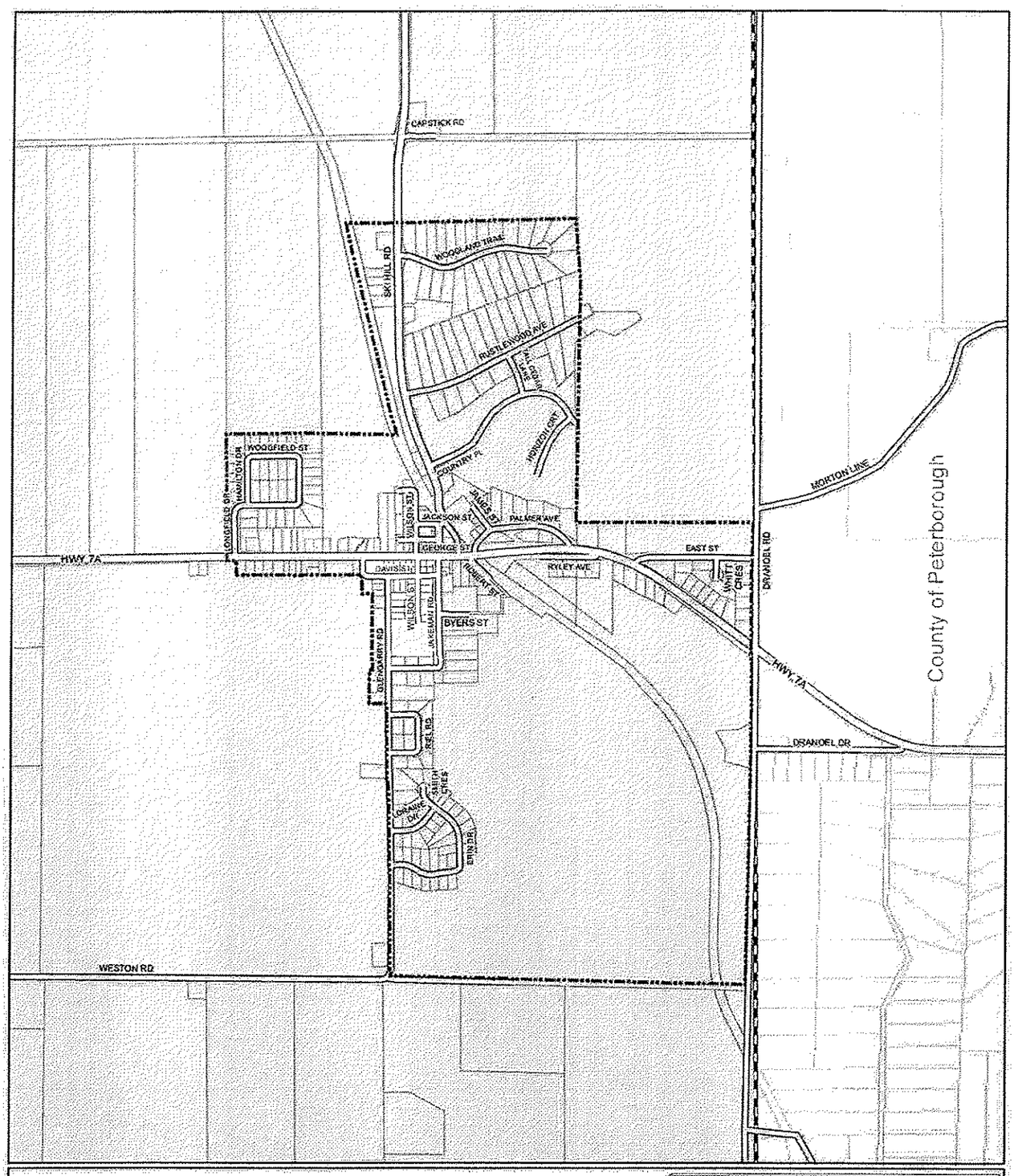
City of KAWARTHA LAKES
Catch the Kawartha spirit

Mapping & GIS Division
Date: 2/12/2014



Site Plan Control Boundary
City of Kawartha Lakes Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Bethany
City of Kawartha Lakes

1:17,000

0 0.25 0.5 1
Kilometers

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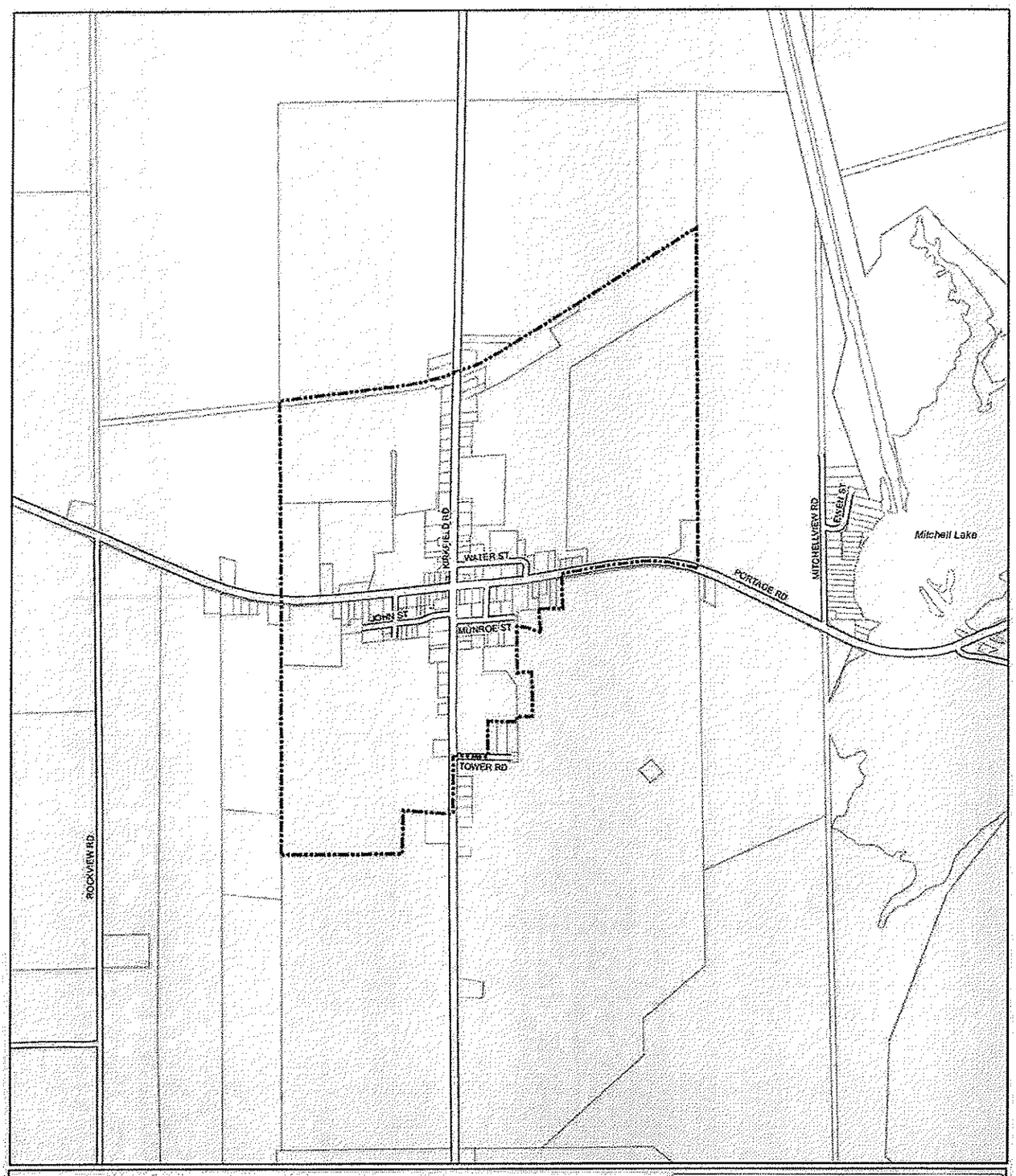
City of KAWARTHA LAKES
Catch the Kawartha spirit

Mapping & GIS Division
Date: 2/12/2014



Site Plan Control Boundary
Teranet Parcel Fabric - Jan 2014

Site Plan Control Area - Kirkfield
City of Kawartha Lakes

1:19,000

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Kilometers

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City of KAWARTHA LAKES
Catch the Kawartha spirit

Mapping & GIS Division Date: 2/12/2014

The Corporation of the City of Kawartha Lakes

Council Report

Report Number LIC2018-002

Date: March 20, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: Canine Day Boarding

Author Name and Title: Alix Hick, Senior Licensing Officer
Richard Holy, Manager of Planning

Recommendations:

That Report LIC2018-002, **Canine Day Boarding**, be received; and

That staff be directed to prepare an amendment to By-Law 2014-141, a By-Law to Licence, Regulate, and Govern Kennels in Kawartha Lakes, to include licensing provisions to permit and regulate canine day boarding facilities located in industrial and commercial zones within the City of Kawartha Lakes and report back by the end of the third quarter of 2018.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the December 12, 2017 Council Meeting, staff were directed to review licensing of and zoning for canine day boarding facilities where canines are housed for daily care, not including overnight boarding, and report back to Council by end of Q1 2018.

Rationale:

The City does not currently licence or regulate canine day boarding facilities. By-Law 2014-141, a By-law to Licence, Regulate, and Govern Kennels in Kawartha Lakes, defines a kennel as:

> "any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours."

Canine day boarding facilities differ from kennels captured under the Kennel Licensing by-law because they do not offer breeding or overnight stays and operate as more of a commercial venture.

In response to the direction from Council, Planning and Licensing staff researched the matter and determined that canine day boarding facilities are a commercial enterprise and therefore are permitted on properties zoned for commercial and/or industrial use and where "personal service" is listed as a permitted use. Canine day boarding facilities are recommended to be licensed with appropriate noise attenuation measures, outdoor exercise areas, waste management protocols, and other regulations established.

Should Council wish to approve the recommendation of staff to create provisions to licence and regulate canine day boarding facilities within the kennel licensing by-law, the amending by-law would include the following elements:

- Definitions;
- Regulations on distance separations between properties on which the canine day boarding facilities are located and properties zoned and/or used for residential or institutional uses;
- A limit on the number of animals depending on the type of facility in accordance with facility size and existing by-laws;
- Fencing requirements;
- Noise mitigation requirements;
- Waste removal requirements.

Other Alternatives Considered:

Should Council wish to not take any action on this matter, the following resolution should be passed:

> **That** Report LIC2018-002, **Canine Day Boarding**, be received.

Financial/Operation Impacts:

Implementation of a by-law regulating canine day boarding facilities will have moderate impacts on staffing, namely on the Senior Licensing Officer, due to application processing and inspection requirements.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

N/A

Review of Accessibility Implications of any Development or Policy:

N/A

Servicing Implications:

N/A

Consultations:

Manager of Municipal Law Enforcement
Manager of Planning
City Clerk

Attachments:

Department Head E-Mail: critchie@kawarthalakes.ca

Department Head: Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number MLE2018-007

Date:	September 25, 2018
Time:	2:00 p.m.
Place:	Council Chambers

Ward Community Identifier: All

Title: **Removal of Soil, Placement of Fill, Alteration of Grade By-Law**

Author and Title: **Aaron Sloan – Manager, Municipal Law Enforcement and Licensing**

Recommendations:

That Report MLE2018-007, "**Removal of Soil, Placement of Fill, Alteration of Grade By-Law"**, be received;

That By-law 2012-200 a By-law Regulating the Removal of Topsoil, Placement of Fill and the Alteration of Grades be repealed; and

That a by-law Regulating the Removal of Soil, Placement of Fill, Alteration of Grade attached as Schedule B to this Report MLE2018-007 be forwarded to Council for adoption**.**

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of July 24, 2012, Council adopted the following resolution:

CR2012-846

RESOLVED THAT the memorandum from Director of Development Services Ron Taylor and Coordinator – Current Planning Richard Holy dated July 24, 2012, regarding proposed changes to the draft By-Law Regulating the Removal of Topsoil, Placement of Fill and Alteration of Grade, be received.

CARRIED

CR2012-849

RESOLVED THAT the By-Law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades be read a first and second time.

CARRIED

Council has not provided direction to review the Kawartha Lakes By-Law 2012-200, being a By-Law to regulate the Removal of Topsoil, Placement of Fill, and the Alteration of Grades.

Rationale:

In 2017 and early 2018 Municipal Law Enforcement Division has received numerous complaints regarding large fill operations located in various areas of the Municipality. Upon investigation the operations were confirmed and the existing by-law was reviewed for the purpose of enforcement.

In the fall of 2017 and early 2018, Staff conducted a comprehensive review of Kawartha Lakes By-Law 2012-200, being a By-Law to regulate the Removal of Topsoil, Placement of Fill, and the Alteration of Grades. The review determined that the By-Law contained deficiencies and required legislative changes.

By-law 2012-200 only expressly required a permit for areas zoned Environmental Protection.

Rather than amend the existing By-law Staff created a new By-law which includes regulations to strictly prohibit the removal of soil, the addition of fill or the changing of the grade unless a permit has been issued. The By-law offers exemptions for activities associated with licensed aggregate operations, landscaping and normal farming practices.

The new By-law will also have the following:

- Improved definitions which align with Provincial Acts, Policy and Plans;

- Regulations and Prohibitions have been changed to clarify process and enhanced protection of Oak Ridges Moraine and hydrologic features;
- Soil erosion and sediment protection requirements;
- Enhanced fee structure to align with the Municipal Fees By-Law;
- Expanded exemptions to allow for farming and landscaping practices;
- Clarify the permit process and include a sample application in Schedule "C"; and,
- Incorporate changes to the *Municipal Act, 2001* in 2017, which resulted in fill by-laws being now able to be applicable to lands within areas regulated by Conservation Authorities.

Other Alternatives Considered:

No other alternative was considered.

Financial/Operation Impacts:

There are no financial considerations to the passage of this by-law, being that we have an existing version in use. However, clarifying the regulation with a new by-law is anticipated to save time on enforcement activities, make the permit and tracking process more efficient, and provide clarity to the citizen users of all process and associated fees.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The initiatives established in the Strategic Plan 2016-2019 such as the Vision, Mission and Primary Goals have served to influence the continued regulation of the Removal of Soil, Placement of Fill, and the Alteration of Grade and as follows:

Vision - Naturally beautiful, offering an exceptional lifestyle
Mission - Providing responsible, efficient and effective services

Goal 1: A Vibrant and Growing Economy;
Goal 2: An Exceptional Quality of Life; and
Goal 3: A Healthy Environment

Consultations:

Agriculture Development Officer, Economic Development

City Solicitor

Manager of Planning

Planning Officer – Large Developments

Conservation Authorities: Ganaraska Region Conservation Authority, Kawartha Region Conservation Authority, Otonabee Region Conservation Authority and Lake Simcoe Region Conservation Authority

Attachments:

Appendix A – By-law 2012-200

2012-200 By-law Regulating the Remov

Appendix B – Proposed By-law

By-law to Regulate the removal of soil, pl

Department Head E-Mail: Critchie@kawarthalakes.ca

Department Head: Cathie Ritchie

The Corporation of the City of Kawartha Lakes

By-Law 2012-200

A By-Law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration Of Grades

Recitals

1. The Municipal Act, 2001, as amended, authorizes municipal councils to pass by-laws respecting site alteration, including by-laws regulating the removal of topsoil, placement of fill, and the alteration of the grade of land in any defined areas in the municipality other than those areas subject to regulations made under Section 28(1) of the *Conservation Authorities Act*, as amended;
2. Council considers it advisable to enact a by-law regulating the removal of topsoil, placement of fill, and the alteration of the grade of land within the City.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2012-200.

Section 1.0: Definitions and Interpretation

1.1 **Definitions**:

The following definitions shall be applicable to this By-law.

1.1.1 “Applicant” means each Person who seeks or obtains a Permit.

1.1.2 “City”, "City of Kawartha Lakes" or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

1.1.3 “Conservation Authority” means the Kawartha Region Conservation Authority, Lake Simcoe Region Conservation Authority, Otonabee Region Conservation Authority, or the Ganaraska Region Conservation Authority, as designated by the province as having jurisdiction within the boundaries of the City of Kawartha Lakes.

1.1.4 “Contaminated Fill” means material which contains any solid, liquid, gas, odour, waste product, radioactivity or any combination thereof which is present in a concentration greater than that which naturally occurs in the location of the lot or parcel of land in question and which has the potential to have an adverse effect on the natural environment, human activity, and/or health and safety as defined under the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended, and includes bio-solids created by the paper manufacturing process, either in the form or pure paper fibre bio-solids or as mixed with other material to form products known as “nitro-sorb”, “sound-sorb”, or other products with similar composition.

1.1.5 “Contractor’s Yard” means a lot, building or structure where equipment and materials of a contractor are stored or where a contractor performs shop or assembly work.

1.1.6 “Council” or "City Council" means the Council of the City of Kawartha Lakes.

1.1.7 “Director” means the City’s Director of Development Services, Director of Public Works, or a designate.

1.1.8 “Dumping” shall be broadly interpreted for this by-law to include stripping, removing, moving, transporting, importing, exporting or placing of any Fill or Topsoil into, out of or upon lands within any single or adjacent properties within the City.

1.1.9 “Fill” means any type of material deposited or Placed on lands and includes Soil, stone, concrete less than 0.1 cubic metres in size which does not contain steel reinforcement, construction materials, asphalt, sod or turf either singly or in combination.

1.1.10 “Finished Grade”, means the elevation of the ground surface of land upon which Fill has been Placed or Dumped or after alteration of the Grade has occurred.

1.1.11 “Grade” means the elevation of an existing ground surface, except where the Placing or Dumping of Fill or the alteration of the then existing ground surface has occurred in contravention of this By-law in which case Grade means the elevation of the ground surface as it existed prior to such Placing or Dumping of Fill on or alteration of the existing ground surface occurring.

1.1.12 “Inspector” means any of the following staff members of the City: Director of Development Services or a designate, Director of Public Works or a designate, Roads Supervisors in the City’s Department of Public Works – Roads General Operations, and such Municipal Law Enforcement Officers as may be appointed by the City from time to time.

1.1.13 “Large Fill Operation” means an operation that involves the Placing or Dumping of more than 500 m^3 of Fill.

1.1.14 “Lot” means a lot or block shown on a registered plan of subdivision of land and the land is not within a registered plan of subdivision. Lot means a parcel of land owned by an Owner.

1.1.15 “Minor Fill Operation” means an operation that involves the Placing or Dumping of less than 100 m^3 of Fill.

1.1.16 “Municipal Law Enforcement Officer” means an Officer appointed by Council under the *Police Services Act*, as amended, to enforce the City’s by-laws.

1.1.17 “Normal Agricultural Practice” includes animal husbandry, cash crop farming, sod-farming, greenhouse operations and nurseries for horticultural products but does not include the sale, exchange or other disposition of Topsoil.

1.1.18 "Officer" means a person designated by Council in accordance with the Municipal Act, 2001, as amended, to enforce the provisions of this by-law.

1.1.19 “Owner” means each registered Owner of land

(a) for which a Permit is sought or obtained; or

(b) in respect of which there is or may be contravention of

i) this By-law;

ii) an order made pursuant to the Municipal Act, 2001, as amended; or

iii) a court order made pursuant to the Municipal Act, 2001 as amended.

1.1.20 "Permit" means a permit issued by the Director pursuant to the provisions of this By-law.

1.1.21 "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association.

1.1.22 "Place" means the distribution of Fill on lands to establish a Finished Grade higher or lower than the Existing Grade and "Placing" and "Placed" in relation to Fill have the same meaning.

1.1.23 "Ponding" means the accumulation of surface water in an area not having drainage there from where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade.

1.1.24 "Proposed Grade" means the proposed elevation of the ground surface of land upon which any Fill is proposed to be Placed.

1.1.25 "Qualified Person" means a professional person who is accredited or certified with a degree in the study of relevant environmental sciences and as further defined in the Environmental Protection Act, as amended, Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Act.

1.1.26 "Retaining Wall" means a wall designed to contain and support Fill which has a Finished Grade higher than that of abutting lands.

1.1.27 "Small Fill Operation" means an operation that involves the Placing or Dumping of between 100 and 500m^3 of Fill.

1.1.28 "Soil" means material commonly known as clay, earth, gravel, loam, rock, sand, subsoil, and/or Topsoil, or any combination thereof.

1.1.29 "Swale" means a shallow depression in the ground sloping to a place for the purpose of providing a method of drainage of surface water.

1.1.30 "Table 1 Standards" means the standards established in Table 1 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment dated April 15, 2011, as amended from time to time.

1.1.31 "Table 2 Standards" means the standards established in Table 2 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment dated April 15, 2011, as amended from time to time.

1.1.32 "Topsoil" means those horizons in a soil profile, commonly known as the "O" and "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

1.1.33 "Zoning By-law" means a by-law passed by the City pursuant to Section 34 of the Planning Act, as amended, and includes all Zoning By-laws for the City's former Towns, Villages, and Townships, as amended or superseded from time to time and the City's Oak Ridges Moraine Zoning By-law 2005-133, as amended, whichever is applicable to any land to which this By-law applies.

1.2 **Interpretation:**

(a) Schedule "A" - Exemptions - is attached to and forms part of this by-law.

(b) Except as otherwise provided, the provisions of this By-law apply to topsoil removal, placement of fill, and grade alteration throughout the City.

(c) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.4 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.0: Regulations and Prohibitions

2.1 No Person may remove Topsoil, cause or permit Fill to be Placed or removed in the City or alter the Grade or cause or permit the Grade of any land in the City except in accordance with this By-law.

2.2 Where a Permit has been issued, no Person may, except in accordance with the provisions of that Permit,

(a) remove Topsoil or cause or permit the removal of Topsoil;

(b) Place Fill or cause or permit Fill to be Placed; or

(c) alter the Grade of any land or cause or permit the Grade of any land in the City to be altered.

2.3 The regulations established by this by-law do not apply to the activities and matters described in Schedule “A”.

2.4 The exemptions described in Schedule “A” do not apply to work that is not completed in accordance with the terms of the applicable exemption. This would apply to the importation of additional Fill materials required by a pit or quarry licensed under the Aggregate Resources Act, as amended, beyond that quantity which existed on the property prior to the legal establishment of the pit or quarry, to implement its Rehabilitation Plan as approved by the Ministry of Natural Resources and to re-establish post-extraction land uses subject to section 2.7.2 (g) of this By-law.

2.5 If a regulation is made under Section 28 of the Conservation Authorities Act, as amended, respecting the removal of Topsoil, placement of Fill, or alteration of the grade of land in any area of the City of Kawartha Lakes, the regulations established by this by-law are of no effect in respect of that area. Conversely, the provisions of this By-law shall prevail on all lands not governed by a regulation made under Section 28 of the *Conservation Authorities Act*, as amended, especially in situations where the provisions of this By-law and a regulation made under Section 28 of the *Conservation Authorities Act*, as amended, would apply respecting the removal of Topsoil, placement of Fill, or alteration of the grade of land.

2.6 No Person may remove Topsoil or cause or permit the removal of Topsoil and no Person may Place or Dump Fill or cause or permit Fill to be Placed or Dumped and no Person may alter the Grade of any land or cause or permit the Grade of any land to be altered within the City in any of the following circumstances:

(a) where the Owner has not consented in writing to the removal of Topsoil, Placing or Dumping of Fill or to alteration of the Grade;

(b) where the Fill is Placed or Dumped or the Grade is altered for storage purposes and such storage is not permitted pursuant to the Zoning By-law, as amended;

(c) where the Placing or Dumping of Fill is in contravention of any Federal, Provincial or Municipal laws, by-laws, notices, regulations, permits or agreements;

(d) where the removal of Topsoil, Placing or Dumping of Fill or alteration of the Grade will result in changing any Grade established by a grading and drainage plan approved by the Director including, without limitation, a grading and drainage plan approved by the Director in relation to any subdivision, re-zoning, site plan or building permit approval, and such Placing or Dumping or Fill or alteration occurs without a valid Permit therefore;

(e) where Municipal pavement, ditches, culverts, sidewalks, facilities or other infrastructure or services are, or may be, in any way impacted. The City may invoke its right to post a No Heavy Trucks route in the event that a hauler is damaging Municipal infrastructure;

(f) where the Fill includes material from the demolition of any structure, toxic or hazardous materials, glass, raw sewage, Contaminated Fill, construction refuse or debris; or

(g) where the removal of Topsoil, Placing or Dumping of Fill or alteration of the Grade is on or with respect to any land zoned within any of the Open Space or environmental protection zones provided in the Zoning By-law, as amended, unless either approval therefore has been issued by the Conservation Authority with jurisdiction over such land, or a Permit has been issued pursuant to this By-law.

2.7 Issuance of a Permit

2.7.1 The Director is hereby authorized and directed to issue a Permit where an Applicant has satisfied the requirements of this By-law.

2.7.2 An Applicant shall submit the following information to the Director:

(a) a completed application in the form prescribed from time to time by the Director in accordance with the information required in this By-law. The Director at his or her sole discretion may require proof of liability insurance showing the City as an additional named insured. The proof of insurance must be submitted in a form satisfactory to the City;

(b) a copy of the property deed, owner's authorization, owner's proof to bind the corporation where applicable, and a copy of a Permit issued by a Conservation Authority where applicable within the City of Kawartha Lakes;

(c) the Permit fee, where Topsoil removal, Fill placement, or site alteration activity associated with an application is subject to the provisions of this By-law, shall be as follows:

Minor Fill Operation $300;

Small Fill Operation $600;

Large Fill Operation $1,000 plus $1.00/m^3;

(d) the Permit fee, where all Topsoil removal, Fill placement, or site alteration activity associated with an application is regulated by a Conservation Authority but impacts the City's infrastructure, shall be as follows:

Minor Fill Operation $300;

Small Fill Operation $600;

Large Fill Operation $1,000;

(e) when required by the Director in order to assess the impact of the Fill or alteration on the environment affected, a Fill-control plan, which shall include any or all of the following as shall be specified by the Director:

i) a key map showing the location of each Lot, including the nearest major intersection and north arrow;

ii) the Lot's boundaries and area (expressed in hectares) of each such lot or parcel of land;

iii) the existing and proposed use of the land and the location and use of the buildings and other structures adjacent to each Lot. This information shall include the distance between the proposed work area and adjacent residential uses;

iv) the location, dimensions and use of any building and other structures existing or proposed to be erected on each Lot;

v) the location of lakes, streams, wetlands, channels, ditches, other watercourses and other bodies of water on and within a minimum of 30 metres beyond each Lot's boundaries;

vi) the location of all Regulatory Flood Lines and Conservation Authority Fill Regulation lines;

vii) the location and identification of the predominant existing Soil types on and abutting the Lot within 120 metres;

viii) the species, Grade at base and size of all trees greater than 250 millimetres in calliper, all shrubs, trees and hedges within three (3) metre(s) of the property line and driveways on each Lot and all easements and rights-of-way over, under, across or through the Lot;

ix) the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each Lot's boundaries;

x) the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each Lot's boundaries;

xi) the existing topography on the Lot and extending a minimum of 30 metres beyond the Lot's boundaries;

xii) the Proposed Grades of each Lot;

xiii) the location and dimensions of all proposed land disturbance activities, including construction of access roads;

xiv) the location and dimensions of all temporary Soil, dirt or Fill stockpiles on the property;

xv) the location, dimensions, design details and design calculations of all construction site erosion control measures that may be necessary to minimize the impact of the proposal;

xvi) a schedule of the anticipated starting and completion dates of each land disturbance or land development activity;

xvii) provisions for the maintenance of the construction site erosion control and dust control measures during construction and after as required;

xviii) traffic information including proposed daily truck traffic levels, a plan of proposed external haul routes and daily schedule for hours of hauling operations, and a plan showing signage as required by the City;

xix) the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate, in metres;

xx) an indication on the drawing of directions of overland water flow and overland flow route; and,

xxi) any information, plans or studies required by Ontario Regulation 140/02 - The Oak Ridges Moraine Conservation Plan. The City may require a $3,000 deposit should the City require the services of a Qualified Person to peer review the studies submitted by the Applicant;

(f) Proposed Grades and drainage system to be used upon completion of the Placing or Dumping of Fill on a Lot;

(g) a description of the proposed quantity and type of Fill, whether it qualifies as a Table 1 Standards of Fill or a Table 2 Standards of Fill, including a list of the fill origin sources and geotechnical reports as to content and quality, prepared by a Qualified Person in that regard. The Applicant shall demonstrate in a report how the proposed Fill operation and type of Fill being Placed meets the existing and/or intended land uses for the property as indicated by the City's Official Plan, relevant Zoning By-law, and/or Rehabilitation Plan approved by the Ministry of Natural Resources;

(h) a certificate of the Owner, Applicant and each Qualified Person referenced in paragraph 2.7.2(e) certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

(h) a plan showing the design details to proper scale of any Retaining Wall that may be required and the dimensions of any materials to be used in construction of such Retaining Wall; and

(i) security in a form and amount to be determined by the Director to include 100% for the operation and removal of all required on-site works and off-site improvements associated with the Permit and $1.00/m^3 of Fill being placed on the site. Securities for on-site and off-site works will be refunded once the City is satisfied that they have been removed and/or constructed to the City's satisfaction. The Fill securities will be refunded once the operation is complete and the City is satisfied that the Fill meets Ministry of Environment criteria. The City reserves the right to have the Fill tested at the Applicant and/or Owner's expense.

2.7.3 The City shall have the authority to designate all truck routes and trucking schedules, including any revisions, in order to minimize impacts to the public and municipal infrastructure. The City will require truck traffic to follow designated aggregate haul routes where possible. Public notification may also be required by the City. Operators of Small Fill Operations and Large Fill Operations shall be required to post information at the entrance to the site of the names, mailing addresses, and emergency telephone numbers of the company to which the Permit has been issued as well as sub-consultants, contractors, and trucking companies that are undertaking the work to the satisfaction of the City. Emergency contact names and telephone numbers shall also be provided to the City.

2.7.4 Any person removing Topsoil, Placing or Dumping Fill, or altering grades within the City shall implement and maintain an approved mud tracking and dust control program. Such program shall be provided in writing to and be approved by the City and shall include the provision of mud mats and dust control measures at both the removal and dumping sites, and the continuous monitoring thereof. Where mud and dust are not controlled to the satisfaction of the City, the City may, without notice, have such mud or dust controlled by Municipal forces or a third party contractor and such costs, including a 30% management and administration charge, shall be paid by the applicant upon invoicing. Any associated Permit may also be considered revoked, until such invoices are fully paid and any additional letters of credit or securities provided, at the sole discretion of the City.

2.7.5 The City may draw upon the security posted pursuant to paragraph 2.7.2(i) to recover the costs incurred by the City in performing any required work which the Owner or the Applicant has failed to perform.

2.7.6 The issuance of a Permit does not relieve the Owner or the Applicant from the obligation to secure all other applicable approvals.

2.7.7 The City will consider a Permit for the removal of Topsoil, placement of Fill, or the alteration of grades within an area identified by a Conservation Authority or by the City's Official Plan as a Source Water Protection Area or Wellhead Protection Area subject to the appropriate studies being submitted for review and approval by the relevant Conservation Authority and the City.

2.7.8 The City will not issue a permit to an Applicant and/or Owner if the City is made aware in advance of processing the Permit application that the Applicant or Owner has outstanding orders for violations issued by the Ministry of Environment or other government agency for property located within the City or in other municipal jurisdictions.

2.8 **Permit Requirements**

2.8.1 The Director may, prior to the issuance of a Permit, require the Owner or Applicant or both to enter into an agreement which may be registered on title to the Lot containing such requirements of this By-law as the Director considers necessary to ensure that the alteration of land or the Placing or Dumping or removal of Fill is done in accordance with the prevailing design standards of the City and proper engineering principles, and that prior to the commencement of the Placing or Dumping of Fill, a mud tracking and dust control program containing measures considered to be appropriate by the Director to control mud tracking and dust both on the Lot or other land from which the Fill is proposed to be removed and on the land on which Fill is to be Placed or Dumped and the truck routes proposed to be used by the Applicant, if any, to move the Fill to the Lot on which it is proposed to be Dumped or Placed.

2.8.2 Requirements contained in an agreement may include the Owner or Applicant releasing and indemnifying the City, certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, as amended, posting with the City the required security and where, in the opinion of the Director, extensive activities are proposed, certification by a geotechnical engineer or other similarly qualified Person, both prior to the issuance of a Permit and upon completion of the work. All such certification shall state that the Owner or Applicant can and has complied with all of the obligations and conditions contained in the applied for and issued Permit.

2.8.3 The Director may, from time to time and at the Applicant's expense, require the testing of any Fill by a Qualified Person retained by the City in the presence of the Applicant's Qualified Person. Dumping and/or Fill Removal may be suspended pending test results at the direction of the Director.

2.8.4 The Director may require the Applicant to install such site remediation measures, including Topsoil, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals and to provide for stabilization of the altered grades.

2.8.5 The property for which a Permit has been issued under this By-law shall not be used for the remediation or cleaning of Contaminated Fill.

2.8.6 A Large Fill Operation shall provide on-site temporary sanitary facilities to the City's satisfaction.

2.8.7 The City may require the Applicant and/or Owner to install test wells to monitor the long-term impacts of the Fill as Placed depending on the volume of Fill being placed on the property.

2.8.8 The City may require the applicant and/or owner to provide copies of prior certification that every load of Fill being placed on a property complies with all Ministry of Environment Table 1 Standards or Table 2 Standards, whichever is applicable based on the zoning and/or intended use of the property.

2.9 **Permit Expiry, Renewal, Transfer, and Revocation**

2.9.1 A Permit shall expire 90 calendar days after the day on which it is issued pursuant to this By-law. Alternatively, an extended time frame may be approved by the Director upon request by the Owner and/or Applicant.

2.9.2 A Permit may be renewed at any time prior to its expiry for an additional 90 day period by an Applicant making a written application to the Director accompanied by a payment of 50% of the original Permit fee, provided that the Permit requirements imposed by this By-law and any agreement made pursuant to paragraph 2.8.1 respecting the Permit proposed to be renewed are not amended or changed.

2.9.3 A Permit will not be renewed if the Applicant and/or Owner have violated the terms of a Permit previously issued by the City until the violation has been rectified.

2.9.4 A Permit may not be transferred to a new Owner or Applicant unless the Director approves an amendment to the Permit.

2.9.5 It is a condition of each Permit that the Permit may be revoked by the Director under the following circumstances:

(a) if it was obtained on mistaken, false or incorrect information;

(b) if it was issued in error;

(c) if the Owner or Applicant requests in writing that it be revoked;

(d) if the terms of an agreement under this By-law have not been complied with; or

(e) if an Owner or an Applicant fails to comply with the provisions of this By-law or with an order requiring work to be done to correct any contravention of this By-law.

Section 3.0: Enforcement and Penalties

3.1 **Enforcement:** This by-law may be enforced by every officer who has been designated by Council under section 4.2.

3.2 **Orders:** Every officer who has been designated by Council under section 4.2 is authorized to make orders in accordance with the *Municipal Act, 2001,* as amended, requiring any person who is removing topsoil, placing fill, or altering the grade of land in contravention of this by-law to discontinue the activity or to do work to correct the contravention.

3.3 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this by-law or under the Municipal Act, 2001*, as amended*.

3.4 **Offence and Penalty:** Every person who contravenes this by-law or an order made by an officer under the authority of the *Municipal Act, 2001, as amended,* is guilty of an offence and, upon conviction, is liable to a fine in accordance with the *Municipal Act, 2001, as amended,* and to any other applicable penalty.

3.5 **Multiple Offences:** The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued contravention of this by-law.

3.6 **Court Order:** If a person is convicted of an offence for contravening this by-law or an order made by an officer under the authority of the *Municipal Act, 2001*, as amended, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may order the person, in such manner and within such period as the court considers appropriate to:

(a) rehabilitate the land; or

(b) restore the grade of the land to its original condition.

3.7 **Enforcement**

3.7.1 Each Person who Removes Topsoil contrary to this By-law or to a Permit shall forthwith rehabilitate the land from which the Topsoil was removed including the replacement on the land of Topsoil and the restoration of the Existing Grade.

3.7.2 Each person who Removes and Places Fill or who causes or permits Fill to be Removed or Placed contrary to this By-law or to a Permit shall forthwith remove such Fill and restore the existing Grade of the land.

3.7.3 Each Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or to a Permit shall forthwith restore the land to its original condition including the Existing Grade of the land.

3.7.4 Where an Owner fails to do any work required in an order issued pursuant to this By-law within the period specified, the Director may cause the work to be done at the Owner's expense and, for this purpose, the Director, Inspectors and the City's employees and agents may enter on the Owner's land at any reasonable time.

Section 4.0: General Provisions

4.1 **Administration:** The Director of Development Services is responsible for the administration of this By-law.

4.2 **Designation of Officers:** All Inspectors as defined in this By-law are designated as officers for the purpose of the enforcement of this By-law.

4.3 **Effective Date**: This By-law comes into force on the date that it receives third reading and is passed.

By-law read a first, second and third time, and finally passed, this 24th day of July, 2012.

Ric McGee, Mayor	Joel Lemoyre, Deputy Clerk

Schedule "A" - Exemptions

1.0 The provisions of this By-law do not apply to the extent that the Removal or Placement of Fill or alteration of the Grade of land is:

(a) undertaken on properties for the purpose of residential or commercial swimming pool installations;

(b) imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53 respectively, of the Planning Act, as amended, or as a requirement of a site plan agreement or a subdivision agreement executed and in good standing entered into under those sections;

(c) imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the Planning Act, as amended, or as a requirement of an agreement entered into and in good standing under that regulation;

(d) undertaken on land on which the removal of topsoil or alteration of the grade is a permitted use under a zoning by-law passed under Section 34 of the Planning Act, as amended*;*

(e) undertaken by transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

(f) undertaken as an incidental part of drain construction under the Drainage Act or the Tile Drainage Act;

(g) undertaken in accordance with a permit issued by the City's Chief Building Official pursuant to the Building Code Act, 1992*,* as amended, for the erection or demolition of a building or structure, provided the Director and the Chief Building Official are satisfied that the permit application provides sufficient information to determine compliance with the provisions of this By-law;

(h) undertaken as a necessary part of constructing a building or a sewage system for which a permit has been issued under the Building Code Act, 1992, as amended*;*

(i) undertaken in accordance with an order issued pursuant to the City's Property Standards By-law as amended from time to time; or

(j) conducted within a Contractor's Yard which imports, processes, uses, and/or sells Soil materials and which complies with the applicable City's Zoning By-law as amended.

2.0 The provisions of this By-law do not apply to the extent that Fill is Placed on lands zoned or used for residential purposes within the meaning of the Zoning By-law for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that:

(a) the elevation of the land within 0.3 metres of the property line is not changed;

(b) there is no change in the location, direction or elevation of any natural or artificial watercourse, open channel, swale or ditch used to drain land;

(c) the functionality of any drainage infrastructure is not impeded;

(d) the Dumping or Placing of Fill on a Lot which is 0.1 hectares or less, provided that the volume of Fill Dumped or Placed does not exceed 75 cubic metres in any consecutive 12 month period; and

(e) the Dumping or Placing of Fill on a Lot which is greater than 0.1 hectares in area, provided that the volume of Dumped or Placed Fill

does not exceed 150 cubic metres in any consecutive 12 month period.

3.0 The provisions of this By-law do not apply to the extent that Topsoil is removed or placed as an incidental part of bona fide Normal Agricultural Practice, including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. This provision does not include the removal of topsoil from an agricultural operation for sale, exchange or other disposition.

4.0 While the provisions of this By-law do not apply in an area to the extent of any conflict with a regulation made under Section 28 of the *Conservation Authorities Act*, as amended, respecting the Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land in such area, an Applicant or Owner making a Permit application to a Conservation Authority will be required to submit a Permit application to the City subject to the requirements of Section 2 of this By-law for access approval to enable the activities on the property being sought through the Conservation Authority Permit.

5.0 The provisions of this By-law do not apply in an area to the extent to any conflict with a regulation made under Ontario Regulation 140/02 – The Oak Ridges Moraine Conservation Plan respecting the Removal and Placement of Fill or alteration of the Grade of land in such area.

The Corporation of the City of Kawartha Lakes

By-law 2018-XXX

A By-law Regulating The Removal of Soil, Placement of Fill, and the Alteration of Grades a By-law to Repeal By-law 2012-200

Recitals

1. Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the "Municipal Act, 2001") authorizes a municipality to pass By-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

2. Section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to public nuisances;

3. Section 129 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to noise, vibration and dust;

4. Section 142 of the Municipal Act, 2001 authorizes municipal councils to pass by-laws respecting Site Alteration, including by-laws regulating the removal of Topsoil, Soil, Placement of Fill, and the alteration of the Grade of the land in any defined areas in the municipality;and

5. Council considers it in the public interest to enact a by-law regulating the removal of Soil, Placement of Fill, and the alteration of the Grade of land within the City in order to ensure that:

    a. Existing drainage patterns are maintained and Erosion and sedimentation is prevented;

    b. Changes to drainage or Grades are appropriate to protect natural heritage features and archaeological resources;

    c. Interference and damage to watercourses or water bodies are prevented;

    d. Groundwater and surface water quality is maintained;

    e. There is no discharge of a contaminant into the natural environment that causes or may cause and Adverse Effect and that degradation of the pre-existing soil and ground water quality at the Site and on abutting and adjacent properties is prevented;

f. Haul Routes for the transportation of Fill and Topsoil authorized for Placement, Dumping or removal will be designated to and/or from a Site by the Director to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses;

g. Disturbance to landform characteristics are kept to a minimum;

h. The proponent of the Site Alteration project pays for its costs; and

i. The precautionary principle, as defined by the Bergen Ministerial Declaration on Sustainable Development (1990), is respected and applied to the issue of Site Alteration within the Municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.0 Definitions and Interpretation

1.1 **Definitions**:

The following definitions shall be applicable to this By-law.

1.1.1 **"Adverse Effect"** means as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended.

1.1.2 **"Agricultural Drain"** means infrastructure constructed for the purpose of draining Agricultural Land under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended.

1.1.3 **"Agricultural Impact Assessment"** means a study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as defined by Provincial Plans.

1.1.4 **"Agricultural Lands"** means all lands that are used by a farming business registered under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21, as amemded, for growing of crops, including nursery and horticultural crops; raising livestock; raising other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production.

1.1.5 **"Agricultural Operation**" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.

1.1.6 **"Applicant"** means each Person who is in the process of obtaining a Permit.

1.1.7 **"City"**, **"City of Kawartha Lakes"** or **"Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes.

1.1.8 **"Conservation Authority"** means the Kawartha Region Conservation Authority, Lake Simcoe Region Conservation Authority, Otonabee Region Conservation Authority, or the Ganaraska Region Conservation Authority, as designated by the Province as having jurisdiction within the boundaries of the City of Kawartha Lakes.

1.1.9 **"Contaminated Fill"** means:

a. Fill which contains material or debris that does not naturally occur in the location of the lot or parcel of land;

b. any Soil that does not meet the Table 1 Standards of the "Solid, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" as published by the Ministry of the Environment, Conservation and Parks (MOECP) dated April 15, 2011, as amended, unless the Applicant has demonstrated to the satisfaction of the Director that the existing ambient soil quality of the receiving site does not meet Table 1 Standards or that the Placing or Dumping of Soil meets Table 2 Standards would not have a detrimental effect on ground water; and

c. any Fill that contains putrescrible material.

1.1.10 **"Contractor's Yard"** means a lot, building or structure where equipment and materials of a contractor are stored or where the contractor performs activities permitted by the Zoning By-law.

1.1.11 **"Council"** or **"City Council"** means the Council of the City of Kawartha Lakes.

1.1.12 **"Development Agreement"** means a legal agreement between the City, an Applicant and an Owner, and including any other relevant party, which can be registered on the title of the Property.

1.1.13 **"Director"** means the City's Director of Engineering and Corporate Assets, or a designate.

1.1.14 **"Dumping"** means the depositing of Fill in a location on properties within the City, or the movement and depositing of Fill from one location to another location and "Dump" and "Dumped" in relation to Fill have the same meaning. "Place" shall have a similar meaning.

1.1.15 **"Ecological Function"** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, as defined by the Provincial Plans.

1.1.16 **"Environmental Impact Study"** or **"Natural Heritage Evaluation"** means a study which shall:

a. demonstrate that the development or Site Alteration will have no Adverse Effects on the Key Natural Heritage Feature or on the related ecological functions;

b. identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the Key Natural Heritage Feature and its connectivity with other Key Natural Heritage Features and with Key Hydrologic Features;

c. demonstrate how connectivity within and between Key Natural Heritage Features and Key Hydrologic Features will be maintained and, where possible, improved or restored before, during and after construction;

d. determine whether a Minimum Vegetation Protection Zone is required, and if one is required, specify the dimensions of the required Minimum Vegetation Protection Zone, and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and

e. in the case of a Key Natural Heritage Feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).

1.1.17 **"Erosion"** means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity.

1.1.18 **"Erosion and Sediment Control Plan"** means a plan as defined in Section 5.7 of this By-law.

1.1.19 **"Farmer"** means the owner or operator of an agricultural operation.

1.1.20 **"Feature"** means a Key Natural Heritage Feature and/or Key Hydrologic Feature, as defined by Provincial Plans.

1.1.21 **"Fill"** means any type of imported or relocated material deposited or Placed on the Property and includes Soil, stone, concrete, slurry, sod or turf either singly or in combination, scientifically demonstrated inert and able to pass a slump test as outlined in the General Waste Management provisions contained in Ontario Regulation R.R.O. 1990, Reg. 347: GENERAL - WASTE MANAGEMENT as amended.

1.1.22 **"Fill Operation"** means an operation that involves Placing or Dumping of Fill and shall be compromised of each of the following, as may be applicable:

a. **"Small Fill Operation"** means an operation that involves the Placing or Dumping of up to 1,000 cubic metres of Fill.

b. **"Large Fill Operation"** means an operation that involves the Placing or Dumping of more than 1,000 cubic metres of Fill.

1.1.23 **"Flood Plain"** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

1.1.24 **"Flooding"** means the inundation of areas not normally covered by water.

1.1.25 **"Grade"**, means the elevation of the ground surface of land and shall be comprised of the following as may be applicable:

a. **"Existing Grade"** means the elevation of an existing ground surface, upon which Dumping and/or Placing of Fill or other Site Alteration is proposed and of the adjacent ground surface up to three (3) metres wide surrounding such site;

b. **"Proposed Grade"** means the proposed elevation of the ground surface of land upon which any Fill is proposed to be Placed; and

c. **"Finished Grade"** means the approved elevation of ground surface of lands, upon which Fill has been placed or removed in accordance with this By-law.

1.1.26 **"Grading and Drainage Plan"** means a plan containing any or all of the matters and activities described in Section 5.7 of this By-law.

1.1.27 **"Hydrogeological Impact Study"** or **"Hydrogeological Study"** means a hydrogeologic and geotechnical review of the stratigraphy of the overburden (Soil) from ground surface to bedrock, depth to bedrock, depth to water table, aquifers, aquitards, and infiltration capacity,

1.1.28 **"Infrastructure"** means physical structures (facilities and corridors) that form the foundation for development, as defined by the Provincial Plans.

1.1.29 **"Inspector"** means any of the following staff members of the City: Director of Engineering and Corporate Assets, Director of Development Services, Director of Public Works, or a designate, Roads Supervisors in the City's Department of Public Works – Roads General Operations, and such Municipal Law Enforcement Officers as may be appointed by the City from time to time.

1.1.30 **"Key Hydrologic Feature"** means Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands as defined by the Provincial Plans.

1.1.31 **"Key Natural Heritage Feature"** means Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars as defined by the Provincial Plans.

1.1.32 **"Lake Simcoe Protection Act"** means the Lake Simcoe Protection Act, 2008 or any successor thereto.

1.1.33 **"Lake Simcoe Protection Plan"** means a plan established under Lake Simcoe Protection Act, 2008 or any successor thereto.

1.1.34 **"Landform Features"** means distinctive physical attributes of land such as slope, shape, elevation and relief as defined by the Provincial Plans.

1.1.35 **"Lot"** means a lot or block within a registered plan of subdivision of land or any portion of a lot or block which may be conveyed separate and distinct under the provisions of the Planning Act, or any parcel of land that may be legally conveyed as one separate and distinct parcel by an Owner.

1.1.36 **"Minimum Vegetation Protection Zone"** means as defined by the Provincial Plans.

1.1.37 **"Manager of Municipal Law Enforcement"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.1.38 **"Municipal Act"** means the Municipal Act, 2001 or any successor thereto.

1.1.39 **"Municipal Storm Drainage System"** means the City's stormwater collection and treatment system.

1.1.40 **"Municipal Law Enforcement Officer"** means a person appointed by Council under Section 15 of the Police Services Act to enforce the by-laws of the City, and includes any Licencing Officer.

1.1.41 **"Normal Farm Practice"** is defined as meaning a practice that:

a. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or

b. makes use of innovative technology in a manner consistent with Property advanced farm management practices.

1.1.42 **"Oak Ridges Moraine Conservation Act"** means the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.

1.1.43 **"Oak Ridges Moraine Conservation Plan"** means a Plan established under the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.

1.1.44 **"Official Plan"** means a land use policy document adopted by the council of the City by By-law, pursuant to Section 17 of the Planning Act, as amended.

1.1.45 **"Order"** means an order issued pursuant to the provisions of this By-law.

1.1.46 **"Owner"** means the registered owner of the Property in question as revealed in the Land Registry Office of the Ministry of Government and Consumer Services; any occupant of the Property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf, any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the Property may have a similar meaning to Person.

1.1.47 **"Permit"** means an approval issued pursuant to the provisions of this By-law.

1.1.48 **"Person"** means an individual, partnership, association, firm or corporation.

1.1.49 **"Place"** means the distribution of Fill on Property to establish a Finished Grade higher or lower than the Existing Grade and "Placing", "Placement" and "Placed" in relation to Fill have the same meaning.

1.1.50 **"Ponding"** means the accumulation of surface water in an area not having drainage where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade.

1.1.51 **"Prime Agricultural Area"** means areas where prime agricultural lands predominate, and as defined by the Provincial Plans.

1.1.52 **"Prime Agricultural Land"** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, and as defined by the Provincial Plans.

1.1.53 **"Qualified Person"** means a professional person who is accredited or certified with a degree in the study of relevant environmental sciences and as further defined in the Environmental Protection Act, as amended, Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Act. The QUALIFIED PERSON may include an agrologist if soil is to be used for an agricultural purpose.

1.1.54 **"Rehabilitation Plan"** means a plan approved under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended to rehabilitate a pit or quarry.

1.1.55 **"Retaining Wall"** means a wall designed to contain and support Fill which has a Finished Grade higher than that of abutting lands.

1.1.56 **"Risk Management Official"** means the Risk Management Official appointed under Part IV of the Clean Water Act, 2006, S.O. 2006, c. 22.

1.1.57 **"Site Alteration"** means the Placement or Dumping of Fill on land, the removal of Soil from land or the alteration of the Grade of land by any means.

1.1.58 **"Site Alteration Plan"** means a plan containing any or all of the matters and activities described in Schedule "B" to this By-law.

1.1.59 **"Soil"** means material commonly known as clay, earth, gravel, loam, rock, sand, subsoil, or any combination thereof; Topsoil may also have a similar meaning.

1.1.60 **"Source Water Protection Area"** or **"Source Protection Area"** means a drinking water source protection area established by subsection 4(1) or by the regulations under the Clean Water Act, 2006, S.O. 2006, c. 22.

1.1.61 **"Surface Water Intake Protection Zone"** means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.

1.1.62 **"Swale"** means a shallow depression in the ground sloping to a place for the purpose of conveying surface drainage.

1.1.63 **"Table 1 Standards"** means the standards established in Table 1 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.

1.1.64 **"Table 2 Standards"** means the standards established in Table 2 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.

1.1.65 **"Topsoil"** means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

1.1.66 **"Wellhead Protection Area"** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07:

GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.

1.1.67 **"Zoning By-law"** means a by-law passed by the City pursuant to Section 34 of the Planning Act, as amended, and includes all Zoning By-laws for the City's former Towns, Villages, and Townships, as amended or superseded from time to time and the City's Oak Ridges Moraine Zoning By-law 2005-133, as amended, whichever is applicable to any land to which this By-law applies.

1.2 **Interpretation:**

(a) Schedule "A" - Exemptions - is attached to and forms part of this by-law.

(b) Schedule "B" – Site Alteration Plan – is attached to and forms part of this by-law.

(c) Except as otherwise provided, the provisions of this By-law apply to Soil removal, Placement of Fill, and Grade alteration throughout the City.

(d) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.4 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.0 Regulations and Prohibitions

2.1. No Person or Owner shall remove Soil, cause or permit Fill to be Placed or removed, or perform any other form of Site Alteration in the City except in accordance with this By-law.

2.2. No Person or Owner shall, except in accordance with the provisions of a Site Alteration Permit issued by the City pursuant to this By-law;

i. remove Soil or cause or permit the removal of Soil;

ii. Place Fill or cause or permit Fill to be Placed; or

iii. alter the Grade of any land or cause or permit the Grade of any land in the City to be altered.

2.3. No Owner, Person or Person acting on the behalf of an Owner shall cause or permit the removal of Soil or the Placement or Dumping of Fill or alteration of the Grade of any land or Property within the City unless the Owner has consented in writing to the removal of Soil, Placing or Dumping of Fill or to the alteration of the Grade.

2.4. No Person or Owner shall permit a Property being used for storage purposes to be altered by the Placement or Dumping of Fill unless such storage is permitted as part of a Contractor's Yard pursuant to the Zoning By-law, as amended.

2.5. No Person or Owner shall cause or permit the removal of Soil or the Placing or Dumping of Fill or alter the Grade of any land or Property within the City that contravenes any Federal, Provincial or Municipal law, By-law, notice, Order, regulation, Permit or agreement.

Protection of the Natural Environment:

2.6. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains materials that are from the demolition of any structure including construction refuse or debris, toxic or hazardous materials, glass, raw sewage, or Contaminated Fill.

2.7. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains putrescible materials, termites and invasive species including eggs and seeds of such species.

2.8. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property by causing or permitting any other form of Site Alteration on land zoned as Hazard Land, Open Space or Environmental Protection zones, including exception zones thereof, as identified in the Zoning By-law, or within or adjacent to a watercourse, Flood Plain area or a wetland or other such regulated areas pursuant to O. Reg. 167/06, O. Reg. 168/06, O. Reg. 179/06, or O. Reg. 182/06 made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990, c. C.27 as amended, unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law, as required.

2.9. To protect Landform Features identified in landform conservation areas 1 and 2 as defined by the Oak Ridges Moraine Conservation Plan and through the implementing Oak Ridges Moraine Zoning By-law 2005-133, as amended, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity may impact any land within the Oak Ridges Moraine Conservation Plan Area unless, approval has been

issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law.

a. Small Fill Operations may be prohibited if it is determined there will be an impact to the Landform Features; and

b. Large Fill Operations will be prohibited.

2.10. To protect Key Natural Heritage Features and Key Hydrologic Features, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity is within a Key Natural Heritage Feature, Key Hydrologic Feature, or any associated Minimum Vegetation Protection Zone as defined by the Provincial Plans unless approval has been issued by the Conservation Authority that has jurisdiction over such land (and the activitity is in accordance with the approval), or a Permit has been issued pursuant to this By-law (and the activity is in accordance with the Permit).

a. Small Fill Operations will be prohibited within the Feature, and also may be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature; and

b. Large Fill Operations will be prohibited within the Feature, and may also be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature.

2.11. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will likely result in Soil Erosion.

Protection of Agricultural Resources and Preservation of Drainage:

2.12. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the blockage of a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

2.13. No Person or Owner shall cause or permit sediment or sediment laden water to be discharged, either directly or indirectly, into a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

2.14. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the Flooding or Ponding of water on an abutting Property.

2.15. No Person or Owner shall fail to provide Erosion or sediment protection for wind and drainage run off, where such Erosion or sediment may enter onto an abutting Property.

Section 3.0 Exemptions

3.1 The regulations established by this By-law do not apply to the activities and matters described in **Schedule "A".**

Section 4.0 Issuance of a Site Alteration Permit

4.1 An Owner or Applicant shall have a preliminary meeting with the Director and any other Persons that the Director deems necessary, in order to review the proposal to determine if a Permit could be issued under the requirements of this By-law.

4.2 No Person shall remove Soil, Place or Dump Fill or alter the Grade unless the alteration of Grade is established by a Site Alteration Plan as approved by the Director.

4.3 Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or contrary to the terms of a Permit shall forthwith restore the land to its original condition including the replacement of Topsoil to the Existing Grade of the land.

4.4 The issuance of a Permit under this By-law does not relieve the Owner or the Applicant from the obligation to secure all other applicable approvals.

4.5 When applying for a permit an Applicant and/or Owner shall submit the following information:

a. a completed application in the form prescribed from time to time by the Director in accordance with the information required in this By-law;

b. the Director at his or her sole discretion may require proof of liability insurance showing the City as an additional named insured. The proof of insurance must be submitted in a form satisfactory to the City;

c. the name, address and contact telephone number or the Owner(s) of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

d. the municipal address of the land on which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

e. legal description of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

f. the Owner's authorization, Owner's proof to bind a corporation where applicable;

g. a Site Alteration Plan, based on a legal survey if required by the Director, accurately indicating:

   i. the Property lines of the lands for the Site Alteration with dimensions,

   ii. all materials and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies,

   iii. all existing storm sewers, ditches, swales, creeks, watercourses and wetlands on the lands and on abutting lands and public highways,

   iv. all existing buildings, trees and driveways on the lands and all easements and right-of-ways over, under, across or through the lands,

   v. proposed Grade and drainage systems upon completion of the Site Alteration,

   vi. all proposed ground covering to be used upon completion of the Site Alteration operation, and

   vii. all Erosion, sediment and tree protection measures for Site Alteration operation;

h. a copy of a Permit issued by a Conservation Authority where applicable within the City of Kawartha Lakes;

i. a description of the Fill proposed to be Dumped or Placed including a detailed description of the source of the Fill with a letter from the party from whom the Fill is being acquired attesting that the Fill meets the requirements for clean Fill if applicable, the quantity of Fill (expressed in cubic metres), and the proposed location of the Fill on the lands. Contact information shall be inlcuded;

j. the Permit fee, where Soil removal, Fill Placement, or Site Alteration activity associated with an application is subject to the provisions of this By-law, and shall be adjusted annually in accordance to the Consolidated Fees By-law:

   Small Fill Operation $600 (2018),

   Large Fill Operation $1,000 plus $1.00/$m^3$ (2018);

k. the Permit fee, where all Soil removal, Fill Placement, or Site Alteration activity associated with an application is regulated by a Conservation Authority but impacts the City's Infrastructure, shall be adjusted annually in accordance to the Consolidated Fees By-law:

   Small Fill Operation $600 (2018),

   Large Fill Operation $1,000 (2018);

l. for a Large Fill Operation, a Site Alteration Plan shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property and the Plan shall include information for matters and activities described in **Schedule "B"**;

m. when required by the Director, an Environmental Impact Study, Natural Heritage Evaluation, and/or Hydrogeological Impact Study, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Key Natural Heritage Features and/or Key Hydrologic Features on or within 120 metres of the Property;

n. when required by the Director, an Agricultural Impact Assessment shall be submitted if the Site Alteration is on lands identified in the City's Official Plan or in the Provincial Agricultural System as Prime Agricultural Area, where the placement is not part of an agricultural operation or practice;

o. a description of the proposed quantity and type of Fill, whether it qualifies as a Table 1 Standards of Fill or a Table 2 Standards of Fill, including a list of the Fill origin sources and geotechnical reports as to content and quality, prepared by a Qualified Person in that regard. The Applicant shall demonstrate in a report how the proposed Fill Placement and type of Fill being Placed meets the existing and/or intended land uses for the Property as indicated by the City's Official Plan, relevant Zoning By-law, and/or Rehabilitation Plan approved by the Ministry of Natural Resources and Forestry;

p. a certificate from the Owner, Applicant and each Qualified Person referenced in paragraph 5.3 and Schedule "B" certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

q. a plan showing the design details to proper scale of any Retaining Wall that may be required and the dimensions of any materials to be used in construction of such Retaining Wall. A Retaining Wall plan may require a permit as defined by the Ontario Building Code; and

r. security in a form and amount to be determined by the Director to include 100% for the operation and removal of all required on-site works and off-site improvements associated with the Permit and $1.00 per cubic metre of Fill being placed on the site and held in accordance to the Consolidated Fees By-law. Securities for on-site and off-site works will be refunded once the City is satisfied that the works have been completed and/or constructed to the City's satisfaction. The Fill securities will be refunded once the operation is complete and the City is satisfied that the Fill meets the Ministry of the Environment, Conservation and Parks criteria. The City reserves the right to have the Fill tested at the Applicant's and/or Owner's expense.

4.6 The City shall have the authority to designate all truck routes and trucking schedules, including any revisions, in order to minimize impacts to the public and municipal Infrastructure. The City shall require truck traffic to follow designated aggregate haul routes where possible. Public notification may also be required by the City.

4.7 An Owner or Person operating a Small Fill Operation or Large Fill Operation shall post information at the entrance to the excavation site containing the purpose of the operation, names, mailing addresses, and emergency telephone numbers of the company to which the Permit has been issued as well as sub-consultants, contractors, and trucking companies that are undertaking the work, to the satisfaction of the City. Emergency contact names and telephone numbers shall also be provided to the City as part of the permit application in Section 4.4 of this By-law.

4.8 Any person removing Soil, Placing or Dumping Fill, or altering Grades within the City shall implement and maintain an approved mud tracking and dust control program. As part of the Permit process, such a program shall be provided in writing to and be approved by the City and shall include the provision of mud mats and dust control measures at both the extraction and placement sites, and the continuous monitoring thereof. Where mud and dust are not controlled to the satisfaction of the City, the City may, without Order, have such mud or dust controlled by City employees or a third party contractor and such costs, plus a 30% management and administration charge in accordance to the Consolidated Fees By-law, shall be invoiced and collected as per Section 7.4 of this By-law.

4.9 In addition to Section 4.7, the Director may revoke the Permit until such invoices are paid in full at the sole discretion of the City.

4.10 The City may draw upon the security posted pursuant to Paragraph 4.4 r. to recover the costs incurred by the City in performing any required work which the Owner or the Applicant has failed to perform.

4.11 The City will consider a Permit for the removal of Soil, Placement of Fill, or the alteration of Grades within an area identified by a Conservation Authority, source water protection plan, or by the City's Official Plan as a Source Water Protection Area, Surface Water Intake Protection Zone or Wellhead Protection Area subject to the appropriate studies being submitted for review and approval by the relevant Conservation Authority, the Risk Management Official, and/or the City as required.

4.12 The City will not issue a permit to an Applicant and/or Owner if the City is made aware in advance of processing the Permit application that the Applicant or Owner has outstanding Orders for violations issued by the

Ministry of the Environment, Conservation and Parks or other government agency for Property located within the City.

Section 5.0 Permit Agreement Requirements

5.1. The Director may, prior to the issuance of a Permit, require the Owner or Applicant or both to enter into a Development Agreement which may be registered on title to the Lot containing such requirements of this By-law as the Director considers necessary to ensure that the alteration of land or the Placing or Dumping or removal of Fill is done in accordance with the prevailing design standards of the City and proper engineering principles, and that prior to the commencement of the Placing or Dumping of Fill, a program to control mud tracking onto public roads and dust control program containing measures considered to be appropriate by the Director to control mud tracking and dust both on the Lot or other land from which the Fill is proposed to be removed and on the land on which Fill is to be Placed or Dumped and the truck routes proposed to be used by the Applicant, if any, to move the Fill to the Lot on which it is proposed to be Dumped or Placed.

5.2. Requirements contained in a Development Agreement may include the Owner or Applicant or both releasing and indemnifying the City, certifying that the Fill placed contains no contaminants as defined in the Environmental Protection Act, as amended, posting with the City the required security and where, in the opinion of the Director, extensive activities are proposed, certification by a geotechnical engineer or other similarly Qualified Person, both prior to the issuance of a Permit and upon completion of the work. All such certification shall state that the Owner or Applicant has complied with all of the obligations and conditions contained in the Permit.

5.3. The Director may at the Applicant's and/or Owner's expense, require the testing of any Fill by a Qualified Person retained by the City. Fill Removal and/or Placement of Fill operations may be suspended pending test results at the direction of the Director.

5.4. The City may require the Applicant and/or Owner to provide copies of prior certification that every load of Fill being placed on a Property complies with all Ministry of the Environment, Conservation and Parks Table 1 Standards or Table 2 Standards, whichever is applicable based on the zoning and/or intended use of the Property.

5.5. The Property Owner and/or the Applicant for which a Permit has been issued shall be solely responsible for the removal of Contaminated Fill and the Property shall not be used for the remediation or cleaning of Contaminated Fill.

5.6. The Director may require the Applicant and/or Owner to install such site remediation measures, including Soil Erosion and sediment control, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals and to provide for stabilization of the altered Grades.

5.7. An Erosion and Sediment Control Plan shall be completed as part of the Site Alteration Plan and Permit application submitted to the Director and shall include but may not be limited to the following requirements:

i. Project description, including the nature of the land disturbing activity;

ii. Condition of the existing site, including site use, topography, soil types and characteristics, vegetation, drainage system and receiving waters;

iii. Description of areas in the site that have potential for Erosion or sediment transportation;

iv. A delineation and description of measures to be taken to prevent Erosion and to retain sediment on the site, including but not limited to the designs and specifications for swales, dykes, drains, sediment control ponds, and a schedule for their continued maintenance over the project lifespan specified by the City; and

v. A delineation and description of the revegetative measures to be used including, but not limited to, mulches, type of seeds, the type and location of pre-existing and undisturbed vegetation types. The proposed revegetation shall consist of native, non-invasive plant species.

Section 6.0 Permit Expiry, Renewal, Transfer, and Revocation

6.1. A Permit shall expire 90 calendar days after the day on which it is issued pursuant to this By-law. Alternatively, an extended time frame may be approved by the Director upon request by the Owner and/or Applicant.

6.2. A Permit may be renewed at any time prior to its expiry for an additional 90 day period by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law. Any requested changes to the permit as a result of the renewal request shall be considered a new and separate permit.

6.3. A Permit shall not be renewed if the Applicant and/or Owner have violated the terms of a Permit previously issued by the City until the violation has been rectified.

6.4. A Permit shall not be transferred to a new Owner and/or Applicant unless the Director approves an amendment to the Permit by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law.

6.5. It is a condition of each Permit that the Permit shall be revoked by the Director or Municipal Law Enforcement Officer under the following circumstances:

i. if the Permit was obtained on mistaken, false or incorrect information;

ii. if the Permit was issued in error;

iii. if the Property Owner or PropertyApplicant fails to comply with an Order;

iv. if the Owner or Applicant requests in writing that the Permit be revoked;

v. if the terms of a Development Agreement under this By-law have not been complied with; or

vi. if an Owner and/or an Applicant fails to comply with the provisions of this By-law or with an Order requiring work to be done to correct any contravention of this By-law.

6.6. Every Person who removes Soil contrary to this By-law or contrary to an issued Permit shall forthwith rehabilitate the land from which the Soil was removed including the replacement of the Topsoil and the restoration of the Existing Grade.

6.7. Every person who removes and Places Fill or who causes or permits Fill to be removed or Placed contrary to this By-law or to a Permit shall forthwith remove such Fill and restore the Grade of the land that existed prior to the Placement of Fill on the Property.

6.8. Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or to a Permit shall forthwith restore the land to its original condition including the Existing Grade of the land.

Section 7.0 Orders

7.1. If the Director or Municipal Law Enforcement Officer becomes aware that a contravention of this By-Law is occurring or has occurred, the Director or Municipal Law Enforcement Officer may make an Order requiring any person who is removing Soil, placing Fill, or altering the Grade of land in

contravention of this By-law to discontinue the activity or to do work to correct the contravention.

7.2. The contents of an Order issued under the By-Law shall include:

i. The reasonable particulars of the contravention;

ii. The inspection date;

iii. The municipal address of the Property or legal description of the Property where the Order applies;

iv. The Owner information;

v. PropertyPropertyWhat must be done to rectify the contravention;

vi. A time period, which is not less than fourteen (14) days and is not more than sixty (60) days, in which the Order must be complied with;

vii. A statement that, where an Owner fails to comply with an Order within the specified time frame, a Municipal Law Enforcement Officer may, in addition to any enforcement of this By-Law, cause the City's forces to complete the work required by the Order, without further Order to the Owner; and

viii. Any associated fees or administration charges.

7.3. Orders under this By-law shall be deemed sufficient if delivered in person, by regular mail, by courier, or by registered mail to the address of the Property on which the contravention is occurring and to the last known address of the registered Owner of the Property on which the contravention is occurring, if different. Any such Order shall be conclusively deemed to have been given and received upon the same day if personally delivered or sent by facsimile, or, if mailed, delivery shall be deemed completed after three business days.

7.4. When a Person or Owner fails to comply with an Order issued by the Director or a Municipal Law Enforcement Officer, the City may in addition to all other remedies enter onto the Property at a reasonable time to complete the remedial work. The costs of this action, including an inspection fee as set out in the Consolidated Fees By-law, shall be added to the tax roll of the Property which is the subject matter of the Order and shall be collected in like manner as municipal taxes, or by drawing on the security provided.

Section 8.0 Enforcement and Penalties

8.1. **Enforcement:** This By-law may be enforced by every Municipal Law Enforcement Officer who has been designated by Council.

8.2. **Obstruction:** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law or under the Municipal Act, 2001, as amended.

8.3. **Offence and Penalty:** Every person who contravenes this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, is guilty of an offence and, upon conviction, is liable to a fine in accordance with the Municipal Act, 2001, and to any other applicable penalty. More specifically:

a. Any individual person or owner who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than $10,000, and on any subsequent conviction, to a fine of not more than $50,000.

b. Any corporation who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than $50,000, and on any subsequent conviction, to a fine of not more than $100,000.

8.4. **Multiple Offences:** The conviction of a Person for the contravention of any provision of this By-law shall not operate as a bar to the prosecution against the same Person for any subsequent or continued contravention of this By-law.

8.5. **Court Order:** If a Person is convicted of an offence for contravening this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other penalty, Order the Person, in such manner and within such period as the court considers appropriate to:

i. rehabilitate the land; or

ii. restore the Grade of the land to its original condition.

Section 9.0 Rights of Entry

9.1. The Director, Municipal Law Enforcement Officers, and the City's employees and agents may enter on the Owner's land at any reasonable time for the purpose of confirming compliance with the By-law or for doing works pursuant to Section 7.4 of the By-law.

Section 10.0 General Provisions

10.1 **Administration:** The Director of Engineering and Corporate Assets is responsible for the administration of this By-law.

10.2 **Designation of Officers:** All Municipal Law Enforcement Officers and Inspectors as defined in this By-law are designated as officers for the purpose of the enforcement of this By-law.

10.3 **Effective Date**: This By-law comes into force on the date that it receives third reading and is passed

Section 11.00: Repeals

11.01 **Repeal:** By-law 2012-200, a By-law Regulating The Removal of Soil, Placement of Fill, and the Alteration of Grades, is repealed.

By-law read a first, second and third time, and finally passed, this xx day of xxx, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

SCHEDULE "A"

EXEMPTIONS

The exemptions noted below apply only to the provisions of this By-law, and do not prevent the owner and/or applicant from obtaining other required Federal, Provincial and/or municipal approvals, as required by law (including Conservation Authority Act approvals).

The provisions of this By-law do not apply to the removal or Placement of Fill or alteration of the Grade of land under the following situations:

1.0 General Exemptions

1.1 The use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990 as amended or a waste, waste disposal or waste management system that is exempted by regulation from said Part V;

1.2 The construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, as amended;

1.3 Emergency measures taken by the City or Conservation Authority or any other federal, provincial or governmental agency or body, to prevent Flooding, Erosion, slipping of Soil or damage of trees;

1.4 The activities of the City or the Conservation Authority related but not limited to the establishment or maintenance of utilities and services, roads, bridges, Flood and Erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;

1.5 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53 of the Planning Act, R.S.O. 1990 c. P.13 as amended, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

1.6 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, R.S.O. 1990 c. P.13 as amended or as a requirement of an agreement entered into under that regulation;

1.7 Aggregate (as defined in the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended) brought onto a pit or quarry operating under a licence or wayside permit issued under that statute as part of the operations of that pit or quarry;

1.8 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence and/or site plan for a pit

or quarry or a permit for a wayside pit or wayside quarry issued/approved under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended;

1.9 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,

i. that has not been designated under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended or a predecessor of that statute; and

ii. on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act, R.S.O. 1990 c. P.13 as amended;

1.10 Any rehabilitation or filling activity in a pit or quarry licensed under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended, and specifically addressed on the approved site plan when there is insufficient overburden retained to rehabilitate such pit or quarry in accordance with that statute;

1.11 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of the Agricultural Drain construction or Agricultural Drain cleanout under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended;

1.12 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, S.O. 1998, c. 15, Schedule A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

1.13 The activity is undertaken in accordance with an Order issued pursuant to the City's Property Standards By-law as amended from time to time;

1.14 The activity is conducted within a Contractor's Yard which imports, processes, uses, and/or sells Soil materials and which complies with the applicable City's Zoning By-law as amended;

1.15 The activities or matters undertaken by the City or a local board of the City, Province of Ontario, or Dominion of Canada involving the alteration of Grades or Placement of Fill on Property or public highways. These organizations shall ensure that Fill materials being removed meets all relevant Ministry of the Environment, Conservation and Parks Table 1 Standards and/or Table 2 Standards requirement. All contractors or agents working on behalf of the City or a local board of the City, Province of Ontario, or Dominion of Canada will be required to obtain approvals for the Placement of these Fill materials on private Property, with the exception of the Placement of ditching materials;

1.16 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53, respectively, of the Planning Act, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

1.17 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, or as a requirement of an agreement entered into under that regulation.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

2.0 Building and Development Exemptions

2.1 Construction where a permit authorized under the Building Code Act, 1992, S.O. 1992, c. 23, as amended, has been issued by the Chief Building Official including erection, installation, construction, demolition of a building, structure, swimming pool or on-site sewage system, where the building permit application provides sufficient information to determine that the Placing or Dumping of Fill conforms with provisions of this By-law and the amount of Fill to be Dumped or Placed pursuant to the building permit does not exceed 500 cubic metres;

2.2 The Placing or Dumping of Fill in an excavation to the elevation of Existing Grade following the demolition or removal of a building or structure for which a building permit has been issued;

2.3 The Placing or Dumping of Fill on lands for the purpose of Flood or Erosion control to establish Finished Grade shown on a Grading and Drainage Plan approved by the Conservation Authority or City in conjunction with a subdivision approval;

2.4 The Placing or Dumping of Fill on lands for non-residential Site Alteration involving an amount of Fill of less than two hundred (200) cubic metres on a Lot within any one-year period, provided that there is no significant change in the direction or rate of drainage to the neighboring properties, and unless the site includes or is adjacent to a body of water. Such alteration shall not take place within sixty (60) centimetres of any Property line;

2.5 The Placing or Dumping of Soil or Topsoil on lands zoned or used for residential purposes within the meaning of the Zoning By-Law for the purpose of lawn dressing, landscaping, adding of flowerbeds or vegetable gardens, provided that:

a. The elevation of the land is not changed within sixty (60) centimetres of the Property line;

b. There is no change in the location, direction, or elevation of any natural or artificial watercourse, open channel, swale, or ditch used to drain land;

c. The functionality of any drainage Infrastructure is not impeded;

d. The volume of Soil or Topsoil does not exceed one hundred (100) cubic metres in any consecutive 12 month period on a Lot which is 0.1 hectares or less; and

e. The volume of Soil or Topsoil does not exceed two hundred (200) cubic metres in any consecutive 12 month period on a Lot which is greater than 0.1 hectares in area.

2.6 The resurfacing or paving of existing driveways where there is no alteration to the existing driveway base and no significant change in the direction or rate of drainage to neighboring properties;

2.7 The Placing or Dumping of Fill for the construction and/or installation of a new driveway and associated works within the municipal right-of-way for a purpose where:

a. The use is permitted by the Zoning By-law;

b. Driveways may not be installed in advance of the zoning use being established; and

c. The width of the driveway shall not exceed seven (7) metres and the depth of fill does not exceed fifteen (15) centimetres above the existing Grade.

2.8 One time minor widenings of existing driveways are permitted to a maximum increase in impervious area of 50% of the original driveway area.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

3.0. Agricultural Exemptions

3.1. The provisions of this By-law do not apply to the removal of Soil, Placement of Fill, and the alteration of the Grade of land as an incidental part of a Normal Agricultural Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;

3.2. Storage of Topsoil for the restoration of Agricultural Lands used for Normal Agricultural Practices, as an incidental part of an agricultural or horticultural operation shall not exceed one thousand (1000) cubic metres, and shall be Stored a minimum of 30 metres from any Property line and any Key Hydroligic Feature and/or Key Natural Heritage Feature.

3.3. The removal or Placement of Topsoil on Agricultural Lands incidental to a Normal Agricultural Practice including but not limited to such addition or

removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended. This exception does not include the removal of Topsoil for sale, exchange or other disposition;

3.4. The harvesting or excavation and removal of peat and/or organic soils in a commercial operation as approved by the Conservation Authority and/or the Ministry of Natural Resources and Forestry.

Schedule "B"

Site Alteration Plan

1.0 A Site Alteration Plan, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property affected. For a Small or Large Fill Operation, the Plan must be prepared by a Professional Engineer or an Ontario Land Surveyor. The Plan shall include any or all of the matters and activities described as follows:

i. key map showing the location of each Lot, including the nearest roadways and major intersection, and north arrow;

ii. where municipal pavement, ditches, culverts, sidewalks, facilities or other Infrastructure or services are impacted. The City may invoke its right to post a No Heavy Trucks route in the event that a hauler is damaging Municipal infrastructure;

iii. the Lot's boundaries and area (expressed in square metres and/or hectares) of each such Lot or parcel of land;

iv. the existing and proposed use of the land and the location and use of the buildings and other structures adjacent to each Lot. This information shall include the distance between the proposed work area and adjacent residential uses;

v. the location, dimensions and use of any building and other structures existing or proposed to be erected on each Lot;

vi. the location of all Key Natural Heritage Features, Key Hydrologic Features and/or any other environmentally sensitive features, including but not limited to: lakes, streams, rivers, wetlands, channels, ditches, other watercourses and other bodies of water including hydrologically sensitive features such as springs, seeps, etc. on and within a minimum of 120 metres beyond each Lot's boundaries;

vii. the location of all Regulatory Flood Lines and Conservation Authority Regulation limits;

viii. the location and identification of the predominant existing Soil types on and abutting the Lot within 120 metres;

ix. the species, Grade at base and size (in diameter at breast height) of all trees greater than 250 millimetres in calliper, all shrubs, trees and hedges within three (3) metre(s) of the Property line and driveways on each Lot and all easements and rights-of-way over, under, across or through the Lot;

x. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each Lot's boundaries;

Schedule "B" continued

Site Alteration Plan

xi. the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each Lot's boundaries;

xii. the existing topography on the Lot and extending a minimum of 30 metres beyond the Lot's boundaries;

xiii. the Proposed Grades of each Lot;

xiv. the location and dimensions of all proposed land disturbance activities, including construction of access roads;

xv. the location and dimensions of all temporary Soil, dirt or Fill stockpiles on the Property;

xvi. the total quantity of fill in cubic metres;

xvii. the location, dimensions, design details and design calculations of all construction site Erosion control measures that may be necessary to minimize the impact of the proposal;

xviii. a schedule of the anticipated starting and completion dates of each land disturbance or land development activity;

xix. provisions for the maintenance of the construction site Erosion control and dust control measures during construction and after as required;

xx. traffic management information including proposed daily truck traffic levels, a plan of proposed external haul routes and daily schedule for hours of hauling operations, traffic control plan and a plan showing signage as required by the City;

xxi. the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate, in metres;

xxii. an indication on the drawing of directions of overland water flow and overland flow route; and,

xxiii. any information, plans or studies required by Ontario Regulation 140/02, as amended – The Oak Ridges Moraine Conservation Plan. The City shall require a $3,000.00 deposit should the City require the services of a Qualified Person to peer review the studies submitted by the Applicant;

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-025

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 13

Title: Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655

Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2018-025, Proposed Surplus Declaration, Closure and Release of the City's Right to Re-purchase in the Road Allowance Between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, be received;

That the subject property, being the Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, be declared surplus to municipal needs;

That Council support the closure of the road allowance and release the City's right to re-purchase the subject property in accordance with the provisions of By-law 2018-020, as amended, and the Municipal Act, 2001;

That the by-law attached as Schedule E to close the road and release the City's right to re-purchase the subject property shall be passed; and

That the Mayor and Clerk be authorized to execute any documents to facilitate the road closing and releasing the City's right to re-purchase the subject property.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The property described as Road Allowance between Lots 10 and 11, Concession 4, in the Geographic Township of Carden, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10655, is privately owned and subject to the City's right to repurchase the property for $25.00.[1]

The property owner is seeking to have the City release its interest in the property, so that it may develop the property (specifically, the property owner wishes to build a house on the property).

The right to re-purchase the subject property was set out in the Deed of Land, dated October 19, 1931 (attached as Schedule B), which included a provision "that should said lands be required at any future time for road purposes the said Grantor herein reserves the right to re-purchase the same at the purchase price herein of $25.00."

Although the road allowance has been sold, it has not been stopped-up and closed (potentially because of the right of re-purchase).

Upon reviewing this request, the Land Management Committee felt that the subject property is unlikely to be required for future road development and therefore, it would be appropriate to release the City's right to re-purchase the land and to stop-up and close the road allowance.

As the property owner provided plans for a potential development on the subject property, this property is considered a Class One property (that is, developable property) under the Disposition of Municipal Real Property By-Law 2018-020. Therefore, Public Notice advertising the potential surplus declaration and release of the City's right to re-purchase the subject property was completed by newspaper circulation in the Kawartha Lakes this Week on the 9th, 16th, and 23rd days of August, 2018. During the three week advertising period a notice was present on-site and the advertisement was posted on the City's website.

Appendix C is a map showing the general area of the property, Appendix D is a copy of Reference Plan 57R-10655, and Appendix E is a copy of the draft by-law required to stop-up and close the road and release the City's right to re-purchase the land.

The purpose of this report is to advise Council that the Land Management Committee recommends that the subject property be declared surplus to

[1] By-law No. 831 (attached as Schedule A) authorizes the sale of the subject property to the South Verulam Fur and Game Preserve Association. By-law No. 831 specifies that "should said lands, at any future time be required for road purposes the Municipality of the Township of Verulam reserve the right to repurchase the same at the purchase price herein of Twenty-five dollars."

municipal needs and that approval be given for the closure of the subject road allowance and release of the City's right to re-purchase the land.

Rationale:

The Land Management Committee has concluded that the subject road allowance is unlikely to be required for future road development. Therefore, as the road allowance is already in private ownership, it would be appropriate to release the City's right to re-purchase the property and to stop up and close the road. This will allow the owner to potentially develop the property.

Other Alternatives Considered:

Council may decide not to stop-up and close the road allowance and release the City's right to re-purchase the land. That is not recommended in this circumstance.

Financial Impacts:

As the City is disposing of its right to re-purchase an interior road allowance, the purchaser will be required to pay the price for interior road allowance properties as established by By-law 2018-020, as amended, being $15.00 per linear foot ($18,574.65 for 1,238.31 feet of road allowance noted on Reference Plan 57R-10655), together with all costs of the transaction (legal costs, estimated at $1,500.00 and advertising costs estimated at $1,000.00) plus a $1,500.00 fee to cover the City's staff time expenses.

As the Township of Verulam was paid $25.00 for this land in 1931(which is $362.50 in current dollars), this amount has been deducted from the cost that Staff is requesting for the purchase of the road. Accordingly, the net recovery would be $18,212.15.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

This report aligns with the strategic goal of a "vibrant and growing economy" and the strategic enabler of "efficient asset management."

Consultations:

Land Registry Office
Land Management Committee
Planning – Maps

Attachments:

Appendix A – By-Law No. 831

Appendix A - By-law 831.pdf

Appendix B – Deed of Land

Appendix B - Deed of Land.pdf

Appendix C – Map

Appendix C - General Location Map.pdf

Appendix D – Reference Plan 57R-10655

Appendix D - Reference Plan 57R-1

Appendix E – Draft By-Law

Appendix E - Draft By-Law.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L25-18-RS003

BY LAW No. 831.

A By-Law for the sale of the land and freehold of the original allowance for Road lying between Concessions Four and Five opposite lots Three (3), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), and Eleven (11) and of the land and freehold in the original allowance for Road of the side road lying between lots Ten (10) Eleven (11) between Concessions Four (4) and Five (5) and between lots Ten (10) and Eleven Concessions Four (4), from the Easterly limit of said lots to the Westerly Limit of the said waters of Emily Creek, to South Verulam Fur and Game Preserve Association for the sum of Twenty-five dollars.

Whereas application has been made by South Verulam Fur and Game Preserve Association for Sale, to the said Association of the land and freehold in the Original allowance for Road lying between Concessions Four and Five opposite lots Three, Six, Seven, Eight, Nine, Ten and Eleven, and the original allowance for Road of the Side Road lying between lots Ten and Eleven, between the Fourth and Fifth Concessions, and between lots ten and eleven, Concession Four, from the easterly limit of said lots to the westerly limit of the waters of Emily Creek, for the sum of Twenty-five Dollars.

And whereas by the Powers Conferred upon by Municipal Councils by Sections 483 and 486, Chapter 233 of the Municipal Act R. S. O. 1927, it is expedient to sell and convey the said land to South Verulam Fur and Game Preserve Association, for the sum of Twenty-five Dollars, Provided however that should said lands be required at any future time for road purposes, the Municipality of the Township of Verulam reserves the right to, repurchase the same at the purchase price herein of $25.00.

Therefore Be it Enacted by the Municipal Council of the Township of Verulam and it is hereby enacted.

That the soil and freehold in the original allowance for Road lying between Concessions Four (4) and Five (5), opposite lots Three (3), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), and of the Original allowance for Road lying between lots Ten (10) and Eleven (11) between Concessions Four (4) and Five (5), and between lots Ten (10) and Eleven (11) Concession Four (4) from the Easterly limit of the waters of Emily Creek, be sold and conveyed to South Verulam Fur and Game Preserve Association for the sum of Twenty-five Dollars. Provided, however, that should said lands, at any future time be reguired for Road purposes the Municipality of the Township of Verulam reserve the right to repurchase the same at the purchase price herein of Twenty five dollars.

October 27th, 1930

J. W. Elliott, Reeve.
Geo. W. Taylor, Clerk.

VL 88

CANADA
Province of Ontario
To Wit:

I,
of the of
in the of
of

make oath and say:

1. THAT I was personally present and did see the within or annexed Instrument and a Duplicate thereof duly signed, sealed and executed by the parties thereto.
2. THAT the said Instrument and Duplicate were executed by the said part at the of
3. THAT I know the said part
4. That I am a subscribing witness to the said Instrument and Duplicate.

SWORN before me at the
of
in the
of
this day of
A.D. 19

A Commissioner, etc.

of
To Wit:

I,
of the of
in the of

do solemnly declare:

That I was at the time of the execution and delivery by me of the within Instrument, married, of the full age of twenty-one years.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the
of in the
of
this day of
A.D. 19

A Commissioner for taking Affidavits, Etc.

Dated August 24th 1931

3.25 29 1431

THE CORPORATION OF THE TOWNSHIP OF VERULAM.

TO

SOUTH VERULAM FUR AND GAME PRESERVE ASSOCIATION.
Dunsford, Ont.

(3)

Deed of Land

SITUATE
In the Township of Verulam.

Lot 1st pd.
Stevenson & Gilbert, Limited, Toronto

ab A-269-267

Original Road Allowance Tek Conc 4 & 5
opposite Lots 3-6-7- 8-9-10-11
a side Road Tek 10 & 11
Original Side Road Allowance Tek Lots
10 & 11- Con 4- & Tek Conc 4 & 5
from to limit Lots to W. limit of
Emily Creek Res as therein -

Geo. W. Taylor, Q.C.
Bobcaygeon, Ont.

I CERTIFY THAT THE WITHIN INSTRUMENT IS DULY ENTERED AND REGISTERED IN THE REGISTRY OFFICE FOR THE REGISTRY DIVISION OF THE COUNTY OF VICTORIA IN BOOK 24 FOR THE TOWNSHIP OF Verulam AT 3.25 O'CLOCK P.M. OF THE 29 DAY OF Dec A.D. 1931 NUMBER 8864
J. McLeasise REGISTRAR

B

8864

THIS INDENTURE made induplicate the Twenty-fourth day of August in the year of our Lord one thousand nine hundred and thirty-one.

BETWEEN,-

THE CORPORATION OF THE TOWNSHIP OF VERULAM,
hereinafter called the Grantor,

of the First Part,

And,

SOUTH VERULAM FUR AND GAME PRESERVE ASSOCIATION,
hereinafter called the Grantee,

of the Second Part.

Whereas application has been made by the Grantee herein for the sale of the lands hereinafter described to the said Grantee for the sum of Twenty-five dollars,

And Whereas for the said purpose, By-law No. 831 was duly passed after having duly observed the provisions of sections 483 and 486 of the Municipal Act, R.S.O. 1927 Chapter 233, the passing of said By-law having been duly confirmed by the Municipal Council of the Corporation of the County of Victoria by By-law No. 1125 and approved by Order-in-Council by the Honourable the Administrator of the Government of the Province of Ontario dated the 28th day of July A.D. 1931,

NOW THIS INDENTURE WITNESSETH in consideration of the ~~[illegible]~~ ~~[illegible]~~ premises and of the sum of Twenty-five dollars of lawful money of Canada now paid by the said Grantee to the said Grantor, the receipt whereof is hereby acknowledged, the said Grantor doth Grant unto the said Grantee in fee simple,

All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Township of Verulam in the County of Victoria and Province of Ontario and being composed of the land and freehold of the Original Allowance for Road lying between concessions Four and Five opposite lots Three(3), ~~[illegible]~~ Six(6), Seven(7), Eight(8), Nine(9), Ten(10) and Eleven(11), and of the land and freehold in the Original Allowance for Road of the Side Road lying between lots Ten(10) and Eleven(11) between concessions Four and Five and between lots Ten(10) and Eleven(11)

Concession Four(4), from the Easterly limit of said lots to the Westerly limit of the Waters of Emily Creek. Provided, however, that should said lands be required at any future time for road purposes the said Grantor herein reserves the right to re-purchase the same at the purchase price herein of $25.00

To have and to hold unto the said Grantee its heirs and assigns to and for its and their sole and only use forever,

Subject Nevertheless to the reservations, limitations, provisoes and conditions expressed in the Original Grant thereof from the Crown.

The said Grantor Covenants with the said Grantee that it has the right to convey the said lands to the said Grantee notwithstanding any act of the said Grantor.

And that the said Grantee shall have quiet possession of the said lands, free from all encumbrances.

And the said Grantor Covenants with the said Grantee that it will execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenants with the said Grantee that it has done no act to encumber the said lands.

And the said Grantor Releases to the said Grantee All its Claims upon the said lands.

~~And the said and the said Grantor hereby have hereunto set their hands and seals~~

In Witness whereof the said Corporation has hereunto set its corporate seal and the hands of its proper officers.

~~In witness whereof the said parties have hereunto set their hands and seals~~

Signed, Sealed and Delivered,
In the presence of

J. W. Elliott
Reeve

Ruby Steele

R. Thompson
Clerk.

S69

Affidavit Land Transfer Tax Act

In the Matter of the Land Transfer Tax Act, 1921 and 1922

Province of Ontario

COUNTY OF Victoria

To Wit:

I George Wilbert Taylor of the Village of Bobcaygeon in the County of Victoria for the Grantor named in the within (or annexed) transfer make oath and say:

This affidavit may be made by the purchaser or vendor or by any one acting for them under power of attorney or by an agent accredited in writing by the purchaser or vendor or by the solicitor of either of them.

1. I am the Clerk of the [redacted] Corporation of the Township of Verulam named in the within Transf

2. I have a personal knowledge of the facts stated in this affidavit.

3. The true amount of the monies in cash and the value of any property or security included in the consideration is as follows:

(a) Monies paid *in cash* ..... $ 25.00

(b) Property transferred in exchange to the equity value of ..... $ nil

(c) Securities transferred to the value of ..... $ nil

(d) Balances of existing encumbrances with interest owing at date of transfer ..... $ nil

(e) Monies secured by mortgage under this transaction ..... $ nil

(f) Liens, annuities and maintenance charges to which transfer is subject ..... $ nil

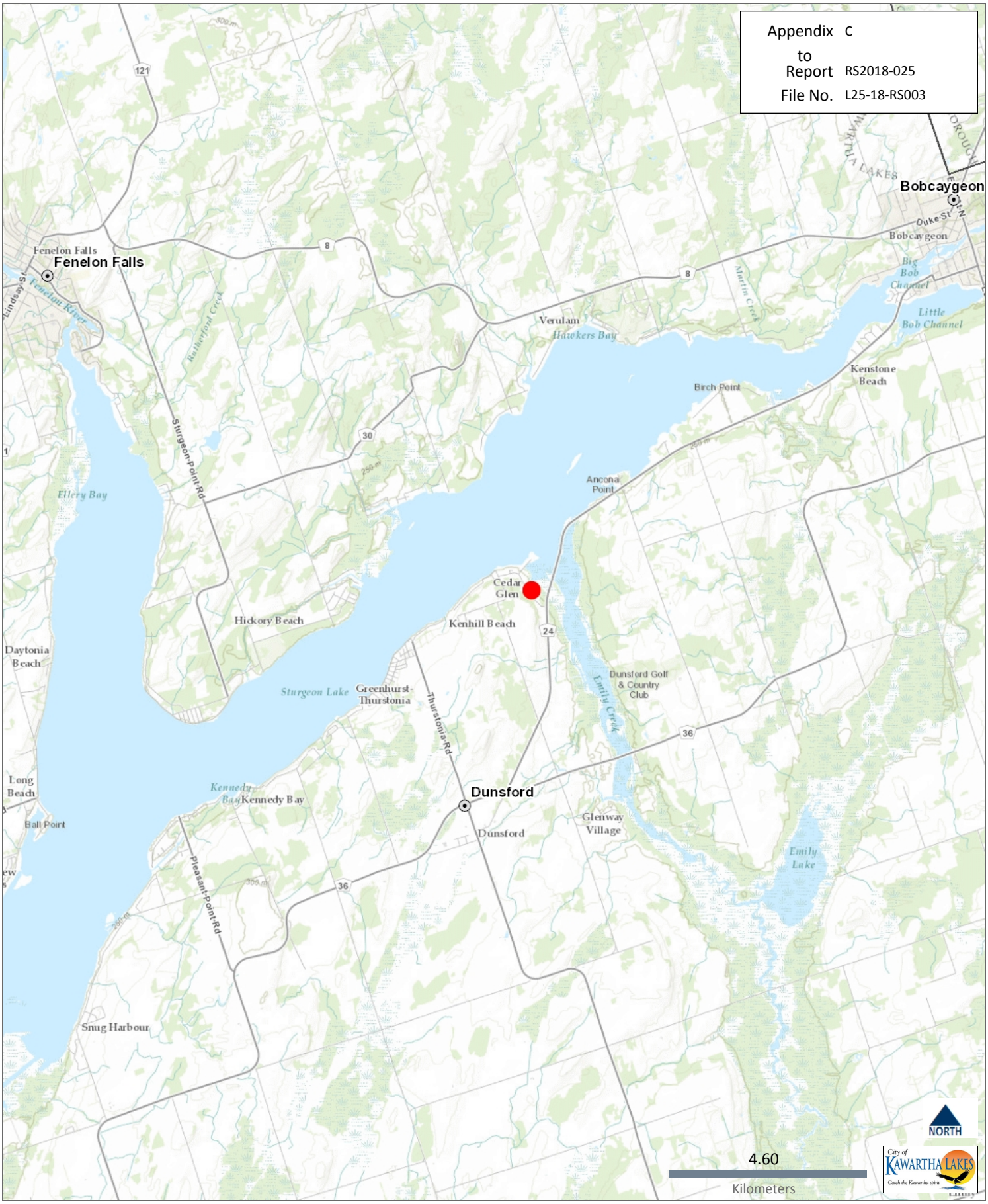
Total consideration ..... $ 25.00

[redacted]

Sworn before me at the Village of Bobcaygeon, in the County of Victoria this 19th day of August Oct A.D. 1931

A Commissioner, etc. C. R. Bottum JP

George Taylor



Date:

THIS MAP IS NOT TO BE USED FOR NAVIGATION
© City Of Kawartha Lakes

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.

SCHEDULE			
PART	LOT	CON	PIN
1	PART OF ROAD ALLOWANCE BETWEEN LOTS 10 AND 11 CLOSED BY BY-LAW 831, UNREGISTERED	4	ALL OF 63141-0116(R)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

06 MARCH 2018
DATE:

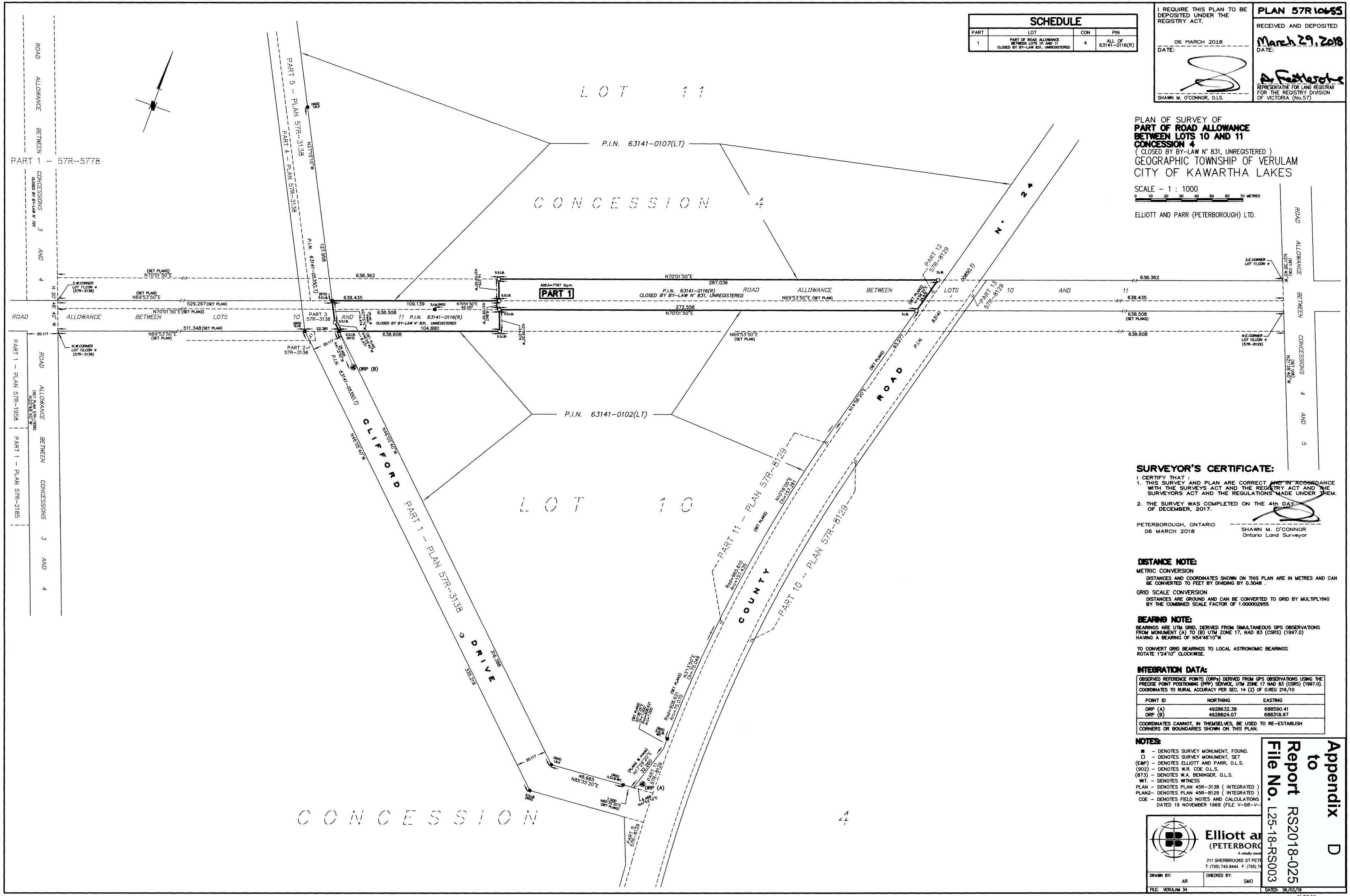
SHAWN M. O'CONNOR, O.L.S.

PLAN 57R10655

RECEIVED AND DEPOSITED

March 29, 2018
DATE:

REPRESENTATIVE FOR LAND REGISTRAR FOR THE REGISTRY DIVISION OF VICTORIA (No.57)



PLAN OF SURVEY OF
PART OF ROAD ALLOWANCE BETWEEN LOTS 10 AND 11 CONCESSION 4
(CLOSED BY BY-LAW N° 831, UNREGISTERED)
GEOGRAPHIC TOWNSHIP OF VERULAM
CITY OF KAWARTHA LAKES

SCALE - 1 : 1000
0 10 20 30 40 50 60 70 METRES

ELLIOTT AND PARR (PETERBOROUGH) LTD.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF DECEMBER, 2017.

PETERBOROUGH, ONTARIO
06 MARCH 2018

SHAWN M. O'CONNOR
Ontario Land Surveyor

DISTANCE NOTE:

METRIC CONVERSION

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048 .

GRID SCALE CONVERSION

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.000002955

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS FROM MONUMENT (A) TO (B) UTM ZONE 17, NAD 83 (CSRS) (1997.0) HAVING A BEARING OF N54°46'10"W

TO CONVERT GRID BEARINGS TO LOCAL ASTRONOMIC BEARINGS ROTATE 1°24'10" CLOCKWISE.

INTEGRATION DATA:

OBSERVED REFERENCE POINTS (ORPs) DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING (PPP) SERVICE, UTM ZONE 17 NAD 83 (CSRS) (1997.0). COORDINATES TO RURAL ACCURACY PER SEC. 14 (2) OF O.REG 216/10

POINT ID	NORTHING	EASTING
ORP (A)	4928632.38	688590.41
ORP (B)	4928824.07	688318.97

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

NOTES:

■ – DENOTES SURVEY MONUMENT, FOUND.
□ – DENOTES SURVEY MONUMENT, SET
(E&P) – DENOTES ELLIOTT AND PARR, O.L.S.
(902) – DENOTES W.R. COE O.L.S.
(873) – DENOTES W.A. BENINGER, O.L.S.
WIT. – DENOTES WITNESS
PLAN – DENOTES PLAN 45R-3138 (INTEGRATED)
PLAN2– DENOTES PLAN 45R-8129 (INTEGRATED)
COE – DENOTES FIELD NOTES AND CALCULATIONS DATED 19 NOVEMBER 1968 (FILE V-68-V-

Elliott and Parr (Peterborough) Ltd.
A wholly owned subsidiary of ...
211 SHERBROOKE ST PETERBOROUGH
T: (705) 745-8444 F: (705) 74...

DRAWN BY: AR	CHECKED BY: SMO
FILE: VERULAM 34	DATED: 06/03/18

PLOTTED: 06/03/18

Appendix D to Report RS2018-025
File No. L25-18-RS003

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Stop Up and Close Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R), and to Release the City's Right to Re-Purchase the Land

Recitals

1. Pursuant to the *Municipal Act*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;

2. The land described in Schedule "A" attached forms part of the road allowance between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Manvers, City of Kawartha Lakes, and has been declared to be surplus to municipal needs.

3. It is desirable to stop up and close that part of the road allowance described in Schedule "A" attached to this by-law and to authorize the release of the City's right to re-purchase the land.

4. By-Law No. 831 authorized the sale of the land described in Schedule "A". A Deed of Land registered as Instrument No. 8864, dated October 19, 1931, confirms the land has been in private ownership since that date.

5. Notice of the intention of City Council to pass this by-law was given by ad notice duly published in the *Kawartha Lakes This Week* newspaper on the 9th, 16th, and 23rd days of August. During the three week newspaper circulation, notice was also posted on-site, as well as on the City of Kawartha Lakes website, in accordance with the provisions of the *Municipal Act, 2001* and City of Kawartha Lakes By-Law 2018-020, as amended.

6. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of September, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure and Sale

2.01 **Closure and Sale:** That part of the road allowance described in Schedule “A” attached has been declared to be surplus to municipal needs and is hereby stopped up and closed. The City’s right to re-purchase the land described in Schedule “A” is authorized to be released in exchange for consideration in the amount of $18,212.15 (or an amount as otherwise set by Council), plus HST, if applicable, plus the cost of advertising, registrations, City staff time expense, legal fees and disbursements and any other costs incurred by the City in connection to this transaction.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule "A" To City Of Kawartha Lakes
By-Law Number 2018-
Passed This 25th Day Of September, 2018

Description Of Land To Be Stopped Up and Closed

Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R)

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-026

Date: **September 25, 2018**
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 7

Subject: **Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon**

Author Name and Title: Christine Oliver, Law Clerk

Recommendations:

RESOLVED THAT Report RS2018-026, Proposed Lease Agreement between the City of Kawartha Lakes and Ontario Clean Water Agency, Bobcaygeon Service Centre – 123 East St., Bobcaygeon be received; and

THAT the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix A on behalf of the City of Kawartha Lakes, being a Lease Agreement with Ontario Clean Water Agency for the purpose of leasing space for the district administration office for a one year term.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Ontario Clean Water Agency has been leasing space at 123 East St.,Bobcaygeon (the Bobcaygeon Service Centre), from the City of Kawartha Lakes for the past year and would like to extend for an additional year (proposed lease attached as Appendix A). The current Agreement expires on December 31, 2018 (attached as Appendix B).

Community Services utilizes a portion of the building for Service Centre operations. Public Works utilizes a portion of the building for Roads Operation and Waste Management office space. All occupants enjoy common meeting and storage areas. A location map is attached at Appendix C and a photo of the front of 123 East St., Bobcaygeon is attached as Appendix D.

The gross revenue pertaining to this lease is $33, 711.96 for 2018 and will be increased by the Cost of Living Index for 2019 rates.

Ontario Clean Water Agency currently occupies approximately 41% of the total available space at 123 East St., Bobcaygeon. The annual operating expense for the building is estimated in 2018 as $53,781.00. Ontario Clean Water Agency's occupied space contributes to approximately $22,050.21 of the estimated operating expenses of the building in 2018.

The proposed Lease Agreement was not reviewed at Land Management Committee as it was discussed earlier this year. Community Services confirmed this space will not be repurposed in 2019.

Community Services is looking at potentially expanding the library at this location into the space currently occupied by OCWA. The expansion – if it occurs – will happen no sooner than 2020. Accordingly, a one year term with no renewal period is recommended.

The purpose of this report is to provide Council with an opportunity to consider the terms of the proposed Lease Agreement and for Council to provide direction required to execute this Agreement. The proposed Lease Agreement is attached at Appendix A.

Rationale:

The annual lease compensation of the proposed lease is to be increased based on the Consumer Price Index, which will be reflected in January.

Other Alternatives Considered:

Council could direct that the Lease Agreement not be renewed. This is not recommended in this circumstance as Ontario Clean Water Agency is currently continuing to utilize the space at a fair market basis and the City currently has no need for the space.

Financial Impacts:

The cost of the lease for Ontario Clean Water Agency will remain the same subject to increase by the Consumer Price Index.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The recommendation in this report aligns with the strategic goal of a vibrant and growing economy and with the strategic enabler of efficient infrastructure and asset management.

Consultations:

Manager, Building and Properties
Director of Community Services

Attachments:

Appendix A – Proposed Lease Agreement for Ontario Clean Water Agency at 123 East St., Bobcaygeon

Appendix A - Proposed Lease Agree

Appendix B – Existing Lease for Ontario Clean Water Agency at 123 East St., Bobcaygeon, dated February 1, 2018

Appendix B - Current Lease Agreement.pdf

Appendix C – Map

Appendix C - Map.pdf

Appendix D – Photos of 123 East St., Bobcaygeon

Photos of 123 East St., Bobcaygeon.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Appendix	A
to	
Report	RS2018-026
File No.	L17

LEASE AGREEMENT

Dated this 1st day of January, 2019

BETWEEN:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

as Landlord
(the "CITY")

- and -

ONTARIO CLEAN WATER AGENCY

as Tenant
("OCWA")

RECITALS:

a) The CITY is the owner of certain land and buildings described in Schedule "A" to this LEASE. This parcel of land and building is known as the "Bobcaygeon Service Centre."

b) OCWA wishes to lease a portion of the "Bobcaygeon Service Centre" for its district administrative office.

THIS LEASE IS ENTERED in consideration of the rents, covenants and agreements reserved and contained on the part of OCWA, to be respectively paid, observed and performed, and for other consideration, the receipt and sufficiency of which are acknowledged, the CITY demises and leases the PREMISES to OCWA shown on the sketch attached as Schedule "B".

ARTICLE 1.00: INTERPRETATION

1.01 **Definitions:** Wherever a terms set out below appears in the text of this LEASE in capital letters, the term shall have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this LEASE in regular case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.

a) **GROSS RENT** means, the rent for a one year TERM, being the sum of $33,711.96 increased by the Cost of Living Index to reflect the increased cost of living between 2018 and 2019, payable in equal monthly installments

b) **BUSINESS** means OCWA's business of an administrative office for water and waste water management.

c) **CITY** means the Corporation of the City of Kawartha Lakes, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario. Where the context permits, the term also includes the CITY's servants, employees, agents and delegated officials.

d) **DIRECTOR** means the Director of the Department of Corporate Services of the CITY.

e) **EVENT OF DEFAULT** means any one or more of the circumstances set out in the following numbered paragraphs.

i. OCWA breaches its covenant to pay RENT. The default occurs whether the CITY has demanded payment or not, if the RENT remains unpaid for a period of thirty (30) days after it is due.

ii. OCWA breaches any of its other covenants in this LEASE. The default occurs if the breach continues for a period of thirty (30) days (or such

longer period as may be reasonably necessary to cure the breach) after notice by the CITY to the LEASE specifying the nature of the breach and requiring it to be remedied.

iii. In circumstances where the breach set out in the notice given to OCWA by the CITY pursuant to paragraph (2) above reasonably requires more time to cure than the time period referred to in the notice, but OCWA has not commenced remedying the breach; or, in the opinion of the CITY, has failed to diligently remedy it within a reasonable time.

iv. The PREMISES are vacated by OCWA or become vacant or remain unoccupied by OCWA for a period of thirty (30) consecutive days.

f) The **LANDS** are comprised of the lands described in Schedule "A" to this LEASE.

g) **LEASE** means this lease agreement, including its recitals and schedules, which form integral parts of it, as amended from time to time in accordance with Section 6.07.

h) **OCWA** means the Ontario Clean Water Agency, a corporation established and created under the Capital Investment Plan Act 1993 S.O., 1993, c23.

i) The **PREMISES** are comprised of a portion of the building on the LANDS. The PREMISES will be comprised of an area outlined in solid pink on Schedule “B”.

j) **PROPERTY MANAGER** means the CITY, or, where the CITY has hired an employee, consultant or contractor for the purposes of management of the LANDS, that person.

k) **RENT** means any and all sums due and payable by OCWA pursuant to this LEASE. RENT includes the following amounts:

i. The GROSS RENT;
ii. All other costs, expenses and charges (including interest on overdue payments) incurred in and about the PREMISES required to be paid by OCWA pursuant to any provision of this LEASE.

l) The **RENT COMMENCEMENT DATE** is January 1, 2019.

m) The **TERM** means the entire one (1) year period during which this LEASE is operational, as set out in Article 2.00. In the event that a renewal is engaged pursuant to Section 2.02, the definition of TERM shall be deemed to be amended by adding the number of years of the renewal period.

1.02 **Legislation & By-laws:** Each reference to Provincial legislation in this LEASE, unless otherwise specified, is a reference to the Revised Statutes of Ontario, 1990 edition, and, in every case, includes all applicable amendments to the legislation, including successor legislation. Each reference to a By-law in this LEASE, unless otherwise specified, is a reference to a By-law of the CITY, and, in every case, includes all application amendments to the By-law, including successor By-laws.

1.03 **Construing this LEASE:**

a) The captions, article and section names and numbers appearing in this LEASE are for convenience of reference only and have no effect on its interpretation.

b) All provisions of this LEASE creating obligations on either party will be construed as covenants.

c) This LEASE is to be read with all changes of gender or number required by the context.

d) The words 'include' or 'including' shall not be construed as limiting the words or phrases preceding them.

1.04 **Reasonableness:** Wherever any consent, agreement or approval of the CITY or OCWA is required under the terms of this LEASE, then unless otherwise specifically mentioned, the party acting will do so reasonably.

ARTICLE 2.00: DEMISE, TERM, AND RENTAL

2.01 **Demise:** The CITY grants to the LEASE a leasehold interest in the LANDS to have and to hold for a TERM of one (1) year, to be computed from the 1st day of January, 2019, concluding on the 31st day of December, 2019.

2.02 **Gross Rent:** During the one (1) year TERM of this LEASE, the GROSS RENT will be paid as set out in Section 2.03.

2.03 **Payment of RENT:** The RENT is payable as follows:

a) The GROSS RENT shall be calculated at a monthly amount, shall be paid on the RENT COMMENCEMENT DATE, and thereafter shall be payable on the first day of each month during the TERM;

b) All other costs, expenses and charged (including interest on overdue payments) incurred in and about the PREMISES required to be paid by OCWA pursuant to any provision of this LEASE, shall be paid upon OCWA's receipt of invoice or demand thereof.

2.04 **Parking:** OCWA acknowledges that the parking lot must service both the CITY's and OCWA's use of the LANDS. OCWA agrees that no more than seven (7) parking spaces are used at a time, unless prior permission is granted by the CITY.

ARTICLE 3.00: COVENANTS, WARRANTIES & ACKNOWLEDGEMENTS

3.01 **Covenant to Pay RENT:** OCWA agrees to pay the RENT at the times and in the manner prescribed in this LEASE, without any abatement or deduction.

3.02 **Interest on Overdue RENT:** Without waiving any right of action of the CITY in the EVENT OF DEFAULT of any payments pursuant to this LEASE, in the event that OCWA is delinquent in payment of any RENT for thirty (30) days or more, OCWA agrees to pay interest on the arrears of RENT at the rate of one point two eight five (1.285%) per cent per month, compounded, (which equates to a rate of sixteen point five six (16.56%) per cent per annum), retroactive from the date the amount was due and payable, until it is actually paid.

3.03 **Access:** OCWA agrees to provide the CITY with full and free access (for inspection purposes, during normal business hours, and in the presence of OCWA, to any and every part of the PREMISES. It is understood and agreed, however, that in cases of emergency, the CITY shall at all times and for all purposes have full and free access to the PREMISES.

3.04 **Quiet Enjoyment:** Subject to the provisions of this LEASE, the CITY agrees that OCWA shall have quiet possession of the PREMISES.

3.05 **Maintenance/Refuse Handling:** OCWA agrees to regularly maintain the PREMISES in good condition, and to keep the PREMISES free of debris and neat and tidy at all times. OCWA acknowledges and agrees that no outdoor storage or stockpiling of goods or refuse is permitted on the LANDS. The LEASE agrees to provide complete and proper arrangements for the adequate sanitary

handling and disposal of all trash, garbage and other refuse on or in connection with the BUSINESS, all to the satisfaction of the PROPERTY MANAGER.

3.06 **No Damage:** OCWA agrees that it shall not do (or allow to be done) anything which may damage the PREMISES beyond the damage occasioned by reasonable use. OCWA further agrees that it shall, at its cost and expense, repair all portions of the LANDS or PREMISES which may at any time be damaged by OCWA or its invitees (ordinary wear and tear only excepted). In the event of the failure on the part of the LEASE to repair pursuant to this section, OCWA agrees to indemnify and save harmless the CITY from all damages, costs and expenses suffered or incurred by the CITY, the public, or any other third parties by reason of the damage to the LANDS or PREMISES, to the extent that OCWA is liable for the same in law. The LEASE agrees to make payment forthwith upon receipt of appropriate accounts for these damages.

3.07 **Laws & Rules:** OCWA agrees to abide by all applicable Federal, Provincial, and/or Municipal or local Statutes, Regulations, and By-laws.

3.08 **Fire Prevention:** OCWA agrees to take all precautions to prevent fire from occurring in or about the PREMISES. OCWA further agrees to observe and comply with all instructions given from time to time by the PROPERTY MANAGER with respect to prevention and extinguishing of fires.

3.09 **Signs:** OCWA agrees that it shall not construct, erect, place, or install (outdoors) on or at the LANDS or PREMISES, any poster, advertising sign or display, electrical or otherwise, without first obtaining the consent, in writing, of the DIRECTOR.

3.10 **Liability Insurance:** OCWA agrees to place and at all times maintain public liability and property damage insurance against claims for personal injury, death or damage to property arising out of any of the operations of OCWA under this LEASE, or of any of the acts or omissions of OCWA. This insurance shall be with a company or companies acceptable to the CITY and all policies for this insurance shall be in an amount and in a form satisfactory to the CITY. The CITY shall be named as co-insured on any such policy. Every policy shall contain a provision that thirty (30) days' written notice of cancellation shall be given to the CITY.

3.11 **Insurance:** OCWA acknowledges that the CITY shall not provide it with fire insurance. It is OCWA's obligation to insure its contents against fire (or other perils) at its sole expense.

3.12 **Insurance Documents:** The LEASE agrees, upon request, to provide to the CITY any one or more of the following documents:

a) The policy or policies, described in Sections 3.12 and 3.13;

b) A Certificate of Insurance;

c) An affidavit from its insurance company confirming that proper insurance coverage is in place; and

d) Any renewals of the above-listed documents.

3.13 **Coverage to be Maintained:** OCWA agrees that it shall not do anything (nor omit to do anything, nor allow anything to.be done or omitted to be done) on the PREMISES which will in any way impair or invalidate the policies provided pursuant to Sections 3.12 and 3.13.

3.14 **Objectionable Materials:** OCWA agrees that it will not, upon or about the PREMISES, bring, keep, sell, store, offer for sale, give away or otherwise use, handle or dispose of any merchandise, goods, materials, effects or things which may by the PROPERTY MANAGER for any reason be deemed objectionable.

3.15 **No Claims:** OCWA shall not have any claim or demand against the CITY for damages of any nature, however caused to the PREMISES, or any person or property, on or about the PREMISES, unless the damage is due to the gross negligence of the CITY (or any of its officials, employees, servants or agents while acting within the scope of his or her duties or employment).

3.19 **Indemnification:** OCWA agrees that it shall at all times indemnify and save harmless the CITY from and against all claims and demands, by whomsoever made, which are occasioned by or attributable to the existence of this LEASE or any action taken or things done or maintained because of this LEASE, or the exercise of rights arising pursuant to this LEASE (excepting claims for damage resulting from the gross negligence of any officer, servant or agent of the CITY while acting within the scope of his or her duties or employment).

ARTICLE 4.00: IMPROVEMENTS

4.01 **Condition of the PREMISES:** OCWA accepts the PREMISES in an "as is" condition without any obligation on the part of the CITY to make the PREMISES suitable for the BUSINESS except as otherwise noted in this LEASE.

4.02 **Alterations:** OCWA agrees that it will not make alterations to the PREMISES, until plans showing the design and nature of the proposed alterations to the PREMISES have been approved by the DIRECTOR. It is understood and agreed that any approved alterations to the PREMISES must be completed and then maintained by OCWA to the satisfaction of the DIRECTOR and/or the PROPERTY MANAGER. The City and OCWA agree to execute an agreement addressing the timing and maintenance of OCWA's improvements to the LANDS. OCWA acknowledges that its development on the LANDS may be subject to site plan control.

ARTICLE 5.00: TERMINATION

5.01 **Termination without Cause:** The CITY has the right to terminate this LEASE upon six (6) months' notice in writing to the LEASE.

5.02 **Surrender:** At the expiration or sooner determination of the TERM of this LEASE, OCWA shall peaceably surrender and yield to the CITY, the PREMISES in a well-maintained, fully operating condition with all related facilities, buildings, structures and improvements (excepting those removed pursuant to Section 5.03) in a good state of repair (reasonable wear and tear excepted). At the expiration of this LEASE, the CITY will have and enjoy absolute title to all of the PREMISES without compensation to OCWA, and free of any claim or encumbrance. In the event that this LEASE is terminated due to an EVENT OF DEFAULT, no goods, materials or chattels of any sort may be removed by OCWA without the CITY's express consent.

5.03 **Removal of Improvements:** Notwithstanding Section 5.02, and provided OCWA is not in default of its obligations pursuant to this LEASE, at the expiration of the TERM or any renewal period, or upon earlier determination of the TERM, the City shall have the first right of refusal to purchase some or all of OCWA's leasehold improvements at its then market value. In the event that OCWA and the City cannot agree on terms of purchase, OCWA shall remove, at its sole cost, all improvements on the PREMISES which the CITY does not require. OCWA agrees to restore the LANDS or PREMISES upon which the removed improvements were located, to a state of repair satisfactory to the CITY within six (6) months of the date of the termination of the TERM.

5.04 **Default:** Upon the occurrence of an EVENT OF DEFAULT, the current month's RENT, together with the RENT for the three months next ensuing shall immediately become due and payable. In addition, at the option of the CITY, the TERM shall become forfeited and void, and the CITY may, without notice or any form of legal process whatsoever, forthwith re-enter upon the LANDS and/or PREMISES and repossess and enjoy the same as of its former estate, anything contained in any statute or law to the contrary notwithstanding, and the provisions of Section 5.02 shall apply.

5.05 **CITY's Performance:** Nothing in this LEASE prevents the CITY, in the circumstances of an EVENT OF DEFAULT, from entering upon the PREMISES and performing OCWA's obligations. This work shall be completed at the sole cost and expense of OCWA and in addition, the CITY may levy any charge as may then be applicable, in accordance with the policies of the CITY for administration and overhead. It is expressly understood and agreed that the CITY is not under any obligation to perform any of OCWA's covenants.

5.06 **Other Remedies:** Forfeiture of this LEASE by OCWA shall be wholly without prejudice to the right of the CITY to recover arrears of RENT or damages for any antecedent breach of covenant on the part of OCWA. Notwithstanding any forfeiture, the CITY may subsequently recover from OCWA damages for loss of RENT suffered by reason of OCWA having been determined prior to the end of the TERM as set out in this LEASE. This clause and the right under it shall survive the termination of this LEASE whether by act of the parties or by operation of law.

ARTICLE 6.00: MISCELLANEOUS

6.01 **Notice:** Any notice to be given under this LEASE shall be sufficiently given if delivered by hand, or facsimile, or if sent by prepaid first class mail and addressed to OCWA at:

Ontario Clean Water Agency
123 East St. South
Bobcaygeon, Ontario
K0M 1A0

or to the CITY at:

The Corporation of the City of Kawartha Lakes
Attention: Clerk
26 Francis Street South
P.O. Box 9000
Lindsay, ON K9V 5R8
Fax: 705-324-8110

Receipt of notice shall be deemed on:

a) The date of actual delivery of a hand delivered document; or

b) The business day next following the date of facsimile transmission; or

c) Five (5) days following the date of mailing of the notice;
whichever is applicable. Notwithstanding Section 6.07, either party may change its address for notice by giving notice of change of address pursuant to this Section.

6.02 **Force Majeure:** Notwithstanding anything in this LEASE, neither party shall be in default with respect to the performance of any of the terms of this LEASE if any non-performance is due to any force majeure, strike, lock-out, labour dispute, civil commotion, war or similar event, invasion, the exercise of military power, act of God, government regulations or controls, inability to obtain any material or service, or any cause beyond the reasonable control of the party (unless such lack of control results from a deficiency in financial resources) . Otherwise, time shall be of the essence of this LEASE and all the obligations contained herein.

6.03 **Successors:** The rights and liabilities of the parties shall ensure to the benefit of and be binding upon the parties and their respective successors and approved assignees. Neither party shall assign this LEASE without the written consent of the other party.

6.04 **Entire Agreement:** This LEASE constitutes the entire agreement between the parties and it is agreed that there is no covenant, promise, agreement, condition precedent or subsequent, warranty or representation or understanding, whether oral or written, other than as set forth in this LEASE and this LEASE fully

replaces and supersedes any letter, letter of intent, or other contractual arrangement between the parties related to the PREMISES in existence at the time of execution and delivery of this LEASE.

6.05 **Partial Invalidity:** If any article, section, subsection, paragraph, clause or sub-clause or any of the words contained in this LEASE shall be held wholly or partially illegal, invalid or unenforceable by any court of competent jurisdiction, the CITY and OCWA agree that the remainder of this LEASE shall not be affected by the judicial holding, but shall remain in full force and effect. The provisions of this LEASE shall have effect, notwithstanding any statute to the contrary.

6.06 **Relationship of Parties:** Nothing in this LEASE shall create any relationship between the parties other than that of landlord and tenant. It is specifically agreed that neither party is a partner, joint venture, agent or trustee of the other.

6.07 **Amendments:** No supplement, amendment or waiver of or under this LEASE (apart from amendments to notice provisions of Section 6.01) shall be binding unless executed in writing by the party to be bound. No waiver by a party of any provision of this LEASE shall be deemed to be a waiver of any other provision unless otherwise expressly provided.

6.08 **Governing Law:** This agreement shall be construed in accordance with and governed by the laws of the Province of Ontario.

6.09 **Freedom of Information:** OCWA acknowledges that this LEASE is a public document.

6.10 **Independent Legal Advice:** OCWA acknowledges that it has either received or waived the benefit of its own legal advice with respect to the execution of this LEASE.

6.11 **Copies:** Copies of this LEASE will be treated as originals.

By so executing this LEASE, the officers warrant and certify that the corporations for which they are signing are in good standing and duly incorporated and organized under the laws of the jurisdiction in which they are incorporated, and that the officers are authorized and empowered to bind the corporations to the terms of this LEASE by their signatures.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

PER: _____
Name: ANDY LETHAM
Title: MAYOR

PER: _____
Name: CATHIE RITCHIE
Title: CITY CLERK

We have authority to bind the Corporation

ONTARIO CLEAN WATER AGENCY

PER: _____
Name: RICHARD JUNKIN
Title: VICE PRESIDENT OF OPERATIONS

I have authority to bind the Corporation

PER: _____
Name: PREM ROOPLAL
Title: VICE PRESIDENT OF FINANCE AND CORPORATE SERVICES

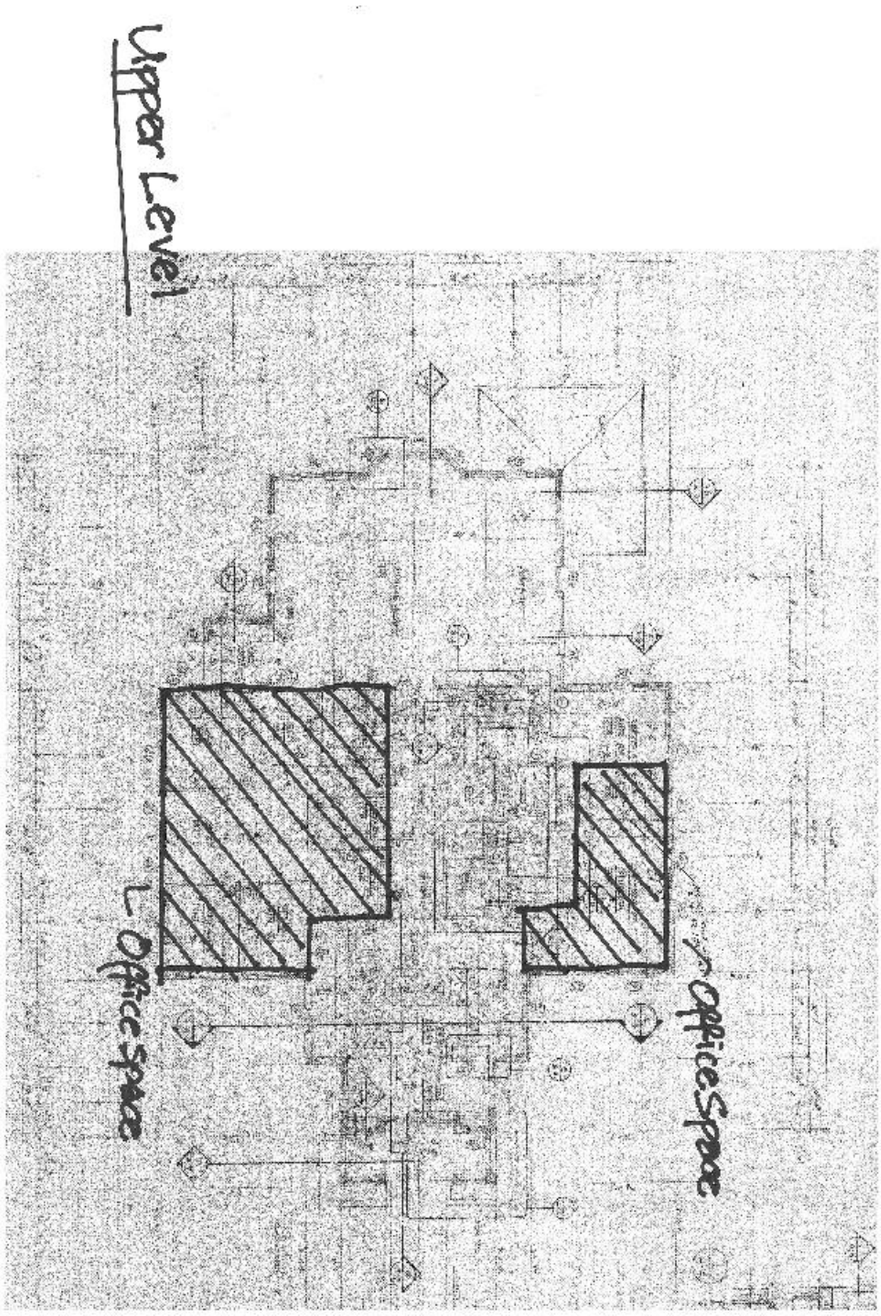
I have authority to bind the Corporation

Schedule “A”

DESCRIPTION OF LANDS

Part of Block C, Plan 70, designated as Part 1, 57R-1441, formerly in the Village of Bobcaygeon, County of Victoria, now in the City of Kawartha Lakes.

Schedule “B”



Appendix	B
to	
Report	RS2018-026
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Dated this 1st day of February, 2018

BETWEEN:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

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3.02 **Interest on Overdue RENT:** Without waiving any right of action of the CITY in the EVENT OF DEFAULT of any payments pursuant to this LEASE, in the event that OCWA is delinquent in payment of any RENT for thirty (30) days or more, OCWA agrees to pay interest on the arrears of RENT at the rate of one point two eight five (1.285%) per cent per month, compounded, (which equates to a rate of sixteen point five six (16.56%) per cent per annum), retroactive from the date the amount was due and payable, until it is actually paid.

3.03 **Access:** OCWA agrees to provide the CITY with full and free access (for inspection purposes, during normal business hours, and in the presence of OCWA, to any and every part of the PREMISES. It is understood and agreed, however, that in cases of emergency, the CITY shall at all times and for all purposes have full and free access to the PREMISES.

3.04 **Quiet Enjoyment:** Subject to the provisions of this LEASE, the CITY agrees that OCWA shall have quiet possession of the PREMISES.

3.05 **Maintenance/Refuse Handling:** OCWA agrees to regularly maintain the PREMISES in good condition, and to keep the PREMISES free of debris and neat and tidy at all times. OCWA acknowledges and agrees that no outdoor storage or stockpiling of goods or refuse is permitted on the LANDS. The LEASE agrees to provide complete and proper arrangements for the adequate sanitary handling and disposal of all trash, garbage and other refuse on or in connection with the BUSINESS, all to the satisfaction of the PROPERTY MANAGER.

3.06 **No Damage:** OCWA agrees that it shall not do (or allow to be done) anything which may damage the PREMISES beyond the damage occasioned by reasonable use. OCWA further agrees that it shall, at its cost and expense, repair all portions of the LANDS or PREMISES which may at any time be damaged by OCWA or its invitees (ordinary wear and tear only excepted). In the event of the failure on the part of the LEASE to repair pursuant to this section, OCWA agrees to indemnify and save harmless the CITY from all damages, costs and expenses suffered or incurred by the CITY, the public, or any other third parties by reason of the damage to the LANDS or PREMISES, to the extent that OCWA is liable for the same in law. The LEASE agrees to make payment forthwith upon receipt of appropriate accounts for these damages.

3.07 **Laws & Rules:** OCWA agrees to abide by all applicable Federal, Provincial, and/or Municipal or local Statutes, Regulations, and By-laws.

3.08 **Fire Prevention:** OCWA agrees to take all precautions to prevent fire from occurring in or about the PREMISES. OCWA further agrees to observe and comply with all instructions given from time to time by the PROPERTY MANAGER with respect to prevention and extinguishing of fires.

3.09 **Signs:** OCWA agrees that it shall not construct, erect, place, or install (outdoors) on or at the LANDS or PREMISES, any poster, advertising sign or display, electrical or otherwise, without first obtaining the consent, in writing, of the DIRECTOR.

3.10 **Liability Insurance:** OCWA agrees to place and at all times maintain public liability and property damage insurance against claims for personal injury, death or damage to property arising out of any of the operations of OCWA under this LEASE, or of any of the acts or omissions of OCWA. This insurance shall be with a company or companies acceptable to the CITY and all policies for this insurance shall be in an amount and in a form satisfactory to the CITY. The CITY shall be named as co-insured on any such policy. Every policy shall contain a provision that thirty (30) days' written notice of cancellation shall be given to the CITY.

3.11 **Insurance:** OCWA acknowledges that the CITY shall not provide it with fire insurance. It is OCWA's obligation to insure its contents against fire (or other perils) at its sole expense.

3.12 **Insurance Documents:** The LEASE agrees, upon request, to provide to the CITY any one or more of the following documents:

a) The policy or policies, described in Sections 3.12 and 3.13;

b) A Certificate of Insurance;

c) An affidavit from its insurance company confirming that proper insurance coverage is in place; and

d) Any renewals of the above-listed documents.

3.13 **Coverage to be Maintained:** OCWA agrees that it shall not do anything (nor omit to do anything, nor allow anything to.be done or omitted to be done) on the PREMISES which will in any way impair or invalidate the policies provided pursuant to Sections 3.12 and 3.13.

3.14 **Objectionable Materials:** OCWA agrees that it will not, upon or about the PREMISES, bring, keep, sell, store, offer for sale, give away or otherwise use, handle or dispose of any merchandise, goods, materials, effects or things which may by the PROPERTY MANAGER for any reason be deemed objectionable.

3.15 **No Claims:** OCWA shall not have any claim or demand against the CITY for damages of any nature, however caused to the PREMISES, or any person or property, on or about the PREMISES, unless the damage is due to the gross

negligence of the CITY (or any of its officials, employees, servants or agents while acting within the scope of his or her duties or employment).

3.19 **Indemnification:** OCWA agrees that it shall at all times indemnify and save harmless the CITY from and against all claims and demands, by whomsoever made, which are occasioned by or attributable to the existence of this LEASE or any action taken or things done or maintained because of this LEASE, or the exercise of rights arising pursuant to this LEASE (excepting claims for damage resulting from the gross negligence of any officer, servant or agent of the CITY while acting within the scope of his or her duties or employment).

ARTICLE 4.00: IMPROVEMENTS

4.01 **Condition of the PREMISES:** OCWA accepts the PREMISES in an "as is" condition without any obligation on the part of the CITY to make the PREMISES suitable for the BUSINESS except as otherwise noted in this LEASE.

4.02 **Alterations:** OCWA agrees that it will not make alterations to the PREMISES, until plans showing the design and nature of the proposed alterations to the PREMISES have been approved by the DIRECTOR. It is understood and agreed that any approved alterations to the PREMISES must be completed and then maintained by OCWA to the satisfaction of the DIRECTOR and/or the PROPERTY MANAGER. The City and OCWA agree to execute an agreement addressing the timing and maintenance of OCWA's improvements to the LANDS. OCWA acknowledges that its development on the LANDS may be subject to site plan control.

ARTICLE 5.00: TERMINATION

5.01 **Termination without Cause:** The CITY has the right to terminate this LEASE upon six (6) months' notice in writing to the LEASE.

5.02 **Surrender:** At the expiration or sooner determination of the TERM of this LEASE, OCWA shall peaceably surrender and yield to the CITY, the PREMISES in a well-maintained, fully operating condition with all related facilities, buildings, structures and improvements (excepting those removed pursuant to Section 5.03) in a good state of repair (reasonable wear and tear excepted). At the expiration of this LEASE, the CITY will have and enjoy absolute title to all of the PREMISES without compensation to OCWA, and free of any claim or encumbrance. In the event that this LEASE is terminated due to an EVENT OF DEFAULT, no goods, materials or chattels of any sort may be removed by OCWA without the CITY's express consent.

5.03 **Removal of Improvements:** Notwithstanding Section 5.02, and provided OCWA is not in default of its obligations pursuant to this LEASE, at the expiration of the TERM or any renewal period, or upon earlier determination of the TERM, the City shall have the first right of refusal to purchase some or all of OCWA's leasehold improvements at its then market value. In the event that OCWA and the City cannot agree on terms of purchase, OCWA shall remove, at its sole cost, all improvements on the PREMISES which the CITY does not require. OCWA agrees to restore the LANDS or PREMISES upon which the removed improvements were located, to a state of repair satisfactory to the CITY within six (6) months of the date of the termination of the TERM.

5.04 **Default:** Upon the occurrence of an EVENT OF DEFAULT, the current month's RENT, together with the RENT for the three months next ensuing shall immediately become due and payable. In addition, at the option of the CITY, the TERM shall become forfeited and void, and the CITY may, without notice or any form of legal process whatsoever, forthwith re-enter upon the LANDS and/or PREMISES and repossess and enjoy the same as of its former estate, anything contained in any statute or law to the contrary notwithstanding, and the provisions of Section 5.02 shall apply.

5.05 **CITY's Performance:** Nothing in this LEASE prevents the CITY, in the circumstances of an EVENT OF DEFAULT, from entering upon the PREMISES and performing OCWA's obligations. This work shall be completed at the sole

cost and expense of OCWA and in addition, the CITY may levy any charge as may then be applicable, in accordance with the policies of the CITY for administration and overhead. It is expressly understood and agreed that the CITY is not under any obligation to perform any of OCWA's covenants.

5.06 **Other Remedies:** Forfeiture of this LEASE by OCWA shall be wholly without prejudice to the right of the CITY to recover arrears of RENT or damages for any antecedent breach of covenant on the part of OCWA. Notwithstanding any forfeiture, the CITY may subsequently recover from OCWA damages for loss of RENT suffered by reason of OCWA having been determined prior to the end of the TERM as set out in this LEASE. This clause and the right under it shall survive the termination of this LEASE whether by act of the parties or by operation of law.

ARTICLE 6.00: MISCELLANEOUS

6.01 **Notice:** Any notice to be given under this LEASE shall be sufficiently given if delivered by hand, or facsimile, or if sent by prepaid first class mail and addressed to OCWA at:

Ontario Clean Water Agency
123 East St. South
Bobcaygeon, Ontario
K0M 1A0

or to the CITY at:

The Corporation of the City of Kawartha Lakes
Attention: Clerk
26 Francis Street South
P.O. Box 9000
Lindsay, ON K9V 5R8
Fax: 705-324-8110

Receipt of notice shall be deemed on:

a) The date of actual delivery of a hand delivered document; or

b) The business day next following the date of facsimile transmission; or

c) Five (5) days following the date of mailing of the notice;
whichever is applicable. Notwithstanding Section 6.07, either party may change its address for notice by giving notice of change of address pursuant to this Section.

6.02 **Force Majeure:** Notwithstanding anything in this LEASE, neither party shall be in default with respect to the performance of any of the terms of this LEASE if any non-performance is due to any force majeure, strike, lock-out, labour dispute, civil commotion, war or similar event, invasion, the exercise of military power, act of God, government regulations or controls, inability to obtain any material or service, or any cause beyond the reasonable control of the party (unless such lack of control results from a deficiency in financial resources) . Otherwise, time shall be of the essence of this LEASE and all the obligations contained herein.

6.03 **Successors:** The rights and liabilities of the parties shall ensure to the benefit of and be binding upon the parties and their respective successors and approved assignees. Neither party shall assign this LEASE without the written consent of the other party.

6.04 **Entire Agreement:** This LEASE constitutes the entire agreement between the parties and it is agreed that there is no covenant, promise, agreement, condition precedent or subsequent, warranty or representation or understanding, whether oral or written, other than as set forth in this LEASE and this LEASE fully replaces and supersedes any letter, letter of intent, or other contractual arrangement between the parties related to the PREMISES in existence at the time of execution and delivery of this LEASE.

6.05 **Partial Invalidity:** If any article, section, subsection, paragraph, clause or sub-clause or any of the words contained in this LEASE shall be held wholly or partially illegal, invalid or unenforceable by any court of competent jurisdiction, the CITY and OCWA agree that the remainder of this LEASE shall not be affected by the judicial holding, but shall remain in full force and effect. The provisions of this LEASE shall have effect, notwithstanding any statute to the contrary.

6.06 **Relationship of Parties:** Nothing in this LEASE shall create any relationship between the parties other than that of landlord and tenant. It is specifically agreed that neither party is a partner, joint venture, agent or trustee of the other.

6.07 **Amendments:** No supplement, amendment or waiver of or under this LEASE (apart from amendments to notice provisions of Section 6.01) shall be binding unless executed in writing by the party to be bound. No waiver by a party of any provision of this LEASE shall be deemed to be a waiver of any other provision unless otherwise expressly provided.

6.08 **Governing Law:** This agreement shall be construed in accordance with and governed by the laws of the Province of Ontario.

6.09 **Freedom of Information:** OCWA acknowledges that this LEASE is a public document.

6.10 **Independent Legal Advice:** OCWA acknowledges that it has either received or waived the benefit of its own legal advice with respect to the execution of this LEASE.

6.11 **Copies:** Copies of this LEASE will be treated as originals.

By so executing this LEASE, the officers warrant and certify that the corporations for which they are signing are in good standing and duly incorporated and organized under the laws of the jurisdiction in which they are incorporated, and that the officers are authorized and empowered to bind the corporations to the terms of this LEASE by their signatures.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

PER: _____
Name: ANDY LETHAM
Title: MAYOR

PER: _____
Name: CATHIE RITCHIE
Title: CITY CLERK

We have authority to bind the Corporation

ONTARIO CLEAN WATER AGENCY

PER: _____
Name: RICHARD JUNKIN
Title: VICE PRESIDENT OF OPERATIONS

I have authority to bind the Corporation

PER: _____
Name: PREM ROOPLAL
Title: VICE PRESIDENT OF FINANCE AND CORPORATE SERVICES

I have authority to bind the Corporation

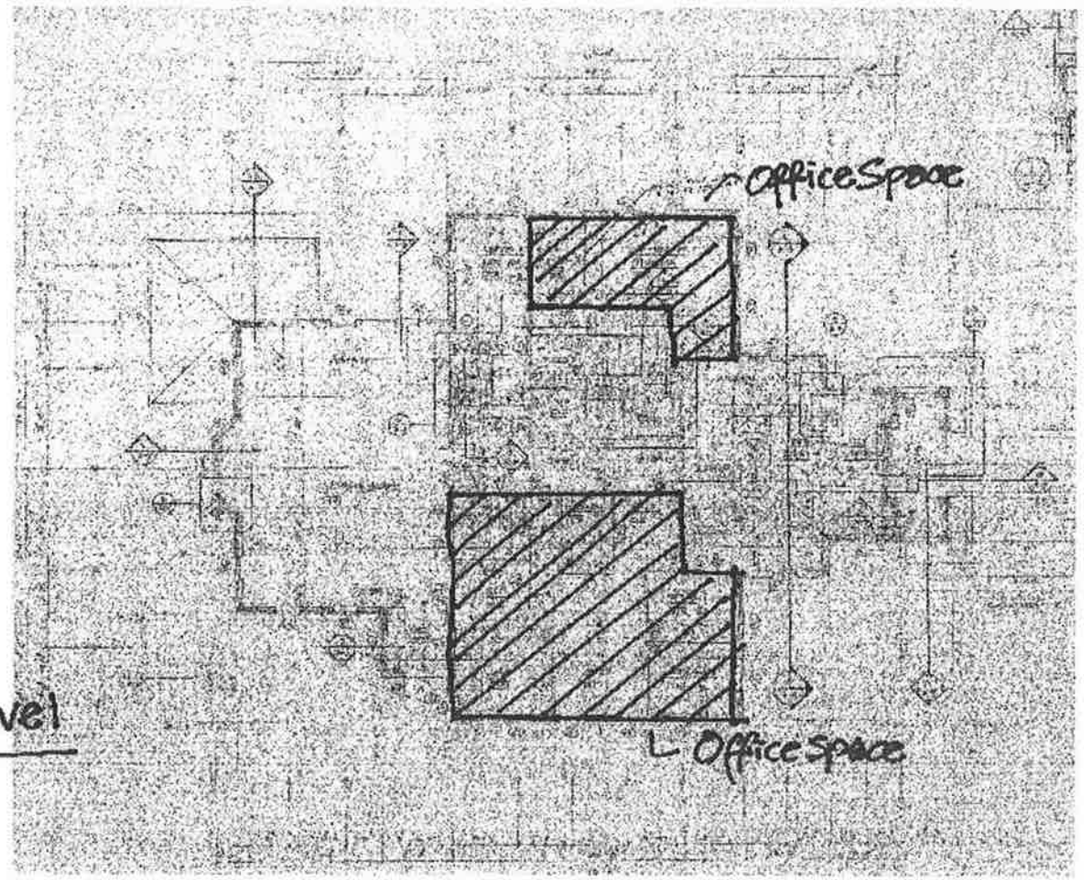
Jan 12/2018

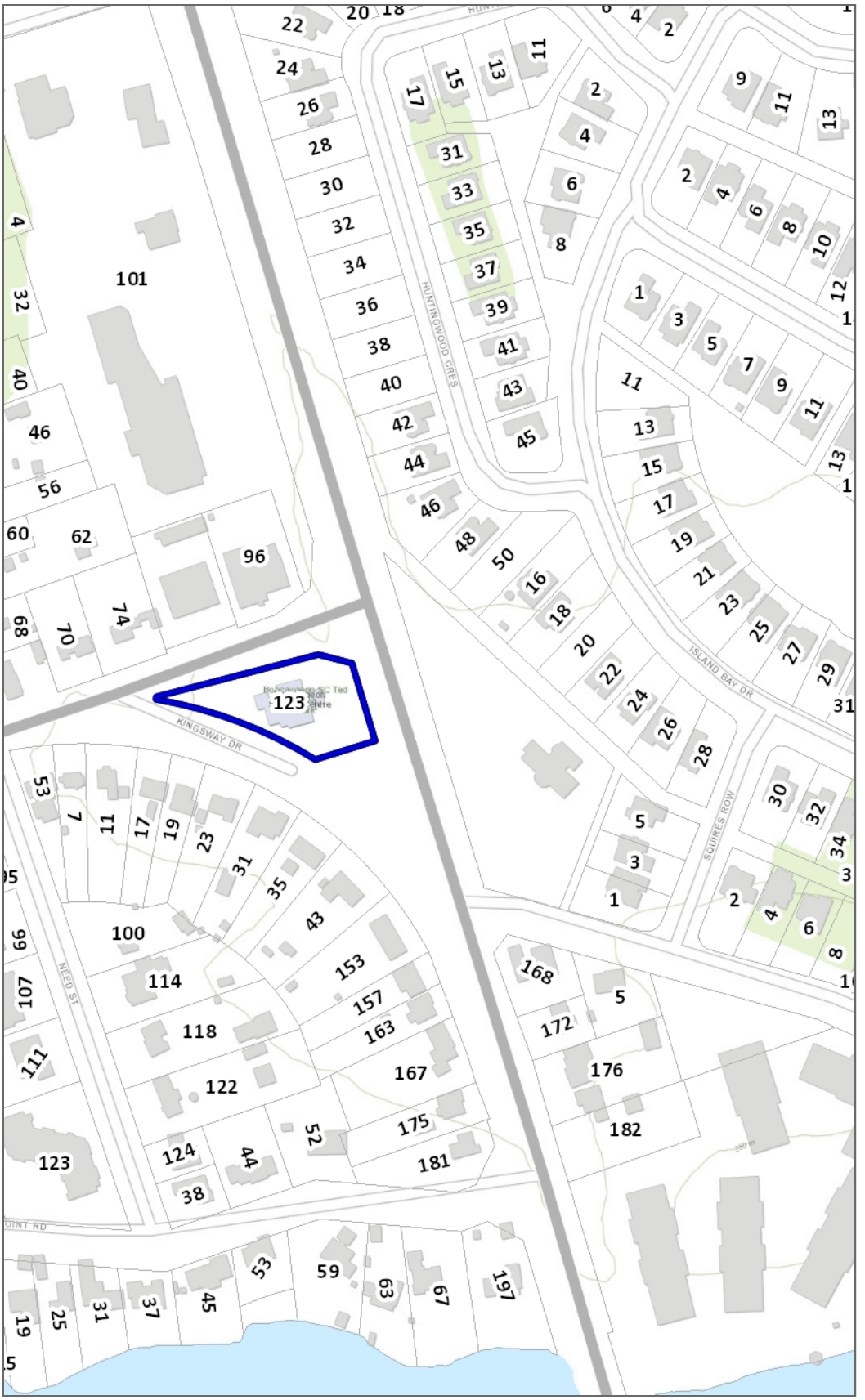
Schedule "A"

DESCRIPTION OF LANDS

Part of Block C, Plan 70, designated as Part 1, 57R-1441, formerly in the Village of Bobcaygeon, County of Victoria, now in the City of Kawartha Lakes.

Schedule "B"





Appendix C
to
Report RS2018-026

File No. L17

Subject Properties

Property ROLL#
Upper Municipalities
Lower Tier Municipalties

0.18
Kilometers

1: 4,514

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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.

© City Of Kawartha Lakes

Date: September 6, 2018

Appendix to Report	D RS2018-026
File No. L17	

Front of 123 East St., Bobcaygeon

East Entrance

North Entrance

Washroom

Office Space

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-027

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 13

Title: Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford)

Author and Title: Laura Carnochan, Law Clerk – Realty Services

Recommendations:

That Report RS2018-027, Proposed Lease Agreement between Dunsford Community Centre Inc. and the City of Kawartha Lakes (26 Community Centre Road, Dunsford), be received; and

That the Mayor and Clerk be authorized to execute the Lease Agreement attached as Appendix B on behalf of the Corporation of the City of Kawartha Lakes, being a Lease Agreement with Dunsford Community Centre Inc. for the purpose of leasing space for the Dunsford Library for a one year term.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Corporation of the City of Kawartha Lakes has been leasing space from Dunsford Community Centre Inc. since 2016 pursuant to a Lease Agreement dated December 9, 2015 (attached as Appendix A). This Agreement expired on December 31, 2017.

The space rented by the City consists of 1,237 square feet of occupied space, including washrooms solely used by the library staff and patrons.

The Dunsford Library is open three days each week, operating a total of 12 hours per week.

As the existing Lease has expired, Staff have negotiated a new Lease Agreement with the same terms for this space, save and except the term of the Agreement and the amount of the yearly rent.

The proposed Lease Agreement was discussed by the Land Management Committee on December 14, 2017 and it was the reluctant recommendation of the Committee that the terms of the proposed lease be approved for a one-year period – given the current occupation of the building, on the understanding that the library would look to more affordable long term options.

The proposed Lease Agreement was discussed by the Library Board on January 11, 2018 and it was the recommendation of the Board that the rental amount as per the prior term be retained.

Due to the high cost of the lease in comparison to the minimal hours of operation, the Library Board will be assessing the viability of this lease past the expiration of the Agreement's term on December 31, 2018. The Library Board will be reviewing this issue at its October 4, 2018 Board meeting.

The purpose of this report is to provide Council with an opportunity to consider the terms of the proposed Lease Agreement and for Council to provide direction required to execute this Agreement. The proposed Lease Agreement is attached at Appendix B.

Appendix C is a general location map and Appendix D is a photo of the Dunsford Community Centre.

Rationale:

The annual cost of the proposed lease is $20,200.72. This is an increase of $67.11 from the 2017 rate. The additional payment of $67.11 was approved by the Library Director/CEO.

Other Alternatives Considered:

Council could direct that the Lease Agreement not be renewed. This is not recommended in this circumstance as the Library is currently continuing to utilize the space and there is no alternative space available at this time.

Financial Impacts:

The cost of the lease for the Dunsford Library space has increased by $67.11 from 2017. This is because the landlord had initially proposed an annual rent increase of 4% from 2017 rates. As lease negotiations were ongoing at the time, a one month payment honouring the increase of 4% was provided in January 2018. Rent for the remainder of the year was paid at the 2017 rate ($16.28 per square foot, inclusive of operating costs).

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The recommendation in this report aligns with the strategic goal of a vibrant and growing economy and with the strategic enabler of efficient infrastructure and asset management.

Consultations:

Land Management Committee
Manager, Building and Properties
Library Director/CEO

Attachments:

Appendix A – Expired Lease for Dunsford Library, dated December 9, 2015

Appendix A - Expired Lease Agreement.pdf

Appendix B – Proposed Lease Agreement for Dunsford Library

Appendix B - Proposed Lease Agre

Appendix C – General Location Map

Appendix C - General Location Map.pdf

Appendix D – Photo

Appendix D - Photo.pdf

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L17-17-RS015

LEASE AGREEMENT

Appendix	A
to	
Report	RS2018-027
File No.	L17-17-RS015

This lease is made in duplicate between:

(1) Dunsford Community Centre Inc. (the "Landlord")

And

(2) The City of Kawartha Lakes Public Library (the "Tenant")

The Landlord and the Tenant hereby agree as follows:

1. The Landlord hereby grants the Tenant a lease of the interior premises being agreed by the parties to comprise of 1237 square feet, more or less, and as outlined in red on the floor plan attached as Schedule 'A' located on the lst floor of the Dunsford Community Centre, 26 Community Road, Dunsford, ON. KOM 110, City of Kawartha Lakes.

(the "Premises")

2. The term of this lease commences on January 1, 2016 and ends on December 31, 2017.

If the Tenant continues in occupation of the Premises with the consent of the Landlord after expiry of the term of this lease, the Tenant shall be deemed to be leasing the Premises on a month-to-month basis but otherwise on the same terms as set out in this lease.

3. The Tenant may use the Premises for a public library and all uses ancillary thereto and for no other purpose.

4. The Tenant shall pay to the Landlord rent on the following dates and times:

January 1, 2016 to December 31, 2016 - yearly rent of $19,359.24;
January 1, 2017 to December 31, 2017 - yearly rent of $20,133.61;

Annual rent shall be payable in two installments, on January 1st in each year; and on July 1st, in each year.

The Landlord shall provide the Tenant with an invoice for the six month period 30 days in advance of the rent becoming due.

5. Time shall be of the essence of this Lease.

SELF-COUNSEL PRESS-CLEASE (1-1)00

6. The following services and expenses are the sole responsibility and expense of the Tenant and the Tenant agrees to promptly pay for same: telephone for the Premises; Tenant's insurance to cover contents and liability as outlined in paragraph 11 below.

7.(a) The following services and expenses are the sole responsibility and expense of the Landlord and the Landlord agrees to promptly pay for same: realty taxes, heating, hydro, snow removal, Landlord's liability insurance, cleaning (interior & windows) and any other utilities that may now or in the future become applicable.

7.(b) The landlord agrees cleaning and snow removal shall be maintained at a commercially reasonable standard that is suitable, timely, and responsive to the needs of the Library, its patrons and its hours of operation in order to ensure safe access to the facility by staff and patrons during branch hours as determined from time to time.

7.(c) Cleaning shall be maintained at a commercially reasonable standard appropriate for the public use of the facility and same shall be conducted in such a way so as to not conflict with the reasonable use of the premises by staff and the public. The Landlord shall be responsible for cleaning/replacement of carpeting and mats and cleaning supplies associated with the washroom facilities of the Library (as suggested by staff).

7.(d) The Library shall have the use of the tables and chairs for programming purposes from time to time, subject to the provision that adequate and reasonable notice shall be given to the Landlord as to when the table and chairs are required. The Tenant acknowledges that the Landlord from time to time holds functions and the tables and chairs may not be available for use by the Tenant.

8. The Landlord shall also be solely responsible for the undertaking of and costs of all repairs or improvements to the structure and to the interior and exterior of the building including lighting and fixtures.

9. Any services and expenses undertaken by the Tenant without the Landlord's permission relevant to the use by the Tenant of the Premises and not mentioned in this lease are the responsibility and expense of the Tenant.

10. The Landlord covenants with the Tenant that so long as the Tenant complies with the terms of this lease, the Tenant may occupy and enjoy the Premises without any interruption or interference from the Landlord.

11. (a) The Tenant shall purchase and maintain public liability insurance in the amount of no less than Two Million dollars ($ 2,000,00.00) and shall provide proof of this insurance to the Landlord on request.

11. (b) The Landlord shall maintain public liability insurance in the amount of not less than $2,000,000.00 and if there is ever any claim made by a third party, then the Tenant, City of Kawartha Lakes Public Library, and the Landlord, Dunsford Community Centre Inc., shall be indemnified by the other party in relation to their actions, or their inaction if any liability attaches as a result of the foregoing.

12.(a) Subject to paragraph 12 (b) below, the Landlord may terminate this lease on 60 days notice for anyone of the following or any other cause permitted by law:

(a) fifteen days' arrears of rent or additional rent;

(b) the bankruptcy or insolvency of the Tenant;

(c) a material change in the use of the Premises by the Tenant and, in particular (without limiting the generality of this provision), any change of use by the Tenant that materially affects the Landlord's building insurance or that constitutes a nuisance.

(d) any unauthorized assignment or subletting of this lease by the Tenant;

(e) substantial damage to or destruction of the Premises;

(f) any sale or material change in use of the building in which the Premises are located by the Landlord;

(g) any significant willful or negligent damage to the Premises caused by the Tenant or by persons permitted on the Premises by the Tenant, which is not repaired by the Tenant.

12.(b) The Landlord and the Tenant covenant and agree that if either party is in breach of any provision of this Lease Agreement, then the party who is not in breach shall provide to the other party who is in breach, the nature of the breach, and give that party 30 days notice to correct the breach. If the said breach is not corrected within 30 days of receiving the notice as set out in paragraph 12(a) above, then the breach may be treated as grounds for termination of this Lease Agreement.

13. Subject to the terms of this Lease and appropriate notice, on the Landlord becoming entitled to re-enter and to take possession of the Premises for any of the grounds for termination set out in this Lease or for any other cause permitted by law, the Landlord, in addition to all other rights, will have the right to enter the Premises either by force or otherwise and with an accompanying right to change the door locks for the Premises and to re-let the Premises and to receive the rent therefore.

14. The Tenant may not assign or sublet the Premises, in whole or in part, or allow the Premises to be used by any other person without the written consent of the Landlord, which consent shall not be unreasonably withheld.

15. The Tenant shall not make improvements or alterations to the Premises without the written consent of the Landlord, which consent shall not be unreasonably withheld.

16. At the end of the lease, the Tenant shall deliver vacant possession to the Landlord of the Premises in the same condition as at the commencement of the lease, reasonable wear and tear excepted.

17. Any written notice required or permitted to be given by this lease is sufficiently given if sent in proper form by ordinary mail to the last known address of the party for whom the notice is intended. Any Written notice sent by ordinary mail in accordance with this paragraph is deemed, for the purposes of this lease, received by the addressee on the seventh day after mailing unless actually received before. Nothing in this paragraph prevents giving written notice in any other manner recognized by law.

Notice to the Landlord shall be given at 26 Community Road, Dunsford, ON., K0M 1L0.

Notice to the Tenant shall be given at 190 Kent Street West, Lindsay, ON., K9V 2Y6, Attention: CEO & Chief Librarian.

18. In this lease, words importing the singular include the plural, and vice versa, and importing the masculine gender include the feminine, and importing an individual include a corporation and vice versa. This lease binds and benefits the parties and their respective heirs, successors, and permitted assigns.

19. If not in default under this lease, the Tenant has the right to renew this lease for a further term of two (2) years exercisable by giving written notice of renewal to the Landlord in the six-month period immediately before the expiry of the original fixed term of this lease. The renewed lease is granted on the same terms as set out in this lease except as to base rent and without any further right of renewal. The base rent payable by the Tenant in the renewed term may be agreed between the Landlord and Tenant but, failing such agreement before commencement of the renewed term of the lease, the amount of the base rent shall be referred to and settled by a single arbitrator agreed upon by the parties or, in default of such agreement, to a single arbitrator appointed pursuant to the legislation governing submissions to arbitration in the jurisdiction whose laws govern this agreement. The decision of the arbitrator is final and binding on the parties with no right of appeal. If the Tenant does not give the notice of renewal within the six (6) month period, then the Lease is terminated and at an end.

20. SEVERABILITY

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

21. ARBITRATION AND MEDIATION

(1) Despite anything contained in this Agreement to the contrary, in the event that a dispute or difference arises with respect to this Agreement that cannot be resolved by negotiation between the parties and the parties agree that they do not wish to terminate this Agreement, then in such event the parties agree to use the services of an experienced, qualified mediator to attempt to resolve their dispute or difference and, failing agreement on the procedure to be followed, the mediation shall be conducted in accordance with the "Rules of Procedure for the Conduct of Mediations" of the Arbitration and Mediation Institute of Ontario.

(2) In the event that mediation does not result in a resolution of the dispute or difference and the parties agree that they do not wish to terminate this Agreement, then in such event any unresolved issue may be taken to any other appropriate dispute resolution process including a court of competent jurisdiction located at Lindsay, now in the City of Kawartha Lakes and Province of Ontario. Should arbitration be agreed upon, the arbitration will be conducted in accordance with the "Rules of Procedure for the Conduct of Arbitrations" of the Arbitration and Mediation Institute of Ontario pursuant to the Arbitration Act, 1991 (Ontario).

23. This Lease will be governed by the laws of the Province of Ontario.

Executed under seal on 9 Dec 2015
(date)

Signed, sealed, and delivered in the presence of:

for the Landlord

DUNSFORD COMMUNITY CENTRE INC.

Per: James E Thurston
President

Per:
Secretary

I/We have authority to bind the corporation

THE CITY OF KAWARTHA LAKES PUBLIC LIBRARY

Per: Rita R Hie
CEO & Chief Librarian

for the Tenant

Diane Lansdell

SCHEDULE 'A'
Storage
Storage
Storage

LEASE AGREEMENT

This lease is made in duplicate between:

Dunsford Community Centre Inc.

(the "Landlord")

and

The Corporation of the City of Kawartha Lakes

(the "Tenant")

The Landlord and the Tenant hereby agree as follows:

1. The Landlord hereby grants the Tenant a lease of the interior premises being agreed by the parties to comprise of 1,237 square feet, and as outlined in pink on the floor plan attached as Schedule "A" located on the 1st floor of the Dunsford Community Centre, 26 Community Centre Road, Dunsford, Ontario K0M 1L0, City of Kawartha Lakes (the "Premises").

2. The term of this lease commences on January 1, 2018 and ends on December 31, 2018.

   If the Tenant continues in occupation of the Premises with the consent of the Landlord after expiry of the term of this lease, the Tenant shall be deemed to be leasing the Premises on a month-to-month basis but otherwise on the same terms as set out in this lease.

3. The Tenant may use the Premises for a public library and all uses ancillary thereto and for no other purpose.

4. The Tenant shall pay to the Landlord rent on the following dates and times:

   January 1, 2018 to December 31, 2018 – yearly rent of $20,200.72;

   Annual rent shall be paid as follows:

   a) 1st Month's rent - $1,744.91, payable on or before January 31, 2018;
   b) Balance of January – June rent - $8,389.00, payable on or before February 20, 2018; and
   c) July – December rent - $10,066.81, payable on or before July 1, 2018.

   The Landlord shall provide the Tenant with an invoice for the six month period 30 days in advance of the rent becoming due.

5. Time shall be of the essence of this Lease.

6. The following services and expenses are the sole responsibility and expense of the Tenant and the Tenant agrees to promptly pay for same:

    a) Telephone for the Premises; and
    b) Tenant's insurance to cover contents and liability as outlined in paragraph 14 below.

7. The following services and expenses are the sole responsibility and expense of the Landlord and the Landlord agrees to promptly pay for same:

    a) Realty taxes;
    b) Heating;
    c) Hydro;
    d) Snow removal;
    e) Landlord's liability insurance;
    f) Cleaning (interior and windows); and
    g) Any other utilities that may now or in the future become applicable.

8. The Landlord agrees cleaning and snow removal shall be maintained at a commercially reasonable standard that is suitable, timely, and responsive to the needs of the Library, its patrons, and its hours of operation in order to ensure safe access to the facility by staff and patrons during branch hours as determined from time to time.

9. Cleaning shall be maintained at a commercially reasonable standard appropriate for the public use of the facility and same shall be conducted in such a way so as to not conflict with the reasonable use of the Premises by staff and the public. The Landlord shall be responsible for cleaning/replacement of carpeting and mats and cleaning supplies associated with the washroom facilities of the Library (as suggested by staff).

10. The Library shall have the use of the tables and chairs for programming purposes from time to time, subject to the provision that adequate and reasonable notice shall be given to the Landlord as to when the table and chairs are required. The Tenant acknowledges that the Landlord from time to time holds functions and the tables and chairs may not be available for use by the Tenant.

11. The Landlord shall also be solely responsible for the undertaking of and costs of all repairs or improvements to the structure and to the interior and exterior of the building including lighting and fixtures.

12. Any services and expenses undertaken by the Tenant without the Landlord's permission relevant to the use by the Tenant of the Premises and not mentioned in this lease are the responsibility and expense of the Tenant.

13. The Landlord covenants with the Tenant that so long as the Tenant complies with the terms of this lease, the Tenant may occupy and enjoy the Premises without any interruption or interference from the Landlord.

14. The Tenant shall purchase and maintain public liability insurance in the amount of no less than Two Million Dollars ($2,000,000.00) and shall provide proof of this insurance to the Landlord on request.

15. The Landlord shall maintain public liability insurance in the amount of not less than Two Million Dollars ($2,000,000.00) and if there is ever any claim made by a third party, then the Tenant and the Landlord shall be indemnified by the other party in relation to their actions, or their inaction if any liability attaches as a result of the foregoing.

16. Subject to paragraph 17 below, the Landlord may terminate this lease on sixty (60) days' notice for anyone of the following or any other cause permitted by law:

    a) Fifteen days' arrears of rent or additional rent;
    b) The bankruptcy or insolvency of the Tenant;
    c) A material change in the use of the Premises by the Tenant and, in particular (without limiting the generality of this provision), any change of use by the Tenant that materially affects the Landlord's building insurance or that constitutes a nuisance;
    d) Any unauthorized assignment or subletting of this lease by the Tenant;
    e) Substantial damage to or destruction of the Premises;
    f) Any sale or material change in the use of the building in which the Premises are located by the Landlord; or
    g) Any significant willful or negligent damage to the Premises caused by the Tenant or by persons permitted on the Premises by the Tenant, which is not repaired by the Tenant.

17. The Landlord and the Tenant covenant and agree that if either party is in breach of any provision of this Lease Agreement, then the party who is not in breach shall provide to the other party who is in breach, the nature of the breach, and give that party thirty (30) days' notice to correct the breach. If the said breach is not corrected within thirty (30) days of receiving the notice as set out in paragraph 16 above, then the breach may be treated as grounds for termination of this Lease Agreement.

18. Subject to the terms of this Lease and appropriate notice, on the Landlord becoming entitled to re-enter and to take possession of the Premises for any of the grounds for termination set out in this Lease or for any other cause permitted by law, the Landlord, in addition to all other rights, will have the right to enter the Premises either by force or otherwise and with an accompanying right to change the door locks for the Premises and to re-let the Premises and to receive the rent therefore.

19. The Tenant may not assign or sublet the Premises, in whole or in part, or allow the Premises to be used by any other person without the written consent of the Landlord, which consent shall not be unreasonably withheld.

20. The Tenant shall not make improvements or alterations to the Premises without the written consent of the Landlord, which consent shall not be unreasonably withheld.

21. At the end of the lease, the Tenant shall deliver vacant possession to the Landlord of the Premises in the same condition as at the commencement of the lease, reasonable wear and tear excepted.

22. Any written notice require or permitted to be given by this lease is sufficiently given if sent in proper form by ordinary mail to the last known address of the party for whom

the notice is intended. Any written notice sent by ordinary mail in accordance with this paragraph is deemed, for the purposes of this lease, received by the addressee on the seventh day after mailing unless actually received before. Nothing in this paragraph prevents giving written notice in any other manner recognized by law.

Notice to the Landlord shall be given at:

Dunsford Community Centre Inc.
26 Community Centre Road
Dunsford, Ontario KOM 1L0

Notice to the Tenant shall be given at:

190 Kent Street West
Lindsay, Ontario K9V 6Y6
Attention: Library Director/CEO

23. In this lease, words importing the singular include the plural, and vice versa, and importing the masculine gender include the feminine, and importing an individual include a corporation and vice versa. This lease binds and benefits the parties and their respective heirs, successors, and permitted assigns.

24. If not in default under this lease, the Tenant has the right to renew this lease for a further term of two (2) years exercisable by giving written notice of renewal to the Landlord in the six month period immediately before the expiry of the original fixed term of this lease. The renewed lease is granted on the same terms as set out in this lease except as to base rent and without any further right of renewal. The base rent payable by the Tenant in the renewed term may be agreed between the Landlord and Tenant but, failing such agreement before commencement of the renewed term of the lease, the amount of the base rent shall be referred to and settled by a single arbitrator agreed upon by the parties or, in default of such agreement, to a single arbitrator appointed pursuant to the legislation governing submissions to arbitration in the jurisdiction whose laws govern this agreement. The decision of the arbitrator is final and binding on the parties with no right of appeal. If the Tenant does not give the notice of renewal within the six month period, then the Lease is terminated and at an end.

25. SEVERABILITY

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision.

26. ARBITRATION AND MEDIATION

(1) Despite anything contained in this Agreement to the contrary, in the event that a dispute or difference arises with respect to this Agreement that cannot be resolved by negotiation between the parties and the parties agree that they do not wish to terminate this Agreement , then in such event the parties agree to use the services of an experienced, qualified mediator to attempt to resolve their dispute or difference and , failing agreement on the procedure to be followed, the mediation shall be conducted in accordance with the

"Rules of Procedure for the Conduct of Mediations" of the Arbitration and Mediation Institute of Ontario.

(2) In the event that mediation does not result in a resolution of the dispute or difference and the parties agree that they do not wish to terminate this Agreement, then in such event any unresolved issue may be taken to any other appropriate dispute resolution process including a court of competent jurisdiction located at Lindsay, now in the City of Kawartha Lakes and Province of Ontario. Should arbitration be agreed upon, the arbitration will be conducted in accordance with the "Rules of Procedure for the Conduct of Arbitrations" of the Arbitration and Mediation Institute of Ontario pursuant to the Arbitration Act, 1991 (Ontario).

27. This Lease will be governed by the laws of the Province of Ontario.

28. Copies of this Lease will be treated as originals.

Executed at Dunsford on the 6 day of Sept., 2018

DUNSFORD COMMUNITY CENTRE INC.

Per: James L Thurston
President

Per: W. Manley
~~Secretary~~ Vice President

We have authority to bind the Corporation

Executed at _____ on the _____ day of _____, 2018

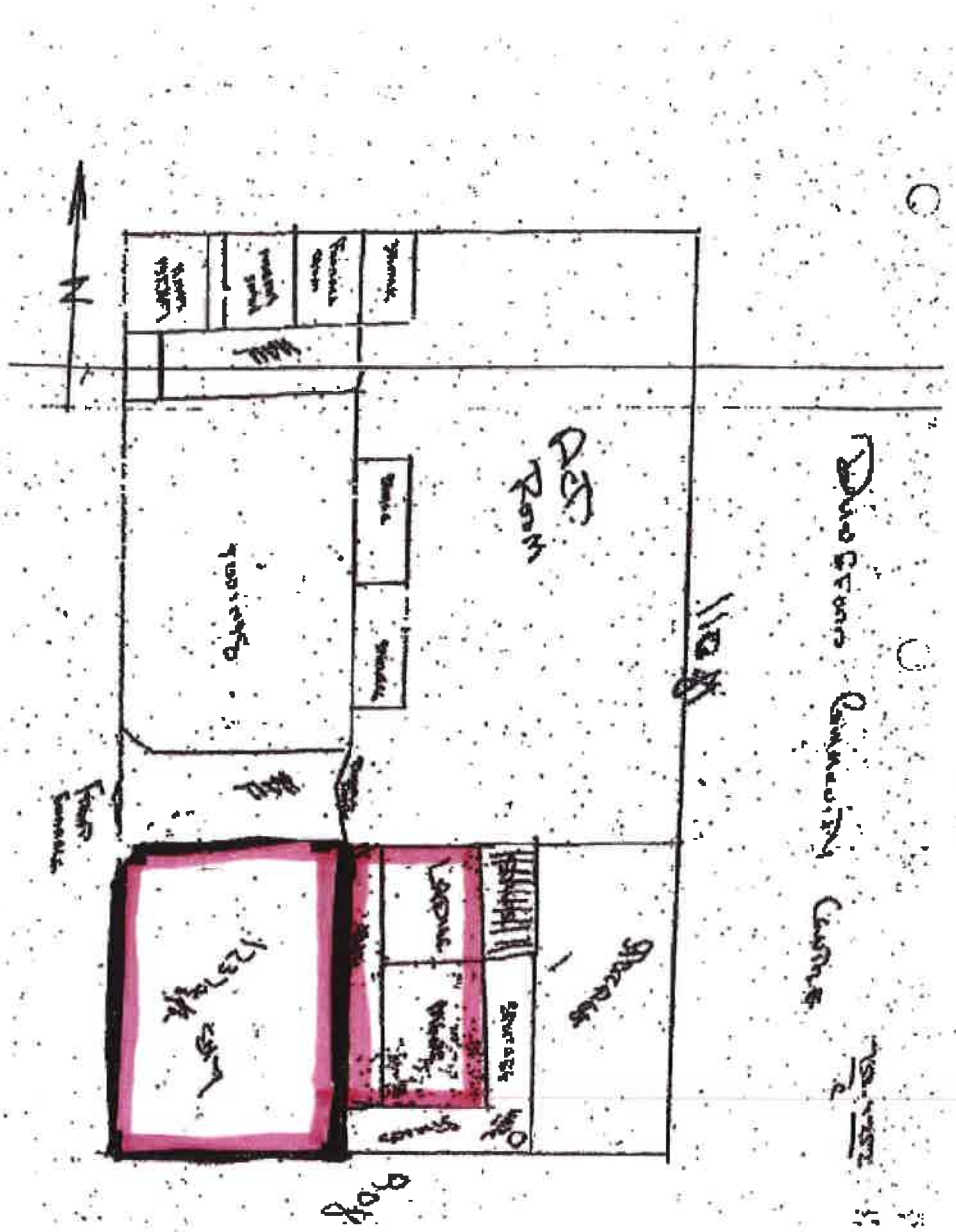
THE CORPORATION OF THE CITY OF KAWARTHA LAKES

Per: _____
Name: Andy Letham
Title: Mayor

Per: _____
Name: Cathie Ritchie
Title: City Clerk

We have authority to bind the Corporation

SCHEDULE “A”



Date:

THIS MAP IS NOT TO BE USED FOR NAVIGATION
© City Of Kawartha Lakes

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.

Appendix to	D
Report	RS2018-027
File No.	L17-17-RS027

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CS2018-014

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Fenelon Falls

Title: Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs

Author and Title: Lisa Peimann, Executive Assistant, Community Services

Recommendation(s):

That Report CS2018-014, **Release of Powerlinks Funds to the Fenelon Falls Chamber of Commerce for Wayfinding Directional Signs**, be received;

That the Fenelon Falls Chamber of Commerce be approved for funding in the amount of $14,350.00 with the allocation to come from the Powerlinks Reserve (1.32065).

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Fenelon Falls Powerlinks Committee has been approached by the Fenelon Falls Chamber of Commerce, who is seeking funding assistance to introduce simple directional markers for important destination areas in Fenelon Falls.

At the February 26th, 2018 Powerlinks Committee meeting, the following resolution was passed:

Fenelon Falls Powerlinks Committee of Council requests that Council approve up to $14,350.00 from our budget as a contribution to the Fenelon Falls Chamber of Commerce for matching funds to the OEDP for 7 way finding directional signs for the village of Fenelon Falls.

Passed

This report is provided to Council to request the release of $14,350.00 from the Powerlinks Reserve (1.32065)

Rationale:

This project is being requested in an effort to introduce some wayfinding signage to the key tourism areas of Fenelon Falls. The style/design is in keeping with existing signage already erected as ‘gateway’ and wayfinding signage in and around the Lock 34/Falls area in Fenelon Falls. Specifically the “Welcome to Fenelon Falls” sailboat gateway sign west of the upper reach of Lock 34 and the “Falls“ directional sign on the island. These existing signs are etched in limestone rock.

Similarly, the vision for this project is to introduce simple directional markers for important destination areas in Fenelon Falls. Those markers will be immutable fixtures such as “Downtown”, “Falls”, “Beach Park”, etc. to ensure the installations will not require regular updating or changes in text. Being constructed of solid stone, the installations will likewise be long lasting and durable.

Attached as Appendix A are proposed diagrams for the directional markers, these signs will be located in high traffic tourism routes on the Victoria County Rail Trail and the Lock 34 area. More specifically:

1. Knox Crescent and Victoria County Rail Trail, South of Knox, East of Trail where convenient
2. Francis Street and Victoria County Rail Trail, North of Francis where convenient and well visible in Garnet Graham Park
3. Corner of Water Street and Oak Street, Marquee Sign Base
4. Water Street, West of Oak Street intersection, top of stone stairs mounted on the limestone wall

The total cost of the project is estimated at $28,700.00, with $14,350.00 being requested from the Powerlinks Reserve and the remaining $14,350.00 from the OEDP.

Other Alternatives Considered:

Council could choose not to allocate Powerlinks Funds to the Fenelon Falls Chamber of Commerce, or could choose to provide funds from some other source.

Financial/Operation Impacts:

The Fenelon Falls Powerlinks Reserve (1.32065) has a balance of $249,338.31. With the recommendations outlined within this report if approved will leave a balance of $234,988.31 for further distribution in future years.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations within this report directly align with all Strategic Goals through our Value of Collaboration, namely:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Implications:

N/A

Consultations:

Fenelon Falls Powerlinks Committee
Councillor Elmslie
Councillor Strangway
Treasury

Attachments:

Appendix A – Proposed diagrams for directional markers

Wayfinding.pdf

Appendix B – Minutes from February 26, 2018 Powerlinks Committee Meeting

CS2018-010
Appendix A.docx

Department Head E-Mail: cshanks@kawarthalakes.ca

Department Head: Craig Shanks, Director of Community Services

Department File:

V.1.0 MAY 18/18

STONE SIGNAGE PROJECT

LOCATION 1: KNOX CRES ~ Rail Trail, East Side

OWNER: CKL Public Property

SPECS: LARGER, GATEWAY STYLE (full suite).

A). NORTH SIDE

B). SOUTHSIDE
(optional)

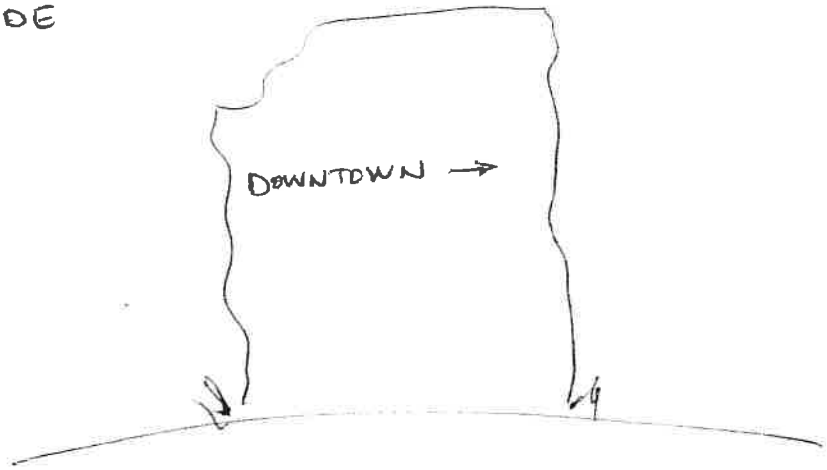
Location 2: Francis St. (near Rail Trail & Water Plant)

owner: locate on CKL property

specs: smaller

A) NORTH SIDE

B) SOUTH SIDE



LOCATION 3: (OPTIONAL) CORNER OF MAY + WATER

OWNER: CKL.

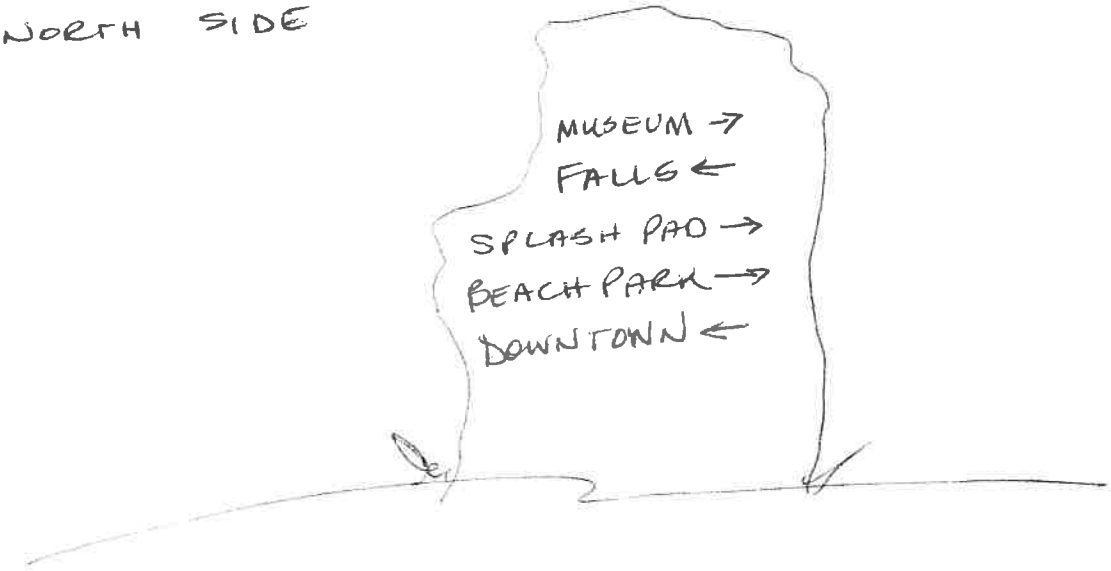
SPECS: research possibility of integrating directional markers into Fenelon Marquee sign project

Location 4: @ Locks, upper reach top of stairs by sail

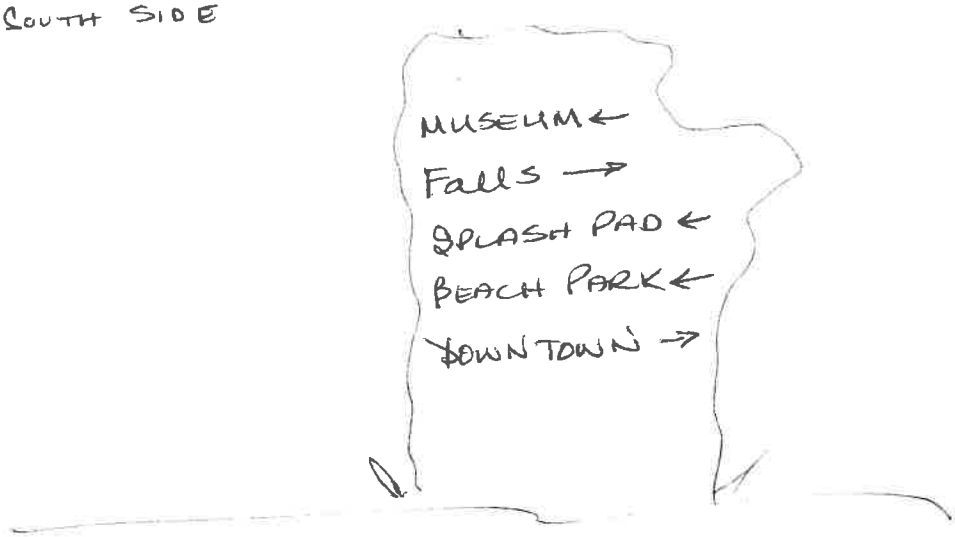
OWNER: CKL PROPERTY

SPECS: smaller.

A) NORTH SIDE



B). SOUTH SIDE



Fenelon Falls Powerlinks Committee Meeting
Minutes
26 February, 2018
59 River Dr., Fenelon Falls

Attendees: Chris Handley, Sandra Barrett, Mike Barkwell, Bob Pennock, Brian Rump, John McLennan, Councillors Doug Elmslie and Steve Strangway, (by phone) Craig Backman
Regrets: Craig Shanks
Guest: Chris Appleton, Downtown Revitalization rep

1. The meeting was called to order at 5:30 p.m.

2. Approval of the Agenda as amended by adding "Board Structure and Election" as 5 (a)

   Moved by Brian, seconded by Bob Passed.

3 Pecuniary Interest - None registered

4 Approval of the Minutes of 26 September, 2017

Moved by Sandra and seconded by Brian Passed

5. Board Structure – Election of Executive

Committee Chair – Chris Handley was nominated by Sandra, seconded by Steve – Passed
Vice Chair and Secretary – Mike Barkwell was nominated by Doug, seconded by Brian -- Passed

Business Arising from the Minutes

b) Splash Pad – Doug, Bob, Chris

The splash pad has been successfully completed, winterized and ready for the spring opening.
The engineering structural report for the Munchie Hut revealed that the concrete pad was not suitable for renovating. The recommendation is to tear down the present structure and to build new.
Accordingly, the CKL and Rotary Club will refurbish the washrooms, change room and build showers outside for this summer, with an anticipated OEDP grant of $25,000.
In the fall, phase 3 will be to obtain estimates immediately for the demolition and re-building of the building (Munchie Hut), and to re-apply for OEDP funding, estimated at $70,000 to have the new facility ready for 2019.

Motion : Fenelon Falls Powerlinks Committee of Council requests that Council approve $25,000 in partnership funding to rebuild the Munchie Hut in 2019, subject to suitable estimates being received and approved. Moved by Brian, seconded by Sandra -- Passed

c) Lighting of the Falls – Bob

Bob continues to move forward with this proposal and is in communication with the donor.

d) Lower Gorge – Doug and Chris

Chris Appleton continues to be the lead and the point of contact for several of our local groups and committees with interest in the betterment of the grounds and facilities associated with the locks in Fenelon. Chris A. has met with David Martin and Jewel, coordinating the recommendations and volunteer commitments that the locals would like to share with the TSW. Unfortunately, the TSW has made a management decision to focus on implementing infrastructure funding along the Trent Canal systems. We have been informed all staff time will be required for this infrastructure phase and as such TSW will be unable to partner with the community on special projects of any kind, including visitor experience items. New infrastructure, dams, locks, canal repairs is the focus for TSW. The Rideau System is presently renewing their master plan and TSW revisions will follow thereafter, so including new items in their regular maintenance schedule is also unlikely in the short term. We have seen this over the winter in Fenelon. This diminishes the funds available for local improvements, such as those that we are supporting. He anticipates that there will be no local funds for a long time.

Undeterred, Chris A. has a meeting scheduled for the day following this meeting to talk with Beth McEachan, real estate Manager, to discuss how their asset management plan can consider normal maintenance of roadway, stairs, the underpass, landscaping, fencing. Mary McLeod is scheduling a site visit with Chris in the spring.

Chris H. will circulate Chris A.'s report and updates to the committee as they progress.

e) Train Bridge Rehabilitation

Chris reports that 2 engineers will look at the open/close function of the bridge in the spring.

f) Park Benches

Bob reports that the CKL through the Downtown Revitalization Committee has no funds that can go towards benches. He will continue to search for private funding for such a project.

Doug commented that the CKL does have funds in the capital budget for an engineering study of Colborne St. in 2018, which, if recommended would provide furniture as part of any changes that are recommended and provided in 2019.

g) Notice of Motion

As accurate quotes and estimates have now been received:

Motion: Fenelon Falls Powerlinks Committee of Council requests that Council approves up to $10,000 from our budget as a contribution to the rehabilitation and erection of the Fenelon sign on the Fenelon Falls and District Chamber of Commerce property in 2018.

Moved by John, seconded by Mike Passed

6. New Business

a) Sculptures on the Waterfront

Chris A. described a new project being discussed that the CKL provide a base for local sculptors to display their artwork (which will be jury approved) for sale or just for fun along the waterfront. Will keep us informed.

b) Tourist Signage – Way Finding

The Fenelon Falls Chamber of Commerce will be applying to the OEDP for matching funds for 7 fixed, directional signs for the village. The CKL is supporting the application.

Motion: Fenelon Falls Powerlinks Committee of Council requests that the Council approve up to $14,350 from our budget as a contribution to the Fenelon Falls Chamber of Commerce for matching funds to the OEDP for 7 way finding directional signs for the village of Fenelon Falls.

Moved by Doug, seconded by Brian Passed

7. Next Meeting

At the call of the Chair.

8. Adjournment 6:35 pm

_____ _____

Chris Handley (Chair) Mike Barkwell (Vice Chair)

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CORP2018-015

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier:

Title: Council Computer Systems Policy

Description:

Author and Title: Kari Kleven, Manager Information Technology
Justin Chevrier, Supervisor Network and Client Systems

Recommendation(s):

That Report CORP2018-015, **Council Computer Systems Policy**, be received;

That the policy entitled Council Computer Systems, attached as Appendix A to Report CORP2018-015, be adopted and numbered for inclusion in the City's Policy Manual, replacing all predecessor versions.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The predecessor policy for council computer systems, Policy 090 ADM 004 Council Computer Policy was adopted in 2004.

Both the predecessor policy and the proposed policy address the manner by which Members of Council are equipped with technological resources to assist them in carrying out the City's business. Both the predecessor policy and the proposed policy outline the responsibilities of Councillors and the Information Technology Division for the budget, provision and use of council computer systems, services and consumables; support; and the return or purchase of council computer hardware.

The predecessor policy specifies that the provision and support of computer systems and related services is determined by and the responsibility of the Information Technology Division.

The proposed policy was developed to provide for more freedom of choice in council computer systems by Councillors. The proposed policy specifies that the acquisition and support of computer systems and related services is determined by and the responsibility of Councillors, and thereby enables Councillors to make choices that address their individual needs and preferences.

Rationale:

The model outlined by the predecessor policy was appropriate for the environment of the time because hardware, software and service options were limited and standardization of computer systems and services was prioritized over individual choice in order to streamline and stabilize the IT-centric support of council computer systems.

Options and preferences for computer hardware and services have evolved and IT determination of needs and provision of support is no longer the most effective way to address the computer system needs of Council.

The proposed policy advocates a model whereby Councillors choose the hardware, software, services, support providers, and support schedules that best meet their needs and preferences.

The proposed Council Computer System policy outlines responsibilities of Councillors, the Mayor's office, and the Information Technology Division for

1) the provision of hardware and services at the beginning of Council term
2) use and support of hardware, software and services
3) budgeting for purchases, services and consumables

4) return of Council computer hardware in the event a member does not complete the full term of office.

The proposed policy continues the model whereby

1) The Information Technology Division provides assistance and resolution for issues related to technology services provided by the City including e-mail services and remote access services.
2) The Capital Budget in the year of the election includes allotments for hardware
3) The Operating Budget includes allotments for services and consumables.

The proposed policy differs from the previous policy in that it establishes a model whereby

1) Councillors acquire their own hardware and services
2) Councillors obtain and coordinate any support services required from service providers, manufacturers or other third parties in relation to their acquired hardware and services
3) The City reimburses Councillors for expenses related to 1) and 2) as well as the one-time cost of acquiring a Microsoft Office license should the Councillor wish to use this software.

The approach outlined in the proposed policy enables Councillors to choose the hardware, software, services, support providers, and support schedules that best meet their needs and preferences.

Other Alternatives Considered:

Status Quo
Council could retain the current Council Computer Systems Policy. This is not recommended is it perpetuates a model that does not support the individual needs and preferences of Members of Council.

Financial/Operation Impacts:

The budget allotments required to implement the recommendations in this report and proposed policy are listed below showing the cost per Councillor and the total cost calculated for eight (8) Councillors and the Mayor.

	One-Time Excludes Tax	**Annual Excludes Tax**
Cost per Councillor	$2,765	$2,420
Total Cost	$24,885	$21,780

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendation within this Report aligns with the Council Adopted Strategic Plan as it supports the Strategic Enabler of Municipal Service Excellence by providing council the technology to provide exceptional customer service, enhance communications, and demonstrate service excellence by being accessible and responsive to their constituents, city staff, and fellow council members.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Implications:

N/A

Consultations:

Corporate Services Director
Chief Administrative Officer
City Clerk

Attachments:

Appendix A -
Council Computer S

Appendix ‘A’ – Council Computer System Policy

Department Head E-Mail: jstover@kawarthalakes.ca

Department Head: Jennifer Stover, Corporate Services Director

Department File:

Council Policy

Council Policy No.:	
Council Policy Name:	Council Computer Systems
Date Approved by Council:	
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Form	Information Systems Management Directive Council Expense Policy

Policy Statement and Rationale:

The Corporation of The City of Kawartha Lakes supports the strategic use of technology ensuring better service to our citizens now and in the future. As part of this use, it is important to ensure that Members of Council are equipped with the technological resources to assist them in carrying out the City's business.

This technology will facilitate communication amongst Members of Council, City staff, and residents and will support Council in providing an enhanced level of service to City residents. In addition, Staff will be better able to disseminate information and to collaborate with Members of Council. Councillors will have the opportunity to access the Internet for gathering external information relevant to City business.

Scope:

This policy applies to all Members of the Council of the Corporation of The City of Kawartha Lakes while serving their respective elected or appointed full terms.

Definitions:

"Cellular Phone" shall mean a Mobile Hardware device for which a mobile operating system is not utilized.

"Cellular Services" shall mean the delivery of wireless voice and/or data services to Mobile Hardware by way of a Mobile Provider.

"Computer Hardware" shall mean a computing device such as a laptop, tablet or workstation.

"Consumables" shall mean ink or toner for use in Printing Hardware.

"Information Services" shall mean technology services provided by the City including e-mail services and remote access services.

"Internet Services" shall mean the delivery of Internet connectivity to a Councillor's primary residence.

"IT Service Desk" shall mean the established and defined day-to-day contact point for Councillors and staff with the Information Technology Division and the service provided therein.

"Mobile Hardware" shall mean a cellular connected device such as a Smart Phone or Cellular Phone.

"Network Hardware" shall mean modems, routers, antennas, cabling and any other device utilized in providing Internet Services.

"Printing Hardware" shall mean a device capable of providing print services.

"Smart Phone" shall mean a Mobile Hardware device for which a mobile operating system is utilized (e.g. IOS (iPhone), Android, Blackberry OS, Windows Phone).

"Support Services" shall mean maintenance or support for Computer Hardware, Mobile Hardware, Printing Hardware and Network Hardware.

Policy:

1.0 Provision of Hardware and Services at the Beginning of Council Term

1.01 At the beginning of each term of Council all Councillors will acquire their own Computer Hardware as their individual needs dictate. The City will reimburse the one-time cost of acquisition up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's office with all relevant receipts related to the purchase of the Computer Hardware. Councillors are free to purchase Computer Hardware of their choosing.

1.02 It will be the responsibility of individual Councillors to make the necessary arrangements for the acquisition of any Printing Hardware required for printing at their place of residence. The City will reimburse the one-time cost of acquiring necessary Printing Hardware and a yearly allowance for the purchase of replacement Consumables up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's office with all relevant receipts related to the acquisition of Printer Hardware and Consumables. Councillors are free to purchase Printer Hardware of their choosing. Paper will be provided to the Councillors by the Clerk's office.

1.03 It will be the responsibility of individual Councillors to make the necessary arrangements for the installation and payment of required Internet Services at their place of residence. The City will reimburse any one-time cost for Network Hardware and recurring costs for Internet Services up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's office with all relevant receipts related to the purchase of Network Hardware and recurring costs associated with Internet Services at the Councillor's place of residence.

1.04 It will be the responsibility of individual Councillors to make the necessary arrangements for the acquisition and payment of required Mobile Hardware and Cellular Services. The City will reimburse the one-time cost of acquiring the necessary Mobile Hardware and recurring costs for Cellular Services up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's office with all relevant receipts related to the purchase of Mobile Hardware and recurring costs for Cellular Services. Councillors are free to purchase Mobile Hardware of their choosing. It is the recommendation of the Information Technology Division that Members of Council outright purchase Mobile Hardware as opposed to entering into binding contracts that bundle in the cost of the Mobile Hardware as the former greatly reduces the overall cost during a term of Council.

1.05 In the event that an individual Member of Council requires Internet Services or Cellular Services that exceed the maximum allotment as detailed in Appendix 1 the Mayor will, at the request of the Councillor review the proposed services along with their associated costs. Based on that review the Mayor will decide if an exception will be made, due to unique circumstances, to reimburse the Councillor beyond the maximum allotment as detailed in Appendix 1.

1.06 If an individual Member of Council would like to utilize the Microsoft Office suite on their Computer Hardware the Councillor may make use of the City's Microsoft Home Use Program which allows for the purchase the Microsoft Office suite at a preferential rate as detailed in Appendix 1. The City will reimburse the one-time cost of acquiring the Microsoft Office suite up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's office with all relevant receipts related to the purchase of the Microsoft Office suite. It is the Councillor's responsibility to acquire and install the Microsoft Office suite on their Computer Hardware.

2.0 Use and Support of Hardware, Software and Services

2.01 The Information Technology Division will communicate to Councillors via the Mayor's Office the procedures for obtaining support when technical problems occur with Information Services.

2.02 Should technical problems occur with Information Services the Information Technology Division will be responsible for providing assistance and resolution to the identified issues. The Information Technology Division will provide assistance via the IT Service Desk in the form of email, phone or at the IT Suite located in City Hall.

2.03 The Information Technology Division will not be responsible to provide Support Services. It is the responsibility of the individual Member of Council to obtain and coordinate any Support Services required from service providers, manufacturers or other third parties. The City will reimburse the Support Services costs up to the maximum allotment as detailed in Appendix 1. Councillors will provide the Mayor's Office with all relevant receipts related to the Support Services.

3.0 Budgeting

3.01 A sufficient Capital Budget will be established to provide allotments for reimbursement of Computer Hardware, Mobile Hardware, Printing Hardware and Network Hardware. This will be budgeted for by the Information Technology Division within the Capital Budget during budget deliberations in the year of the election.

3.02 A sufficient Operating Budget will be established annually within the Mayor and Council budget for Internet Services, Cellular Services, Support Services and Consumables.

3.03 Items included in Section 3.0 are considered to be a City expense in providing members of Council with the tools to conduct their duties. They will not be included in the annual Statement of Remuneration and Expenses in accordance with Section 284 of the Municipal Act.

4.0 Return or Purchase of Council Computer Hardware

In the event that a Member of Council does not complete his or her full term of office, the departing Councillor must reimburse the City for their Computer Hardware, Mobile Hardware, Printing Hardware and Network Hardware at a depreciation rate of 25% per year calculated on a monthly basis based on the term served. The reimbursement of the identified hardware will take the form of a deduction from the Councillor's final pay cheque with any remaining balance paid within 30 days as agreed to in the Purchase of Council Computer Hardware, Appendix 2. The Mayor's Office may at its sole discretion waive the requirement to reimburse the City for the identified hardware.

Revision History:

Proposed Date of Review:

Revision	**Date**	Description of changes	**Requested By**
0.0	[Date]	Initial Release	

Appendix 1

Description	Allotment ($)
Computer Hardware	1500.00/term
Mobile Hardware	600.00/term
Network Hardware	250.00/term
Printer Hardware	400.00/term
Cellular Services	75.00/month
Consumables	400.00/year
Internet Services	60.00/month
Support Services	400.00/year
Microsoft Office Suite	15.00

Council Policy

Appendix 2

	Purchase of Council Computer Hardware

I, _____

Print or Type Elected Official Name

acknowledge that the City of Kawartha Lakes has reimbursed me $XXX for the hardware required to fulfil my duties as an Elected Official.

I UNDERSTAND AND AGREE THAT:

1. The hardware is depreciating at a rate of 25% per annum calculated on a monthly basis based on the term served.

2. If for any reason, I do not complete my term as an Elected Official of The Corporation of the City of Kawartha Lakes, the net book value (amount reimbursed minus the depreciated amount) of the hardware shall become due and payable and will be deducted from my final pay. I will remit to the City, any balance still owing after deduction from my final pay, by cash or by certified cheque, on or before my last day as an Elected Official.

DATED at ***Lindsay***, in the ***City of Kawartha Lakes*** day of **20XX** this

Witness Signature	*Elected Official Signature*
Print or Type Name of Witness	*Print or Type Name of Elected Official*

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PUR2018-034

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand

Author and Title: Marielle van Engelen, Buyer
Richard Monaghan, Senior Engineering Technician

Recommendation(s):

That Report PUR2018-034, **Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand**, be received;

THAT, Kawartha Capital Corp of Peterborough, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand for the Manvers Depot for the quoted price of $99,000.00 plus HST;

THAT Robert E. Young Construction of Selwyn, ON be selected for the award of Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand for all other depot locations for a total quoted price of $901,417.00 plus HST;

THAT Council approve the four (4) – one (1) year renewal periods included in the quotation, with a unit price increase according to the Canadian Consumer Price Index percentage change, pending successful vendor performance review and annual budget approval;

THAT subject to receipt of the required documents, the Mayor and City Clerk be authorized to execute the agreements to award Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand; and

THAT the Purchasing Division be authorized to issue a purchase order(s) as required.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Request for Quotation 2018-82-OQ Supply, Delivery and Stockpile of Winter Sand was advertised in accordance with the Purchasing Policy.

The quotations received were opened in a public meeting on Thursday, August 16, 2018, by Andy Letham, Mayor and Marielle van Engelen, Buyer with the following results:

Depot Name	Robert E. Young Construction (Selwyn) Quoted Amount (Not Including HST)	Kawartha Capital Corp (Peterborough) Quoted Amount (Not Including HST)
Sturgeon Point	$124,850.00	$173,360.00
Coboconk	$142,205.00	No Bid
Card	$93,900.00	No Bid
Eldon	$88,295.00	No Bid
Oakwood	$148,375.00	$161,575.00
Fenelon	$65,930.00	No Bid
Bobcaygeon	$81,306.00	$95,647.50
Emily	$90,027.00	$122,235.00
Ops	$66,529.00	$80,640.00
Manvers	$101,070.00	$99,000.00

As per the Purchasing Policy when procurement awards are valued at $100,000 or greater and are an irregular result with fewer than three (3) submissions received the procurement award must be approved by Council.

Bids were checked for mathematical errors and compliancy to the quotation. References were checked and found to be favorable.

Rationale:

Winter sand is an integral component of the City’s winter maintenance operations. Winter sand is applied to roads and sidewalks during or after active

winter weather to increase traction for vehicular and pedestrian traffic. While primarily used on gravel and surface treated roads, Winter sand is also used in towns during flash freeze events or when temperatures are below the effective range for winter salt.

Other Alternatives Considered:

No other alternatives are being considered as the recommendation to award was achieved through an open, fair, and transparent procurement process.

Financial/Operation Impacts:

The supply and delivery of winter sand is allocated annually in the operating budgets of Public Works. Winter sand is supplied to various depots, and the operating costs are broken out and charged per operating area.

Costs associated with winter sand align with the winter season. Hence costs are incurred over a two year period as the initial fill takes place in the fall of the current year and the replenishment takes place later in the winter season, usually the beginning of the following year.

Funds are allocated in the 2018 Public Works operating budgets and future costs will be allocated annually in the operating budget and costs will be monitored by the department. The average unit price from this procurement process is approximately 4% lower than pricing realized from our 2016 procurement of winter sand.

Area depots are filled to capacity in the fall at the start of the winter season. As the material is used, the stock is replenished as required to ensure adequate supply is on hand for the the remainder of the winter season.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Reliable transportation, especially during the winter months, closely aligns itself with the corporate strategic goal of “An exceptional Quality of Life” as the ability to access and use the the City’s network of roads is a key component to accessibility of all services outside of the home.

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson, Director of Public Works

Department File: 2018-82-OQ

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PUR2018-035

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 16

Title: Request for Quotation 2018-85 CQ Refurbishment of One Landfill Compactor

Author and Title: Marielle van Engelen, Buyer
Todd Bryant, Manager of Fleet and Transit Services

Recommendation(s):

That Report PUR2018-035, **Request for Quotation 2018-85-CQ Refurbishment of One Landfill Compactor**, be received;

THAT Iron Equipment Ltd. of Pontypool, Ontario, be selected for the award of Quotation 2018-85-CQ Refurbishment of One Landfill Compactor for the total quoted price of $101,300.00 not including HST; and

THAT Financial Services be authorized to issue a purchase order.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Waste Management department operates one (1) compactor/loader at the Fenelon Landfill. This compactor/loader is at the end of its productive life and requires refurbishing to extend that life for an additional ten to fifteen years.

Quotation 2018-85-CQ was released and advertised in accordance with the Purchasing Policy. The quotation closed on August 2, 2018 and was opened in public by Andy Letham, Mayor and Linda Lee, Buyer, with the following results:

Quotation Received From	Total Quotation Amount Read at Public Opening (excluding HST)
Iron Equipment Ltd. Ponty Pool, Ontario	$101,300.00

As per the Purchasing Policy when procurement awards are valued at $100,000 or greater and are an irregular result with fewer than three (3) submissions received the procurement award must be approved by Council.

Submissions were checked for compliancy to the quotation document and for mathematical errors. References were checked and found to be favorable.

Rationale:

During the 2018 budget approval process, staff recommended the refurbishment of two (2) pieces of landfill equipment at a cost of $300,000 versus replacing them at an estimated replacement cost of $675,000.

This refurbishment will renew the equipment and further extend the lifecycles of the loader/compactor for an additional 10-15 years. This further reduces the carbon footprint of the City as this refurbishment keeps additional waste from entering landfills, will improve fuel economy an reduce emissions. This report addresses the refurbishment of the Loader/Compactor located at the Fenelon Landfill.

Staff recommends that Iron Equipment Ltd. be award Request for Quotation 2018-85-OQ for Refurbishment of One Landfill Loader.

Other Alternatives Considered:

No other alternatives are being considered as the recommendation to award was achieved through an open, fair and transparent competitive procurement process.

Financial/Operation Impacts:

Capital Project Number	Project Budget	Other Committed Funds	Capital Project balance	Purchase Amount (excl. HST)	HST Payable	Total Amount	Project Balance
994180211 and 994180212	$300,000	$180,624	$119,376	$101,300	$1,783	$103,083	$16,293

Other committed Funds include the costs for the refurbishment of the second piece of landfill equipment through report PUR2018-027 approved by Council June 19th, 2018.

Upon completion of the work, any remaining surplus or deficit will be dealt with through the Capital close report presented to Council by the Treasury Department in accordance with the Capital Close Policy.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Refurbishment of the landfill loader allows the City to meet Goal 3 of the 2016 to 2019 strategic plan “Healthy Environment”. Specifically, Action item 3.1.2, which is execution of the Waste Management Strategy. The Waste Management Strategy focusses on ways to ensure our landfill have site life and are sustainable. Refurbishing the loader allows landfill operation equipment used in diversion activities to function more effectively by moving and separating recyclables from entering the landfill and better compacting recyclables in the Miller trucks. These operations support a robust recycling operation which is an element of the City’s waste strategy.

Consultations:

Supervisor, Cost Accounting

Department Head E-Mail: brobinson@kawrthalakes.ca

Department Head: Bryan Robinson, Director of Public Works

Department File: 2018-85-CQ

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PUR2018-036

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Various Wards

Title: 2018-86-CQ Gravel Road Rehabilitation

Author and Title: Linda Lee, Buyer
Mike Farquhar, Supervisor, Technical Services

Recommendation(s):

That Report PUR2018-036, 2018-86-CQ Gravel Road Rehabilitation, be received;

That Four Brothers Construction Corporation be selected for the award of 2018-86-CQ Gravel Road Rehabilitation for the total amount of $1,078,077.50 plus HST;

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreements to award the contract; and

That the Financial Services Division be authorized to issue a purchase order.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

This quotation is for the work pertaining to the Capital program RD1814 Gravel Road Rehabilitation. The work will include ditching, culvert replacement, berm removal and road base repair.

The Request for Quotation (RFQ) 2018-86-CQ Gravel Road Rehabilitation was released and advertised in accordance with the Purchasing Policy.

The RFQ closed on Thursday September 6, 2018 and was opened in public by Mayor, Andy Letham and Buyer, Linda Lee.

Quotations were received from the following:

Company	Submitted Amount	Corrected Amount
Four Brothers Construction Corporation	$1,124,925.00	$1,078,777.50
Drain Brothers Excavating	$2,382,493.35	

In accordance with the Purchasing Policy the results of a competitive procurement process are considered to be irregular when fewer than three submissions are received in a formal competitive procurement process.

Irregular results of a competitive procurement process require that the selection of the vendor for award be approved according to the Table of Authority (4.04).

Bids received were checked for mathematical errors and compliance to the bid call.

Rationale:

Staff recommends that Four Brothers Construction Corporation be selected for the award of Quotation 2018-86-CQ Gravel Road Rehabilitation for the quoted price of $1,078,777.50 plus HST.

Other Alternatives Considered:

No other alternatives are being considered at this time as the recommendation to award was achieved through an open, fair and transparent process and is within budget.

Financial/Operation Impacts:

Funds for 2018-86-CQ were approved in the 2018 Capital Budget as indicated in the table below.

Capital Project Number	Project Budget	Other Committed Funds	Capital Project balance	Purchase Amount (excl. HST)	Contingency 10%	HST Payable	Total Amount	Project Balance
RD1814 983181400	$2,006,457	$658	$2,005,799	$1,078,778	$107,878	$20,885	$1,099,663	$906,135

Upon completion of the work, any remaining surplus or deficit will be dealt with through the Capital close report presented to Council by the Treasury Department in accordance with the Capital Close Policy.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This project relates to the strategic plan goal of “A Vibrant and Growing Economy” by maintaining the City’s existing infrastructure.

Consultations:

Junior Accountant

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering

Department File: 2018-86-CQ

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2018-011

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 2, 6, 9, 10, 11, 12, 14, 15

Title: Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards

Description: With the support of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the Downtown Revitalization Program is being implemented in four communities throughout the City of Kawartha Lakes: Lindsay; Fenelon Falls; Omemee; and Coboconk/Norland. As part of the funding agreement with OMAFRA, the City has agreed to provide annual reports cards to the Province to indicate the progress of the action plans, and monitor the key performance indicators

Author and Title: Leisha Newton, Economic Development Officer – Downtown

Recommendation(s):

That Report ED2018-011, **Downtown Revitalization Update Presentation and 2017 OMAFRA Downtown Revitalization Report Cards**, be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of May 28, 2013, Council accepted funding for the Rural Economic Development (RED) Fund application to support the development of strategic action plans for Downtown Revitalization:

> **Moved by Councillor Warren, seconded by Councillor Junkin,**
> **RESOLVED THAT** Report ED2014-002, **Rural Economic Development (RED) Fund**, be received;
> **THAT** Council accept matching funding totalling $245,500.00 to implement projects in Coboconk-Norland, Fenelon Falls, Lindsay, Omemee, Bobcaygeon and Woodville totaling $491,000.00;
> **THAT** Council authorizes the Director of Economic Development to work with Human Resources staff to recruit a temporary, full time Downtown Revitalization Coordinator to work with the Ministry of Rural Affairs' Downtown Revitalization Program for up to a 24 month period; and
> **THAT** Council approve the City's contribution of $245,500.00 to come from the Economic Development Reserve.
>
> **CARRIED CR2014-228**

Two communities, Bobcaygeon and Woodville, were added to the motion during the Council meeting. As the funding had been previously approved by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the two additional communities were not able to be added to the project at that time. The project moved forward with the original four communities.

At the Council Meeting of January 26, 2016, Council approved the Streetscape and Façade Design Guidelines for Coboconk-Norland, Fenelon Falls and Lindsay.

> **Moved by Councillor Dunn, seconded by Councillor Elmslie,**
> **RESOLVED THAT** Report ED2016-001, **Streetscape and Facade Design Guidelines**, be received;
> **THAT** the Streetscape and Facade Design Guidelines for Coboconk/Norland, Fenelon Falls and Lindsay, attached as Appendix A, B and C to Report ED2016-001, be approved; and
> **THAT** consideration is given to the recommendations contained in the Streetscape and Facade Design Guidelines by the municipality, downtown landowners and local organizations when conducting future work and planning.
>
> **CARRIED CR2016-078**

At the Council Meeting of March 7, 2017, Council approved an Action plan for each community.

RESOLVED THAT Report ED2017-005, **Downtown Revitalization Update and Action Plans**, be received;
THAT the Downtown Revitalization Action Plans for Coboconk-Norland, Fenelon Falls, Lindsay and Omemee, as outlined in Appendices A to D respectively to Report ED2017-005, be approved;
THAT financial considerations for projects beyond those already identified in existing budgets and work plans be incorporated in future budgets for consideration;
THAT a Downtown Revitalization Committee of Council be established with representation including each community that has a completed Downtown Revitalization Plan; and
THAT staff develop the Terms of Reference for the Downtown Revitalization Committee and forward to Council for approval.

CARRIED CR2017-194

At the Council Meeting of June 27, 2017, Council approved the Streetscape and Façade Design Guidelines for Omemee:

RESOLVED THAT Report ED2017-012 **Omemee Streetscape and Façade Design Guidelines**, be received;
THAT the Streetscape and Façade Design Guidelines for Omemee attached as Appendix A to Report ED2017-012 be approved; and
THAT consideration is given to the recommendations contained in the Streetscape and Façade Design Guidelines by the municipality, downtown landowners and local organizations when conducting future work and planning.

CARRIED CR2017-562

At the Council Meeting of March 21, 2017, Council approved a funding application for implementation, and at the Council Meeting of October 24, 2017, Council approved the funding agreement to begin the implementation of the Downtown Revitalization Action Plans, which has become known as “Downtown Dreams”:

RESOLVED THAT Report ED2017-006, **Rural Economic Development Fund Application Request for Downtown Revitalization Implementation**, be received;
THAT the project **Downtown Revitalization Implementation** be approved for an application to the Rural Economic Development Program with a total project cost of up to $200,000 with the City’s 50% contribution coming from the Economic Development Reserve; and
THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

CARRIED CR2017-234

RESOLVED THAT Report ED2017-018, **Rural Economic Development Funding Agreement RED08084**, be received;
THAT the agreement between the Corporation of the City of Kawartha Lakes and Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs, for funding under the Rural Economic Development (RED) Program, to accept matching funds totaling $62,150.00 to implement the Business Growth Program Project, attached as Appendix A to Report ED2017-018, be approved;
THAT Council authorizes the Manager of Economic Development to work with Human Resources staff to recruit a temporary full time Economic Development Officer, Downtown Revitalization for a period of up to 14 months;
THAT the City's contribution of $62,150.00 from the Economic Development Reserve Fund, be approved; and
THAT the necessary by-law to authorize execution of the agreement be brought forward for adoption.

CARRIED CR2017-913

This report provides Council with an annual report of the progress of the downtown revitalization activities in each of the communities, as well as the Downtown Revitalization Advisory Committee.

In addition to the report card, the presentation will provide an update on the status of the downtown revitalization activities to date.

Rationale:

The Downtown Revitalization Annual Report Card provides a summary of the impact of downtown revitalization activities. The report card highlights the economic impact of downtown revitalization activities. As part of the Provincial Funding Agreement, the City provides OMAFRA with an annual report card outlining employment and building trends, investment, and Action Plan implementation progress.

Since adopting the four Downtown Revitalization Action Plans in 2017, the City and communities have implemented a number of Action Plan initiatives. The attached Downtown Revitalization Annual Report Cards include activities for 2017. Highlights of the work underway to date include;

City-wide:

- A Downtown Revitalization Advisory Committee was formed with two representatives from each of the four community working groups and two Council representatives. This committee has met four times over the last

year to discuss the downtown revitalization activities throughout the City of Kawartha Lakes and to determine opportunities to share ideas, and work collectively.

- The Downtown Revitalization Advisory Committee is engaged with the Community Improvement Plan development, and will continue to be involved with the implementation.
- The Downtown Dreams Business Growth Program was implemented in the four communities with three finalists starting, moving and growing their businesses in 2018. This included promotion of the downtown business communities through the contest and the downtown revitalization program.

Lindsay:

- Lindsay designated Heritage Conservation District approved by Council in October 2017
- KLSBEC partnered with the four Chambers of Commerce to deliver a series of three digital training workshops, with 25 attendees
- Lindsay & District Chamber of Commerce hosted a series of six diversity training workshops, with 14 businesses participating in the workshop series
- The DR Working Group, along with the LDBIA and LDCC, provided detailed feedback regarding the downtown Lindsay reconstruction project. These groups will continue to be engaged in the process as the project progresses

Fenelon Falls:

- Fenelon Falls designated Heritage Conservation District approved by Council in September 2017
- Fundraising and installation of a new splash pad near the museum, adjacent to the downtown area
- The community has coordinated with the Trent Severn Waterway to have ongoing repairs and maintenance performed to the site including fencing, paving and general site improvement. This enhances the attraction of the site to tourists
- Fenelon Falls & District Chamber of Commerce launched a new www.explorefenelonfalls.com website in summer 2018, combining the branding of the Town Crier and the community communications

Coboconk/ Norland:

- Installation of free Wi-Fi at the Coboconk wharf in partnership with the Coboconk, Norland & Area Chamber of Commerce (CNACC)
- The CNACC initiated a project to renovate and/or replace several public docks and one public boat ramp in order to achieve the objective of

bringing more boaters into the downtowns and increasing potential water recreational activities
- The DR Working Group has been corresponding with CKL staff to determine a suitable location for portable toilets by the wharf to accommodate the boaters and visitors during to warmer months. A solution has not yet been found, but this issue will still be addressed.

Omemee:

- The library was relocated from Coronation Hall to a more centralized downtown location
- The Omemee Legion lead a project to install a community collage mural on the west wall of the Legion
- RTO8 funding was received to install guitar themed wayfinding signs throughout the community
- A Neil Young Mural will be installed on the west wall of Coronation Hall
- Coronation Hall Concert Series event was hosted on July 28, with Melissa Payne concert

Other Alternatives Considered:

No alternatives have been considered.

Financial/Operation Impacts:

Throughout the downtown revitalization process, the municipality has made significant investments into the four communities: Coboconk/Norland; Fenelon Falls; Omemee; and Lindsay.

The entire downtown revitalization planning phase of the program included a municipal investment of $245,500 with matching Rural Economic Development (RED) funding for a total cost of $491,000 during 2014-2017.

Currently, the Downtown Dreams business growth program is being implemented with a municipal investment of $62,150, and matching RED funds for a total cost of $124,300.

In 2017, the municipality spent $738,737.00 throughout the four communities on capital projects, grants and partnerships, plus additional operational costs for beautification, snow removal and maintenance in the downtown areas. A more detailed breakdown can be found in the 2017 OMAFRA report cards found in the appendices of this report.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The City of Kawartha Lakes Strategic Plan, which provides the vision for Kawartha Lakes, identified the creation of a comprehensive Economic Development Strategy under Goal 1: A Vibrant and Growing Economy.

Through the adoption of a city-wide focus, while leveraging the strengths of local resources, the downtown revitalization action plans are effectively implementing the first goal of the Economic Development Strategy. The Downtown Revitalization project is listed as an activity in the Economic Development Strategy.

Consultations:

The 2017 Annual Report Card is prepared for the Ontario Ministry of Agriculture, Food & Rural Affairs as a requirement of the Downtown Revitalization program. Throughout the downtown revitalization program the creation of the report cards, there has been continuous consultation with our Ministry Advisor.

For the purpose of collecting data and information for the report cards, a series of consultations were undertaken.

Employment, business and vacancy rate information was collected from Business Surveys and Business & Building Inventory interviews were conducted throughout the Downtown Revitalization Planning process in 2014. Business surveys are being conducted throughout 2018, therefore updated data will be provided in the 2018 annual report card.

Commercial space information and details about physical improvements in 2017 was collected through consultation with the Chief Building Officer and the municipal records.

The total assessed value of properties in each downtown area in 2017 was collected from the most recent MPAC Roll Total with the help of the Economic Development Officer – Community.

The Director of Community Services, Director of Public Works, Manager of Corporate Assets, Supervisor of Technical Services, and Manager of Economic Development were contacted to determine any municipal funds that were spent on downtown revitalization activities in 2017.

With regards to public funding, several community groups were consulted to determine the amount of investment in each of the communities. The groups that were contacted include: the Downtown Revitalization Working Group members; Lindsay & District Chambers of Commerce; Coboconk, Norland and Area

Chamber of Commerce; Fenelon Falls & District Chamber of Commerce; Lindsay Downtown BIA; Omemee Lion's Club; and the Omemee Legion.

Each Downtown Revitalization Working Group provided details about the volunteers and a list of the organizations that have contributed to the success of the downtown revitalization activities in each community.

Attachments:

Appendix A - 2017 Downtown Revitalization Annual Report Card for Coboconk & Norland

2017 Annual Report Card Coboconk Norla

Appendix B - 2017 Downtown Revitalization Annual Report Card for Lindsay

2017 Annual Report Card Lindsay.docx

Appendix C - 2017 Downtown Revitalization Annual Report Card for Fenelon Falls

2017 Annual Report Card Fenelon Falls.dc

Appendix D - 2017 Downtown Revitalization Annual Report Card for Omemee

2017 Annual Report Card Omemee.docx

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director – Development Services

Downtown Revitalization

Tracking Your Downtown Revitalization Program's Performance

Annual Report Card

Name of Community/Project:	Coboconk/ Norland
Completed by:	Leisha Newton, City of Kawartha Lakes
Date completed:	September 7, 2018
Time frame:	January 1-December 31, 2017
Number of businesses surveyed (if applicable):	

Purpose of the Survey:

The goal of the Annual Report Card is to establish an understanding of the impacts that downtown revitalization activities have generated in communities over time. The data collected will help downtown revitalization groups to build an understanding of those impacts with their respective committee members, their municipality and key stakeholders.

There are many indicators to take into consideration when determining the success of a Downtown Revitalization process. As part of the broader Annual Report Card process OMAFRA asks you to respond to the questions included in this Report Card. However we encourage you to consider including additional indicators relative to your project in your annual reporting and monitoring activities, as outlined in the Downtown Revitalization program resources.

Confidentiality:

Your Annual Report Card data will be consolidated into a combined report that will be shared with other Downtown Revitalization projects and stakeholders. The specific details for your community will not be shared outside of the Ontario Ministry of Agriculture, Food and Rural Affairs.

Questions:

For further information or general questions, please contact your local Agricultural and Rural Economic Development Advisor.

* Denotes information that may be available from municipal building departments and building permit data
^ Denotes data that may be available from municipal treasurers and/or finance departments, business improvement areas, or other downtown development and business organizations.
[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

Annual Downtown Revitalization Report Card

Section One

The following questions deal with more quantitative aspects of downtown revitalization initiatives, including employment, investment, and stakeholder engagement. It is expected that answers to these questions will generally emerge from annual monitoring activities of the organization, but data may also be sourced from more general areas as well (e.g. municipal building permit records, outreach to businesses/organizations).

1. Do you have a Community Improvement Plan focused on your downtown area?

   ☐ Yes ☒ No

2. a. How many people were employed in your downtown at Dec. 31, 2017?

   In December 2014, there were 227 employed (146 Full time, 81 Part time)

   b. What was the net increase or decrease since Dec. 31, 2016?

   n/a

3. How many businesses were in the downtown at Dec. 31, 2017?

   In December 2014, there were 44 businesses.

4. What was the commercial (i.e. office and retail) vacancy in your downtown:

   a. At Dec 31, 2016
      i. Number of vacant units: In Fall 2014, there were 8 vacant units.
      ii. Rate (% by number of vacant units): In Fall 2014, there was a 11.5% vacancy rate

   b. At Dec 31, 2017
      i. Number of vacant units: This data will be updated in the 2018 report card
      ii. Rate (% by number of vacant units): This data will be updated in the 2018 report card

5. How many businesses expanded their square footage (i.e. added new commercial space) in 2017*?

   1

6. How much new commercial space was added in total*?

   174.01 ☐ Sq.Ft. **OR** ☒ Sq. M.

* Denotes information that may be available from municipal building departments and building permit data
^ Denotes data that may be available from municipal treasurers and/or finance departments, business improvement areas, or other downtown development and business organizations.
[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

7. Did you lose any commercial space (e.g. to demolition, conversion to non-commercial uses) in your downtown area in 2017?

   ☐ Yes ☒ No

   a. If yes, how much commercial space was lost in total*?

      ☐ Sq.Ft. **OR** ☐ Sq. M.

8. How many business units had physical improvements[+] made to them in 2017*?

   4

   a. What were the approximate value of the improvements*: $ 84,000

9. What was the total assessed value of properties in the downtown area, by class, for 2017? (most recent MPAC Roll Total)

   a. Residential: $6,628,000
   b. Multi-Residential: $0
   c. Commercial: $7,363,500
   d. Office: included in commercial
   e. Other: $1,850,800

10. What is the total amount of public funds invested in downtown revitalization in 2017 from all public sources^?

    $ 186,207

    a. What was the total investment from the municipality in downtown revitalization initiatives (e.g. streetscaping, servicing, Community Improvement Plans, marketing and promotion)^?

       $ 148,207, which includes $6,707 Community Partnership and Development Fund Grant

    b. What other sources of public funding were used for downtown revitalization (e.g. CFDC, Provincial)^?

       EODP through CFDC, Canada Summer Job Funding, OMAFRA for the Horticultural Societies

11. a. How many volunteers were engaged in downtown revitalization initiatives in 2017?

    In 2017, the implementation phase of the downtown revitalization project was initiated with the creation of a Committee of Council (see Section 2, Question 1 for more detail) and the regeneration of the working group for Coboconk/Norland. There were 6 volunteers engaged in the downtown revitalization initiatives in 2017.

* Denotes information that may be available from municipal building departments and building permit data
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[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

b. How many organizations were engaged in downtown revitalization initiatives in 2017?

Coboconk, Norland & Area Chamber of Commerce, Coboconk and Norland Horticultural Clubs, Ontario Ministry of Transportation, Lion's Club, Fresh Water Summit Organizing Committee, Shadow Lake Association.

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Section Two

The following questions deal with qualitative aspects of downtown revitalization initiatives, including opportunities and challenges in implementing the program, and illustration of intangible positive impacts and outcomes arising from the program.

1. What projects did you work on in 2017, and what have been the results of those projects?

   Action Plan Goal 1. The City of Kawartha Lakes will continue to take ownership of the Downtown Revitalization project working in partnership with the Coboconk, Norland and Area Chamber of Commerce and the greater community to implement the Actions identified to revitalize Downtown Coboconk and Norland.
   Action 1.1 Establish a management committee to meet quarterly consisting of the Downtown Revitalization Advisory Committee, the Coboconk, Norland and Area Chamber of Commerce, Municipal Staff and Community Stakeholders.
   • The Downtown Revitalization Action Plans were adopted by Council in March 2017. As part of the strategies, the City of Kawartha Lakes chose to create a Downtown Revitalization Advisory Committee (Committee of Council) that included two representatives from each of the four communities that are implementing Downtown Revitalization Action Plans. In addition, each community including Coboconk/ Norland, formed a working group to start the process of moving the plans forward. The Working Group and Committee of Council terms of reference were approved by Council in Fall 2017. DR Working Groups and Committee of Council have been established and meet regularly.

   Action Plan Goal 3. Improve the visual appearance and functionality of the public realm to create a year round cottage community for residents and visitors to enjoy.
   Action 3.2 Research viability of a downtown public WiFi program that allows all visitors to connect online.
   • Free public WiFi was installed at the Coboconk wharf in 2017 in partnership with the Coboconk, Norland & Area Chamber of Commerce.

   Action Plan Goal 8. Enhance recreation opportunities in Coboconk Norland
   Action 8.2 Increased utilization of recreation facilities by increased programming, enhanced promotions of facilities and activities, events and use by community groups and visitors.
   • The Coboconk, Norland & Area Chamber of Commerce initiated a project to renovate and/or replace several public docks and one public boat ramp in order to achieve the objective of bringing more boaters into the downtowns and increasing potential water recreational activities.
   Action 8.3 Explore funding for recreational capital project needs and bring partners together to operationalize.
   • Over the past three years, more than $750,000 has been spent at the Norland Recreation centre for upgrades.

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+Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

2. What priority projects do you intend to undertake over the next year?

   The priority for the first year will be setting up the Working Group and Committee of Council organization so that key community leaders can meet regularly and allow for collaboration throughout the City of Kawartha Lakes. The Working Group have yet to determine their priorities. In addition, the City of Kawartha Lakes will be implementing a Business Growth Program and working on a Community Improvement Plan.

3. Can you provide an example of how you have used the findings of the downtown revitalization planning process over the last year?

   As this past year (2017) was an organizational year, the findings have been used to establish parameters and guidelines for the next steps in the implementation plan for the action plan in Coboconk/ Norland.

4. Is there any specific achievement or success you have had based on downtown revitalization?

   We have been strategizing to attract more boaters to Coboconk through the addition of more services like water, electricity, wifi, etc. To date, free wifi has been implemented at the Coboconk wharf. Another part of our plan includes improving capital infrastructure to bring more boaters into the downtowns and to increase potential recreation activities like swimming, fishing, boating, sailing, etc. In 2017, the Chamber of Commerce initiated a project to renovate and/or replace several public docks and one public boat ramp in order to achieve this objective. This project will conclude in 2018.

5. Did you have any challenges and lessons learned over the previous year that you would like to share?

   As we were at the beginning of the implementation phase, there were challenges with getting volunteers re-engaged and reigniting the excitement and interest from community members that participated throughout the long planning process. The community is slow to recognize achievements to date. Staff time at the Chamber of Commerce office was reduced, slowing down implementation of Chamber-led initiatives.

6. What emerging trends, opportunities, or challenges do you see influencing your downtown revitalization activity over the next year?

   We see the upcoming Community Improvement Plan as a wonderful opportunity to support and encourage property improvements throughout the downtown areas. Once challenge that we deal with is the need to work with MTO to allow the implementation of our Streetscape & Façade Design plans as we our downtown is located on an MTO highway. An additional challenge has been identifying the sources and securing funding to implement the actions within our plan.

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7. What strategies/activities are you pursuing to ensure the ongoing sustainability of your downtown revitalization initiative over the next year?

   We are committed to continue to engage with the Chamber of Commerce in seeking funding for initiatives and leading communications within the community. This includes efforts to engage more DR working group members.

8. Is there anything that you are presently working on in downtown revitalization that the ministry can assist with?

   In our experience, we have two provincial ministries (OMAFRA, MTO) that are at odds with their goals for this project, so helping with maintaining a mutually beneficial relationship with MTO to allow implementation would be very helpful. In addition, we require case studies that include successful funding models for implementation of DR projects.

9. What is the methodology that you used to collect data for Section 1 (e.g. purchase of census or custom data set, surveys, interviews)?

   The methods used to compile the data for Section 1 are as follows: Business Surveys and Business and Building Inventory interviews for questions 2 through 4; Municipality databases for questions 5 through 8; MPAC Database for question 9; contacting community partners and municipal departments to assess investments for question 10; and downtown revitalization records for question 11.

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[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

Data Notes

Daytime Employment:

Daytime employment estimates are based on compiled business data which includes counts of employees who work, presumably during the day, at the business location within a given dissemination area (DA), based on businesses geocoded to that specific DA.

Business Points:

Canada Business Points is a national database of business establishments that provides geocoded points for each business record. The business data is provided by InfoCanada, which assembles its business file from a variety of sources including yellow page directories, new business filings, utility connections, press releases, corporate websites, annual reports, and user generated feedback.

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Downtown Revitalization

Tracking Your Downtown Revitalization Program's Performance

Annual Report Card

Name of Community/Project:	Lindsay
Completed by:	Leisha Newton, City of Kawartha Lakes
Date completed:	September 7, 2018
Time frame:	January 1-December 31, 2017
Number of businesses surveyed (if applicable):	

Purpose of the Survey:

The goal of the Annual Report Card is to establish an understanding of the impacts that downtown revitalization activities have generated in communities over time. The data collected will help downtown revitalization groups to build an understanding of those impacts with their respective committee members, their municipality and key stakeholders.

There are many indicators to take into consideration when determining the success of a Downtown Revitalization process. As part of the broader Annual Report Card process OMAFRA asks you to respond to the questions included in this Report Card. However we encourage you to consider including additional indicators relative to your project in your annual reporting and monitoring activities, as outlined in the Downtown Revitalization program resources.

Confidentiality:

Your Annual Report Card data will be consolidated into a combined report that will be shared with other Downtown Revitalization projects and stakeholders. The specific details for your community will not be shared outside of the Ontario Ministry of Agriculture, Food and Rural Affairs.

Questions:

For further information or general questions, please contact your local Agricultural and Rural Economic Development Advisor.

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[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

Annual Downtown Revitalization Report Card

Section One

The following questions deal with more quantitative aspects of downtown revitalization initiatives, including employment, investment, and stakeholder engagement. It is expected that answers to these questions will generally emerge from annual monitoring activities of the organization, but data may also be sourced from more general areas as well (e.g. municipal building permit records, outreach to businesses/organizations).

1. Do you have a Community Improvement Plan focused on your downtown area?

   ☐ Yes ☒ No

2. a. How many people were employed in your downtown at Dec. 31, 2017?

   In June 2015, there were 1,369 employed (939 Full time, 430 Part time)

   b. What was the net increase or decrease since Dec. 31, 2016?

   n/a

3. How many businesses were in the downtown at Dec. 31, 2017?

   In December 2014, there were 228 businesses in downtown Lindsay.

4. What was the commercial (i.e. office and retail) vacancy in your downtown:

   a. At Dec 31, 2016
      i. Number of vacant units: In Fall 2014, there were 25 vacant units.
      ii. Rate (% by number of vacant units): In Fall 2014, there was a 11.5% vacancy rate

   b. At Dec 31, 2017
      i. Number of vacant units: This data will be updated in the 2018 report card
      ii. Rate (% by number of vacant units): This data will be updated in the 2018 report card

5. How many businesses expanded their square footage (i.e. added new commercial space) in 2017*?

   There were 2 businesses that expanded their commercial space in 2017.

6. How much new commercial space was added in total*?

   1,308.9 ☐ Sq.Ft. **OR** ☒ Sq. M.

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7. Did you lose any commercial space (e.g. to demolition, conversion to non-commercial uses) in your downtown area in 2017?

☐ Yes ☒ No

a. If yes, how much commercial space was lost in total*?

0 ☐ Sq.Ft. **OR** ☐ Sq. M.

8. How many business units had physical improvements[+] made to them in 2017*?

There were 45 business units that made physical improvements in 2017.

a. What were the approximate value of the improvements*: $ 7,734,610

9. What was the total assessed value of properties in the downtown area, by class, for 2017? (most recent MPAC Roll Total)

a. Residential: $5,455,000
b. Multi-Residential: $7,476,000
c. Commercial: $77,279,000
d. Office: included in commercial
e. Other: $12,662,500

10. What is the total amount of public funds invested in downtown revitalization in 2017 from all public sources^?

$ 368,018

a. What was the total investment from the municipality in downtown revitalization initiatives (e.g. streetscaping, servicing, Community Improvement Plans, marketing and promotion)^?

$ 298,018, which includes $35,000 Community Partnership and Development Fund Grant for Lindsay Downtown Business Improvement Association

b. What other sources of public funding were used for downtown revitalization (e.g. CFDC, Provincial)^?

The Lindsay Downtown Business Improvement Association is responsible for the beatification of downtown Lindsay, as well as marketing and promotion for the downtown businesses.

11. a. How many volunteers were engaged in downtown revitalization initiatives in 2017?

In 2017, the implementation phase of the downtown revitalization project was initiated with the creation of a Committee of Council (see Section 2, Question 1 for more detail) and the regeneration of the working group for Lindsay. There were 20 volunteers engaged in the downtown revitalization initiatives in 2017, starting to get the community re-engaged in the process.

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b. How many organizations were engaged in downtown revitalization initiatives in 2017?

Downtown Lindsay Business Improvement Area, Lindsay & District Chamber of Commerce, Municipal Heritage Committee

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Section Two

The following questions deal with qualitative aspects of downtown revitalization initiatives, including opportunities and challenges in implementing the program, and illustration of intangible positive impacts and outcomes arising from the program.

1. What projects did you work on in 2017, and what have been the results of those projects?

   Action Plan Goal 1. The City of Kawartha Lakes will continue to take ownership of the Downtown Revitalization project working in partnership with the community to implement the actions identified to revitalize Downtown Lindsay
   Action 1.1 The Lindsay Downtown Revitalization Advisory Committee will become a working group that will work with City Economic Development staff to oversee, guide and manage the implementation of the Lindsay Downtown Revitalization Strategic Plan
   • The Downtown Revitalization Action Plans were adopted by Council in March 2017. As part of the strategies, the City of Kawartha Lakes chose to create a Downtown Revitalization Advisory Committee (Committee of Council) that included two representatives from each of the four communities that are implementing Downtown Revitalization Action Plans. In addition, each community including Lindsay, formed a working group to start the process of moving the plans forward. The Working Group and Committee of Council terms of reference were approved by Council in Fall 2017. DR Working Group and Committee of Council have been established and meet regularly.
   Action 1.4 The Lindsay Downtown Revitalization Strategic Plan will be incorporated into the City's Economic Development Strategic Plan, to ensure that other future and related plans have regard for, and incorporate, its contents
   • The Economic Development Strategy was adopted in July 2017. It incorporates specific actions under "Goal 1: Adopt a City-wide focus, that specifically reference the implementation of the Downtown Revitalization programs"

   Action Plan Goal 2. Improve the visual appearance and functionality of the public realm while maintaining and enhancing its historic character by committing to implementing the Lindsay Downtown Revitalization Strategic Plan, and the Lindsay Streetscape and Façade Guidelines, creating a livable and attractive community for residents and visitors to enjoy
   Action 2.7 Ensure the maintenance of public and private properties including the removal of garbage and overgrown vegetation
   • City by-law continues to enforce as needed.
   • Maintenance workers are also employed by BIA for street cleaning, flower and tree watering, and general maintenance tasks.
   • The Streetscape and Façade Design Guidelines were incorporated into the Heritage Conservation District Plan for the Lindsay District

   Action Plan Goal 3. Promote a socially and physically safe, barrier-free, pedestrian friendly Downtown that is accepting, accessible, and embraces diversity
   Action 3.5 Embrace, promote and support diversity initiatives created and initiated by other agencies and groups as they impact the Downtown
   • Lindsay & District Chamber of Commerce (LDCC) held a series of 6 diversity training

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workshops, with 14 businesses participating.
• One downtown business completed permanent building renovations to make their building entrance accessible.

Action Plan Goal 4. Encourage and support the improvement of the visual appearance, character and functionality of the privately owned properties location in the Downtown
Action 4.8 Support and assist with the implementation of the Heritage Conservation District Plan that applies to Downtown Lindsay
• Lindsay Heritage Conservation District was approved by Council in fall 2017

Action Plan Goal 6. Work to support and enhance a robust business community in the Downtown.
Action 6.6 Provide workshops and training to address the needs of Downtown businesses i.e. digital marketing, customer service and diversity issues.
• KLSBEC partnered with the four chambers of commerce to deliver a series of three Digital Training Workshops with a total of 25 attendees.
• LDCC held six diversity training workshops with a total of 14 business participating.

2. What priority projects do you intend to undertake over the next year?

   The priority for the first year was setting up the Working Group and Committee of Council organization to continue to improve communication with community stakeholders to allow for collaboration throughout the City of Kawartha Lakes. The Working Group have yet to determine their priorities.
   In addition, the City of Kawartha Lakes will be implementing a Business Growth Program and working on a Community Improvement Plan.

3. Can you provide an example of how you have used the findings of the downtown revitalization planning process over the last year?

   Data collected during the planning process helped highlight priorities for the CIP and Heritage Conservation District. The planning process also helped highlight the need for improved communication with downtown revitalization moving forward.

4. Is there any specific achievement or success you have had based on downtown revitalization?

   The downtown revitalization process assisted in the adoption of the Lindsay Downtown Heritage Conservation District, as well as the action plan for improvements throughout downtown Lindsay.

5. Did you have any challenges and lessons learned over the previous year that you would like to share?

   It was determined that collaboration among the key stakeholders in the Downtown will result in more opportunities for success.

6. What emerging trends, opportunities, or challenges do you see influencing your downtown revitalization activity over the next year?

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We see the adoption of a new Community Improvement Plan as an opportunity to provide local property & building owners with tools to improve theirs properties and contribute to the revitalization of downtown Lindsay. We expect that the adoption of the Heritage District may bring about some challenges, specifically in understanding the process required to make building alterations. This presents an opportunity to communicate with local property and building owners about the programs available.

7. What strategies/activities are you pursuing to ensure the ongoing sustainability of your downtown revitalization initiative over the next year?

   The Working Group is seeking additional volunteers to help execute on specifics tasks in the Downtown Lindsay Revitalization Action Plan.

8. Is there anything that you are presently working on in downtown revitalization that the ministry can assist with?

   We would like to identify opportunities for funding for improvements for business areas, recreational improvements and grant writing. In addition, it would be helpful to learn where and how to access funding options.

9. What is the methodology that you used to collect data for Section 1 (e.g. purchase of census or custom data set, surveys, interviews)?

   The methods used to compile the data for Section 1 are as follows: Business Surveys and Business and Building Inventory interviews for questions 2 through 4; Municipality databases for questions 5 through 8; MPAC Database for question 9; contacting BIA and municipal departments to assess investments for question 10; and downtown revitalization records for question 11.

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Data Notes

Daytime Employment:

Daytime employment estimates are based on compiled business data which includes counts of employees who work, presumably during the day, at the business location within a given dissemination area (DA), based on businesses geocoded to that specific DA.

Business Points:

Canada Business Points is a national database of business establishments that provides geocoded points for each business record. The business data is provided by InfoCanada, which assembles its business file from a variety of sources including yellow page directories, new business filings, utility connections, press releases, corporate websites, annual reports, and user generated feedback.

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Downtown Revitalization

Tracking Your Downtown Revitalization Program's Performance

Annual Report Card

Name of Community/Project:	Fenelon Falls
Completed by:	Leisha Newton, City of Kawartha Lakes
Date completed:	September 7, 2018
Time frame:	January 1-December 31, 2017
Number of businesses surveyed (if applicable):	

Purpose of the Survey:

The goal of the Annual Report Card is to establish an understanding of the impacts that downtown revitalization activities have generated in communities over time. The data collected will help downtown revitalization groups to build an understanding of those impacts with their respective committee members, their municipality and key stakeholders.

There are many indicators to take into consideration when determining the success of a Downtown Revitalization process. As part of the broader Annual Report Card process OMAFRA asks you to respond to the questions included in this Report Card. However we encourage you to consider including additional indicators relative to your project in your annual reporting and monitoring activities, as outlined in the Downtown Revitalization program resources.

Confidentiality:

Your Annual Report Card data will be consolidated into a combined report that will be shared with other Downtown Revitalization projects and stakeholders. The specific details for your community will not be shared outside of the Ontario Ministry of Agriculture, Food and Rural Affairs.

Questions:

For further information or general questions, please contact your local Agricultural and Rural Economic Development Advisor.

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Annual Downtown Revitalization Report Card

Section One

The following questions deal with more quantitative aspects of downtown revitalization initiatives, including employment, investment, and stakeholder engagement. It is expected that answers to these questions will generally emerge from annual monitoring activities of the organization, but data may also be sourced from more general areas as well (e.g. municipal building permit records, outreach to businesses/organizations).

1. Do you have a Community Improvement Plan focused on your downtown area?

   ☐ Yes ☒ No

2. a. How many people were employed in your downtown at Dec. 31, 2017?

   In December 2014, there were a total of 528 employed (364 Full time, 164 Part time)

   b. What was the net increase or decrease since Dec. 31, 2016?

   n/a

3. How many businesses were in the downtown at Dec. 31, 2017?

   In December 2014, there were 104 businesses in downtown Fenelon Falls.

4. What was the commercial (i.e. office and retail) vacancy in your downtown:

   a. At Dec 31, 2016
      i. Number of vacant units: In Fall 2014, there were 11 vacant units.
      ii. Rate (% by number of vacant units): In Fall 2014, there was a 9% vacancy rate

   b. At Dec 31, 2017
      i. Number of vacant units: This data will be updated in the 2018 report card
      ii. Rate (% by number of vacant units): This data will be updated in the 2018 report card

5. How many businesses expanded their square footage (i.e. added new commercial space) in 2017*?

   There were no businesses that expanded their commercial space in 2017.

6. How much new commercial space was added in total*?

   0 ☐ Sq.Ft. **OR** ☐ Sq. M.

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[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

7. Did you lose any commercial space (e.g. to demolition, conversion to non-commercial uses) in your downtown area in 2017?

☐ Yes ☒ No

a. If yes, how much commercial space was lost in total*?

0 ☐ Sq.Ft. **OR** ☐ Sq. M.

8. How many business units had physical improvements+ made to them in 2017*?

There were 2 business units that acquired a building permit in 2017 for physical improvements.

a. What were the approximate value of the improvements*: $ 87,000

9. What was the total assessed value of properties in the downtown area, by class, for 2017? (most recent MPAC Roll Total)

a. Residential: $8,260,000
b. Multi-Residential: $3,169,000
c. Commercial: $24,417,000
d. Office: included in commercial
e. Other: $19,718,400

10. What is the total amount of public funds invested in downtown revitalization in 2017 from all public sources^?

$ 335,162

a. What was the total investment from the municipality in downtown revitalization initiatives (e.g. streetscaping, servicing, Community Improvement Plans, marketing and promotion)^?

$ 155,162, which includes $52,500 Powerlinks and CHEST Fund, and $12,162 Community Partnership and Development Fund Grant

b. What other sources of public funding were used for downtown revitalization (e.g. CFDC, Provincial)^?

EODP, Rotary Club, Sobey's, and Community fundraising events were held for the splashpad

11. a. How many volunteers were engaged in downtown revitalization initiatives in 2017?

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+Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

In 2017, the implementation phase of the downtown revitalization project was initiated with the creation of a Committee of Council (see Section 2, Question 1 for more detail) and the regeneration of the working group for Fenelon Falls. There were 20 volunteers engaged in the downtown revitalization initiatives in 2017.

b. How many organizations were engaged in downtown revitalization initiatives in 2017?

Fenelon Falls Chamber of Commerce, Fenelon Forward, Rotary Club, Lion's Club, Legion, Friends of Lock 34, Knights of Columbus, Trent Severn Waterway, Municipal Heritage Committee

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[+]Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

Section Two

The following questions deal with qualitative aspects of downtown revitalization initiatives, including opportunities and challenges in implementing the program, and illustration of intangible positive impacts and outcomes arising from the program.

1. What projects did you work on in 2017, and what have been the results of those projects?

Action Plan Goal 1. The City of Kawartha Lakes will continue to take ownership of the Fenelon Falls Downtown Revitalization project, working in partnership with the community to implement the Actions identified to revitalize Downtown Fenelon Falls
Action 1.1 The Fenelon Falls Downtown Revitalization management committee will work with City Economic Development staff to oversee and guide the implementation of the Fenelon Falls Downtown Revitalization Strategic Plan
• The Downtown Revitalization Action Plans were adopted by Council in March 2017. As part of the strategies, the City of Kawartha Lakes chose to create a Downtown Revitalization Advisory Committee (Committee of Council) that included two representatives from each of the four communities that are implementing Downtown Revitalization Action Plans. In addition, each community including Fenelon Falls, formed a working group to start the process of moving the plans forward. The Working Group and Committee of Council terms of reference were approved by Council in Fall 2017. DR Working Groups and Committee of Council has been established and meet regularly.
Action 1.4 Incorporate the Downtown Revitalization Strategic Plan into the City's Economic Development Strategic Plan and ensure that it compliments other related and future plans
• The Economic Development Strategy was adopted in July 2017. It incorporates specific actions under "Goal 1: Adopt a City-wide focus, that specifically reference the implementation of the Downtown Revitalization programs"

Action Plan Goal 2. Improve the visual appearance and functionality of both the private and public realm while maintaining and enhancing its historic character and creating a liveable barrier-free community for residents and visitors to enjoy.
Action 2.5 Assist with the implementation of the Heritage Conservation District Plan located in the residential area of Fenelon Falls
• Oak Street Heritage Conservation District adopted by Council in fall 2017

Action Plan Goal 5. Develop a robust Downtown business community
Action 5.2 Work with the business community to identify training and assistance needs that can be provided to them, to help business owners grow their business, and help them thrive
• KLSBEC partnered with the Chambers to identify training needs of their membership and methods of instruction. Digital marketing training was identified as a priority need for the small business community. A series of Digital Marketing workshops were held in December of 2017.
Action 5.11 Restructure the City's tourism website so that local Fenelon Falls' events can be easily added to the website, including events organized by private businesses.
• A new municipal website (www.kawarthalakes.ca) and tourism website (www.explorekawarthalakes.ca) were completed in August of 2017. The public can add events to the City website that are then forwarded to be added to the tourism website.

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+Physical improvements defined as additions, alterations, signage, facades, and any other activities that would normally be collected as part of municipal permitting activities.

2. What priority projects do you intend to undertake over the next year?

   The priority for the first year will be setting up the Working Group and Committee of Council organization so that key community leaders can meet regularly and allow for collaboration throughout the City of Kawartha Lakes. The Working Group have yet to determine their priorities.
   In addition, the City of Kawartha Lakes will be implementing a Business Growth Program and working on a Community Improvement Plan.

3. Can you provide an example of how you have used the findings of the downtown revitalization planning process over the last year?

   As this past year (2017) was an organizational year, the findings have been used to establish parameters and guidelines for the next steps in the implementation plan for the action plan in Fenelon Falls.

4. Is there any specific achievement or success you have had based on downtown revitalization?

   Achievements include the adoption of the Oak Street Heritage Conservation District, as well as the creation of the Committee of Council and Working Group. The community also joined together to raise money for the installation of a new splashpad at Garnet Graham Park, which is adjacent to the downtown area and is a great attraction for the downtown.

5. Did you have any challenges and lessons learned over the previous year that you would like to share?

   As we were at the beginning of the implementation phase, there were a lot of engaged volunteers that wanted to be involved. It can be a challenge to delegate tasks effectively to ensure priorities are set and progress is made. We are committed to getting volunteers engaged and reigniting the excitement and interest from community members that participated throughout the planning process.

6. What emerging trends, opportunities, or challenges do you see influencing your downtown revitalization activity over the next year?

   Based on upcoming plans, the working group anticipates opportunities to work with the Trent Severn Waterway to get infrastructure improvements and a site plan completed. In addition, the working group plans to work with the City of Kawartha Lakes to get infrastructure (e.g. roads, sidewalks etc.) improved.

7. What strategies/activities are you pursuing to ensure the ongoing sustainability of your downtown revitalization initiative over the next year?

   We are planning to coordinate regularly scheduled working group meeting to make progress on the action plan activities. We appreciate the importance of the volunteers involvement and understand the need for continued support, so we will continue to provide the required resources to ensure the sustainability of this initiative.

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8. Is there anything that you are presently working on in downtown revitalization that the ministry can assist with?

   The Fenelon Falls Downtown Revitalization Initiative needs funding from all levels. The community would like to find a grant writer to research and write grants for funding. In addition, the community would like some seed money for social media and grant writing. In addition, the City of Kawartha Lakes would benefit from continued advisory services related to the downtown revitalization program activities as the involvement of the OMAFRA advisor is instrumental in the implementation of DR activities.

9. What is the methodology that you used to collect data for Section 1 (e.g. purchase of census or custom data set, surveys, interviews)?

   The methods used to compile the data for Section 1 are as follows: Business Surveys and Business and Building Inventory interviews for questions 2 through 4; Municipality databases for questions 5 through 8; MPAC Database for question 9; contacting community partners and resources to assess investments for question 10; and downtown revitalization records for question 11.

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Data Notes

Daytime Employment:

Daytime employment estimates are based on compiled business data which includes counts of employees who work, presumably during the day, at the business location within a given dissemination area (DA), based on businesses geocoded to that specific DA.

Business Points:

Canada Business Points is a national database of business establishments that provides geocoded points for each business record. The business data is provided by InfoCanada, which assembles its business file from a variety of sources including yellow page directories, new business filings, utility connections, press releases, corporate websites, annual reports, and user generated feedback.

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Downtown Revitalization

Tracking Your Downtown Revitalization Program's Performance

Annual Report Card

Name of Community/Project:	Omemee
Completed by:	Leisha Newton, City of Kawartha Lakes
Date completed:	September 7, 2018
Time frame:	January 1-December 31, 2017
Number of businesses surveyed (if applicable):	

Purpose of the Survey:

The goal of the Annual Report Card is to establish an understanding of the impacts that downtown revitalization activities have generated in communities over time. The data collected will help downtown revitalization groups to build an understanding of those impacts with their respective committee members, their municipality and key stakeholders.

There are many indicators to take into consideration when determining the success of a Downtown Revitalization process. As part of the broader Annual Report Card process OMAFRA asks you to respond to the questions included in this Report Card. However we encourage you to consider including additional indicators relative to your project in your annual reporting and monitoring activities, as outlined in the Downtown Revitalization program resources.

Confidentiality:

Your Annual Report Card data will be consolidated into a combined report that will be shared with other Downtown Revitalization projects and stakeholders. The specific details for your community will not be shared outside of the Ontario Ministry of Agriculture, Food and Rural Affairs.

Questions:

For further information or general questions, please contact your local Agricultural and Rural Economic Development Advisor.

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Annual Downtown Revitalization Report Card

Section One

The following questions deal with more quantitative aspects of downtown revitalization initiatives, including employment, investment, and stakeholder engagement. It is expected that answers to these questions will generally emerge from annual monitoring activities of the organization, but data may also be sourced from more general areas as well (e.g. municipal building permit records, outreach to businesses/organizations).

1. Do you have a Community Improvement Plan focused on your downtown area?

   ☐ Yes ☒ No

2. a. How many people were employed in your downtown at Dec. 31, 2017?

   In December 2014, there were 69 employed (56 Full time, 13 Part time)

   b. What was the net increase or decrease since Dec. 31, 2016?

   n/a

3. How many businesses were in the downtown at Dec. 31, 2017?

   In December 2014, there were 25 businesses in downtown Omemee.

4. What was the commercial (i.e. office and retail) vacancy in your downtown:

   a. At Dec 31, 2016
      i. Number of vacant units: In Fall 2014, there were 11 vacant units.
      ii. Rate (% by number of vacant units): In Fall 2014, there was a 23% vacancy rate

   b. At Dec 31, 2017
      i. Number of vacant units: This data will be updated in the 2018 report card
      ii. Rate (% by number of vacant units): This data will be updated in the 2018 report card

5. How many businesses expanded their square footage (i.e. added new commercial space) in 2017*?

   There were no businesses that expanded their commercial space in 2017.

6. How much new commercial space was added in total*?

   0 ☐ Sq.Ft. **OR** ☐ Sq. M.

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7. Did you lose any commercial space (e.g. to demolition, conversion to non-commercial uses) in your downtown area in 2017?

☒ Yes ☐ No

a. If yes, how much commercial space was lost in total*?

200 ☐ Sq.Ft. **OR** ☒ Sq. M.

8. How many business units had physical improvements+ made to them in 2017*?

There were no business units that made any physical improvements in 2017.

a. What were the approximate value of the improvements*: $ 0

9. What was the total assessed value of properties in the downtown area, by class, for 2017? (most recent MPAC Roll Total)

a. Residential: $1,230,300
b. Multi-Residential: $1,991,000
c. Commercial: $6,280,000
d. Office: included in commercial
e. Other: $7,513,300

10. What is the total amount of public funds invested in downtown revitalization in 2017 from all public sources^?

$ 149,862

a. What was the total investment from the municipality in downtown revitalization initiatives (e.g. streetscaping, servicing, Community Improvement Plans, marketing and promotion)^?

$ 137,350, which includes $1,350 Community Partnership and Development Fund Grant

b. What other sources of public funding were used for downtown revitalization (e.g. CFDC, Provincial)^?

The community received support through the grants that are offered through the municipality for beautification. Fundraising took place in 2017 by the Lion's Club and the Legion for the 2018 installation of an Omemee mural on the Legion.

11. a. How many volunteers were engaged in downtown revitalization initiatives in 2017?

In 2017, the implementation phase of the downtown revitalization project was initiated with the creation of a Committee of Council (see Section 2, Question 1 for more detail)

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and the regeneration of the working group for Omemee. There were 10 volunteers engaged in the downtown revitalization initiatives in 2017.

b. How many organizations were engaged in downtown revitalization initiatives in 2017?

Legion, Lion's & Lioness Clubs, Omemee Blooms (Horticultural Society), Lindsay & District Chamber of Commerce

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Section Two

The following questions deal with qualitative aspects of downtown revitalization initiatives, including opportunities and challenges in implementing the program, and illustration of intangible positive impacts and outcomes arising from the program.

1. What projects did you work on in 2017, and what have been the results of those projects?

   Action Plan Goal 1. Get business owners and organizations collaborating on downtown revitalization
   Action 1.2 Organize regular meetings of all the parties helping to implement this plan.
   • The Downtown Revitalization Action Plans were adopted by Council in March 2017. As part of the strategies, the City of Kawartha Lakes chose to create a Downtown Revitalization Advisory Committee (Committee of Council) that included two representatives from each of the four communities that are implementing Downtown Revitalization Action Plans. In addition, each community including Omemee, formed a working group to start the process of moving the plans forward. The Working Group and Committee of Council terms of reference were approved by Council in Fall 2017. DR Working Group and Committee of Council have been established and meet regularly

   Action Plan Goal 4. Grow an animated, ecofriendly pedestrian town linking natural assets and businesses
   Action 4.1 Promote Omemee and events on the www.explorekawarthalakes.com official tourism website
   • Content for Omemee page was enhanced with the launch of the new website in 2017. Content continues to be updated.

2. What priority projects do you intend to undertake over the next year?

   The priority for the first year will be setting up the Working Group and Committee of Council organization to continue to improve communication with community stakeholders to allow for collaboration throughout the City of Kawartha Lakes. One priority that has been identified is the design and installation of new way finding signage. The Working Group have yet to determine their additional priorities. In addition, the City of Kawartha Lakes will be implementing a Business Growth Program and working on a Community Improvement Plan.

3. Can you provide an example of how you have used the findings of the downtown revitalization planning process over the last year?

   As this past year (2017) was an organizational year, the findings have been used to establish parameters and guidelines for the next steps in the implementation plan for the action plan in Omemee.

4. Is there any specific achievement or success you have had based on downtown revitalization?

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The Omemee community has worked on building an identity around the Neil Young and "Still Standing" connections. Neil Young is an international recording artist who proudly calls Omemee his childhood hometown and hosted a concert at Coronation Hall in late 2017. In addition, the Canadian television show "Still Standing" filmed an episode in Omemee in 2016.

5. Did you have any challenges and lessons learned over the previous year that you would like to share?

   Our community has learned that a well-informed staff member is needed to assist in helping to move things forward in the downtown revitalization process.

6. What emerging trends, opportunities, or challenges do you see influencing your downtown revitalization activity over the next year?

   As we were at the beginning of the implementation phase, there were challenges with getting volunteers engaged and reigniting the excitement and interest from community members that participated throughout the planning process. We see the Neil Young connection as an opportunity to pursue music themed downtown revitalization elements.

7. What strategies/activities are you pursuing to ensure the ongoing sustainability of your downtown revitalization initiative over the next year?

   The working group is working together with knowledgeable staff and our ministry advisor to effectively complete the actions as outlined in our plan.

8. Is there anything that you are presently working on in downtown revitalization that the ministry can assist with?

   We would like to identify opportunities for funding for improvements for business areas, recreational improvements and grant writing. In addition, it would be helpful to learn where and how to access funding options.

9. What is the methodology that you used to collect data for Section 1 (e.g. purchase of census or custom data set, surveys, interviews)?

   The methods used to compile the data for Section 1 are as follows: Business Surveys and Business and Building Inventory interviews for questions 2 through 4; Municipality databases for questions 5 through 8; MPAC Database for question 9; contacting community partners and resources to assess investments for question 10; and downtown revitalization records for question 11.

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Data Notes

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The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2018-012

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 6

Title: Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls

Description: Proposed Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls under Part IV of the Ontario Heritage Act as a Property of Cultural Heritage Value and Interest

Author and Title: Debra Soule, Economic Development Officer - Arts Culture and Heritage

Recommendations:

That Report ED2018-012**, Proposed Heritage Designation of Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls**, be received;

That the Council endorse the Municipal Heritage Committee's recommendation to designate Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That the designating by-law be presented to Council for its consideration after the notification process has been completed.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Members of the Municipal Heritage Committee have collected and reviewed information pertaining to the property known as Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls.

On August 2, 2018 the Municipal Heritage Committee adopted the following resolution:

> Moved By J. Garbutt, Seconded By M. Sloboda
>
> **THAT** the Municipal Heritage Committee recommend that 52 Somerville 2nd Concession, Fenelon Falls be considered for designation as a heritage site; and
>
> **THAT** staff forward a report outlining the recommended designation to Council for their consideration.
>
> **Carried KLMHC2018-029**

This report has been prepared to address the direction pertaining to Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls.

On August 2, 2018 the Committee provided staff with an evaluation of the property to confirm that they have visited the site and have recorded the justification for the proposed heritage designation. The site evaluation was completed as per the requirements of the Ontario *Heritage Act.*

Section 29 of the *Ontario Heritage Act* provides that upon consultation with its Municipal Heritage Committee and serving Notice of Intention to Designate pursuant to the Act, the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of historic or architectural value or interest. The Municipal Heritage Committee is satisfied with the information that it has received and collected for the subject property and the Committee supports designation of the subject property under Part IV of the *Ontario Heritage Act*.

Rationale:

Section 29, Part IV of the *Ontario Heritage Act* identifies the following criteria for determining the cultural heritage value of a property and its merit as a designated property:

Architectural Design or Physical Value:

- The structure represents a rare, unique or representative example of an architectural style, expression, material or construction method.

Historical Significance:

- The structure reflects the work of an architect, artist, builder, designer or theorist who is significant to the community.
- The structure has direct association with an event, activity, person, institution or organization that is significant to a community.
- The structure yields information that contributes to understanding a community or culture.

Contextual Value:

- The structure defines, maintains or supports the character of an area.
- The structure is physically, functionally, visually or historically linked to its surroundings.
- The structure is a landmark.

Bonus Attributes:

- The structure holds architectural integrity.
- The structure and the surrounding site are in good condition.

The property at Fire Route 52, Somerville, Concession Rd. 2, Fenelon Falls qualifies for municipal heritage designation under the following Ontario Heritage Act designation criteria:

The two storey log home is being recommended for designation on the basis of its architectural value as an excellent example of a traditional log cabin within the region that is extraordinarily well-preserved. The property also has historical significance, having served as the base for the logging camp that sent white pine down the Burnt River for export, and was also home to some of the earliest settlers in Somerville Township. The building stands as a time capsule of early farm life and generations of the Graham family. The cabin was built by Robert Graham in 1860, and has been inhabited by successive generations of the Graham family. Many interior fixtures, furnishings and tools that were used to construct the cabin still remain here.

Financial/Operation Impacts:

There will be advertising costs associated with this application which are covered by the Municipal Heritage Committee's budget.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Designation of this property under Part IV of the *Ontario Heritage Act* will enable the fulfillment of the municipality's Strategic Goals including an Exceptional Quality of Life and a Vibrant and Growing Economy.

Consultations:

Municipal Heritage Committee members

Attachments:

N/A

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2018-013

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 5

Title: Proposed Designation of 910 Hartley Road, Woodville

Description: Proposed Designation of 910 Hartley Road, in Woodville under Part IV of the *Ontario Heritage Act* as a Property of Cultural Heritage Value and Interest

Author and Title: Debra Soule Economic Development Officer - Arts Culture and Heritage

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Recommendation(s):

That Report ED2018-013, **Proposed Designation of 910 Hartley Road, Woodville**, be received;

That the Council endorse the Municipal Heritage Committee's recommendation to designate 910 Hartley Road, in Woodville under Part IV of the *Ontario Heritage Act* as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the *Ontario Heritage Act*, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That the designating by-law be presented to Council for its consideration after the notification process has been completed.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Members of the Municipal Heritage Committee have collected and reviewed information pertaining to the property known as 910 Hartley Road, in Woodville, also known as the Palestine Community Hall.

On August 2, 2018 the Municipal Heritage Committee adopted the following resolution:

Moved By Councillor Macklem
Seconded By M. Sloboda

> **THAT** the Municipal Heritage Committee recommend that 910 Hartley Road, Woodville, be considered for designation as a heritage site; and
>
> **THAT** staff forward a report outlining the recommended designation to Council for their consideration.

KLMHC2018-030 Carried

This report has been prepared to address the direction pertaining to 910 Hartley Road, in Woodville.

On August 2, 2018 the Committee provided staff with an evaluation of the property to confirm that they have visited the site and have recorded the justification for the proposed heritage designation. The site evaluation was completed as per the requirements of the Ontario *Heritage Act.*

Section 29 of the Ontario Heritage Act provides that upon consultation with its Municipal Heritage Committee and serving Notice of Intention to Designate pursuant to the Act, the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of historic or architectural value or interest. The Municipal Heritage Committee is satisfied with the information that it has received and collected for the subject property and the Committee supports designation of the subject property under Part IV of the Ontario Heritage Act.

Rationale:

Section 29, Part IV of the *Ontario Heritage Act* identifies the following criteria for determining the cultural heritage value of a property and its merit as a designated property:

Architectural Design or Physical Value:

- The structure represents a rare, unique or representative example of an architectural style, expression, material or construction method.

Historical Significance:

- The structure reflects the work of an architect, artist, builder, designer or theorist who is significant to the community.
- The structure has direct association with an event, activity, person, institution or organization that is significant to a community.
- The structure yields information that contributes to understanding a community or culture.

Contextual Value:

- The structure defines, maintains or supports the character of an area.
- The structure is physically, functionally, visually or historically linked to its surroundings.
- The structure is a landmark.

Bonus Attributes:

- The structure holds architectural integrity.
- The structure and the surrounding site are in good condition.

The property at 910 Hartley Road, in Woodville qualifies for municipal heritage designation under the following Ontario Heritage Act designation criteria:

The Palestine Community Hall is being recommended for designation on the basis of its historic and contextual value. This building is a landmark for the community as both the original school house for the region and as a community hall where local events and celebrations have been held by surrounding family for generations. This building is the second brick one-room schoolhouse on this site, constructed in 1900, to replace the white brick schoolhouse built by William McKenzie in 1877 that was destroyed by fire in 1900. The first school house on this site was a log building that was used until 1876. When the school closed in 1964, it served as a Community Hall, supporting the local cultural traditions and celebrations of families in this area.

Given the historic rather than architectural basis for the designation of this property, the attributes to be protected include only the façade characteristics visible from the street that distinguish the building as the local former school house. This includes the original roofline and roof-mounted belfry with bell, the front façade of the building with its central front entrance and transom windows, the triptych style arched upper window and the original windows with decorative glass transoms in the front façade of the building.

Other Alternatives Considered:

No other alternatives were considered.

Financial/Operation Impacts:

There will be advertising costs associated with this application which are covered by the Municipal Heritage Committee's budget.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Designation of this property under Part IV of the *Ontario Heritage Act* will enable the fulfillment of the municipality's Strategic Goals including an Exceptional Quality of Life and a Vibrant and Growing Economy.

Consultations:

Municipal Heritage Committee members

Attachments:

None

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ED2018-014

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All wards

Title: Community Improvement Plan Implementation Overview

Description: The Strategic Community Improvement Plan (CIP) provides financial incentive programs to business and property owners to encourage and support economic development in alignment with the City's strategic priorities over a 10 year period

Author and Title: Rebecca Mustard, Manager of Economic Development

Recommendation(s):

That Report ED2018-014, **Community Improvement Plan Implementation Overview**, be received.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At February 13, 2018 Council meeting, the CAO was given the authority to negotiate an agreement with Community Futures Development Corporation, and staff were directed to begin working on a Community Improvement Plan.

CAO2018-001

Proposed CKL Local Improvement Loan Program
Moved By Councillor Miller
Seconded By Councillor O'Reilly

That Report CAO2018-001, **Proposed CKL Local Improvement Loan Program,** be received;

That the CAO be authorize to negotiate an agreement with Kawartha Lakes Community Futures Development Corporation for an interest free improvement loan to a maximum of $500,000 and matched by the City; and

That staff report back to Council on the details of implementing a Community Improvement Plan to incent local non-residential building improvements, inclusive of a supporting CKL Local Improvement Loan Program.

Carried CR2018-059

At the March 20, 2018 Council meeting:

CAO2018-002

Local Improvement Loan Program - Agreement with Community Future Development Corporation

Moved By Councillor Junkin
Seconded By Councillor Martin

That Report CAO2018-002, **Local Improvement Loan Program – Agreement with Community Futures Development Corporation (CFDC),** be received;

That the City of Kawartha Lakes provides $500,000 in matching loan funding for community improvements from the Contingency Reserve;

That the Contingency Reserve be replenished with interest as improvement loans are paid back;

That staff be authorized to initiate a city-wide Community Improvement Plan (CIP) in accordance with the requirements of the Planning Act and as generally outlined in Report CAO2018-002; and

That the Mayor and Clerk be authorized to execute any agreement and/or promissory note to secure the maximum $500,000 interest-free loan from the CFDC to support community improvement projects.

Carried CR2018-131

At the June 19, 2018 Council meeting, Council agreed to receive Provincial funding available for CIP grant related projects in the four communities that have completed Downtown Revitalization programs; Coboconk-Norland, Fenelon Falls, Lindsay, and Omemee.

ED2018-007

Ontario's Main Street Revitalization Initiative Funding Agreement

Moved By Councillor James
Seconded By Councillor Veale

That Report ED2018-007, **Ontario's Main Street Revitalization Initiative Funding Agreement**, be received;

That staff be authorized to enter into the agreement in order to participate in Ontario's Main Streets Revitalization Initiative;

That the Mayor and Clerk be authorized to execute the Municipal Funding Agreement provided in Appendix A for the transfer of Main Streets Revitalization Initiatives funds in the amount of $96,311.62 between the Association of Municipalities of Ontario (AMO) and the City of Kawartha Lakes; and

THAT the necessary by-law to authorize execution of the agreement be adopted by Council.

Carried CR2018-390

Public consultation related to the Community Improvement Plan was conducted through the Planning Advisory Committee meetings in July and August 2018. At the August 14, 2018 Council meeting, the Community Improvement Plan was adopted.

PLAN2018-069

Community Improvement Plan - Final

Moved By Councillor O'Reilly
Seconded By Councillor Elmslie

That Report PLAN2018-069, **Community Improvement Plan – Final**, be received;

That the By-law to adopt the Community Improvement Project Area and CIP, attached as Appendices A and B to Report PLAN2018-069, be approved by Council;

That the Mayor and Clerk be authorized to execute any documents and agreements required by this approval; and

That a $100,000.00 contribution for Community Improvement Plan funding, with funding source options including the Economic Development Reserve, be included in the 2019 budget as a decision unit.

Carried CR2018-514

On September 12, 2018 the appeal period concluded and the CIP came into force and effect. The City now has the legal authority to provide financial incentives to business and property owners in accordance with the established eligibility criteria.

This report addresses the next steps to implement the CIP.

Rationale:

The CIP program, in alignment with City priorities, program and plans is aimed at:

Derelict building repairs and improvements to functionality
Heritage districts and building restoration and improvements
Affordable rental housing retrofit in mixed use buildings
Downtown mainstreet revitalization and enhancements

Financial Incentives

The CIP has a range of financial tools that can be activated and de-activated to meet current economic development needs. The first intake of the CIP is scheduled to focus on two financial programs; grants and loans.

The City has a total of $96,311.62 grant funding for the first intake. In accordance with the grant funding agreement with AMO, the funding will be available to businesses and property owners in the downtown areas of Coboconk-Norland,

Fenelon Falls, Lindsay, and Omemee. The boundaries of the downtown areas follow those of the Downtown Revitalization Programs are detailed in the CIP schedules and will be clearly communicated through program marketing. In the first intake, grants will be focused on three program areas to maximize the visual impact of the program. These program areas also address the most popular project opportunities as expressed by business and building owners during the Downtown Revitalization program and CIP consultation process. These programs are:

Façade Improvements
Signage Improvements
Building Repair and Renovation

Loan programs will be available City-wide, however Focus Areas identified in the CIP schedules include downtown and mainstreet areas of Bobcaygeon, Coboconk- Norland, Fenelon Falls, Lindsay, Omemee and Woodville. These areas are identified as ideal candidates for downtown revitalization, heritage conservation, improved accessibility, and creation or renovation of affordable housing in mixed-use buildings. Projects that meet the objectives of the CIP will be considered and details will be included in the CIP application.

Implementation Timeline

Applications for the CIP program will open in Fall 2018, with the first round of successful projects announced in Winter 2019. Staff are working to streamline the application process for the ease and simplicity of the community.

The program will be administered through Economic Development with grants and loan being facilitated through Corporate Services.

Applications will receive a technical review for building, planning and heritage approvals and be adjudicated using established criteria by the Community Improvement Plan Steering committee. A Management Directive and Committee Terms of Reference have been developed.

Staff are in the process of finalizing the application and marketing materials. A workshop is being organized to assist building and property owners, and contractors to understand the requirements of the program.

Other Alternatives Considered:

The proposed financial incentive programs and timelines have been established to best encourage and support program uptake for the benefit of economic development in alignment with the City’s strategic priorities. Council could choose to activate alternative programs at this time.

As the CIP is a 10 year program, there are opportunities in future years to activate additional programs to meet the economic development needs of the community at that time.

Financial/Operation Impacts:

The initial CIP funding was secured in 2018 and includes a grant program of $96,311.62 and a loan program total of $1 million. These funds will be the focus of the program at this time.

In accordance with the Council resolution of August 14, 2018 additional grant funding will be a decision unit of the 2019 budget deliberations.

Relationship of Recommendation to the 2016-2019 Strategic Plan:

The recommendation directly aligns with Council's goal to establish a Vibrant and Growing Economy by investing in community improvements that support local business and downtown revitalization and prosperity.

Consultations:

Consultations for the implementation plan have been held with the CAO, Director of Development Services, Director of Corporate Services, Supervisor of Planning Policy, Manager of Revenue and Taxation, Manager Communications and Marketing, and Economic Development Staff. In addition, the Economic Development team has worked with all Divisions that will be directly impacted by CIP applications.

Attachments:

N/A

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-058

Date:	September 25, 2018
Time:	1:00 p.m.
Place:	Council Chambers

Ward Community Identifier: Ward 12, Lindsay

Title: Application for Condominium Description Exemption for a 38 unit apartment building on property identified as 58 Glenelg Street West, Lindsay (Wilson Developments (Lindsay) Inc.)

Author/Title: Sherry L. Rea, Development Planning Supervisor

Recommendations:

That Report PLAN2018-058, respecting Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, Application No. D04-2018-001, be received;

That the Application for Condominium Description Exemption filed by Jack Keat of Coe Fisher Cameron, Land Surveyors, on behalf of Wilson Developments (Lindsay) Inc. for a 38 unit apartment building being Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes and identified as 58 Glenelg Street West, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Background:

Jack Keat of Coe Fisher Cameron on behalf of Wilson Developments (Lindsay) Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9(3) and (6) of the Condominium Act, Ontario for the Wilson Developments (Lindsay) Inc. building located at 58 Glenelg Street West,

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Lindsay. The Wilson Developments (Lindsay) Inc. building is nearing construction completion of a 38 unit apartment building. The proposal includes 48 underground parking spaces together with 3 small storage units and 37 storage lockers. There are 6 visitor and 2 accessible surface parking spaces located at the rear of the building. See Appendix A and B attached.

Owner:	Wilson Developments (Lindsay) Inc.
Applicant:	Jack Keat, Coe Fisher Cameron
Legal Description:	Lot 14, North Side of Glenelg Street and Part of Victoria Avenue, Town Plot, former Town of Lindsay, now City of Kawartha Lakes
Official Plan:	Designated Residential on Schedule A of the Town of Lindsay Official Plan
Zone:	“Central Commercial Special Eight Holding (CC-S8)(H) Zone” in the Town of Lindsay Zoning By-law No. 2000-75
Total Area:	0.24 ha.
Site Servicing:	Full urban services
Existing Use:	Residential building under construction

Adjacent Uses:

North – Commercial Lot
South - Glenelg Street West
West - Residential
East - Victoria Avenue South

Rationale:

The subject land is located at 58 Glenelg Street West, Lindsay with the building nearing construction completion for a 38 unit apartment building. Jack Keat of Coe Fisher Cameron, on behalf of Wilson Developments (Lindsay) Inc. has filed an Application for a Condominium Description Exemption under c.19, s.9 (3) and (6) of the Condominium Act, Ontario to exempt the description of the Wilson Developments (Lindsay) Inc. building from Sections 51 and 51.1 of the Planning Act, Ontario and allow for the registration of the Condominium Plan. The applicable Acts allow for exemptions provided that certain planning criteria are met such as conformity with the Official Plan and applicable Zoning By-law, the development has previously undergone a public consultation process under the Planning Act and the development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

The following was submitted in support of the request:

1. Draft Victoria Standard Condominium Plans for Levels A, 1, 2, 3, 4 and 5 together with the Extent and Location of the Exclusive Use Portions of the Common Elements on Levels A, 1 and 5 prepared by Coe Fisher Cameron and dated June 22, 2018 and August 20, 2018. See Appendix C, D, and E attached.
2. Copy of the Site Plan approved by Director Chris Marshall and dated October 14, 2016. See Appendix B attached.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017:

The Growth Plan provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The proposed development will be serviced by the existing municipal roads, sewage, water and storm water services. Conformity with the Growth Plan was demonstrated through a site specific zoning by-law amendment for the proposed development.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure. Consistency with the PPS was demonstrated through a site specific zoning by-law and site plan approval for the proposed development.

Servicing Comments:

The Application for Description Exemption was circulated to Engineering & Corporate Assets for review and comment. Engineering & Corporate Assets has indicated that they have no objection or comment based on the existence of a site plan agreement and engineering review.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code are shown on the construction drawings as part of the application for a building permit and had to be approved by the City's Building Division prior to the issuance of a building permit.

Consultations:

No further consultations were undertaken as this time.

Development Services Planning Division Comments:

Section 9 (3) and (6) of the Condominium Act, Ontario allows for Condominium Description Exemptions from Sections 51 and 51.1 of the Planning Act, Ontario provided that the following Planning criteria are met:

Conformity with the Official Plan and the applicable Zoning By-law:

The subject land is designated Residential in the Town of Lindsay Official Plan and zoned Central Commercial Special Eight Holding (CC-8)(H) in the Town of Lindsay Zoning By-law No. 2000-75. This is an appropriate land use designation and zone category for the development.

The development has previously undergone a public consultation process under the Planning Act:

The subject land was the subject of a Zoning By-law amendment in 2009 which was applied for and subject to the public consultation process under the Planning Act.

The development has had the benefit of a comprehensive municipal review through a planning application such as Site Plan Approval.

A Site Plan Agreement between the City and Wilson Developments (Lindsay) Inc. was registered September 19, 2016 and receipted as KL118752. The City is in receipt of the appropriate securities to ensure completion of the site works.

The applicant has demonstrated that the above planning criteria have been met and that upon Council's approval of the application, the Certificate of Exemption may be signed by the Director and the Condominium Plan registered.

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial Considerations:

There are no financial implications regarding Council's considerations respecting the approval or refusal of the Wilson Developments (Lindsay) Inc. request. The decision to approve or refuse the application for description exemption cannot be appealed.

Relationship of Recommendation(s) To Strategic Priorities:

The City's Strategic Plan outlines Council's Vision for the municipality. The Vision consists of three main Strategic Goals: A Vibrant and Growing Economy, An Exceptional Quality of Life and A Healthy Environment. Given the previous development approvals on the subject property, the application for Condominium Description Exemption does not directly impact or align with a specific Strategic Priority.

Conclusions:

The applicant has demonstrated a 38 residential apartment building has been the subject of appropriate planning applications, public consultation and municipal review that provide support for the request for a Condominium Description Exemption. Staff respectfully recommends that application be APPROVED.

Attachments:

The following attached documents may include scanned images of Appendices, maps and photographs. If you require an alternative format, please contact Sherry L. Rea, Development Planning Supervisor 705.324.9411 x 1331.

Appendix A – Location Map

Appendix 'A' - Location Map.pdf

Appendix B – Approved Site Plan

Appendix 'B' - Approved Site Plan.p

Appendix C – Victoria Standard Condominium Plan Level 1

Appendix 'C' - Victoria Standard Co

Appendix D – Victoria Standard Condominium Plan Levels A and 2 through 5

Appendix 'D' - Victoria Standard Cor

Appendix E – Victoria Standard Condominium Plan – Extent and Location of Common Elements

Appendix 'E' - Victoria Standard Cor

Phone: 705-324-9411 ext. 1331

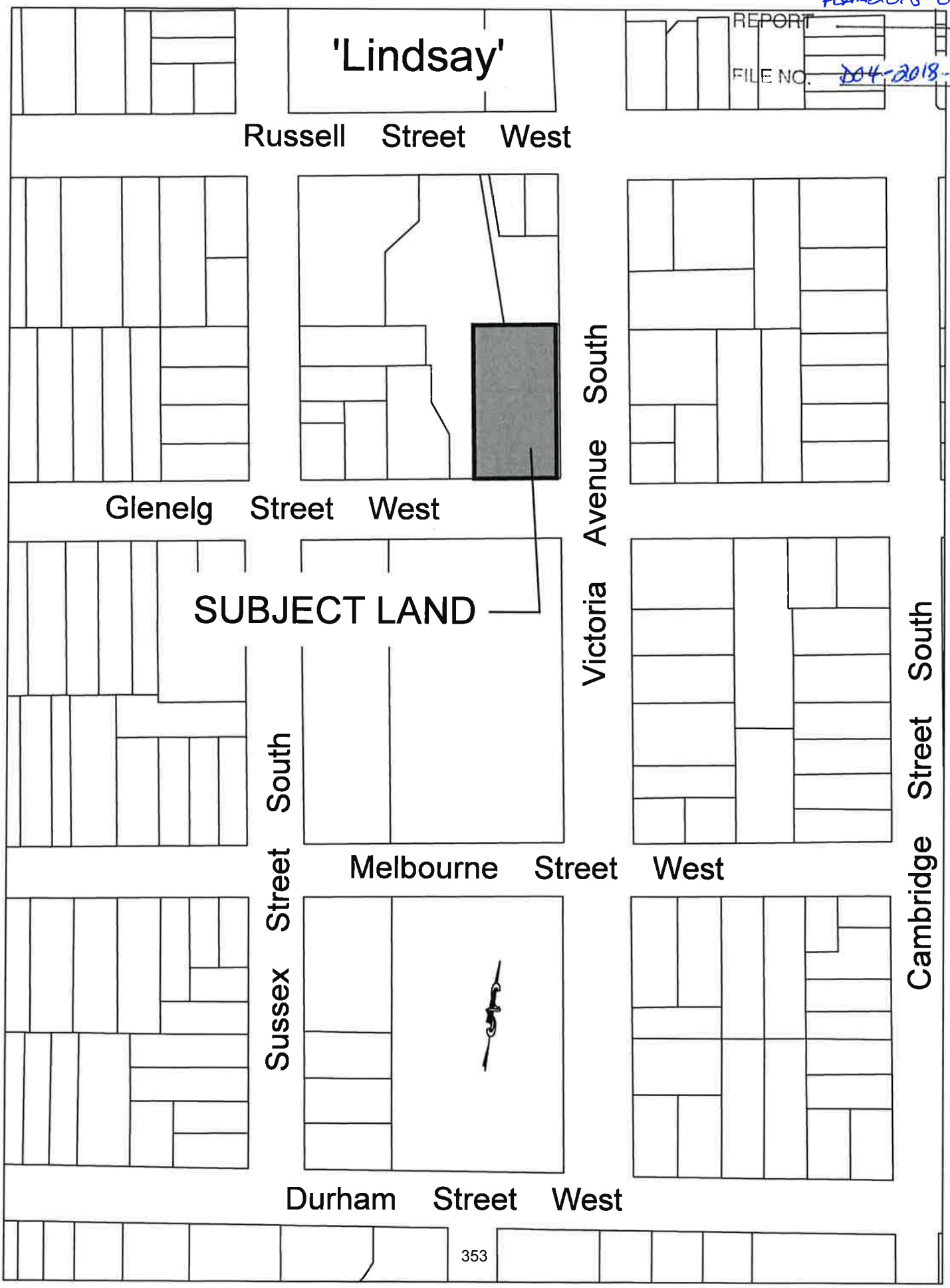
E-Mail: cmarshall@kawarthalakes.ca

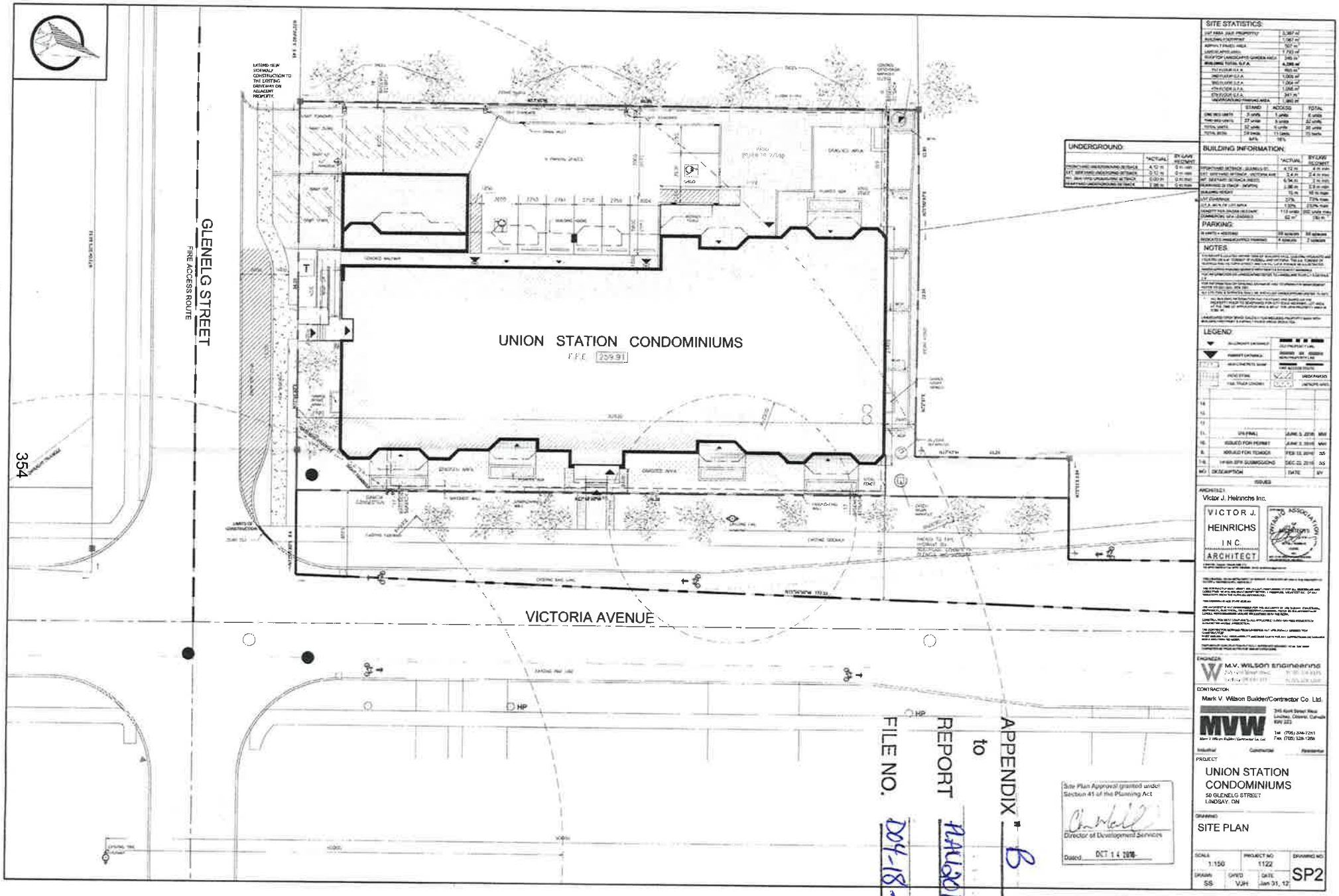
Department Head: Chris Marshall

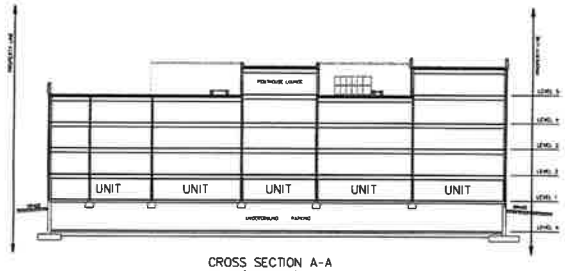
Department File: D04-18-001

D04-18-001

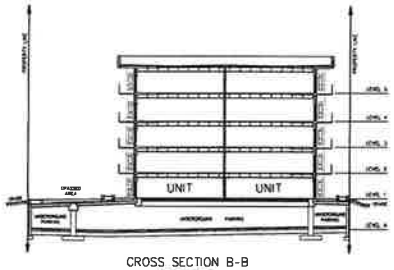
APPENDIX "A"
to
REPORT PLAN2018-058
FILE NO. D04-2018-001




GLENELG STREET
FIRE ACCESS ROUTE
UNION STATION CONDOMINIUMS
VICTORIA AVENUE
SITE STATISTICS:
BUILDING INFORMATION:
UNDERGROUND:
PARKING:
NOTES:
LEGEND:
ARCHITECT:
Victor J. Heinrichs Inc.
VICTOR J. HEINRICHS INC. ARCHITECT
ENGINEER:
M.V. WILSON ENGINEERING
CONTRACTOR:
Mark V. Wilson Builder/Contractor Co. Ltd.
MVW
PROJECT
UNION STATION CONDOMINIUMS
50 GLENELG STREET
LINDSAY, ON
DRAWING
SITE PLAN
SCALE 1:150
PROJECT NO 1122
DRAWING NO SP2
DRAWN SS
CHKD VJH
DATE Jan 31, 12
Site Plan Approval granted under Section 41 of the Planning Act
Director of Development Services
Dated OCT 14 2016
APPENDIX "B"
to
REPORT PLAN2018-058
FILE NO. D04-18-001

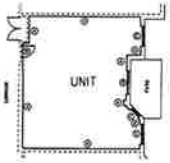


CROSS SECTION A-A
(NOT TO SCALE)

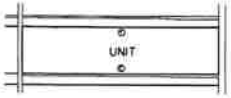


CROSS SECTION B-B
(NOT TO SCALE)

LEGEND FOR UNIT BOUNDARIES

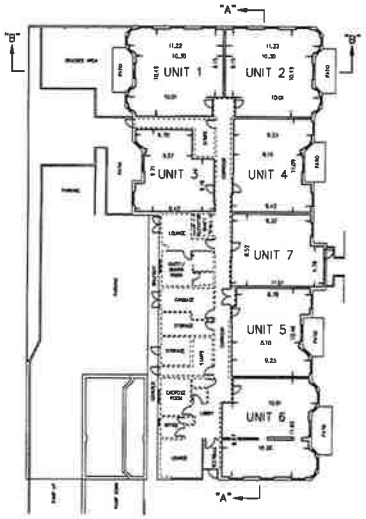


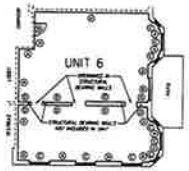
PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR UNITS 1, 2, 3, 4, 5 AND 7
(NOT TO SCALE)



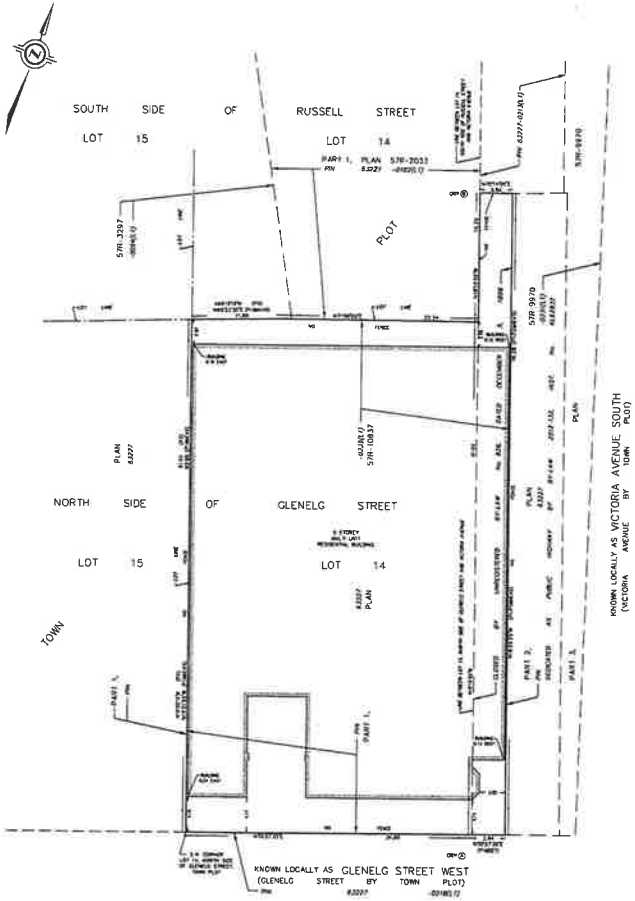
SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL UNIT BOUNDARIES
(NOT TO SCALE)

PLAN VIEW ILLUSTRATING
UNITS 1 TO 7, INCLUSIVE
ON LEVEL 1





PLAN VIEW ILLUSTRATING HORIZONTAL BOUNDARIES FOR UNIT 6
(NOT TO SCALE)



PLAN OF SURVEY OF
LOT 14
NORTH SIDE OF GLENELG STREET
AND
PART OF VICTORIA AVENUE
(CLOSED BY UNREGISTERED BY-LAW No. 826, DATED DECEMBER 5, 1898)
TOWN PLOT
CITY OF KAWARTHA LAKES

SCALE 1 : 200

COE, FISHER, CAMERON

METRIC: DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

INDEX OF PARTS

PART	SHEETS TO	DESCRIPTION
1	2	PLAN OF SURVEY OF THE CONDOMINIUM PROPERTY, THE ILLUSTRATION OF THE SEPARATE INTERESTS AND THE DESIGNATION OF THE UNITS ON LEVELS 1, 2, 3, 4 AND 5.
2	-	PLAN OF SURVEY OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS
3	-	ARCHITECTURAL PLANS
4	-	STRUCTURAL PLANS

VICTORIA STANDARD CONDOMINIUM PLAN No.

LEVEL 1
UNITS 1 TO 7 INCLUSIVE

REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF VICTORIA (No. 57)
AT _____ O'CLOCK ON THE ____ DAY OF _____ 2018.

REPRESENTATIVE FOR THE LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE CONDOMINIUM ACT 1998, THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 2018.
3. THE DIMENSIONS OF THE UNITS SHOWN ON THIS PLAN ARE SUBSTANTIALLY ACCURATE.

DATE

JOHN E.G. PEAT
ONTARIO LAND SURVEYOR

DECLARATION REGISTERED AS No.

THIS PLAN COMPRISES ALL OF PIN 63227-0(LT)

SCHEDULE OF APPURTENANT AND SERVICE INTERESTS
(Pursuant to Clauses 5 (1) (c) And (h) of the Condominium Act 1998)

	PART/LOT/BLOCK	PLAN	DESCRIBED IN	NOTES
SUBJECT TO (SERVICE INTERESTS)	NIL	NIL	NIL	
TOGETHER WITH (APPURTENANT INTERESTS)	NIL	NIL	NIL	

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS. UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996956.

FOR BEARING COMPARISONS, A ROTATION OF 1°30'55" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS 9*, 9*2 AND 57R-2033.

ALL BUILDING TIES ARE TAKEN TO THE _____ AND ARE AT RIGHT ANGLES TO THE LOT LINES.

INTEGRATION DATA

REFERENCE POINTS (RPs) UTM ZONE 17 NAD83 (CSRS) (2010.0)		
DISTANCES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG. 216/10		
POINT ID	EASTING	NORTHING
(RP) A	666 133.58	4 912 415.31
(RP) B	666 308.37	4 912 463.38
COMBINED FACTOR (Combined Factor Polynomial) USED TO REDUCE GROUND DISTANCES TO GRID (NAD83 (CSRS) (2010.0))		

LEGEND

IBW	SSW2012	SURVEY MONUMENT FOUND
IBC	SSW2012	SURVEY MONUMENT SET
IBF	SSW2012	STANDARD IRON BAR
IBS	SSW2012	STANDARD IRON BAR
CPF	SSW2012	CHISEL POST
CPS	SSW2012	CHISEL POST
CC	SSW2012	CHARLES CAMERON, O.L.S.
FC	SSW2012	F.C. CAMERON
SP	SSW2012	SAMUEL A. SMITH, O.L.S.
PL	SSW2012	PLAN 57R-9970
PL2	SSW2012	PLAN 57R-2033
MEAS	SSW2012	MEASURED

ALL SET IRON AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/97.

UNIT BOUNDARY DEFINITION:

BOUNDARIES DEFINING THE EXTENT AND LOCATION OF THE UNITS ARE THE WALLS, FLOORS, CEILINGS AND OTHER PHYSICAL FEATURES AS MORE PARTICULARLY DESCRIBED IN SCHEDULE "E" OF THE DECLARATION.

AREAS NOT DESIGNATED AS UNITS ARE COMMON ELEMENTS.

CERTIFICATE OF DECLARANT

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

WILSON DEVELOPMENTS (LINDSAY) INC.

DATED THIS ____ DAY OF _____ 2018

"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

PARTS 1 AND 2 APPROVED AND PARTS 3 AND 4 EXEMPTED UNDER SECTION 21 OF THE PLANNING ACT, R.S.O., 1990 AND SECTION 9 OF THE CONDOMINIUM ACT R.S.O., 1998.

DATED THIS ____ DAY OF _____ 2018

DIRECTOR OF DEVELOPMENT SERVICES - PLANNING DIVISION
THE CORPORATION OF THE CITY OF KAWARTHA LAKES

COE FISHER CAMERON
LAND SURVEYORS

APPENDIX "C" to REPORT PLAN2018-088 FILE NO. D04-2018-001

355

PART 1 OF 1 PARTS
SHEET 3 OF 3 SHEETS

VICTORIA STANDARD CONDOMINIUM PLAN No.

SCALE 1 : 200

COE, FISHER, CAMERON

LEVEL A UNITS 1 TO 10 INCLUSIVE
LEVEL 2 UNITS 1 TO 10 INCLUSIVE
LEVEL 3 UNITS 1 TO 10 INCLUSIVE
LEVEL 4 UNITS 1 TO 10 INCLUSIVE
LEVEL 5 UNITS 1 AND 2

REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF VICTORIA (No. 27)
AT _____ O'CLOCK ON THE ____ DAY OF _____ 20__

REPRESENTATIVE FOR THE LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I, JOHN C.C. REAT, CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE CONDOMINIUM ACT 1996, THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE _____ 20__
3. THE DIMENSIONS OF THE UNITS SHOWN ON THIS PLAN ARE SUBSTANTially accurate.

DATE

JOHN C.C. REAT
ONTARIO LAND SURVEYOR

DECLARATION REGISTERED AS No.

UNIT BOUNDARY DEFINITION:

MONUMENTS CONTROLLING THE EXTENT AND LOCATION OF THE UNITS ARE THE WALLS, FLOORS, CEILINGS AND OTHER PHYSICAL FEATURES AS MORE PARTICULARLY DESCRIBED IN SCHEDULE "C" OF THE DECLARATION.

AREAS NOT DESIGNATED AS UNITS ARE COMMON ELEMENTS.

LEGEND FOR UNIT BOUNDARIES

DENOTES UNIT BOUNDARIES
DENOTES BALCONY SURFACE AND PROJECTION OF DRYWALL SHEATHING
DENOTES UNIT SIDE SURFACE OF DOOR AND DOOR FRAMES
DENOTES UNIT SIDE SURFACE OF WINDOW AND WINDOW FRAMES
DENOTES BALCONY SURFACE DRYWALL SHEATHING OF BUMPOUT WALLS
DENOTES UPPER SURFACE OF CONCRETE SUNTOP
DENOTES UPPER SURFACE OF DRYWALL CEILING
DENOTES VERTICAL PLANE ESTABLISHED BY MONUMENTS
DENOTES SURFACE OF CONCRETE WALL AND ITS PROJECTION
DENOTES SURFACE OF CONCRETE COLUMN AND ITS PROJECTION
DENOTES UPPER SURFACE OF CONCRETE FLOOR SLAB
DENOTES LOWER SURFACE OF CONCRETE BEAM AND ITS PROJECTION

CERTIFICATE OF DECLARANT

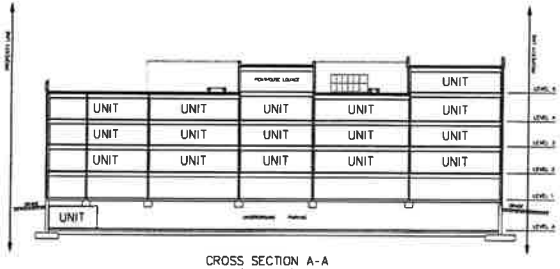
THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

WILSON DEVELOPMENTS (LINDSAY) INC.

DATED THIS _____ DAY OF _____ 20__

"SAMPLE ROBERT WILSON"
I HAVE THE AUTHORITY TO BIND THE CORPORATION

COE FISHER CAMERON
LAND SURVEYORS



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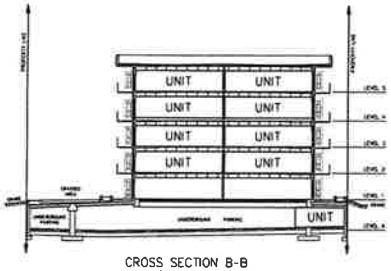
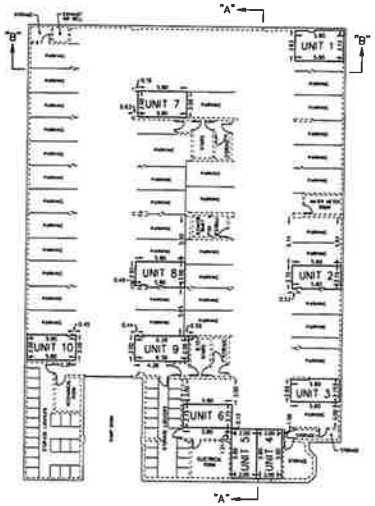
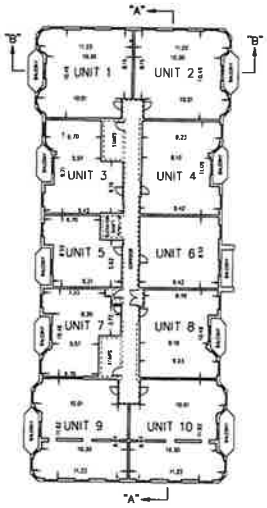


CROSS SECTION B-B
(NOT TO SCALE)

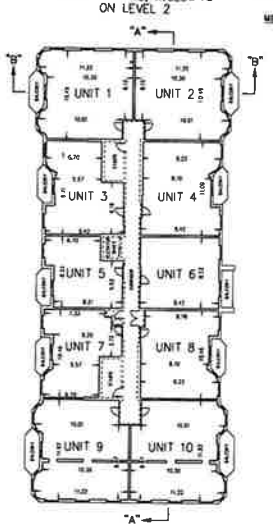
PLAN VIEW ILLUSTRATING
UNITS 1 TO 10, INCLUSIVE
ON LEVEL A



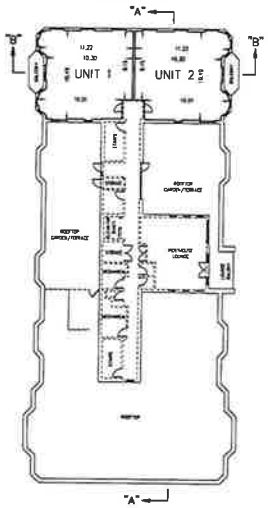
PLAN VIEW ILLUSTRATING
UNITS 1 TO 10, INCLUSIVE
ON LEVEL 3



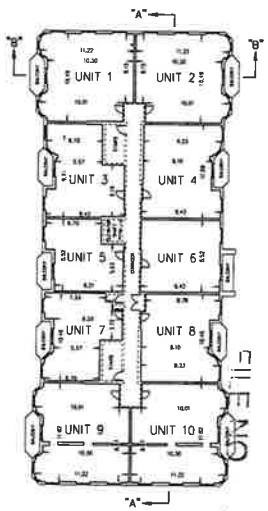
PLAN VIEW ILLUSTRATING
UNITS 1 TO 10, INCLUSIVE
ON LEVEL 2

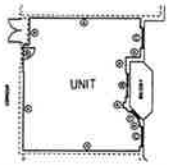


PLAN VIEW ILLUSTRATING
UNITS 1 AND 2
ON LEVEL 5



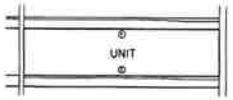
PLAN VIEW ILLUSTRATING
UNITS 1 TO 10, INCLUSIVE
ON LEVEL 4



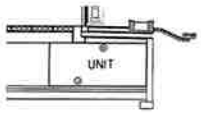


PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR UNITS 1 TO 8, INCLUSIVE, ON LEVELS 2, 3 AND 4 AND UNITS 1 AND 2 ON LEVEL 5
(NOT TO SCALE)

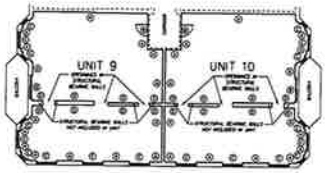
PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR UNITS 1 TO 10, INCLUSIVE, ON LEVEL A
(NOT TO SCALE)



SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR UNITS 1 TO 10, INCLUSIVE, ON LEVELS 2, 3 AND 4 AND UNITS 1 AND 2 ON LEVEL 5
(NOT TO SCALE)



SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR UNITS 1 TO 10, INCLUSIVE, ON LEVEL A
(NOT TO SCALE)



PLAN VIEW ILLUSTRATING HORIZONTAL BOUNDARIES FOR UNITS 9 AND 10 ON LEVELS 2, 3 AND 4
(NOT TO SCALE)

FILE NO

APPENDIX D
to
REPORT

PLAN 2018-008

DA-2018-001

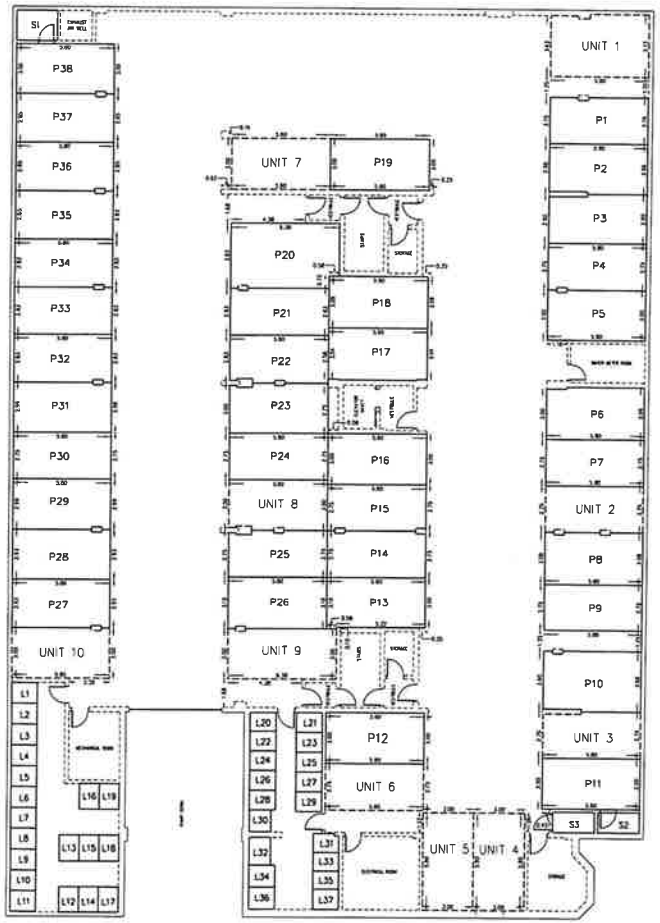
VICTORIA STANDARD CONDOMINIUM PLAN No.

PLAN OF SURVEY OF
THE EXTENT AND LOCATION OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS ON LEVELS A, 1 AND 5

SCALE 1 : 200

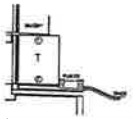
COE, FISHER, CAMERON

METRIC: DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

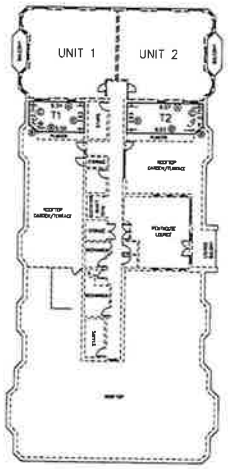


PLAN VIEW ILLUSTRATING
EXCLUSIVE USE PARKING AREAS P1 TO P38, INCLUSIVE, AND EXCLUSIVE USE STORAGE LOCKER AREAS L1 TO L37, INCLUSIVE, AND EXCLUSIVE USE STORAGE AREAS S1, S2 AND S3, ON LEVEL A
SCALE 1 : 100

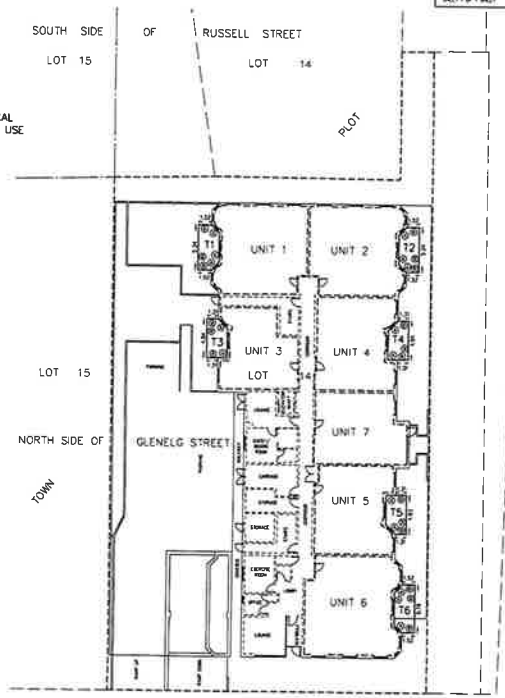
SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR EXCLUSIVE USE PATIO AREAS ON LEVEL 5
(NOT TO SCALE)



SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR EXCLUSIVE USE PATIO AREAS ON LEVEL 1
(NOT TO SCALE)



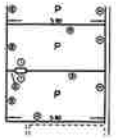
PLAN VIEW ILLUSTRATING
EXCLUSIVE USE PATIO AREAS T1 AND T2, ON LEVEL 5



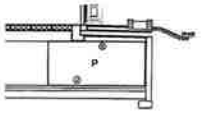
PLAN VIEW ILLUSTRATING
EXCLUSIVE USE PATIO AREAS T1 TO T6, INCLUSIVE, ON LEVEL 1

NOTES AND LEGEND

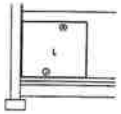
L DENOTES EXCLUSIVE USE STORAGE LOCKER AREA
P DENOTES EXCLUSIVE USE PARKING AREA
S DENOTES EXCLUSIVE USE STORAGE AREA
T DENOTES EXCLUSIVE USE PATIO AREA
DENOTES BOUNDARIES OF THE EXCLUSIVE USE PORTIONS
DENOTES BOUNDARIES OF THE UNITS AND CONDOMINIUM
DENOTES SURFACE AND PLANE OF BRICK SHEATHING
DENOTES VERTICAL PLANE ESTABLISHED BY MEASUREMENTS
DENOTES VERTICAL SURFACE OF PLASTERING AND ITS PRODUCTION
DENOTES SURFACE OF CORRUGATED METAL SIDING AND ITS PRODUCTION
DENOTES UPPER SURFACE OF PATIO DECKING
DENOTES LOWER SURFACE OF CONCRETE BALCONY
DENOTES HORIZONTAL PLANE ESTABLISHED BY MEASUREMENTS
DENOTES SURFACE OF CONCRETE WALL AND ITS PRODUCTION
DENOTES SURFACE OF CONCRETE COLUMN AND ITS PRODUCTION
DENOTES UPPER SURFACE OF CONCRETE FLOOR SLAB
DENOTES LOWER SURFACE OF CONCRETE BEAM AND ITS PRODUCTION
DENOTES LOWER SIDE SURFACE OF STEEL WIRE MESH WALL, DOOR AND STEEL FRAME
DENOTES LOWER SURFACE OF STEEL WIRE MESH CEILING AND STEEL FRAME
DENOTES PERIMETER SURFACE OF DRYWALL SHEATHING
DENOTES ROOM SIDE SURFACE OF DOOR AND DOOR FRAMES
DENOTES LOWER SURFACE OF CONCRETE CEILING



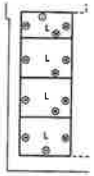
PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR EXCLUSIVE USE PARKING AREAS ON LEVEL A
(NOT TO SCALE)



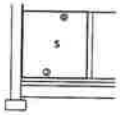
SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR EXCLUSIVE USE PARKING AREAS ON LEVEL A
(NOT TO SCALE)



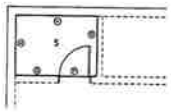
SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR EXCLUSIVE USE STORAGE LOCKER AREAS ON LEVEL A
(NOT TO SCALE)



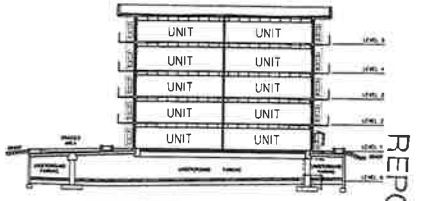
PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR EXCLUSIVE USE STORAGE LOCKER AREAS ON LEVEL A
(NOT TO SCALE)



SECTIONAL VIEW ILLUSTRATING TYPICAL VERTICAL BOUNDARIES FOR EXCLUSIVE USE STORAGE AREAS ON LEVEL A
(NOT TO SCALE)



PLAN VIEW ILLUSTRATING TYPICAL HORIZONTAL BOUNDARIES FOR EXCLUSIVE USE STORAGE AREAS ON LEVEL A
(NOT TO SCALE)



REPRESENTATIVE SECTION SHOWING THE RELATIONSHIP OF LEVELS
(NOT TO SCALE)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN OF SURVEY ACCURATELY SHOWS THE EXTENT AND LOCATION OF THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS.

DATE

JOHN C.C. YEAT
ONTARIO LAND SURVEYOR

COE FISHER CAMERON
LAND SURVEYORS

APPENDIX "E" to REPORT NO.

PLAN2018-038.

D04-2018-001

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-074

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: Ward 11

Subject: **An application for Part-Lot Control Exemption (D05-18-003) under Section 50(5) of the Planning Act for Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay, now the City of Kawartha Lakes, Grimesway Construction Ltd.**

Author and Title: Anna Kalnina, Planner II

Recommendation(s):

That Report PLAN 2018-074, entitled "Grimesway Construction Ltd. – D05-18-003**"** be received for information;

That a By-law to exempt Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, 110-120 Mary Street West, former Town of Lindsay from Part-Lot Control, substantially in the form attached as Appendix "C" to Report PLAN2018-074, be approved and adopted by Council; and

That the Mayor and City Clerk be authorized to execute any documents and agreements required by the approval of this application and decision.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Proposal:	The land subject to this application fronts Mary Street West in Lindsay (See Appendix “A”). This application proposes that Part 21 on Reference Plan 57R-9184 be exempt from the part-lot control provisions of Section 50(5) of the Planning Act. The exemption will permit Part 21 on Reference Plan 57R-9184 to be further subdivided into six (6) lots, with each lot containing one semi-detached dwelling (See Appendix “B”)
Owner:	Grimesway Construction Ltd.
Legal Description:	Part Park Lot D1, Plan 8P, being Part 21, Reference Plan 57R-9184, former Town of Lindsay, City of Kawartha Lakes
Official Plan:	Residential on Schedule ‘A’, Town of Lindsay Official Plan
Zone:	Residential Three Exception Sixteen (R3-S16) Zone, Town of Lindsay Comprehensive Zoning By-law 2000-75, as amended

Site Size:	Address:	Area:	Frontage:
	110 Mary Street West:	262 sq. m.	7.81 m
	112 Mary Street West:	259 sq. m.	7.62 m
	114 Mary Street West:	259 sq. m.	7.62 m
	116 Mary Street West:	259 sq. m.	7.62 m
	118 Mary Street West:	259 sq. m.	7.62 m
	120 Mary Street West:	312 sq. m.	9.45 m

Site Servicing:	Full municipal services
Existing Uses:	Semi-detached dwellings under construction

Rationale:

Request for Part-Lot Control Exemption

The owner has applied for an exemption from Part-Lot Control for Part Park Lot D1, Plan 8P, and being Part 21, on Plan 57R-9184 which is currently being developed with six (6) semi-detached dwelling units. The purpose of an exemption from Part-Lot Control is to permit the further division of the subject part lot into transferable lots. The owner would then transfer ownership of each lot and respective semi-detached dwelling to subsequent purchasers. The proposed exemption will permit these transfers to occur.

Part-Lot Control is provided as an alternative process to Consent under the Planning Act and is used where the subject lands are included in a Plan of Subdivision and described either as a Lot or a Block:

- where the subject land is covered by a zoning by-law that clearly establishes the minimum lot frontage and the minimum lot area for the proposed use; and

- where the subject land is covered by a subdivision agreement registered on title that will be in effect during the time of the Part-Lot Control By-law is in effect and which provides for the passing of a Part-Lot Control By-Law under Section 50(7) of the Planning Act.

The subject land complies with all of the above criteria. The proposed By-law exempting these part lots from Part-Lot Control is contained in Appendix “C”.

Other Alternatives Considered:

While the owner could apply to the Committee of Adjustment for Consents, staff considers Part-Lot Control Exemption a more appropriate and efficient process to create these lots.

Financial/Operation Impacts:

There are no financial considerations as Council’s approval or refusal to grant the Part-Lot Control Exemption cannot be appealed to the Local Planning Appeal Tribunal.

Servicing Implications:

The servicing for each of the proposed lots has already been approved and is being constructed in accordance with the City approved engineering drawings and the respective registered Subdivision Agreement.

Attachments:

The following attached documents may include scanned images of Appendices, maps, and photographs. If you require an alternative format, please contact Anna Kalnina, Planner II at 705-324-9411 x 1393

Appendix ‘A’ – Location Map

Appendix A - Location Map.pdf

Appendix ‘B’ – Proposed Lot Pattern

Appendix B - Proposed Lot Pattern

Appendix ‘C’ – Proposed Part-Lot Control By-law

Appendix C - Part Lot Control By-law.pc

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

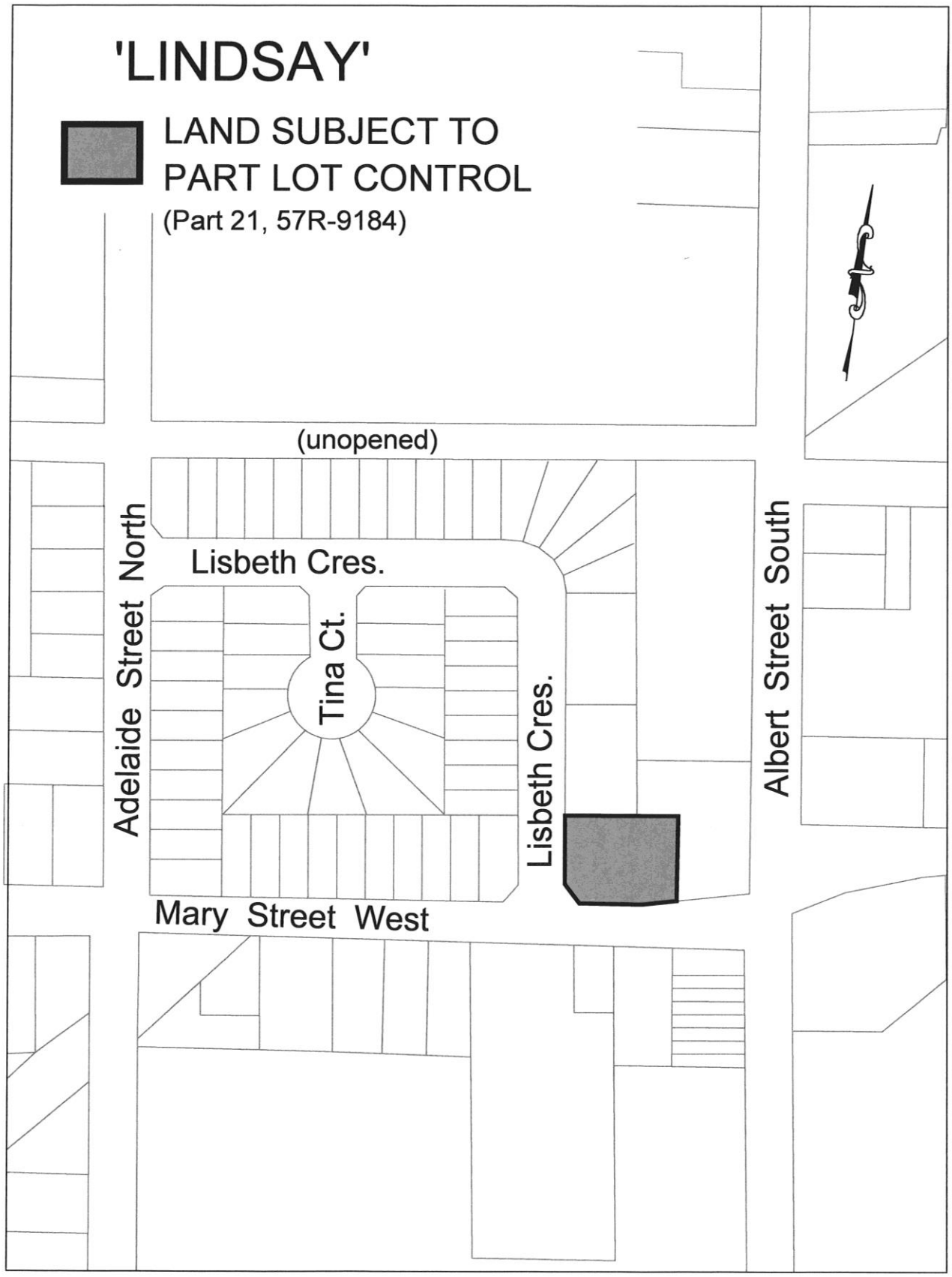
Department File: D05-18-003

APPENDIX " A "

to

REPORT PLAN2018-074

FILE NO: D05-2018-003

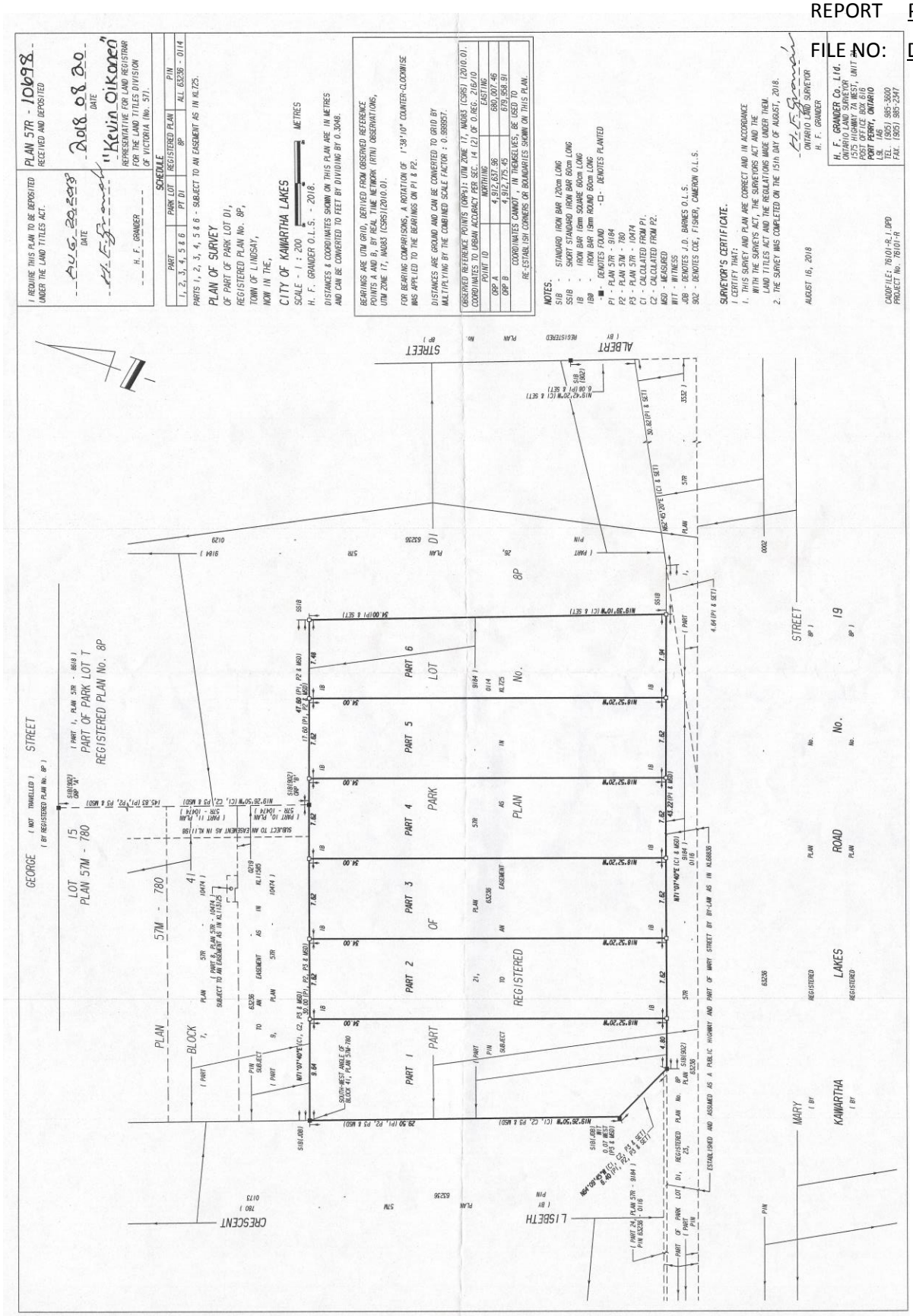


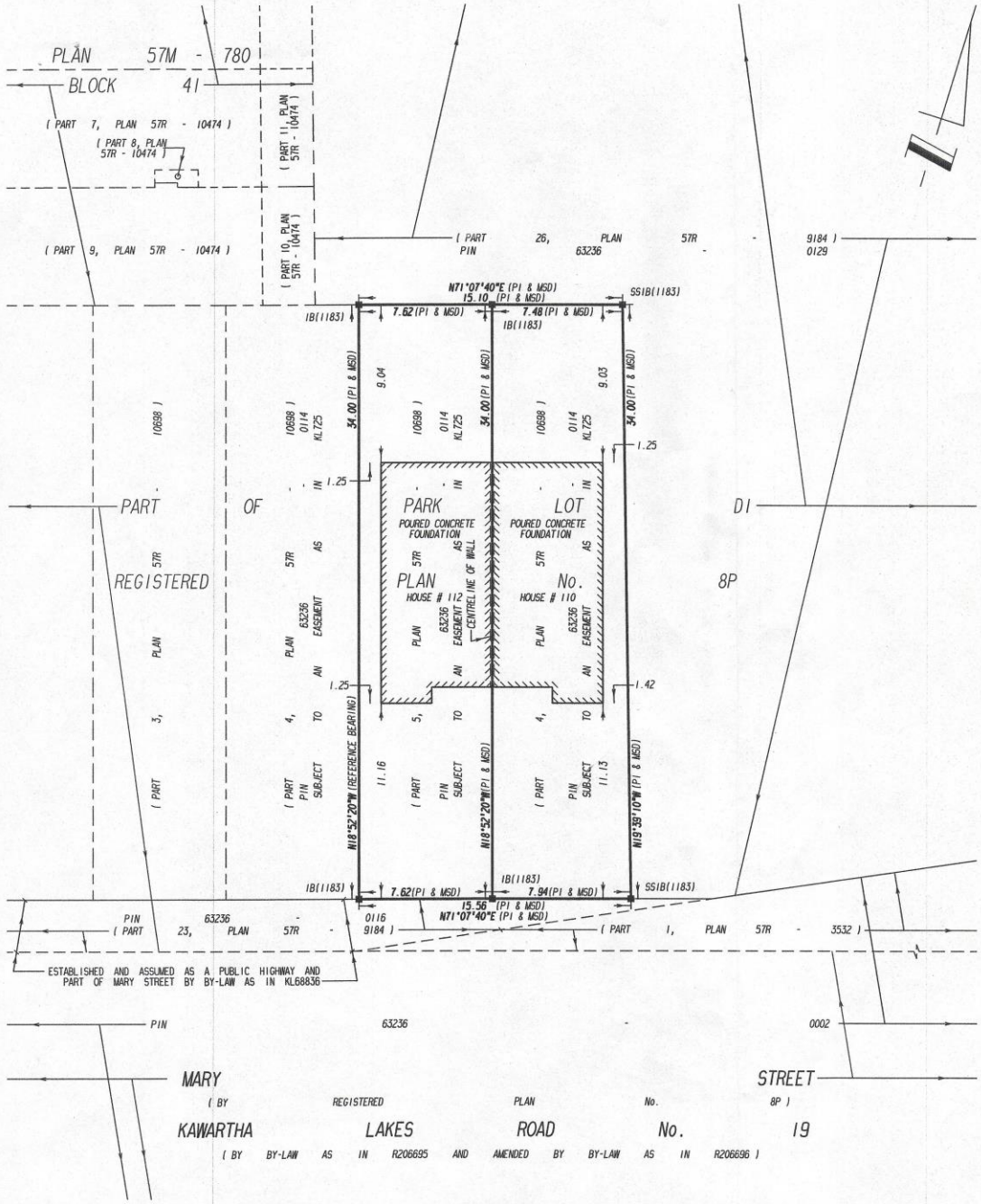
APPENDIX " B "

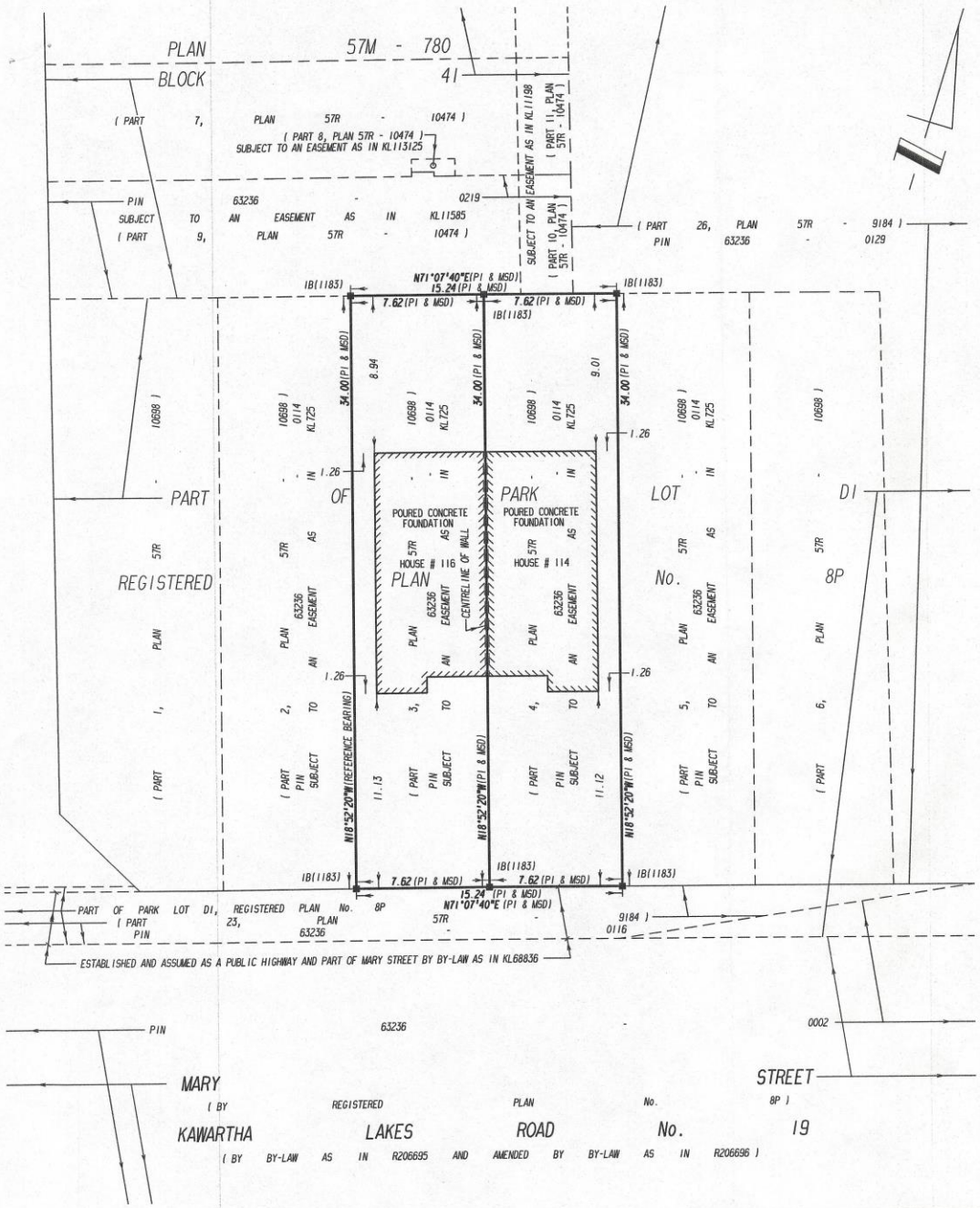
to

REPORT PLAN2018-074

FILE NO: D05-2018-003




PLAN 57M - 780
BLOCK 41
(PART 7, PLAN 57R - 10474)
(PART 8, PLAN 57R - 10474)
(PART 11, PLAN 57R - 10474)
(PART 9, PLAN 57R - 10474)
(PART 10, PLAN 57R - 10474)
(PART 26, PLAN 57R - 9184) PIN 63236 0129
N71°07'40"E (PI & MSD)
15.10 (PI & MSD)
SSIB(1183)
IB(1183)
7.62(PI & MSD)
7.48(PI & MSD)
34.00(PI & MSD)
9.04
9.03
1.25
1.42
PART OF REGISTERED PLAN 57R - 10698 (PART 3, PLAN 57R - 10698)
PARK LOT
POURED CONCRETE FOUNDATION
PLAN No.
HOUSE # 112
HOUSE # 110
CENTRELINE OF WALL
PART 4, PLAN 57R - 63236 EASEMENT AS IN KL725 (PART 5, PLAN 57R - 63236 EASEMENT AS IN KL725)



PART 1

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY

OF PART OF PARK LOT DI,
REGISTERED PLAN No. 8P,
TOWN OF LINDSAY,
NOW IN THE,

TOWNSHIP OF KAWARTHA LAKES

SCALE - 1 : 200 METRES
H. F. GRANDER O.L.S. - 2018.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2
THIS SURVEY MUST BE READ IN CONJUNCTION WITH THE SURVEY REPORT DATED AUGUST 21, 2018.

NOTES.
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO A WEST LIMIT OF PART 3, AS SHOWN ON PLAN 57R - 10698, HAVING A BEARING OF N18°52'20"W

SIB - STANDARD IRON BAR 120cm LONG
SSIB - SHORT STANDARD IRON BAR 60cm LONG
IB - IRON BAR 16mm SQUARE 60cm LONG
IBØ - IRON BAR 19mm ROUND 60cm LONG
-■- DENOTES FOUND -□- DENOTES PLANTED
PI - PLAN 57R - 10698
1183 - DENOTES H.F. GRANDER O.L.S.
MSD - MEASURED

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2064038
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).

SURVEYOR'S CERTIFICATE.
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 26th DAY OF JULY, 2018.

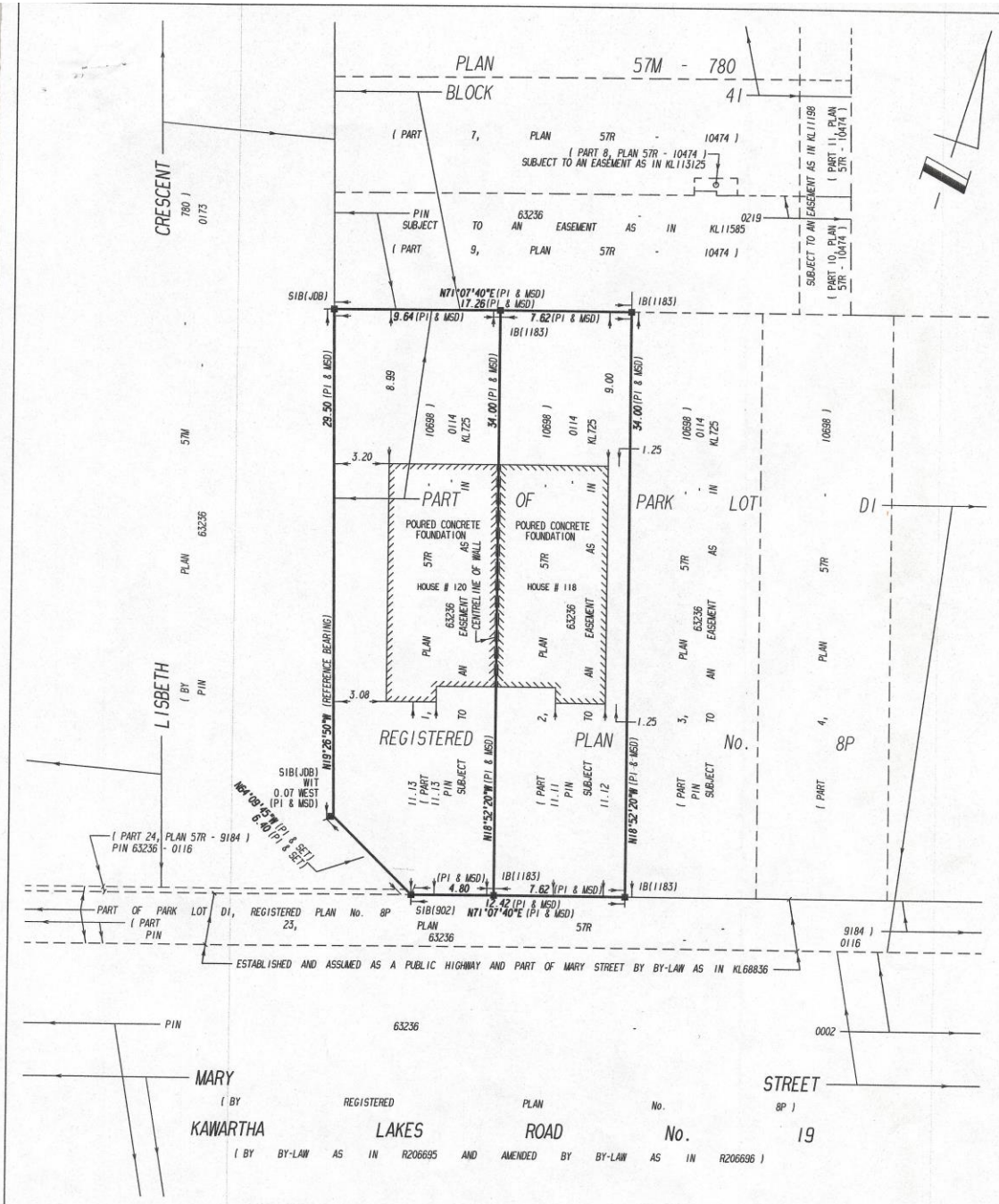
AUGUST 21, 2018

ONTARIO LAND SURVEYOR
H. F. GRANDER

CLIENT - GRIMESWAY CONSTRUCTION LTD.
THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO RESPONSIBILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

CADDFILE: 76101-LCD-SRPR_1.DPD
PROJECT No. 76101-LCD-SRPR
COPYRIGHT H. F. GRANDER O.L.S. 2018.

H. F. GRANDER Co. Ltd.
ONTARIO LAND SURVEYOR
1575 HIGHWAY 7A WEST, UNIT 2A
POST OFFICE BOX 616
PORT PERRY, ONTARIO
L9L 1A6
TEL. (905) 985-3600
FAX. (905) 985-2347



PART 1

SURVEYOR'S REAL PROPERTY REPORT
PLAN OF SURVEY

OF PART OF PARK LOT D1,
REGISTERED PLAN No. 8P,
TOWN OF LINDSAY,
NOW IN THE,

CITY OF KAWARTHA LAKES

SCALE - 1 : 200 METRES
H. F. GRANDER O.L.S. - 2018.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2

THIS SURVEY MUST BE READ IN CONJUNCTION WITH THE SURVEY REPORT DATED AUGUST 21, 2018.

NOTES.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO A WEST LIMIT OF PART 1, AS SHOWN ON PLAN 57R - 10698 HAVING A BEARING OF N19°26'50"W

SIB - STANDARD IRON BAR 120cm LONG
SSIB - SHORT STANDARD IRON BAR 60cm LONG
IB - IRON BAR 16mm SQUARE 60cm LONG
IBØ - IRON BAR 19mm ROUND 60cm LONG
-■- DENOTES FOUND -□- DENOTES PLANTED
PI - PLAN 57R - 10698
JDB - DENOTES J.D. BARNES O.L.S.
902 - DENOTES COE, FISHER, CAMERON O.L.S.
1183 - DENOTES H.F. GRANDER O.L.S.
WIT - WITNESS
MSD - MEASURED

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
2064040
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR in accordance with Regulation 1026, Section 29(3).

SURVEYOR'S CERTIFICATE.

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF JUNE, 2018.

AUGUST 21, 2018

ONTARIO LAND SURVEYOR
H. F. GRANDER

CLIENT - GRIMESWAY CONTRUCTION LTD.

THE WORK AND DRAWINGS HEREIN WERE COMPLETED FOR THE EXCLUSIVE USE OF OUR CLIENT AND NO RESPONSIBILITY IS ASSUMED TO ANY THIRD PARTIES OR SUBSEQUENT OWNERS.

CADDFILE: 76101-LAB-SRPR_1.DPD
PROJECT No. 76101-LAB-SRPR
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H. F. GRANDER Co. Ltd.
ONTARIO LAND SURVEYOR
1575 HIGHWAY 7A WEST, UNIT 2A
POST OFFICE BOX 616
PORT PERRY, ONTARIO
L9L 1A6
TEL. (905) 985-3600
FAX. (905) 985-2347

SCHEDULE

Part of Lot/Plan	Part on Plan 57R-10698	Street # (Mary Street)	Building Lot Coverage	Frontage (Metres) @ 9.0m Setback	Depth (Metres)	Area (Sq. Metres)
D1/8P	1	120	27.1 %	9.45	34.00	312
D1/8P	2	118	32.7 %	7.62	34.00	259
D1/8P	3	116	32.7 %	7.62	34.00	259
D1/8P	4	114	32.7 %	7.62	34.00	259
D1/8P	5	112	32.7 %	7.62	34.00	259
D1/8P	6	110	32.3 %	7.81	34.00	262

Ralph Grander
Ontario Land Surveyor
August 16, 2018

APPENDIX " C "

to

REPORT PLAN2018-074

FILE NO: D05-2018-003

The Corporation of the City of Kawartha Lakes
By-law 2018-

A Bylaw to Temporarily Suspend the Application of Subsection 50(5) of the Planning Act for a certain property within Kawartha Lakes PIN # 63236-0114 (LT)

Recitals:

1. Council has received a request to suspend the application of Subsection 50(5) of the Planning Act against certain property, and considers that request reasonable.

2. Pursuant to Subsection 51(4) of the Planning Act, The Corporation of the City of Kawartha Lakes is the approval authority for an application to suspend Subsection 50(5) to certain lands.

Accordingly, the Council enacts this By-law No. 2018-

Section 1:00 Definitions and Interpretation

1.01 **Definitions**: Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

(a) **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
(b) **"City"** means The Corporation of the City of Kawartha Lakes.
(c) **"Clerk"** means the person within the administration of the City, which fulfils the function of the City Clerk as required by the *Municipal Act*.
(d) **"Council"** means the elected municipal council for the City.
(e) **"Director"** means a Director of the City.

1.02 **Interpretation Rules**:

(a) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable in the circumstances.
(b) References to items in the plural include the singular, as applicable.
(c) The word "include" is not to be read as limiting the phrase or descriptions that precede it.
(d) The recitals, and any schedules to this By-law are integral parts of it.

1.03 **Statutes**: References to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was passed. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

1.04 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Section 2:00 Zoning Details

2.01 **Property Affected**:

PIN # 63236-0114(LT) –PT PARKLT D1, PL 8P, PT 21, 57R9184; Kawartha Lakes

2.02 **Suspension**: Subsection 50(5) of the Planning Act does not apply to the Property.

Section 3:00 General Terms

3.01 **Force and Effect**: This By-law shall come into force and take effect on the date it is finally passed.

3.02 **Expiry**: This By-law expires three (3) years from the date that it comes into force pursuant to Section 3.01.

By-law read a first, second and third time, and finally passed, this ** day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-075

Date: September 25, 2018
Time: 2:00 p.m.
Place: Victoria Room

Ward Community Identifier: 5

Subject: **An application to amend the Township of Fenelon Zoning By-law 12-95 to remove the Holding (H) symbol to permit an indoor vehicle storage facility on Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes and municipally known as 3922 Highway 35 (Schleifer)**

Author Name and Title: Mark LaHay, Planner II

Recommendation(s):

THAT Report PLAN2018-075, respecting Part of Lot 6, Concession 5, geographic Township of Fenelon**, "Schleifer – Application D06-2018-024"**, be received;

THAT Zoning By-Law Amendment application D06-2018-024 identified as 3922 Highway 35, City of Kawartha Lakes, as generally outlined in Appendix "C" to Report PLAN2018-075, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The application proposes to remove the Holding (H) symbol from Schedule A of the Township of Fenelon Zoning By-law 12-95, which regulates development and the use of land on Part of Lot 6, Concession 5, being 3922 Highway 35, in the geographic Township of Fenelon. The removal of the Holding (H) symbol would permit an indoor vehicle storage facility use not to exceed a gross floor area of 815 sq. m. on the subject land (see Appendix A and B attached).

Owner:	Derick and Marie Schleifer
Applicant:	Kevin M. Duguay, Community Planning and Consulting Inc.
Legal Description:	Part of Lot 6, Concession 5, geographic Township of Fenelon, now City of Kawartha Lakes
Designation:	Rural - Special Area Policy Amendment No. 28 in the City of Kawartha Lakes Official Plan
Zone:	Agricultural Exception Twenty-Three Holding (A1-23 (H)) Zone in the Township of Fenelon Zoning By-law 12-95 as amended by By-law 2017-138
Lot Area:	2.19 ha. [5.4 ac. – MPAC]
Site Servicing:	Private individual well and septic system
Existing Uses:	Rural residential dwelling, accessory structure and one building containing an indoor car storage use
Adjacent Uses:	North: Highway Commercial/Rural/Agricultural East: Rural/Rural Residential/Agricultural South: Rural Residential/Highway Commercial/Industrial West: Highway 35/Highway Commercial/Rural Residential/Agricultural

Rationale:

The subject land is located on the east side of Highway 35, south of the Hamlet of Cameron and immediately south of Naylor Road, in the geographic Township of Fenelon. It is proposed to be developed with an additional indoor vehicle storage facility (see Appendix A and B attached). The land was recently re-designated with a Special Area Policy (By-law 2017-137) and rezoned (By-law 2017-138) to permit the indoor vehicle storage facility use, once the holding symbol is removed.

In Zoning By-law 12-95, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures, unless otherwise specified within the applicable zone provisions. At such time as the holding symbol is removed, by amendment to this By-law, the land may be

used in accordance with the applicable zone provisions. In accordance with By-law 2017-138, the removal of the (H) Holding Symbol requires that the owner enter into a site plan agreement with the City for any development on land zoned A1-23 on lands municipally known as 3922 Highway 35.

The property is subject to site plan control, and on September 6, 2018, City staff provided the owner with the prepared Site Plan Agreement for the owner to examine to enter into with the City for the proposed development, as all review was completed and the site plans were finalized. The owner has agreed to enter into the agreement prior to September 25, 2018, therefore it is appropriate for Council to consider removal of the Holding (H) symbol.

Provincial Policies:

The application conforms to the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) and is consistent with the 2014 Provincial Policy Statement (PPS).

Official Plan Conformity:

The land is designated Rural – Special Policy 16.4.1 through Amendment No. 28 as adopted by By-law 2017-137, shown on Schedule A-5 of the City of Kawartha Lakes Official Plan, as amended. The proposed use on the property conforms to the applicable policies of the official plan designation, as amended.

Zoning By-law Compliance:

The property is zoned Agricultural Exception Twenty-Three - Holding (A1-23)(H) Zone in the Township of Fenelon Zoning By-law 12-95, as amended by By-law 2017-138, which permits the addition of the proposed indoor vehicle storage facility use on the subject land once the Holding (H) provision is removed.

Other Alternatives Considered:

No other alternatives have been considered.

Financial Impacts:

There are no financial considerations unless Council’s decision is appealed by the owner/applicant to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy goal as it provides opportunities for business growth.

Review of Accessibility Implications of Any Development or Policy:

Any accessibility matters will be implemented through the Site Plan Approval and/or Building Permit processes.

Servicing Implications:

The property is developed on private well and septic system services with roadside ditches.

Development Services – Planning Division Comments:

Prior to September 25, 2018, the City and the Owner will need to execute the Site Plan Agreement. Staff supports the application based on the information contained in this report and as such, respectfully recommends that the proposed Zoning By-law application to remove the Holding (H) symbol be approved and adopted by Council.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.

Appendix 'A' PLAN2018-075.pdf

Appendix 'B' PLAN2018-075.pdf

Appendix 'C' PLAN2018-075.pdf

Appendix ‘A’ – Location Map
Appendix ‘B’ – Proposed Site Plan, last revised July 13, 2018
Appendix ‘C’ – Draft Zoning By-law Amendment

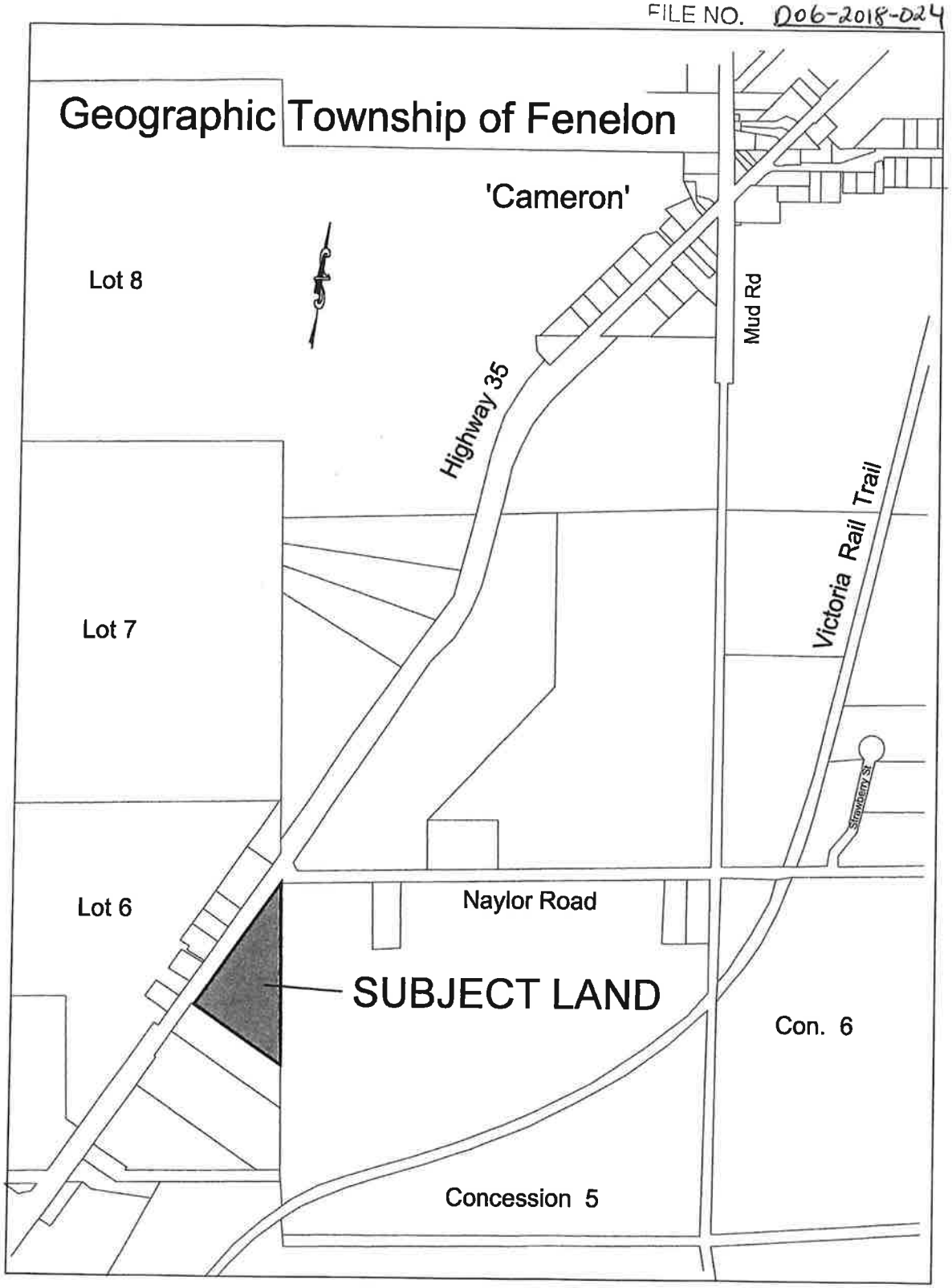
Department Head E-Mail: cmarshall@kawarthalakes.ca

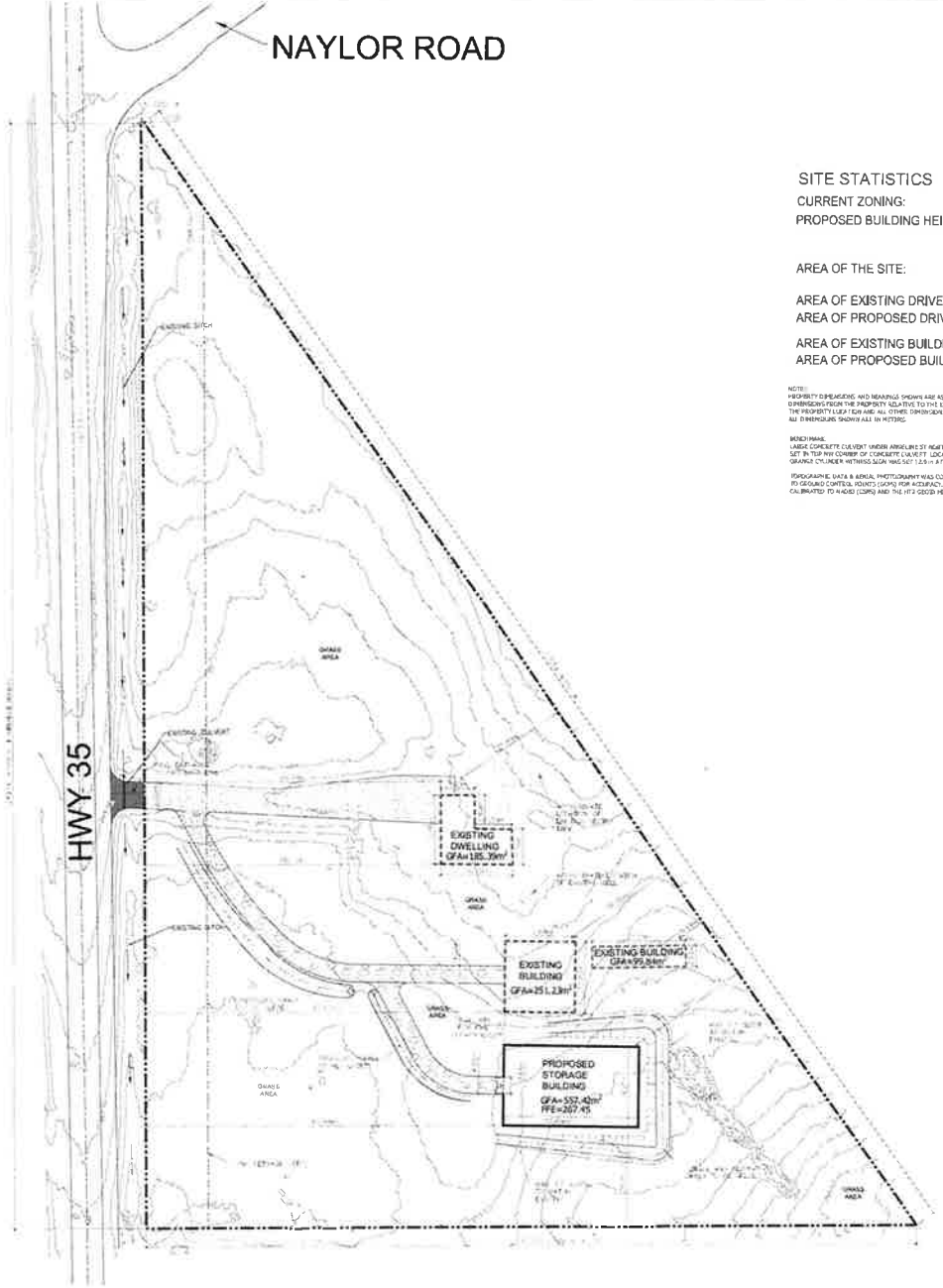
Department Head: Chris Marshall

Department File: D06-2018-024

APPENDIX "A"
to
REPORT PLAN2018-075

FILE NO. D06-2018-024





SITE STATISTICS

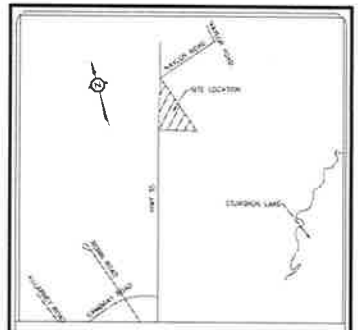
CURRENT ZONING:	A1-23(H)		
PROPOSED BUILDING HEIGHT:	11.5 m		
	AREA (m^2)	AREA (ACRES)	COVERAGE
AREA OF THE SITE:	21738.98	5.37	100%
AREA OF EXISTING DRIVEWAY :	521.90	0.13	2.40%
AREA OF PROPOSED DRIVEWAY :	520.80	0.13	2.40%
AREA OF EXISTING BUILDINGS :	506.46	0.13	2.32%
AREA OF PROPOSED BUILDING :	557.42	0.14	2.56%

NOTE:
PROPERTY DIMENSIONS AND BEARINGS SHOWN ARE AS PER LEGAL SURVEY PREPARED BY SMITH & FIRS LTD. CATARIO LANDS SURVEYORS, DATED AUGUST 26, 1987.
DIMENSIONS FROM THE PROPERTY RELATIVE TO THE EXISTING DWELLING ARE AS PER THE ABOVE NOTED LEGAL SURVEY.
THE PROPERTY LIGHTLINE ARE ALL OTHER DIMENSIONS ARE BASED ON AN ACTUAL AERIAL PHOTOGRAPH IMAGE AND ARE APPROXIMATE
ALL DIMENSIONS SHOWN ARE IN METRES.

BENCHMARK:
LARGE CONCRETE CULVERT UNDER NAYLOR ST NORTH AND 1.3 km NW OF INTERSECTION OF REST ST AND AND LINE ST NORTH. MARKED BY BAR TAB SET IN TOP NW CORNER OF CONCRETE CULVERT LOCATED 25 cm SW OF NE END, 24 cm NW OF SE END AND APPROXIMATELY 1 m BELOW ROAD LEVEL. AN ORANGE CYLINDER METRESS SIGN WAS SET 1.5 m AT A BEARING OF 231 DEGREES TO THE SITUATED IN THE TOWN OF LINDSAY

TOPOGRAPHIC DATA & AERIAL PHOTOGRAPHY WAS COLLECTED VIA AERIAL PHOTOGRAMMETRIC SURVEY (DATED BELOW). THIS DATA WAS TRIANGULATED TO GROUND CONTROL POINTS (GCPS) FOR ACCURACY. GCPS WERE SURVEYED UTILIZING AN RTK ROVER WITH NETWORK SOLUTION. THE NETWORK IS CALIBRATED TO NAD83 (CSRS) AND THE HT2 GEOID MODEL WAS USED.

APPENDIX " B "
to
REPORT PLAN2018-075
FILE NO. D06-2018-024



LEGEND

- EXISTING DRIVEWAY
- PROPOSED GRAVEL DRIVEWAY
- PROPOSED PAVED DRIVEWAY
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPERTY LINE
- EXISTING CONTOUR

No			
4	BUILDING TERMINATION REVISED AS PER COMMENTS	13/07/18	KR
3	DIMENSIONS AND STATISTICS ADDED PER COMMENTS	13/04/18	KR
2	REVISED SITE PLAN	01/02/17	KR/JD
1	ISSUED FOR APPROVAL	25/01/17	KR/JD
No	REVISIONS/ISSUES	DATE	BY / CHK

counterpoint ENGINEERING
COUNTERPOINT ENGINEERING HOLDINGS INC.

KEVIN M.DUGUAY COMMUNITY PLANNING AND CONSULTING
560 ROMAINE,
PETERBOROUGH, ONTARIO

DESIGNED BY: LC	CHECKED BY: KR	DATE: APRIL 2018	
DRAWN BY: LC	CHECKED BY: KR	PROJECT No: 16079	
SCALE: 1:300	CHECKED BY:	DRAWING No: CP-001	

APPENDIX " C "
to
REPORT PLAN2018-075
FILE NO. D06-2018-024

The Corporation of the City Of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Fenelon Zoning By-Law 12-95 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes

File D06-2018-024, Report PLAN2018-075, respecting Part of Lot 6, Concession 5, 3922 Highway 35, geographic Township of Fenelon – Schleifer

Recitals:

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.

2. The Council of the City of Kawartha Lakes enacted By-law No. 12-95, which contained a Holding (H) symbol relating to the use of the property, which was modified by By-law 2017-138 to require an executed Site Plan Agreement.

3. Council has received a request to remove the Holding (H) symbol from the Agricultural Exception Twenty-Three Holding "A1-23 (H)" Zone.

4. The conditions imposed by Council and shown in By-law 2017-138 are no longer required.

5. Council deems it appropriate to remove the Holding (H) symbol.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-.**

Section 1:00 Zoning Details

1.01 **Property Affected**: The Property affected by this By-law is described as Part of Lot 6, Concession 5, being 3922 Highway 35, geographic Township of Fenelon, now in the City of Kawartha Lakes.

1.02 **Schedule Amendment**: Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to remove the Holding (H) symbol from the "Agricultural Exception Twenty-Three - Holding [A1-23(H)] Zone" for the land referred to as 'A1-23', as shown on Schedule 'A' attached to this By-law.

Section 2:00 General Terms

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

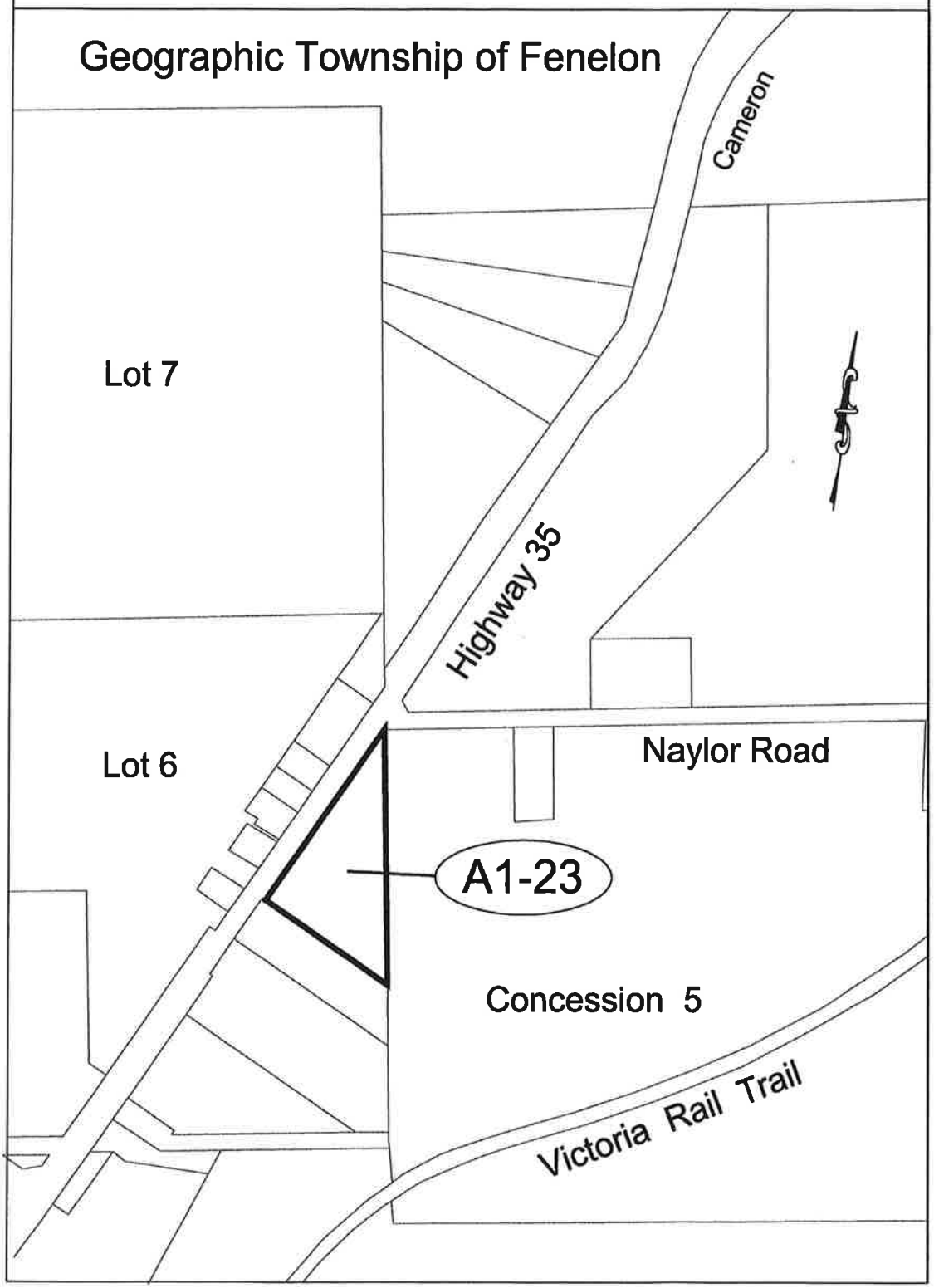
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR_____ CITY CLERK _____



The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2018-017

Date: September 25,2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All wards

Title: **Wechsel Petition for Drainage**

Author and Title: **Juan Rojas**
Director of Engineering and Corporate Assets

Recommendation(s):

RESOLVED THAT Report ENG2018-017 Wechsel Petition for Drainage be received by Council.

THAT; Council proceeds with the petition submitted by Ella Wechsel for drainage works and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

THAT Council appoints R.D Dobbin as Engineer of record for this project

THAT Council instructs R.D Dobbin to combine the Webster petition and Ella Wechsel petition into one report as per section 8(4) of the Ontario Drainage Act.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

On July 26 staff brought forward to the Drainage board a memo (see appendix A) outlining the petition request by Ella Wechsel for drainage on the property municipally known as Concession 5 N1/2, Lot 8 and Lot 9 W1/2 Lot 10, Geographical Township of Eldon. The Wechsel property is currently located in the drainage shed area of the Webster drain petition which is currently being designed by R. D. Dobbin. On June 6 2018 Michael Gerritis of R.D Dobbin held the second public meeting for the Webster petition drain. At that meeting it was discussed that any land owners wishing to sign onto the current Webster petition to be able to have a direct benefit from the proposed drain should consider signing onto the current petition. At the time the Wechsel property based on the design of the drain was only receiving an indirect surface benefit for the property surface water. A petition was filed with the City's Clerks office by Matthew Wechsel for Ella Wechsel for Drainage (see appendix B). Based on this petition the request was taken to the City's Drainage Board for recommendation. At the July 26,2018 Drainage Board meeting the following recommendation was made to Council (see appendix C).

Moved By J. Bedard
Seconded By Councillor Stauble

Recommend that the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated July 26, 2018, for information in response to the petition for drainage works by owners of:

Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon

From: Ella Wechsel

That the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and
That this petition is added to the current Webster petition

Carried

Rationale:

The reasoning for this petition is to provide for a sufficient outlet for subsurface water on the property known as Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon. Currently the Webster drain petition design has the drain going through the Wechsel property but is only designed to except surface water as the Wechsel property was not part of the original petition. The Wechsel's now see benefit in having the drain designed to accept subsurface water from their property in order to further develop it agriculturally.

Due to the timing and proximity of the Webster petition it is advantageous to combine the two reports as per section 8(4) of the Ontario Drainage Act in order to have continuity with the overall drainage area as well as cost perspective for efficiencies by combining the two reports.

Other Alternatives Considered:

The Wechsel's could at some time in the future request to connect to the drain once approved by amending the drain report, however the Wechsel's have expressed through a petition the need to deal with the drainage issue now.

Financial/Operation Impacts:

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations of this report align with the following goals of the Corporate Strategic Plan:

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.C05

Consultations:

Drainage Board
Office of the City Clerk

Attachments:

Appendix A July 26, 2018 Memo to Drainage Board We

Appendix B Petition for Drainage Works Form 1 - Ella W

Appendix C Post-Meeting Minutes - Drainage Bc

Department Head E-Mail: jrojas@kawarthalakes.ca
Department Head: Juan Rojas, Director of Engineering and Corporate Assets

THE CORPORATION OF THE
CITY OF KAWARTHA LAKES
12 Peel Street P.O. Box 9000
LINDSAY, ON K9V 5R8
Phone: 705-324-9411, Ext. 1156
Fax: 705-324-2982

MEMO

Date: **July 26, 2018**

To: **Drainage Board**

From: **Mike Farquhar, Supervisor Technical Services – Engineering & Corporate Assets**

Re: **Petition for Municipal Drainage to be added to the Webster petition**

CC: **Juan Rojas Director of Engineering and Corporate Assets**
Paul Herlihey, Municipal Drain Superintendent.

Recommendation:

RECOMMEND THAT the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated July 26, 2018, for information in response to the petition for drainage works by owners of:

Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon

From: Ella Wechsel

THAT the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and

THAT this petition is added to the current Webster petition

THE CORPORATION OF THE
CITY OF KAWARTHA LAKES
12 Peel Street P.O. Box 9000
LINDSAY, ON K9V 5R8
Phone: 705-324-9411, Ext. 1156
Fax: 705-324-2982

Background:

At the October 10th 2017, Council meeting the following resolution was adopted for the Webster Municipal Drain petition.

> **CR2017-874**
> **RESOLVED THAT** Report ENG2017-023, **Petition for Drainage Works by Owner – Webster**, be received;
> **THAT** Council proceeds with the petition submitted by Alan Webster (Victor Webster Farms Ltd.) for drainage works by owners for Concession 5, Part Lot 11, Geographic Township of Eldon and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;
> **THAT** Council appoints and retains, R. Dobbin Engineering Inc. in accordance with the Drainage Act, as the Engineer of Record, and to proceed with the requirements of a petition drain; and
> **THAT** should, R. Dobbin Engineering Inc. not be available, that Council instructs staff to retain an alternate qualified Engineer from the standing list.

CARRIED

Since that time the Engineer of Record Michael Gerritis of R. D. Dobbin has held 2 public meetings for the land owners in the drainage shed of the proposed drain. The first meeting was on November 1, 2017. This first meeting was to attention to the land owners in the drainage area of the petition that a petition had been for filed for drainage by Alan Webster and the intent of Council to move forward with this petition under the drainage act. The second meeting was held on June 6, 2018 with the owners in the drainage shed of the petition to review with land owners the draft design and cost schedule. At this meeting it was discussed that any land owners wishing to have direct benefit from the proposed drain should consider signing onto the current petition.
From this meeting and with discussions with Michael Gerritis, Mathew Wechsel (agent for Ella Wechsel) decided it would be beneficial to sign onto the current petition.

The subject area/ land are bounded by Prospect road to the West and CKL road 8 to the north. There are no existing Municipal Drains within the vicinity. The area of the land identified as Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon. The land is approximately 100 acres in size.

THE CORPORATION OF THE
CITY OF KAWARTHA LAKES
12 Peel Street P.O. Box 9000
LINDSAY, ON K9V 5R8
Phone: 705-324-9411, Ext. 1156
Fax: 705-324-2982

The draft report which was shown to the land owners in the affected area at the second public meeting has the alignment of the proposed drain going through the Wechsel property. However it was only designed to receive surface water as the Wechsels had not been part of the original petition. By signing onto the petition the depth of the drain through the Wechsel property can now be designed to adequately receive subsurface water.

If approved by Council, R.D Dobbin would make these changing based on the Wechsel petition and would then proceed to Council for the meeting to consider the report. At that meeting there will a last opportunity for anyone to removal or add their names to the petition.

Attachments:

Petition for Drainage Works Form 1 - Ella W

Drainage area map.pdf

Ontario

Ministry of Agriculture, Food and Rural Affairs

Petition for Drainage Works by Owners
Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act.* It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act.*

To: The Council of the Corporation of the City of Kawartha Lakes

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

475 Sandringham Road, Woodville ON K0M 2T0
Con 5 N 1/2 Lot 8 and Lot 9 W 1/2 Lot 10 Eldon

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act,* if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name)	(First Name)	Telephone Number
Wechsel	Mathew	705 328-8402 ext.

Address

Road/Street Number	Road/Street Name
B1845	Regional Road 15, Beaverton ON L0K 1A0

Location of Project

Lot	Concession	Municipality	Former Municipality (if applicable)
8, 9, 10	5	Kawartha Lakes	Eldon

What work do you require? (Check all appropriate boxes)

- [x] Construction of new open channel
- [ ] Construction of new tile drain
- [x] Deepening or widening of existing watercourse (not currently a municipal drain)
- [ ] Enclosure of existing watercourse (not currently a municipal drain)
- [ ] Other (provide description ▼)

Name of watercourse (if known)
White's Creek

Estimated length of project
500m

General description of soils in the area
Clay soil

What is the purpose of the proposed work? (Check appropriate box)

- [ ] Tile drainage only
- [ ] Surface water drainage only
- [x] Both

Petition filed this 12th day of July, 20 18

Name of Clerk (Last, first name)	Signature
Watts, Joel (Deputy Clerk)	

 © Queen's Printer for Ontario, 2012

Property Owners Signing The Petition | Page of

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
	CON 5 N ½ LOT 8 LOT 9 W ½ LOT 10 ELDON

Ward or Geographic Township	Parcel Roll Number
ELDON	1651 160 010 20000

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☒ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
Wechsel Ella	Ella Wechsel	2018 July 12

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
Position Title	Date (yyyy/mm/dd)

Number	Property Description

Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
Position Title	Date (yyyy/mm/dd)

☐ Check here if additional sheets are attached | Clerk initial

Petitioners become financially responsible as soon as they sign a petition.

The Corporation of the City of Kawartha Lakes

Minutes

Drainage Board Meeting

DB2018-02
Thursday, July 26, 2018
7:00 P.M.
Weldon Room
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Brian Junkin
Councillor Heather Stauble
Ed Bagshaw
Jim Bedard
Robert Bonis
Matt Hollinger
Jim Oriotis

Accessible formats and communication supports are available upon request.

1. Call to Order

Chair R. Bonis called the meeting to order at 7:03 p.m. Drainage Board members J. Bedard, and Councillors Junkin and Stauble were in attendance.

Supervisor of Technical Services M. Farquhar, and Deputy Clerk and Recording Secretary J. Watts were also in attendance.

Absent: E. Bagshaw, M. Hollinger, and J. Oriotis

2. Administrative Business

2.1 Adoption of Agenda

Moved By Councillor Junkin
Seconded By J. Bedard

That the agenda of the July 26, 2018 Drainage Board meeting be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes from Previous Meeting

2.3.1 DB2018-02.2.3.1

Minutes of the February 1, 2018 Drainage Board Meeting

Moved By Councillor Junkin
Seconded By J. Bedard

That the minutes of the Drainage Board meeting held on February 1, 2018, be adopted as circulated.

Carried

3. Deputations

4. New Business

4.1 Petition for Drainage Works by Owners - E. Wechsel

Memorandum
Re: Petition for Municipal Drainage to be added to the Webster Petition

Mike Farquhar, Supervisor Technical Services - Engineering and Corporate Assets

Mr. Farquhar provided an overview of the Webster Drain as detailed in his report. He noted that since M. Gerrits has been appointed engineer for the drain, two public meetings have been held with area property owners. E. Wechsel signed a Petition for Drainage Works by Owners with the intent to gain rights to drain subsurface water on their property. He noted that this petition will be merged with the petition submitted by A. Webster, upon approval from Council. He responded to questions from the members of the Board.

Moved By J. Bedard
Seconded By Councillor Stauble

Recommend that the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated July 26, 2018, for information in response to the petition for drainage works by owners of:

Concession 5 N ½, Lot 8 and Lot 9 W ½ Lot 10, Geographic Township of Eldon

From: Ella Wechsel

That the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and
That this petition is added to the current Webster petition

Carried

5. Other Business

5.1 Verbal Update on Waite Drain

Mr. Farquhar provided an update on the Waite Drain, as a public meeting with approximately 25 local area land owners was recently held. He stated that E. DeLay is the appointed engineer and is proposing three branches (Western, Southern, and Eastern). City staff and Mr. DeLay answered questions at the public meeting, including questions about the use of Mr. Waite's land, concerns about wells, and assessments. Mr. Farquhar identified that they will be holding a meeting in the near future for the consideration of the Engineer's report. He responded to questions from the members of the Board.

Moved By Councillor Junkin
Seconded By Councillor Stauble

That the verbal update of M. Farquhar, regarding the Waite Drain Update, be received.

Carried

5.2 Verbal Update on Drainage Issues Task Force

Mr. Farquhar noted that the Drainage Issues Task Force has had three meetings to date, and a fourth meeting is scheduled. He noted some issues that had been discussed at the meetings including engineering costs, Drainage Board authority, Drainage Act timeline compliance, and public education about the Drainage process. He also noted that consultation with Sid Vander Veen, Drainage Coordinator at OMAFRA, has been productive at identifying areas for improvement and change. It is expected that they will be forwarding a report to Council either on or after the August 14, 2018 Regular Council Meeting. Mr. Farquhar and Mr. Watts responded to questions from the members of the Board.

Moved By Councillor Stauble
Seconded By J. Bedard

That the verbal update of Mike Farquhar, regarding the Drainage Issues Task Force Update, be received.

Carried

6. Adjournment

Moved By Councillor Stauble
Seconded By Councillor Junkin

That the Drainage Board Meeting adjourn at 8:00p.m.

Carried

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2018-018

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All wards

Title: Drainage Task Force Recommendations

Author and Title: Juan Rojas
Director of Engineering and Assets

Recommendation(s):

RESOLVED THAT Report ENG2018-018 Drainage Task Force Recommendations be received.

THAT the recommendations contained in Report ENG 2018-018be presented to the new Council through consideration of the revised terms of reference and appointments for the City's Drainage Board.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of August 22, 2017 Council adopted the following resolution:

CR2017-703
RESOLVED THAT Report ED2017-007, Farm Drainage, be received; and

THAT staff develop a Terms of Reference for Council approval of a Drainage Issues Task Force to review the City's municipal drain program and recommend potential improvements and efficiencies to that program for Council's consideration.

The report that preceded this resolution was ED2017-007, and it outlined the recommendations of the Agricultural Development Advisory Board as seen below.

> **THEREFORE BE IT RESOLVED THAT** ADAB recommends that Council strike a Drainage Issues Task Force with representation from Council, the Drainage Board, the Agricultural Development Advisory Board, and staff from the Engineering Department, including the Drainage Superintendent, and from the Kawartha Region Conservation Authority to review the current drainage program, policies and industry best practices to develop recommendations for council to reduce costs and shorten timelines for delivery of the program and services.

Based on the Council resolution of August 22,2017 the terms of reference for the Taskforce were developed and brought forward on January 30, 2018 (see appendix A) for Council review and adoption through report ED2018-002. The following resolution was passed at the January 30th , 2018 meeting.

10.3.16 ED2018-002

> **Recommended Terms of Reference City of Kawartha Lakes Drainage Task Force**
> Kelly Maloney, Agriculture Development Officer
>
> **CR2018-031**
>
> **That** Report ED2018-002, **Recommended Terms of Reference City of Kawartha Lakes Drainage Task Force**, be received; and
>
> **That** the Terms of Reference for the City of Kawartha Lakes Drainage Task Force in the form attached as Appendix A to Report ED2018-002 be approved and adopted by Council.
>
> **CARRIED**

Based upon the above approved resolution and terms of reference for the Drainage Taskforce , the Clerk's office advertised for the following composition for members.

- one (1) member of City Council (maximum of three (3));
- one (1) member representing the Drainage Board
- one (1) member representing the Agriculture Development Advisory Board
- one (1) member representing the Kawartha Region Conservation Authority;
- one (1) member from the drainage industry (maximum of two (2)); and
- one (1) member of the public (maximum of three (3)).

The based on the applications that were submitted to the Clerk's office the following individuals were selected to be members of the Drainage Taskforce.

- Jim Oriotis
- Ron Warne
- Paul Brown (Chair)
- Craig McGill
- Dale Hamilton
- John Pollard
- Andrew Veale

Staff resources consisted of the following individuals

- Juan Rojas
- Mike Farquhar
- Paul Herlihey
- Ashley Webster (Recording Sectary)

Over the course of 4 months from May 23rd to August 13th the Taskforce met 5 times to review information provided by staff and discuss the objectives that were laid out in the Taskforce terms of reference.

- Review the existing policies, procedures and operating processes for establishing and maintaining municipal drains and providing outlets to tile drains relative to the Drainage Act and other legislated mechanisms with a goal to reduce time and cost to landowners and the municipality;
- Improving the drain establishment and maintenance processes would include reviewing practices in other municipalities with similar drainage systems in Ontario to identify a set of best practices for adoption.
- Process improvements should be focused on the customer (landowner) with time and cost as the key factors.

Rationale:

Based on, the information provided by staff and the discussions held within the Taskforces 5 meetings, a list of recommendations were developed by the Taskforce to help facilitate the City's existing process's when implementing the Drainage Act as well as update the terms of reference for the Drainage Board.(see attached appendix B).

The recommendations of the Drainage Task Force can be summarized in the following 11 points.

1. Maintain current Drainage Board Composition (2 Councillors and 5 appointed members of the public). (**Staff's recommendation would be to have 3 members of the public appointed to the Board)**
2. Maintain the function of Council appointing 5 members of the public to the Drainage Board every 4 years. (**Staff's recommendation would be appointing 3 members of the public to the Drainage Board for a 4 year term)**
3. Increase the thoroughness of the interview process prior to appointing members to the Drainage Board. (**Staff recommendation would be to include Council appointees in interview process)**
4. Change the Drainage Board from an advisory board to an authority board. Council would give the Drainage Board the authority to make final decisions.
5. Continue to have related drainage by-laws go to Council for approval and budgeting.
6. The Drainage Superintendent be required to assist and monitor the progress of new drain construction and bring progress updates back to the Drainage Board for their information.
7. Direct the Engineering department in collaboration with the Purchasing division and the Clerk's Office to design a standard tender template for new drain construction with consistent expectations and general conditions for all drainage construction work within the City of Kawartha Lakes.
8. Engineering staff should prepare a very rough cost estimate for each new drain project using the calculation of water shed size multiplied by the City's average cost per hectare to provide to petitioners and include in the selection process for hiring the engineer. It should be made clear that this is a very rough estimation provided for reference only and that actual costs will vary widely depending on the project.

9. The Drainage Board and Drainage Superintendent consult with the Communications, Advertising and Marketing division to develop a new and improved communication and public education processes.
10. Engineering department staff begin the pre-scoping process immediately upon the filing of a petition and prioritize the completion of a proper pre-consultation process on each new drain construction project with the consent of the petitioner.
11. Council create a grant reserve for new drain construction and update Council Policy 2017-004 Credit Granting Policy in order to allow residents with a lot size of 1 acre or less to be eligible to claim a rebate of up to $500.00 towards their assessed cost for new drain construction provided they are receiving no other grants or rebates from any other source.

With the exception of points 4 and 11 all of the recommendations can be implemented administratively. Points 4 and 11 will need a Council resolution in order to implement.

Point 4 recommends that the Drainage Board become an approval board in order to facilitate quicker review of petitions and drainage issues. Currently the Drainage Board is an advisory board in accordance with CKL By-Law 2007-186, A by-law to establish the City of Kawartha Lakes Drainage Board, the role of the drainage board is to act as an advisory body in regards to municipal / agricultural drainage matters (within the procedures of the Drainage Act) and to provide recommendation to Council regarding such matters. Prior to 2004 the Drainage Board was an approval board with powers laid out under Section 6 of the City of Kawartha Lakes Act, 2000

Section 6 of the *City of Kawartha Lakes Act, 2000* deals with drainage matters and states that:

(1) *The council may by by-law,*
- *(a) establish a drainage board;*
- *(b) delegate to the drainage board any of the council's powers and duties under the Drainage Act, except for its power to make by-laws and resolutions; and*
- *(c) require the drainage board to exercise the council's powers and duties with respect to any matter under the Drainage Act in which the council is required by law to hold hearings or afford an opportunity to be heard.*

(2) *The council shall appoint the members of the drainage board from among person who are,*
- *(a) members of the council; or*
- *(b) eligible to be elected as members of the council.*

(3) *Members of the drainage board shall be paid the remuneration and expenses authorized by the council and those payments shall be deemed not to form part of the cost of the drainage works.*

(4) *The council may impose conditions in the by-law with respect to any matters delegated to the drainage board.*

(5) *Section 252 of the Municipal Act, 2001 applies to the drainage board as if it were a committee of the council.*

The format and terms of reference had been previously reviewed in 2010 under report CAO 2010-007, which had recommended the current structure of the Drainage board.

Point 11 recommends that costs associated with residential lots 1 acre or less that are within the drainage shed area of a **new petition drain** and associated to the costs of **construction** be borne by the City to a upset limit amount of $500. The committee by doing this would help eliminate any unnecessary delays with the petition process for a new drain as well as help lessen any appeals to the Court of Revision due to assesment of costs to residential lots.

Finance looked to an average of three previous drain assessment schedules, looking at 1 acre lots or less and the cost that were levied out to these lots. Finance found that the average cost per drain over the selected sample to be a total of $6000. In order to implement Point 11 the City could increase its capital contribution by $6000 to the Municipal Drains program (RD1813). This would bring the total capital contribution for the program from $40,000 to $46,000. The current program is used for the City's right of way contribution costs only. This program is currently funded by the general tax levy.

Other Alternatives Considered:

All recommendations with the exception of Point 4 and 11 could be implemented administratively. Council could choose to maintain the status quo with regards to Points 4 and 11.

Financial/Operation Impacts:

If Point 11 is implemented it would mean a yearly additional cost of $6,000 to the capital program RD1813 Municipal Drains Program.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations of this report align with the following goals of the Corporate Strategic Plan:
Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.C05

Consultations:

Finance

Drainage Board Task Force

Attachments:

Appendix A Drainage Task Force Terms of Reference.p

Appendix B Task Force Minutes August 13 Accessible.

Department Head E-Mail: jrojas@kawarthalakes.ca
Department Head: Juan Rojas, Director of Engineering and Corporate Assets

Revised Terms of Reference

NAME: City of Kawartha Lakes (CKL) Drainage Task Force

Mission:

The CKL Drainage Task Force is a volunteer task force appointed by City Council. The Drainage Task Force will provide advice and recommendations to Staff, with the objective of recommending improvements to Policy and/or Management Directive and/or Standard Operating Processes to save time and reduce costs to the landowner and the municipality while supporting an effective municipal drain system and following the Drainage Act.

Objectives:

The objectives of the Task Force are:

- Review the existing policies, procedures and operating processes for establishing and maintaining municipal drains and providing outlets to tile drains relative to the Drainage Act and other legislated mechanisms with a goal to reduce time and cost to landowners and the municipality;
- Improving the drain establishment and maintenance processes would include reviewing practices in other municipalities with similar drainage systems in Ontario to identify a set of best practices for adoption.
- Process improvements should be focused on the customer (landowner) with time and cost as the key factors.

The Task Force will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Task Force business.

Roles and Responsibilities:

Roles and responsibilities of this Task Force include:

1. Compliance with the Municipal Act including the Accountability and Transparency Section;
2. Provide advice and recommendations to Staff respecting process improvements to the City's current Drainage processes;
3. No direct representations of the City to Provincial or Federal Governments; and
4. Follow the by-laws and policies established by Council.

Activities: The following are the activities and responsibilities of the Task Force:

1. To review the existing policies, procedures and operating processes for establishing and maintaining municipal drains and the outlet of tile drains

relative to the Drainage Act and other legislated mechanisms and recommend strategies and improvements for staff consideration.

2. To facilitate a public forum through regular meetings for Council, City Staff, development stakeholders and the public to provide input and comments respecting the CKL Drainage installation and maintenance processes.

Composition:

The Task Force shall have a minimum of six (6) and maximum of eleven (11) members comprised of stakeholders, Kawartha Conservation representation, members of the public, and Council. Of the appointed membership, there shall be a minimum of:

- one (1) member of City Council (maximum of three (3));
- one (1) member representing the Drainage Board
- one (1) member representing the Agriculture Development Advisory Board
- one (1) member representing the Kawartha Region Conservation Authority;
- one (1) member from the drainage industry (maximum of two (2)); and
- one (1) member of the public (maximum of three (3)).

Task Force members will be appointed by Council in accordance with established policy. All appointed voting members may be represented at meetings by a designated alternate. A designated alternate must be formally designated by an appointed member in writing to the Task Force to represent them. Designated alternates must be approved by the Task Force and are subject to all of the requirements and criteria set out in the Terms of Reference.

It is acknowledged that there are no per diems for any Task Force positions and it is acknowledged that none of the above positions shall be paid for their services.

Term of Appointment:

The Drainage Task Force is appointed to make final recommendations to Staff prior to **August 31, 2018**. Members will be appointed until that date.

Resources:

The Engineering and Corporate Assets Department will provide support in the form of advice, day-to-day liaison, information sharing, Task Force secretary role and meeting coordination.

Timing of Meetings:

Meetings will be held on a set day and time as may be determined by the Task Force or at the call of the Chair.

Administration:

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference at any time. Any changes proposed to these Terms of Reference by the Task Force shall be recommended to Council via the Director of Engineering and Corporate Assets through a report to Council.

Appointment of Officers:

The Task Force shall appoint such executive positions as it deems necessary to ensure its operations, and shall as a minimum, at its first meeting, elect from the membership a chairperson and a vice-chairperson. Engineering and Corporate Assets staff shall serve as the Secretary as a resource to the Task Force.

Meetings:

The Task Force shall hold a minimum of 2 meetings within their term. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Task Force a minimum of five (5) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Task Force.

Procedures:

Procedures for the meetings of the Task Force shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Closed Meetings:

Closed meetings will not be held by this Task Force.

Agendas and Minutes:

A copy of the Agenda shall be provided to the Clerk's office at the same time it is provided to Task Force Members. Minutes of all meetings of the Task Force shall be forwarded by the Engineering and Corporate Assets Department to the Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the Engineering and Corporate Assets Department at that time. The Clerk's Office will electronically circulate the minutes to all members of Council for their information. The Clerk's Office will maintain a set of printed minutes on file for public review.

Reports:

Any recommendations of the Task Force requiring Council direction or approval will be forwarded to Council in a formal written report on the City report template.

It will be the responsibility of the Task Force to identify those recommendations to the Engineering and Corporate Assets Department for final preparation of the report.

Conflicts Of Interest:

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

Errors/Omissions:

The accidental omission to give notice of any meeting of the Task Force to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Task Force may at any time waive notice of any meeting.

Meeting Attendance:

Any member of the Task Force, who misses three consecutive meetings, without being excused by the Task Force, may be removed from the Task Force. The Task Force must make recommendations, by a report to Council, for the removal of any member in accordance with adopted policy. Due to the limited term of appointment for this Task Force, it is expected that members will regularly attend scheduled meetings and/or be represented by an approved designated alternate.

Location of Meetings:

The location of the meetings will be set by the Task Force.

Purchasing Policy:

This Task Force has no purchasing or procurement responsibilities.

Budget:

This Task Force is not responsible for a budget.

Volunteer Positions:

Unless approved by Council, as part of the Terms of Reference or establishing by-law, all Task Force members are considered volunteer positions.

Insurance:

The Task Force shall follow any guidelines and/or recommendations required by the City's insurer.

Dissolution:

At the discretion of Council, the Task Force may be dissolved by resolution of Council, or dissolved upon the mandate of the Task Force being fulfilled.

Expulsion of Member:

The Committee may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Committee or other legal issues. The process for expulsion of a member is outlined within Policy Number 028 CAO 002.

Kawartha Lakes Drainage Task Force
Minutes – Monday, August 13, 2018

1. Call to Order

Chair Paul Brown called the meeting to Order at 6:32 p.m.

1.1 Introductions:

Task Force Committee:

Ron Warne
Paul Brown
Craig McGill
Dale Hamilton
Councillor Veale
Councillor Pollard
Jim Oriotis (attended via teleconference)

Staff Present: Mike Farquhar, Ashley Webster-Recording Secretary

2. Administrative Business

3. Adoption of Agenda

Moved by: Councillor Pollard
Seconded by: Ron Warne

RESOLVED THAT the agenda be adopted as presented.

CARRIED

4. Adoption of Minutes July, 2018

Moved by: Councillor Veale
Seconded by: Councillor Pollard

RESOLVED THAT the minutes August 9, 2018 be adopted as presented.

CARRIED

5. Disclosure of Pecuniary Interest

None Declared

6. New Business

6.1 Preliminary Waite Drain Assessments were distributed to the task force for information by Mike Farquhar.

6.2 The draft recommendations circulated to the task force as part of the August 13, 2018 Agenda were discussed.

6.3 Task force amended item 6.1.11 from the August 13, 2018 Agenda to read, "present draft recommendation that: Council create a grant reserve for new drain construction and update Council Policy 2017-004 Credit Granting Policy in order to allow residents with a lot size of 1 acre or less to be eligible to claim a rebate of up to $500.00 towards their assessed cost for new drain construction provided they are receiving no other grants or rebates from any other source."

7. Other Business

7.1 Action Items by Chair

7.1.1 Motion to adopt the 11 drainage task force recommendations as revised during the August 13, 2018 Drainage Task Force meeting.

Moved by: Councillor Pollard
Seconded by: Dale Hamilton

RESOLVED THAT: The 11 drainage task force recommendations be adopted as revised during the August 13, 2018 Drainage Task Force meeting.

CARRIED

The final Drainage Task Force Recommendations are as follows:

- Maintain current Drainage Board Composition (2 Councillors and 5 appointed members of the public).
- Maintain the function of Council appointing 5 members of the public to the Drainage Boar every 4 years.
- Increase the thoroughness of the interview process prior to appointing members to the Drainage Board.

- Change the Drainage Board from an advisory board to an authority board. Council would give the Drainage Board the authority to make final decisions.
- Continue to have related drainage by-laws go to Council for approval and budgeting.
- The Drainage Superintendent be required to assist and monitor the progress of new drain construction and bring progress updates back to the Drainage Board for their information.
- Direct the Engineering department in collaboration with the Purchasing division and the Clerks Office to design a standard tender template for new drain construction with consistent expectations and general conditions for all drainage construction work within the City of Kawartha Lakes.
- Engineering staff should prepare a very rough cost estimate for each new drain project using the calculation of water shed size multiplied by the City's average cost per hectare to provide to petitioners and include in the selection process for hiring the engineer. It should be made clear that this is a very rough estimation provided for reference only and that actual costs will vary widely depending on the project.
- The Drainage Board and Drainage Superintendent consult with the Communications, Advertising and Marketing division to develop a new and improved communication and public education processes.
- Engineering department staff begin the pre-scoping process immediately upon the filing of a petition and prioritize the completion of a proper pre-consultation process on each new drain construction project with the consent of the petitioner.
- Council create a grant reserve for new drain construction and update Council Policy 2017-004 Credit Granting Policy in order to allow residents with a lot size of 1 acre or less to be eligible to claim a rebate of up to $500.00 towards their assessed cost for new drain construction provided they are receiving no other grants or rebates from any other source.

7.1.2 Staff directed to prepare report for task force to review and provide comment on. Final report to go to Council on September 25, 2018.

8. Date of next meeting

No further meetings scheduled.

9. Adjournment

Moved by: Councillor Pollard
Seconded by: Craig McGill

That the Committee adjourn at 7:20 p.m.

CARRIED

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2018-019

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 4

Subject: Request for Traffic Control - Oakwood

Author Name and Title: Joseph Kelly, Senior Engineering Tech

Recommendation(s):

RESOLVED THAT Report ENG2018-019 **Request for Traffic Control - Oakwood** be received;

THAT a stop sign be installed on the south leg of Grant Drive intersecting Brenda Boulevard;

THAT a stop sign be installed on Brenda Boulevard intersecting the north leg of Grant Drive;

THAT a stop sign be installed on Albert St (Oakwood) intersecting Grant Drive;

THAT the necessary By-laws for the above recommendations be forwarded to council for adoption;

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Staff has received requests for the installation of stop signs in a particular development in the northeast end of Oakwood. This subdivision appears to have been developed in the late 1970's or early 1980's. Staff has found no stop control by-law on record.

Rationale:

The T-intersections of Albert Street and Grant Drive, and the two T-intersections where Grant Drive meet Brenda Boulevard currently have no stop control at any approach. A key map can be seen in Appendix A.

Although the Highway Traffic Act has provisions for uncontrolled intersections, conflicts can occur and it is not best practice to leave an intersection uncontrolled in a semi-urban like environment.

The purpose of a stop sign is to control right-of-way conflicts. Installing a single stop sign at the T at each intersection would alleviate potential conflict.

As a result of the justification review carried out by staff, it is recommended that stop signs be installed at the T-intersections of Albert Street and Grant Drive, and the two T-intersections at Brenda Boulevard and Grant Drive.

Other Alternatives Considered:

No other alternatives were considered

Financial/Operation Impacts:

Cost of signs to bring the By-law into effect.

Three new stop signs
Four temporary stop ahead warning signs with "new" sign above (should be in inventory from previous all-way stop installations)

Plus Installation

$450 * 3 = $1350

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's Vision of a Vibrant and Growing Economy, Quality of Life and a Healthy Environment.

Providing life safety and protection is a priority objective of the City.

Consultations:

Attachments:

Appendix A – Key Map

ENG2018-019-
Appendix A.pdf

Department Head E-Mail: jrojas@city.kawarthalakes.on.ca

Department Head: Juan Rojas, Director of Engineering & Corporate Assets

Department File: Engineering

Oakwood

Map produced by the City of Kawartha Lakes Engineering Department with data obtained under license. Reproduction without permission is prohibited.

The foregoing information is given for convenience only and it should be clearly understood that you must satisfy yourself as to whether the premises and the existing or proposed use thereof are, or would be, in conformity with all applicable by-laws and regulations of the municipality.

All distances and locations are approximate and are not of survey quality. This map is illustrative only. Do not rely on it as being a precise indicator of privately or publicly owned land, routes, locations or features, nor as a guide to navigate.

0 100 200 Meters

Projection: Transverse Mercator
Coordinate System: NAD83, Zone 17

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2018-020

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: 6

Subject: Request for Traffic Control - Thurstonia

Author Name and Title: Joseph Kelly, Senior Engineering Tech

Recommendation(s):

RESOLVED THAT Report ENG2018-020 **Request for Traffic Control – Thurstonia** be received;

THAT a stop sign be installed on the north approach at the intersection of First Street and Hotel Road;

THAT a stop sign be installed on the north approach at the intersection of Second Street and Hotel Road;

THAT a stop sign be installed on the north approach at the intersection of Third Street and Hotel Road;

THAT a stop sign be installed on the north approach at the intersection of Clipper Street and Pavillion Road;

THAT a stop sign be installed on the north approach at the intersection of Second Street and Pavillion Road;

THAT a stop sign be installed on the north approach at the intersection of Third Street and Pavillion Road;

THAT stop signs be installed on the east and west approaches of Thornton Street at Silver Birch Street;

THAT a stop sign be installed on the west approach at the intersection of Alfred Street and Silver Birch Street;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

THAT a stop sign be installed on the north approach at the intersection of McLernon Street and Birchcliff Avenue;

THAT a stop sign be installed on the north approach at the intersection of Hollyville Boulevard and Birchcliff Avenue;

THAT a stop sign be installed on the north approach where Birchcilff Avenue intersects itself;

THAT the necessary By-laws for the above recommendations be forwarded to council for adoption;

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application/agreement/decision.

Background:

Staff has received requests for the installation of stop signs at various intersection in Thurstonia.

Thurstonia is a shoreline community which appears to have been developed in the 1930's. The road widths are narrow with steep grades.

Rationale:

Thurstonia has many intersections where stop controls exist southbound but not northbound, as well as some t-intersections with no controls at all.

It is unknown if the roads were originally intended to be one way. It is possible since the lane widths are narrow. It appears that the roads are currently travelled in both directions.

It would be prudent to add a stop control for all instances in Thurstonia where a through street has been established and a stop sign is missing from an approach.

As a result of the justification review carried out by staff, it is recommended that stop signs be installed facing south at the following street intersecting Hotel Road: First Street, Second Street and Third Street. Also facing south on Slipper Street: Second Street and Third Street intersection Pavillion Road. It is recommended that both approaches of Thornton Street and one approach of Alfred St, which intersect Silver Birch Street, have stop controls installed. It is also recommended where McLernon Street, Hollyville Boulevard, and Birchcliff Avenue meet Birchcliff Avenue have stop controls installed.

Other Alternatives Considered:

No other alternatives were considered

Financial/Operation Impacts:

Cost of signs to bring the By-law into effect.

12 new stop signs
Four temporary stop ahead warning signs with "new" sign above (should be in inventory from previous all-way stop installations)

Plus Installation

$450 * 12 = $5400

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The City's Strategic Plan outlines Council's Vision of a Vibrant and Growing Economy, Quality of Life and a Healthy Environment.

Providing life safety and protection is a priority objective of the City.

Consultations:

Attachments:

Appendix A – Key Map

ENG2018-020-Appendix A.pdf

Department Head E-Mail: jrojas@city.kawarthalakes.on.ca

Department Head: Juan Rojas, Director of Engineering & Corporate Assets

Department File: Engineering

Thurstonia

APPENDIX" A "
to
REPORT ENG2018-020
FILE NO _____

Map produced by the City of Kawartha Lakes Engineering Department with data obtained under license. Reproduction without permission is prohibited.

The foregoing information is given for convenience only and it should be clearly understood that you must satisfy yourself as to whether the premises and the existing or proposed use thereof are, or would be, in conformity with all applicable by-laws and regulations of the municipality.

All distances and locations are approximate and are not of survey quality. This map is illustrative only. Do not rely on it as being a precise indicator of privately or publicly owned land, routes, locations or features, nor as a guide to navigate.

0 200 400 Meters

N

Projection: Transverse Mercator
Coordinate System: NAD83, Zone 17

The Corporation of the City of Kawartha Lakes

Council Report

Report Number HS2018-003

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Grant Program for Medical Services

Author and Title: Rod Sutherland, Director of Human Services

Recommendation(s):

RESOLVED THAT Report HS2018-001, Grant Program for Medical Services, be received; and

THAT the a Decision Unit be included in the 2019 Operating Budget for an increase of $36,000 to the Kawartha Lakes Health Care Initiative to develop and deliver a Family Physician Professional Development program.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of February 13, 2018, Council adopted the following resolution:

CR2018-075

> **RESOLVED THAT** Report CS2018-004, **Coboconk Medical Centre Update**, be received; and
>
> **That** Council direct staff to investigate the cost of erecting a permanent facility for the provision of Medical Services in Coboconk; and
>
> **That** Council direct staff to investigate the development of a Grant Program for the purposes of supporting the provision of Medical Services throughout the City; and
>
> **That** current leases for medical practices be renewed on a year to year basis until such time that council has opportunity to consider a possible grant program.

This report addresses the direction of the third paragraph of the resolution.

Current (2018) City funding to KLHCI includes $65,488 for operating costs as well as a $20,000 allocation to the City's Doctor Recruitment Reserve. Annual allocations to the reserve are based on Council direction to maintain the reserve balance at approximately $100,000. Reserve funds are requested by KLHCI as new Return of Service Incentive agreements are executed with family physicians as they are recruited. There have been 36 family doctors recruited since 2003. KLHCI is a registered non-profit, charitable organization.

The City also contributes annual funding ($106,698 in 2018) to the Victorian Order of Nurses (VON) to support two full-time Nurse Practitioner positions, one in Lindsay and one in Kirkfield. The Lindsay site is leased privately by the VON while the Kirkfield site at 1027 Portage Road is leased from the City at approximately $790/month. VON is a national, non-profit, charitable organization.

Financial support to two private practice physicians has been provided through the provision of space at no charge in the City-owned Coboconk and Kirkfield Medical Centres. Previous Council reports (CS2018-004, CS2018-006) have addressed the issue of this provision of space and Ontario's Municipal Act restrictions on bonusing. The City is requiring all medical practitioners leasing or occupying City owned space to pay fair market value effective 2019.

Due to the condition of the Coboconk Medical Centre building, the City has been paying for a portable centre building at that location. The annual cost of that portable is approximately $37,000.

Rationale:

A Grant Program for Medical Services currently exists in effect through separate funding streams to KLHCI, VON and up to 2018 by way of no-cost use of City-owned space in the Kirkfield and Coboconk Medical Centres for two private practice physicians.

The existing funding to the KLHCI for operating costs and the Doctor Recruitment Reserve as well as the Nurse Practitioner funding to VON are recommended to continue. Both were endorsed to continue by Council through the Core Service Review process in 2015-16.

The City's Chief Administrative Officer (CAO), Director of Community Services and Director of Human Services met with representatives of the Kawartha Lakes Health Care Initiative (KLHCI) on March 8th and May 4th, 2018 to review medical services and doctor recruitment needs.

Through these discussions and through their May 15th annual update to Council, the KLHCI has identified opportunities to enhance the retention of family physicians within the City. An equitable and efficient way to support family doctor retention is through an ongoing professional development or education program for family doctors. By offering a series of regular education events, the KLHCI could support all local family doctors in maintaining and increasing their skills. These sessions would be co-ordinated locally to improve education opportunities and support retention success.

Funding of $36,000 would provide for approximately 12 education sessions for all family doctors in the City. A benefit of this approach is the equitable access for all family doctors. No one doctor receives a higher benefit than another based on their practice type, location or facility. There are currently 41 family physicians practicing in the City.

As stated by members of the KLHCI, incentives that benefit only specific doctors, such as reduced leasing costs, are not supported by them as they create inequities. Private practices are privately owned, for-profit businesses that benefit financially from these incentives.

It is recommended that the City shift its financial support of no-cost use of space arrangements for individual medical practices to a City-wide, family physician professional development program and that funding in the amount of $36,000 be included in the 2019 Operating Budget for consideration as a Decision Unit. The funding, if approved, will be administered by KLHCI as part of their Family Doctor Recruitment and Retention program. The KLHCI will be asked to report annually to City Council on the program and its outcomes.

A presentation to City Council was scheduled for September 18, 2018 by the Coboconk, Norland and Area Chamber of Commerce regarding the Coboconk

Medical Centre. The Directors of Community Services and Human Services, along with KLHCI members, met with the Chamber representatives along with representatives of the Coboconk Medical Centre Trust on September 4th, 2018. In a discussion regarding medical services and doctor recruitment and retention efforts, all groups were in general support of shifting away from a program that financially benefited only two family physicians to a program that can benefit all family physicians in the City.

Other Alternatives Considered:

There could be a multitude of options for a grant program. The recommended option builds on the existing community expertise and capacity of KLHCI to provide an equitable application across the City for all family physicians.

Council could choose not to pursue an additional grant program for a family physician education program, maintaining current funding support to KLHCI and VON. As previously reported, the City cannot continue to provide City space to a private, for-profit business at less than fair market value.

Financial Impacts:

The annual cost of the recommended education program through KLHCI is $36,000. As noted, the current leasing cost for the temporary portable in Coboconk is approximately $37,000 per year, a cost fully borne by the City at present.

With Council's current direction requiring market value or cost recovery payment for City-owned space, a lease for this space would recover that cost, primarily offsetting the cost of the education program.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Medical services, including family doctor recruitment and retention, relate directly to the City's strategic goal of An Exceptional Quality of Life, and specifically to the objective of Improved Wellness, Well-Being and Community Health.

Consultations:

Kawartha Lakes Health Care Initiative
Director of Community Services

Department Head E-Mail: rsutherland@kawarthalakes.ca

Department Head: Rod Sutherland

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WM2018-010

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Residential Clear Bag and Leaf and Yard Waste Drop off Pilot Project (2018) -Interim review

Description: A review of the first event (Spring 2018) of the pilot program for the Residential Clear Bag and Leaf and Yard Waste Drop Off Weeks.

Author and Title: David Kerr, Manager Environmental Services

Recommendation(s):

THAT Report WM2018-010, be received; and

THAT Staff report back to Council by the end of December 2018 on the results of the second event (fall 2018) of the pilot project with recommendations regarding continuation or not of a similar program.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council meeting on Tuesday, September 26th 2017, the following resolution was made:

RESOLVED THAT the memorandum from Mayor Letham regarding **Seasonal Residential Clean Up Waste Drop Off**, dated September 26, 2017, be received and;
THAT Staff implement for the 2018 season a 1 year pilot project to exempt all City of Kawartha Lakes residents from tipping fees identified within by-law 2015-123, as amended, related to bringing compliant clear bag residential waste and compliant leaf and yard residential waste to City Landfills for a period of 2 weeks in spring and 2 weeks in fall;
THAT Staff report back to Council by the end of July 2018 on the results of the Spring 2018 pilot project;
THAT all other current programs regarding waste drop off, leaf and yard material drop off, remain in place;
THAT the necessary by-laws for the above recommendations be forwarded to Council for adoption; and
THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this decision.

This Staff Report is presented to Council to provide a report on the results of the 2018 spring drop off event as per Council's request.

As further background, Council may recall that starting May 14th until May 27th, 2018, residents were invited to drop off residential clear bag waste and leaf and yard waste at no cost to any open City landfill during regular operating hours. Clear garbage bags of residential waste were accepted provided they contained less than 20% recyclable material and no hazardous waste. Residential leaf and yard waste was accepted in a loose form or contained in paper bags. Regular tipping fees were applied for all other items including but not limited to large items, mattresses, box springs, construction and demolition materials, institutional and commercial waste, waste not in clear bags, mixed waste loads, RV disposal, contaminated soil, boats, asbestos, boat and bale wrap, septage, and furniture. The next and last scheduled event for this free drop off will be held Monday, October 1st until Sunday, October 14th, 2018.

Rationale:

The following section provides a summary of data collected by staff on the first event (spring 2018) of this pilot project.

On the whole, lineups and wait times were manageable at all landfill sites during this first event. Not knowing what to expect, staff took added precautions to pre-

notify the public that there may be longer than usual lineups at the sites. As well additional staff was called in to help regulate and improve traffic and delays.

The results indicate there was a significant increase in both Leaf and Yard waste and Clear Bag waste during the event in comparison to the same two week period in 2017 (May15th-28th). However it should be noted that this apparent increase in tonnage is not entirely representative as a true comparison for the following reasons:

- Leaf and Yard waste volumes collected previous to September 2017 were accounted for using less accurate methods. The waste did not have to be scaled as tipping fees were not required at the time and as a result it is likely that some additional leaf and yard waste entering the sites may not have been accounted for at the time;
- The volume of Clear Bags brought to the landfill had increased from 2017 to 2018 since the clear bag program was implemented in 2017 and the public was in the midst of transitioning to using clear bags. Therefore it is possible the actual quantity of waste received at the landfill during the 2018 event from public drop off in comparison to 2017 had not changed as significantly as the data indicated.

Tonnages are shown in the table below**:**

Comparison of Waste Drop off (2017 to 2018)

Site	Year	Leaf and Yard Waste (tonnes)	Clear Bag (tonnes)
Lindsay Ops	2017	24.65	10.34
	2018	205.42	39.30
Fenelon	2017	8.90	2.52
	2018	104.26	10.23
Laxton	2017	0.98	3.53
	2018	18.61	6.72
Somerville	2017	4.90	0.46
	2018	9.67	5.76
Eldon	2017	16.21	1.09
	2018	14.74	3.56
Total	**2017**	**55.64**	**17.94**
	2018	**352.70**	**65.56**

It should be noted that the quantities of Leaf and Yard waste accepted at the landfill during the two week period prior to the event are slightly lower but generally comparative to the event.

After the October 2018 two week event is completed and waste quantities assessed, staff will have a better indication of the true increase in waste brought to the landfill in comparison to the same period in 2017.

Although it is difficult to accurately quantify, staff did not observe any obvious decrease in roadside dumping from year to year as a result of this event.

In general, residents welcomed the opportunity of the free drop off period. The cost implications of this in terms of lost revenue are shown in the Financial/Operation impact section of this report.

Other Alternatives Considered:

This pilot project has been approved by Council includes windows in both the spring and fall, so the full pilot has yet to be completed. No alternatives are provided at this time since it will be necessary to evaluate the second scheduled event in the fall of 2018. A staff report is then recommended to be brought forward to Council with recommendations on whether or not the program is to be continued in 2019 and if so what the details of that program would be. Alternatives would be provided in that staff report.

Financial/Operation Impacts:

The estimated revenue variance for the first phase of the pilot event was estimated by calculating the tonnage difference in waste dropped off during the pilot versus the same period in 2017. See table below for the financial evaluation of the spring 2018 event compared to the same time in 2017.

Potential Lost Revenue in Tipping Fees

Site	Year	Leaf and Yard Waste	Clear Bags
Lindsay Ops	2017	$2,465.00	$1,034.00
	2018(no charge)	$21,569.10	$4,126.50
Fenelon	2017	$890.00	$252.00
	2018(no charge)	$10,947.30	$1,074.15
Laxton	2017	$98.00	$353.00
	2018(no charge)	$1,954.05	$705.60
Somerville	2017	$490.00	$46.20
	2018(no charge)	$1,015.35	$604.28
Eldon	2017	$1,621.00	$109.20
	2018(no charge)	$1,547.70	$373.80
Total	2017	**$5,564.00**	**$1,794.40**
	2018(no charge)	**$37,033.50**	**$6,884.33**
	Difference (lost revenue)	$31,469.5	$5,089.93

Although the proposed 2019 operational budget does not account for continuation of this program, Council may request its inclusion as an additional service to be delivered. Staff recommends that this decision be made after reviewing the results of the fall event and overall cost benefit of this service to the public.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The pilot program is designed to reduce the storage of household waste and roadside dumping which would follow the City's Strategic Goal 3 to create a healthier environment. As well the program will meet Enabler 3 to provide exceptional customer service by providing a no cost service to the public.

Consultations:

Waste Operations Supervisor

Phone: 705-324-9411 x 1118

E-Mail: dkerr@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

The Corporation of the City of Kawartha Lakes

Council Report

Report Number WWW2018-008

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Water Wastewater Service Connection Strategy

Author and Title: David Kerr, Manager, Environmental Services

Recommendation(s):

RESOLVED THAT Report **WWW2018-008, Water Wastewater Service Connection Strategy**, be received; and

THAT staff be directed to prepare the necessary amendments to By-Law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes” to require property owners who meet requirements of mandatory connection process to connect to available municipal water and/or wastewater services upon failure of their private infrastructure.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The City of Kawartha Lakes (CKL) has 21 drinking water systems and 6 wastewater systems. The majority of these systems do not generate enough revenue to cover the operating costs required to run the systems. In an effort to make the systems more financially sustainable CKL adopted By-Law 2005-75 “A By-Law to Require Owners of Buildings to Connect such Buildings to Water Works and Wastewater Works in the City of Kawartha Lakes” on April 12, 2005. The general intent of the by-law was to ensure that the City adequately captured and maximized the number of potential connections to municipal water and wastewater services.

With the exception of properties in Oakwood being connected to and serviced by the expanded Lindsay Drinking Water System infrastructure, By-law 2005-75 was not actively enforced within other regions of CKL as staff had restricted powers of enforcement due to gaps in the by-law wording. A number of the definitions were ambiguous, powers of entry were not included, and the penalties for non-compliance were inadequate. As part of the Lean Six Sigma Black Belt project, the by-law was reviewed in 2014 by staff in multiple departments (Office of Strategy Management, Public Works, Engineering and Corporate Assets, Property & Building, Revenue & Taxation and Municipal Law Enforcement) to determine if it could be improved upon. A number of informational gaps were identified within. Due to the extent of the proposed improvements, a new by-law was adopted by Council on Sept 9, 2014 to address the identified deficiencies. The By-law was adopted as By-law 2014-255 “A By-law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes”, referred to as the “Mandatory Connection by-law”.

As a result of the large number of properties required to connect, the City’s various departments did not have the necessary resources to administer the immediate connection of all eligible users. City staff organized a pilot project in Fenelon Falls to strategically phase in the connection of properties to the municipal systems before implementing the policy into the rest of CKL. During the initial phase of the pilot project, a survey was completed that identified 36 properties that were serviced by private water and/or septic systems and which fronted municipal water mains and/or sewer mains connected to the Fenelon Falls Drinking Water System and Wastewater System. Eleven (11) of the 36 properties were removed from the pilot due to restrictions on wastewater capacity at the time, leaving 25 properties that formed the pilot study.

During the pilot study over the course of 2016 and 2017, Council made several decisions to conditionally exempt properties from the requirements to connect to a municipal system in Fenelon Falls. This led to 22 of the eligible properties becoming exempted from the connection process until such time as both Water and Wastewater services becomes available to the properties. Of the three remaining properties, two have complied with the by-law and connected, and the final property is currently with by-law enforcement due to non-compliance.

The properties were conditionally exempted by Council through the following resolutions:

10.3.15 WWW2016-007

David Kerr, Manager, Environmental Services
Exemption Request to By-law 2014-255 (Mandatory Connection)

CR2016-752

RESOLVED THAT Report WWW2016-007, **Exemption Request to By-Law 2014-255 (Mandatory Connection)**, be received; and
THAT an exemption from By-Law 2014-255, A By-Law to Require Owners of Buildings To Connect Such Buildings To Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes, requested by the property owner of 765 County Rd 121, Fenelon Falls (Property Tax Assessment Roll No. 1651-210-06007700.0000) on the grounds that the foot print of the residence building is outside of the Fenelon Falls urban settlement area be approved, with acknowledgement that any future development on this property within the urban settlement boundary will require connection to full municipal services.

CARRIED

10.1.3 CC2016-34.10.1.3

Councillor Doug Elmslie
Mandatory Hook Up - Properties along County Road 121, Fenelon Falls

CR2016-1147
Moved By Councillor Breadner
Seconded By Councillor Yeo

RESOLVED THAT the memo from Councillor Elmslie regarding **Mandatory Hook Up – Properties along County Road 121**, be received;
THAT the matter be forwarded to staff for review and report back in the first quarter of 2017; and

THAT the mandatory deadline for properties along County Road 121 to connect to municipal water services be extended by three months.

CARRIED

10.1.3 CC2017-20.10.1.3

Doug Elmslie, Councillor
Memorandum
Exemption for Mandatory Hook Up

CR2017-635

RESOLVED THAT the memorandum from Councillor Elmslie dated July 11, 2017 regarding Exemption for Mandatory Hook Up, be received;
THAT the exemption request to the Mandatory Connection By-law 2014-255 for 118 Clifton Street , 67 Wychwood Crescent, 71 Wychwood Crescent and 79 Wychwood Crescent, Fenelon Falls, be approved;
THAT the Fixed Rate and Capital Levy to properties along County Rd. 121, between Clifton St. and Northline Rd. to commence immediately as part of this decision, be applied; and
THAT the exemption remains in effect until such time as both municipal water and sanitary servicing is available in accordance with the Mandatory Connection By-law.

CARRIED

10.1.1 CC2017-29.10.1.1

Doug Elmslie, Councillor
Exemption from Mandatory Hook Up

CR2017-904
RESOLVED THAT the memorandum from Councillor Elmslie dated October 24, 2017 regarding Exemption for Mandatory Hook Up be received;
THAT the exemption request to the Mandatory Connection By-law 2014-75 Wychwood Crescent , Fenelon Falls, be approved; and
THAT the Fixed Rate and Capital Levy to the property, 75 Wychwood Crescent , Fenelon Falls, commence immediately.

CARRIED

The properties that were granted conditional exemption to connect were still expected to pay for the capital and fixed rate portion of the user rates (now combined as fixed rate). The properties are receiving the benefits from the services available to them such as increased property values, reduced insurance rates for fire protection, and a guaranteed safe drinking water source. As a result of the exemption decisions, the by-law was amended in September 2017 to charge those properties that meet the requirements of the mandatory connection by-law the Fixed Rate and Capital Levy charges (now combined as Fixed Rate) prior to connection as their properties were receiving the same benefit as those identified in the Fenelon Pilot. The amendment allowed the Water and Wastewater Division to collect revenue to help reduce the financial pressures on the current users, help offset any required increase to the user rates and also aid in supporting Council's initiative to make our municipal systems financially sustainable.

As the pilot project in Fenelon Falls has reached its conclusion it is important for Council and staff to review the project results. The goal is to determine if any potential changes are required to increase the effectiveness of the program before the phased in implementation occurs with the remaining properties eligible to connect to the municipal water/wastewater services in CKL. That is why at the Council Meeting on April 24, 2018, Council adopted the following resolution:

THAT Staff be directed to provide a report updating Council on the results of the Pilot Project for Mandatory Connections in Fenelon Falls and a review of alternatives for addressing physical connection requirements outlined in By-Law 2014-255; and

THAT Staff report to Council no later than the end of Q3, 2018.

CR2018-233

This report addresses that direction. As well this is summarized in a slide show that was presented to Council on September 18, 2018 and is attached as Appendix A

Rationale:

The purpose of the pilot study in Fenelon Falls was for staff to review and improve the program outlined in the by-law before widespread implementation within the rest of CKL. Of the eligible properties under the pilot project 92% were granted a conditional exemption from the by-law through four separate Council reports, potentially indicating that the program as is, is not as effective as it could be. Staff believes amending the by-law to require qualifying properties to connect to available municipal water and/or wastewater services when their private infrastructure (private wells or septic systems) fails would be the most efficient way to increase the overall effectiveness of the program moving forward. This

amendment would be the most beneficial for the residents that meet the criteria to connect to municipal services as well as City staff in the following ways:

- One of the largest concerns by the residents of the eligible properties is the financial pressure associated with the process to connect. The requirement to connect at time of private system failure makes the most logical sense because the property owner will already be required to make a financial investment whether it is towards a new private system or connecting to the municipal services available to them;
- The CKL would still collect the Fixed Rate portion of the user fees from qualifying properties to ensure that each property is contributing towards the base costs associated with the maintenance and replacement of the existing infrastructure, significantly aiding the financial sustainability of the systems within CKL; and
- Time and resources pressures on departments from Engineering, Water & Wastewater, Building and Municipal Law Enforcement will be reduced as there would be no need for continuation of the connection pilot program.

Challenges with this recommendation could be ensuring that property owners are conforming with the by-law when their private system does fail. Septic systems will be identified through Building Services as the property owner must obtain a permit for a new septic system. There is currently no permitting process for new drinking water wells, which would require the City to rely on the property owners to notify staff of the plan for a new system. This risk can be reduced through public awareness and education initiatives such as including material on the City's website and providing information packages to properties that meet the requirements for the mandatory connection process. This option has the least financial impact on residents and is also manageable with current departmental resources without effecting other day to day obligations.

It is noted that in the recommended option and both alternatives identified in the report, staff are recommending that the City continue to collect the Fixed Rate from properties that qualify under the definition in the by-law. This solution adopted by Council provides the required resident contribution to the water and wastewater systems to help drive sustainability of the water and wastewater systems.

Other Alternatives Considered:

Alternative 1: Status Quo

The first alternative considered would be if Council decides not to accept the proposed resolution to make the necessary amendment to the Mandatory Connection By-law. Staff would continue with the implementation of the program as originally piloted with the remaining properties in CKL. Notices will be provided to approximately 25-30 properties at a time. It is expected that this

option will be the least favourable to CKL residents and places the most pressures on staff time and resources.

Council will likely continue to receive multiple requests for conditional exemptions from eligible properties, requiring additional time for staff to prepare the Council reports as well as Council's time required to review the requests. The Public Works Department has received multiple requests for exemptions to connect from properties within CKL but has informed the property owners to hold off until such time that this report could be reviewed by Council and any potential decisions that could result in amendments to the by-law.

Residents would still only be granted 18 months from time of notification to connect if either municipal service is available to them, giving the owners the least amount of time to prepare for the potential financial encumbrance of the three options listed in this report.

Alternative 2: Extended Timeframe for Connection

The mandatory connection process would continue in place as is, however the current 18 month timeframe given to properties to comply would be extended to 36 months. The pressures on staff resources and requests for exemptions would be relatively consistent; however, a longer time period would allow residents more time to obtain the required quotes and to have construction completed. The longer timeframe would also assist in making sure the appropriate finances are put in place by the residents, placing less pressure financially on them. This option will also require additional staff time to prepare reports to Council as Council will still receive multiple requests for exemption.

Financial/Operation Impacts:

Based on the 2018 rates and assuming it is a standard water service size, the annual fixed rate cost for water services will be $349.20 and $331.56 for sewer. If a qualifying building is serviceable by both the total cost for both services is $680.76. Once connected to the services, the property owner would also be responsible for the consumption portion of the user rates.

There are approximately 140 properties within the City that front along a municipal right of way that has municipal water and/or sewer infrastructure available. Of the 140 properties, 85 have only municipal water available to them, 27 have only municipal sewer available, while both water and sewer are available to the remaining 28 properties. The estimated additional revenue to the Water & Wastewater Budget will be ~ $57,695.40 based on the 2018 rates in Schedule A of By-Law 2018-039 and assuming each residential property uses a standard 5/8-3/4" sized meter.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendation to Council is consistent with the Council Adopted Strategic Plan in several ways:

Goal 1 “Vibrant and Growing Economy” – will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Goal 3 “Healthy Environment” - will be met through community preparedness by ensuring that the necessary funds are secured in order to sustain water and wastewater infrastructure necessary to protect and prevent any adverse impacts towards the environment.

Enabler 3 “Municipal Service Excellence” – E3.3 Service Excellence – E3.3.1 – Review and adopt best municipal practices (and continue to review operational efficiencies using lean methodology).

This Report is also in line with the City’s values, specifically continuous improvement and excellence, as this amendment will aid in sustainability of the municipal drinking water systems and wastewater systems as well as provide excellent, efficient, and safe services for the public of Kawartha Lakes.

Servicing Implications:

The above recommendations will continue to fund the maintenance of existing water and wastewater infrastructure and accounts for the municipal services available to property owners. This recommendation is consistent with the 2014 Provincial Policy Statement under the *Planning Act, 1990.* The Policy highlights the preference for municipal water and wastewater services for servicing settlement areas while emphasizing the efficient use and optimization of existing municipal services.

Consultations:

Director of Public Works, Public Works
Supervisor of Water and Wastewater Operations, Public Works
Other municipalities within Ontario

Attachments:

Appendix A-

Water Wastewater
Service Connection S

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

Appendix # A
to
Report # WWW 2018 - 008

Water Wastewater Service Connection Strategy

Water and Wastewater Division

September 18th, 2018

KAWARTHA LAKES

Presentation Overview

1. History of Mandatory Connection By-law
2. Black Belt Project/By-law Amendments
   i. Fenelon Falls Pilot Project/Exemptions
   ii. Recent amendment By-law 2014-255
3. Comparison of by-law with other municipalities in Ontario
4. Moving Forward
5. Staff Recommendation
6. Questions

Original Mandatory Connection By-law

- City of Kawartha Lakes endorsed first mandatory connection by-law on April 12, 2005 known as By-law 2005-75 "A By-law to Require Owners of Buildings to Connect such Buildings to Water Works and Wastewater Works in the City of Kawartha Lakes"
- General intent of by-law was to ensure property owners in CKL connected to municipal services as they became available

Lean Six Sigma Black Belt Project

- In 2014 Bylaw 2005-75 was reviewed by multiple departments and a number of deficiencies were determined
- As there were too many deficiencies, a new by-law was created to address concerns
  - By-Law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems And/Or Wastewater Collection Systems in the City of Kawartha Lakes"
- Need for phased in approach for implementation

Pilot Project in Fenelon Falls

- At the beginning of the pilot project there were 36 properties that qualified for connection to either water, wastewater or both municipal services
- 11 were removed from the pilot due to restrictions on wastewater capacity at the time
- To date:
  - 22 of the 25 properties have received a conditional exemptions to connect at this time by Council
  - 2 properties connected
  - 1 property is currently with by-law enforcement due to non-compliance

Exempted Properties

- Properties in Fenelon Falls were conditionally exempted on the premise that both water & wastewater services were not available at this time
- Will be required to connect once wastewater is available to help reduce cost for installation
- Are still required to pay the monthly fixed rate portion of the Water Rates

Benefits of being connected to Municipal Water/Wastewater Services

Properties adjacent to but not connected to existing water and/or wastewater infrastructure are still benefitting from the services being available to them with:

- Increased property values
- Properties within areas that are fire rated receive reduce insurance premiums
- Municipally serviced properties through source protection legislation are less susceptible to risk form contamination, drought, and well interference from nearby development(s)
- Reserved capacity for property to connect at any time to municipal services
- Guaranteed safe drinking water source

Recent Amendment

- Based on benefitting factors Council directed the By-law be amended in Sept 2017 to charge those properties that meet the requirements for mandatory connection the annual fixed rate costs after 3 months notice
- Amended by-law enables recovery of an approximate $60,000 per year in additional revenue (based on 2018 rates)
- This revenue will help cover basic costs for maintenance and replacement of existing infrastructure

Mandatory Connection By-law Comparison

Municipality and related by-law	Timing of Connection	Stipulated connection distance	Decommissioning of old systems included?	Can city enter onto private property and connect building at owners expense?
CKL By-Law 2014-255	18 months	Parcel of land within 1 ft. of Hwy/St. in which a w/ww main is located	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Stratford By-law 28	6 months	Building must be within 300 feet from property line	Not referenced	Not referenced
West Grey By-law 25-2015	12 months	Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Township of King By-law 2010-38	Only for sewage – 12 months from time of notice to connect and decommission previous system(s)	Not specific – just if sanitary main fronts property	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Muskoka By-law 2017-16	24 months but if resident can show system installed within 10 yrs of notification and working, granted additional 10 yrs Must connect ASAP to both services if one service fails though	A building on land abutting any street, alley, or right of way in which there is located a municipal watermain or sanitary sewer and such services are presently available	Included. 435-439 and 446 of Municipal Act	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
City of Cambridge By-law 6-13	Given 36 months to connect	No specific distance. Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Not referenced. States when connection to municipal service is made, the owner must stop using their previous system in favour of new one. No decommissioning required	Yes and added to tax roll as lien. Municipal Act S. 398 (2)

Mandatory Connection By-law Comparison Continued

Municipality and related by-law	Fines listed in by-law	Hardship clause	Loan program	Is resident charged Fixed rate fees?
CKL By-Law 2014-255	Max fine of $100,000.00 and set out under Provincial Offences Act (POA)	Not referenced	Credit Granting Policy (CP2017-004) over 10 years if amount > $1000	Given 3 month notice before fixed rate fee applied to account. No consumption charges until connection made
Stratford By-law 28	$2000.00 per day not in compliance	Utility Board in place to review and exempt commercial operation when connecting can bankrupt them	Not referenced	Properties are not exempt from capital contribution towards extending lines
West Grey By-law 25-2015	Will be fined unspecified amount in accordance with POA	Not referenced	Not referenced	Water and Sewage Capital and Financing Charge Rates are applied to every building on property that has access to w/ww lines
Township of King By-law 2010-38	Will be fined unspecified amount in accordance with POA	Not referenced	15 year payback period put on tax roll as lien 349(3) of MA Resident allowed to pay the $18790.00 over a 4 equal payments within 36 months. If not fully paid, then 1.25% monthly interest and amount put on tax roll.	Not referenced
Muskoka By-law 2017-16	Max fine of $50,000.00 and set out under Provincial Offences Act (POA)	Must provide >2 quotes. If cost >$30,000 then exemption can be given to connect	10 year period to pay back. Loan amount cannot exceed cost of connection.	No reference
City of Cambridge By-law 6-13	Not less than $50,000.00 but not more than $100,000.00 and set out under Provincial Offences Act (POA)	Commissioner of Transportation and PW can decide to allow the resident the use of a septic tank system if it is determined the connection to works cannot be made available due to capacity limitations	Council can decide to grant a loan for connection cost. Max 5 years to repay plus interest rate (% not referenced) plus an additional 2% of loan added onto total amount.	After 36 months, if owner hasn't connected their property they are charged the fixed/flat rate of a connection and municipal sewage service per month regardless of water usage

Moving Forward – Option 1

- **Option 1:** Continue to implement by-law as written with remaining properties in Kawartha Lakes being provided notification for connection.
  - ~ 25 - 30 properties per group
- Property owners will be given 18 months to connect as well as disconnect/decommission existing private services

Moving Forward – Option 2

- **Option 2:** Amend current By-law to require property owners who meet the requirements of mandatory connection to connect to available municipal water and/or wastewater services upon failure of their private infrastructure (private well or septic)
- Property Owner's would continue to pay Fixed Rate as per current by-law

Moving Forward – Option 3

- **Option 3:** Amend current by-law to extend timeframe to connect following notification from the current 18 months to 36 months
- This will allow property owners more time to come into compliance and allow more time to prepare for connection costs

Staff Recommendation

- Staff will be recommending **Option 2** in a report to Council on September 25, 2018
- Staff are recommending that the by-law be amended to require property owners who are subject to mandatory connection, connect at such time as their private infrastructure fails
- This has the least financial impact on residents and also alleviates pressures on departmental resources

Questions?

-----Original Message-----
From: noreply@kawarthalakes.ca [mailto:noreply@kawarthalakes.ca] On Behalf Of Clive Alan Robertson
Sent: Wednesday, September 05, 2018 10:30 AM
To: Clerks
Subject: Road Repaving. Carlto Crescent, Omemee

[redacted]
5th September 2018
To the Mayor and Council
City of Kawartha Lakes
Ontario
Road Repaving. Carlton Crescent Omemee.
As a 6-year resident on Carlton Crescent, Omemee, the condition of our road is appalling! The residents on this road pay property taxes akin to those in the "905"! Despite signing petitions and talking to our current councillor Mary-Ann Martin, nothing has been done except for cleaning our drainage ditches last year.
Maintenance of this road has been otherwise limited to cold patch which washes out in the next rain storm or winter freeze-thaw cycle, and the hole opens again or a new hole develops beside the patch. We all pay for repairs to our vehicles because of the road.
Please acknowledge this e-mail and advise when this matter will be tabled in council and when the appropriate department is expected to schedule the work.
Respectfully
Clive A Robertson

Origin: https://www.kawarthalakes.ca/en/municipal-services/mayor-and-council.aspx
---

This email was sent to you by Clive Alan Robertson<[redacted]
through https://www.kawarthalakes.ca.

11.2.2.

Douglas Erlandson
[redacted]

August 27, 2018

City of Kawartha Lakes
26 Francis Street
Lindsay, Ontario
K9V 5R8

Attention: City Clerk

Re: Kawartha Lakes Municipal Airport – Governance Review

The enclosed Kawartha Lakes Municipal Airport – Governance Review – Report to Council has been prepared by the Kawartha Lakes Municipal Airport Board in response to a September 12, 2017 resolution by Council that required the Airport Board review the governance model of the Airport and report back to council in 2018.

If possible, it is requested that this topic be included as an agenda item for the Council Meeting on September 25, 2018 and that the enclosed report be provided to members of Council.

Thank you for your assistance. Please do not hesitate to contact me if you require further information.

Sincerely,

Douglas Erlandson
Chair, Kawartha Lakes Municipal Airport Board
[redacted]

Kawartha Lakes Municipal Airport

Governance Review

Report to Council

Prepared By: Kawartha Lakes Municipal Airport Board

August 27, 2018

Introduction

On September 12, 2017, the Airport Core Service Review (Report ENG2017-008) was presented to Council and resulted in a number of resolutions including, "THAT the Kawartha Lakes [Municipal] Airport Board review the governance model of the Airport and report back to Council in 2018." This report is in response to that resolution.

It is the consensus of the current members of the Kawartha Lakes Municipal Airport Board that there is no longer a need for an Airport Board and that the Board should be disbanded and replaced with a less formal Airport Advisory Group.

Discussion

The current Kawartha Lakes Municipal Airport Board was formed in 2011, several years after the operation of the airport had been re-assumed by the City and during which time it had been a secondary responsibility of various City departments. At that point it was assessed that the airport was somewhat of an orphan, was suffering from the lack of a dedicated champion, and that it would benefit from a dedicated management team with more aviation experience.

The Airport Board was formed in June 2011with the passage of THE CORPORATION OF THE CITY OF KAWARTHA LAKES BY-LAW 2010-100, A BY-LAW TO ESTABLISH A MUNICIPAL AIRPORT BOARD TO BE KNOWN AS "KAWARTHA LAKES MUNICIPAL AIRPORT BOARD" TO GOVERN, CONTROL, OPERATE AND MANAGE THE CITY'S PROVISION OF A MUNICPAL AIRPORT IN THE CITY OF KAWARTHA LAKES."

For several years after the formation of the Airport Board an Airport Manager was employed by the City and worked in conjunction with the Airport Board to manage and operate the airport. In early 2015 the Airport Manager retired and for a variety of reasons, rather than hire a new manager, the Airport Board and the City elected to engage a management company to oversee the operation of the airport. Loomex Property Management Ltd. was initially contracted for a three year period and their contract is currently being renewed for an additional five year period.

With Loomex and their team of professionals now managing the airport, the role of the Airport Board has been substantially diminished. There is no longer a need for the Airport Board to be involved in daily operations. Loomex staff liaise directly with City departments regarding administration and have a much more detailed knowledge of those matters than members of the Airport Board. The Board has continued to play a strategic role and makes recommendations to Council regarding capital projects and annual budgets but even then largely defers to the professional expertise and recommendations of Loomex staff. Once capital projects and budgets are approved by Council, the Airport Board has very little decision making authority and there is little value added by having an Airport Board involved in implementation processes. Furthermore, Board formalities are often counter-productive because of delays incurred awaiting Board meetings, the occasional lack of a quorum, and the minute approval process that requires minutes to be approved before they can be acted upon.

In the opinion of the current Airport Board members, the activities of the Airport Board – Loomex oversight, providing a link between Loomex and Council, and signing authority for approved expenditures – could be more efficiently and effectively handled by a City Department Head; either the Director of Engineering or the Chief Administration Officer could be potential candidates.

One area where the Airport Board does play an important role is with respect to "championing" the airport; however, that role could easily be assumed by a less formal Airport Advisory Group.

It is envisioned that an Airport Advisory Group would consist of a cadre of four individuals with aviation and/or management experience and one member of Council. The Advisory Group could be augmented as necessary by other expertise depending on ongoing projects and activities. The Advisory Group would serve as a sounding board for and make recommendations regarding airport strategic plans, capital projects, public relations activities, and day-to-day airport operations. The Advisory Group would have no formal authority but would make recommendations that would be intended for Council and/or the Airport Manager depending on the nature of the recommendation.

For more details regarding the proposed structure and role of an Airport Advisory Group, refer to a preliminary draft of Proposed Terms of Reference included below as part of this report. The Proposed Terms of Reference assume that the Director of Engineering would be the responsible department head.

Recommendations

The current members of the Kawartha Lakes Municipal Airport Board recommend:

> THAT the Kawartha Lakes Municipal Airport Board be disbanded and replaced with an Airport Advisory Group;

THAT the attached Proposed Terms of Reference serve as the basis for the formation of an Airport Advisory Group; and

THAT the current Airport Board be tasked to ensure a smooth transition from the Kawartha Lakes Municipal Airport Board to a Kawartha Lakes Municipal Airport Advisory Group.

Douglas Erlandson
Chair, Kawartha Lakes Municipal Airport Board

Board Members

Isaac Breadner, Councillor

Ted Smith

Stephen Strangway, Councillor

Andrew Veale, Councillor

Mark Wilson

Proposed Terms of Reference

Kawartha Lakes Municipal Airport Advisory Group

Name:

Kawartha Lakes Municipal Airport Advisory Group (AAG)

Established By Council: (Date)

Regular Review Timeframe: (TBD)

Mission:

The Kawartha Lakes Municipal Airport Advisory Group is established to support and advise Council and/or the Airport Manager regarding the operation and strategic development of the Kawartha Lakes Municipal Airport.

Roles and Responsibilities

It is the role and responsibility of all appointed members of the Airport Advisory Group to comply with the:

- City's Code of Conduct;
- City Accountability and Transparency Policy;
- City Procedural By-Law;
- Municipal Act;
- Municipal Freedom of Information and Protection of Privacy Act;
- Municipal Conflict of Interest Act; and
- Other applicable City by-laws and policies.

No individual member or the Advisory Group as a whole has the authority to make representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Advisory Group will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities related to Advisory Group business.

Activities

The following are the activities and responsibilities of the Kawartha Lakes Municipal Airport Advisory Group:

a. To review Airport Strategic Plans and make recommendations regarding the long-term development of the Kawartha Lakes Municipal Airport;

b. To review Airport Operating and Capital Budgets and make recommendations;

c. To be cognisant of day-to-day airport operations and make recommendations that may be of assistance to the Airport Manager;

d. To provide a source of expertise that can be called upon by Council or the Airport Manager when required; and

e. Other initiatives as recommended and approved by Council.

Composition

The Airport Advisory Group will consist of four members of the aviation community and one member of Council.

Advisory Group members will be appointed by the Mayor or Council (as applicable) in accordance with established policies.

It is acknowledged that there are no per diems for any Advisory Group members and none of the members shall be paid for their services. All Advisory Group members are considered volunteers.

Mileage costs and other minor expenses related to Advisory Group activities may be eligible for reimbursement subject to budget approvals by Council. No attendance at conferences or workshops shall be allowed by a volunteer member unless clearly identified in the work plan/budget and approved by Council.

Term of Appointment

Unless exempted by legislation, Airport Advisory Group members shall be appointed for the term of Council and shall continue to serve beyond their termination of appointments until the appointments of their successors have been approved by Council.

Resources

The Director of Engineering and the Airport Manager will provide support in the form of advice and liaison with the City. A representative of the Engineering Department will attend meetings

of the Airport Advisory Group upon request. The Airport Manager will attend all Advisory Group meetings.

Meetings

The Airport Advisory Group shall hold a minimum of three (3) meetings in each calendar year. The Airport Manager shall liaise with Advisory Group members to determine a suitable meeting date and cause notice of the meetings to be provided to the members a minimum of one week prior to the date of each meeting.

Location of Meetings

The location of meetings will be set by the Airport Manager.

Procedures

Meetings of the Airport Advisory Group are intended to be informal discussions resulting in an exchange of ideas and providing an opportunity to explore various options regarding airport daily operations and long-term strategic plans. If and when more formal procedures are required, meetings shall be governed by Robert's Rules of Order.

Agendas and Minutes

Meeting agendas shall be provided to the Airport Advisory Group members by the Airport Manager a minimum of one week prior to the meeting.

Minutes of all formal Advisory Group meetings shall be prepared by the Airport Manager, approved electronically by the members, and forwarded to the Engineering Department and to the City Clerk's office not later than two weeks after the meeting. Any action stemming from recommendations made by the Advisory Group will be the responsibility of the Airport Manager in consultation with City staff and Council

Reports

Reports, if any, prepared by the Airport Advisory Group will be administered in the same manner as the minutes of formal meetings.

Purchasing Policy

The Airport Advisory Group has no purchasing or procurement responsibilities.

Insurance

> **Secretarial Note** – Airport insurance requirements are somewhat unique. If these Proposed Terms of Reference are utilized, this section will require consultation with the Insurance and Risk Management Officer prior formal publication.

The City of Kawartha Lakes General Liability Policy and Errors and Omissions Liability Policy will extend to the Airport Advisory Group and its members provided that the Advisory Group is under the control of, answerable to, or the responsibility of the City of Kawartha Lakes and Council. The applicable insurance policies extend to an Advisory Group member while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including these Terms of Reference.

The Advisory Group must provide an annual updated listing of all members to the City of Kawartha Lakes Insurance and Risk Management Officer to ensure that the applicable insurance coverage remains in force.

Advisory Group members are not entitled to any benefits normally provided by the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario (WSIB) and are responsible for their own medical, disability or health insurance coverage.

Expulsion of a Member

The Airport Advisory Group may recommend to Council the expulsion of a member or Council may remove a member for reasons as listed, but not limited to: the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offenses Act, or the Municipal Conflict of Interest Act; disrupting the work of the Advisory Group; or other legal issues. The process for expulsion of a member is outlined with Policy Number 028 CAO 002.

Terms of Reference

Any responsibilities not clearly identified in these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for the Airport Advisory Group at any time. Any changes proposed to these Terms of Reference by the Group shall be recommended to Council via the Director of Engineering through a report to the appropriate Committee of Council.

At the discretion of Council or upon the mandate of the Advisory Group being fulfilled, this Advisory Group may be dissolved by resolution of Council.

Jamie MEMBER OF PARLIAMENT
Schmale
HALIBURTON • KAWARTHA LAKES • BROCK
1 - 68 McLaughlin Rd., Lindsay, Ontario Canada K9V 6B5
Tel. (705) 324-2400 • Toll free: (866) 688-9881 • Website: www.jamieschmale.ca

August 8th, 2018

City of Kawartha Lakes Council,

I am writing to you today requesting support of the resolution for inclusion on the Agenda.

[WHEREAS] the walleye population has declined since the 1960s when hydraulic dams were installed along the Trent-Severn Waterway;
[AND WHEREAS] water levels in winter have experienced a higher (ecologically-damaging) draw-down in the last several decades;
[AND WHEREAS] the river spawning areas in Bobcaygeon and Lindsay are too high, too smooth, and in need of repair to facilitate successful walleye spawning in the spring;
[AND WHEREAS] the Trent-Severn Waterway is working with MP Jamie Schmale's Save the Walleye committee to make suggested repairs to walleye spawning grounds below the dams;
[AND WHEREAS] These improvements have the potential to improve water quality and the ecological health of Sturgeon and Pigeon Lakes;
[AND WHEREAS] These improvements could increase the revenues in the recreation and fishing tourism economy to the strong levels once enjoyed in this area;
[AND WHEREAS] These pilot projects align with the objectives of Kawartha Conservation/Council's lake enhancement objectives;
[AND WHEREAS] the goals of the Save the Walleye committee are supported by MP Jamie Schmale, MPP Laurie Scott, Kawartha Conservation, Parks Canada/Trent-Severn Waterway, Ministry of Natural Resources and Bobcaygeon Chamber of Commerce;
[NOW THEREFORE BE IT RESOLVED THAT]: The City of Kawartha Lakes Council supports the proposed spawning bed repairs at the Lindsay and Bobcaygeon dams as well as water level management that respects aquatic life, especially the walleye population that has dropped to baseline numbers in Sturgeon and Pigeon Lakes.

Thank you for your consideration on this matter.

Respectfully,

Jamie Schmale

Jamie Schmale, MP
Haliburton-Kawartha Lakes-Brock

11.2.4

For Council Meeting: September 27/2018, September 11/2018

TO: Mayor and Council City of Kawartha Lakes
CC: Cathie Ritchie, Municipal Clerk
CC: Robyn Carlson, Corporate Solicitor

I am appealing to council to assist me after being turned down by the Land Management Committee. I own the property on Louisa Street (Plan 100, Lot 6, North Louisa Street), in Ward 6, Fenelon Falls, which is divided by a stream. I have owned this property since 1965 with the intention of developing it at some point in time. I believe under the new Conservation Authority it would probably not be feasible to develop it.

However, I did have access to both sides of the property via short driveways over culverts, I had installed. In 2017, the city completed work on the bridge over the stream and installed a guardrail, took out the culverts, and I am now completely blocked from entering my property.

I spoke with Councillor Doug Elmslie and indicated that I would be willing to donate the property to the City in lieu of a tax receipt for $6500, the MPAC assessed value, rather than cut holes or remove the guardrail.

On the Councillor's advice I wrote the Land Management Committee asking for this or access to my property. While I have not heard back from Land Management, I understand that, their decision is that, they have no interest in acquiring the property, and they will provide access when I'm ready to develop it. While they know it is probably not developable, I am denied right of access to my property unless I trespass on my neighbour's property.

I ask that Council direct staff to either take over the property for an appropriate tax receipt (no cost to the city) or modify the guardrail to allow me access to my property.

Thank you for your time and consideration.

Morley Bradburn
195 Louisa Street
Fenelon Falls, ON
KOM 1NO

[redacted]

WILLS

PARTNERS IN ENGINEERING

September 17, 2018

City Hall, Clerk's Department
26 Francis Street
P.O. Box 9000
Lindsay, ON
K9V 5R8

Attention: Mayor Andy Letham and Members of Council

Re: Full Road Closure and Noise By-Law Exemption Request
D.M. Wills Project No. 5230-A13

D.M. Wills Associates Limited (Wills) has been retained by the Ministry of Transportation (MTO) to undertake detailed design and preparation of a Contract Package for the Replacement / Rehabilitation of thirty (30) non-structural culverts on the Highway 35 Corridor from 300 m north of Kelvin Rock Road to 4.0 km south of County Road 2.

As part of this assignment, one (1) culvert replacement is scheduled within the Village of Norland on Highway 35 between Morrison Street and King Street. This culvert location is currently being proposed for replacement utilizing a temporary full road closure on a small section of Highway 35. This full closure will enable the completion of a rapid culvert replacement; reducing construction time and traffic disruption.

It is anticipated that the rapid culvert replacement will take approximately five (5) days. During the replacement of the culvert a traffic detour around the closure will be necessary. A Traffic Management Plan will be developed to manage potential traffic impacts.

Please see Key Map and Detour Map below for culvert location and potential detour route.

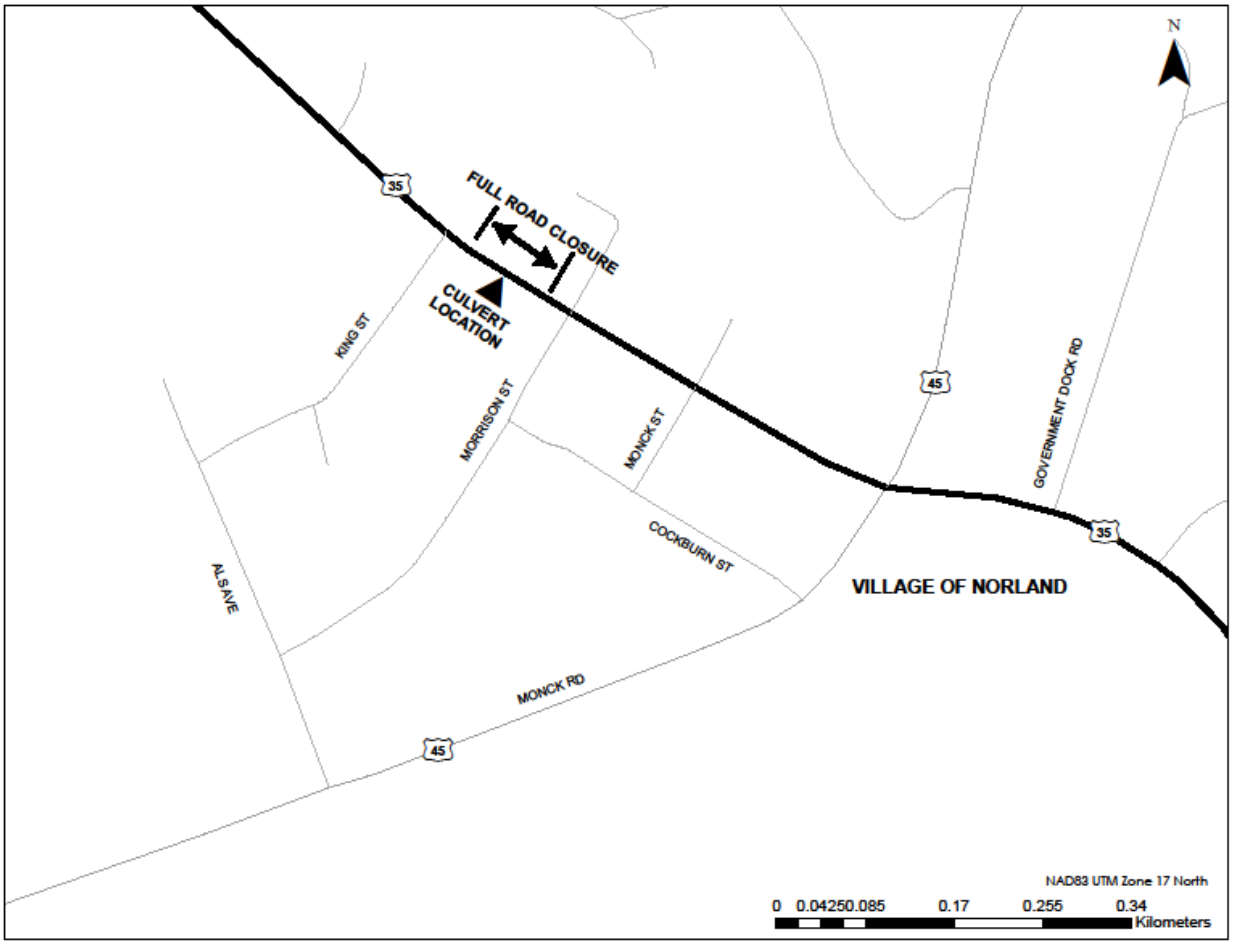
Professional Engineers Ontario

Consulting Engineers of Ontario

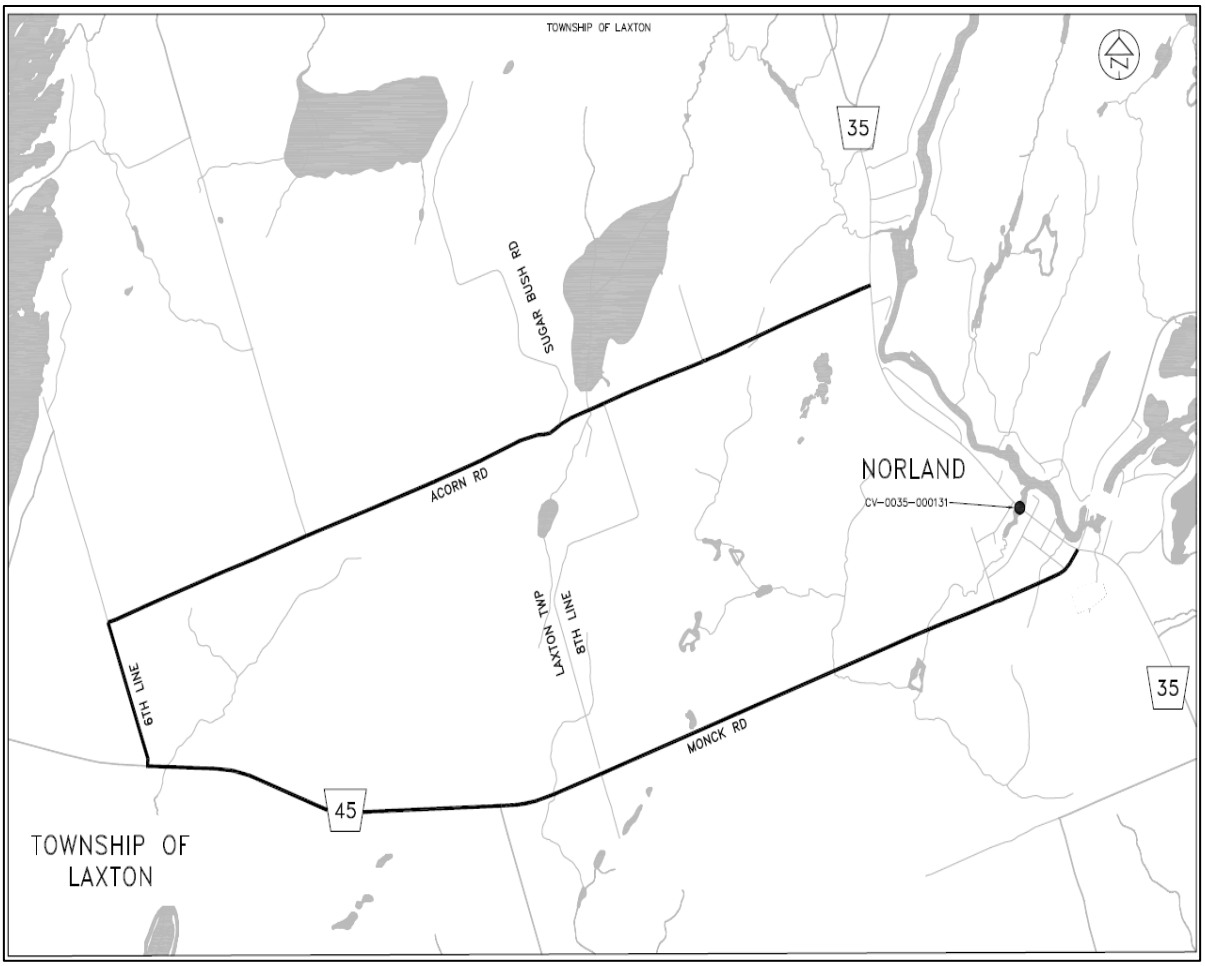
ASSOCIATION OF CONSULTING ENGINEERING COMPANIES CANADA

D.M. Wills Associates Limited
150 Jameson Drive, Peterborough, Ontario, Canada K9J 0B9
P. 705.742.2297 **F**. 705.748.9944 **E**. wills@dmwills.com

Key Map


N
35
FULL ROAD CLOSURE
CULVERT LOCATION
KING ST
MORRISON ST
MONCK ST
45
GOVERNMENT DOCK RD
35
COCKBURN ST
VILLAGE OF NORLAND
ALSAVE
MONCK RD
45
NAD83 UTM Zone 17 North
0 0.04250.085 0.17 0.255 0.34
Kilometers

Detour Map


TOWNSHIP OF LAXTON
35
SUGAR BUSH RD
ACORN RD
NORLAND
CV-0035-000131
LAXTON TWP
8TH LINE
6TH LINE
35
MONCK RD
45
TOWNSHIP OF
LAXTON

In addition, fourteen (14) culvert replacements are scheduled along Highway 35 with two (2) culverts utilizing single-lane closures under flagging operations during daytime hours. This will require approximately seven (7) days to complete per culvert.

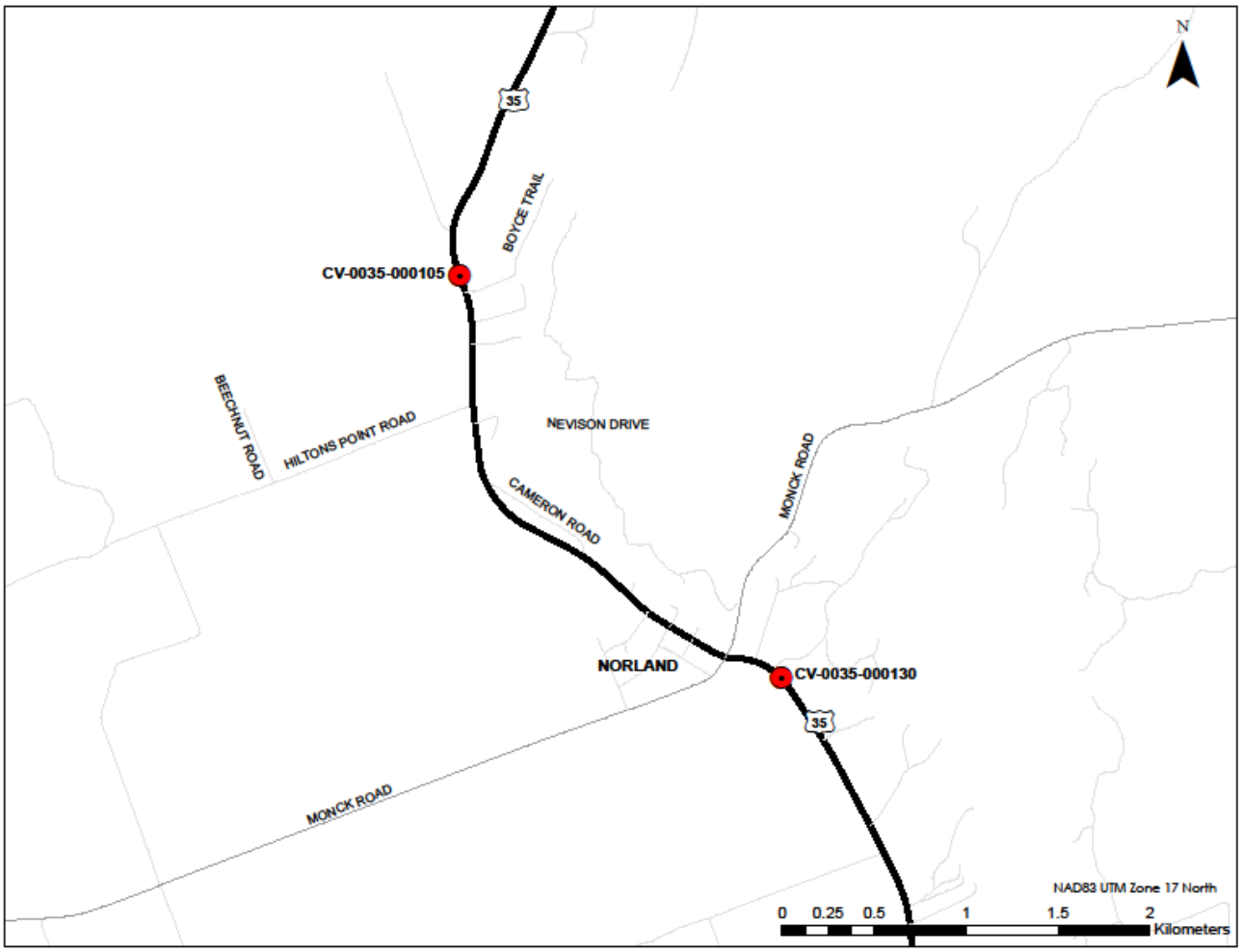
In an effort to reduce the amount of disruption to residents and time (in days) to complete the work, we are recommending continuous daytime / nighttime work activities and flagging operations for a duration of 72 consecutive hours per culvert location. This will significantly reduce the amount of time to complete the replacements from approximately seven (7) days per culvert to three (3) days per culvert.

The City's Noise By-law (2005-025) prohibits noise associated with construction from 9:00pm to midnight and midnight to 7:00am, and therefore, Wills on behalf of the MTO, is respectfully requesting an exemption from the City's Noise By-law to undertake this work.

A description and map of the culvert locations where nighttime work is proposed is provided on the following page.

Culvert location CV-0035-000130 is located south of the Village of Norland, approximately 80 m from the nearest residential development to the east and approximately 88 m from the nearest residential development to the south. Culvert location CV-0035-000105 is approximately 2000 m north of the Village of Norland, located approximately 300 m away from the nearest residential dwellings to the north and 280 m from the nearest residential dwelling to the south.

Location Map – Nighttime Work



D.M. Wills Associates Limited, on behalf of the Ministry of Transportation, is providing the enclosed information to gather input from the City of Kawartha Lakes Council regarding the implementation of a full road closure and proposed detour route along a portion of Highway 35. In addition, Wills on behalf of the MTO is requesting an exemption to the City's Noise By-law (2005-25) to permit continuous daytime / nighttime operations for the replacement of two (2) culverts along Highway 35 for the purpose of continuous daytime / nighttime work activities and flagging operations for a duration of 72 consecutive hours; and one (1) culvert near the Village of Norland to support the temporary full closure of Hwy 35.

Thank you for your consideration and attention to the matters above.

Yours truly,

Ken Smith, P.Eng.
Manager, Water Resources Engineering

KS/dk/ms
cc: Ryan Vandenberg, Project Manager, MTO

11.2.6

2018 09 18

TO: Kawartha Lakes – Ann Rooth

From: Idele and Rod Hynes

SUBJECT: file no D06-2018-022 at 132 Oakdene Crest, Little Britain

We understand this case was not resolved at the Sept 12th planning meeting and is now going to the Sept 25th Council meeting. Their property is directly across the street where we own a cottage at 133 Oakdene Crest. As we are not able to attend the September 25th meeting I wanted to make sure our views and concerns are addressed.

I have not discussed this with the owner of the property but I understand it was built for bird watching. While I applaud them for helping nature by building the Osprey nest; being able to go up there and take pictures and having a full view of the area is for their pleasure only, the birds don't benefit from it.

Their property is already much more elevated than ours so our concern is that the tower now gives them a full view of neighbour's yards; front and back and the bay. In the past the tower has not just been used for the purpose of bird watching. One day while I was playing in the yard with my grandchildren, I had the owner yell out to me to say hi, from the top of the tower, where she was sitting with a friend. We feel we have lost our privacy in our own yard; behind fairly high hedges may I add, with the construction of the tower being so high. While the growth of the trees and leaves give us back some of our privacy for part of the year, it is wide open the rest of the time.

Also, we were in the process of selling our cottage this past summer and several potential buyers and/or real estate agents have commented on it in a negative way. It is hard to miss.

The owner of the property has been very quick at telling people what to do and what not to do since she has moved in; to follow the law and even for her own satisfaction; telling us where we should store our boat on our property for the winter, so it is interesting to see how she has just gone ahead and built this very high tower without first looking into what they were allowed to do.

While I do appreciate nature very much and enjoy it myself, it should not impact people around you. What people do on their property is none of our business, unless it impacts my quality of life; therefore, we would ask that the re-zoning request not be passed and that the tower should be reduced in height according to current by-law.

Thank you,

Idele and Rod Hynes
[redacted]

11.2.7

Ann Rooth

From: [redacted]
Sent: Monday, September 17, 2018 8:32 PM
To: Agenda Items
Subject: RE: 132 Oakdene Cres, Little Britain, ON K0M 2C0

Attention Ann Rooth Deputy Clerk

I am a taxpayer in the City of Kawartha Lakes and I not in support of the deck in the sky that is an invasion of privacy for a number of people. My home is [redacted] we are on the uneven side of the road and up in the deck they have clear view of our entire house front and back as well as through windows if they chose with binoculars. Throughout the summer we had company and even getting out of the car they asked what that thing was in plain sight and that it belongs in a natural park where it could be of value as well as safely and properly constructed from beginning to end, not on a quiet residential street. The more the leaves fall the clearer the views they have onto and into peoples homes and property. We don't disapprove of the the idea of the deck only that we don't feel that it's in a proper location on a residential street very unnecessary invasion of privacy.

thank you for your time

Maria Civello

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CLK2018-011

Date: September 25, 2018
Time: 2:00 p.m.
Place: Victoria Room, City Hall

Ward Community Identifier: All

Title: Procedural By-law Amendments Update

Description: Amendments to Include Deputy Mayor, Expand on the Committee of the Whole and Editing for Clarification

Author and Title: Cathie Ritchie, City Clerk
Ann Rooth, Deputy Clerk

Recommendation(s):

That Report 2018-011, **Procedural By-law Amendments Update**, be received;

That the updates to the Procedural By-law identified in Appendix A to Report CLK2018-011, be approved; and

That the necessary by-law to repeal and replace By-law 2014-266 be brought forward for adoption.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of November 28, 2017, Council adopted the following resolution:

RESOLVED THAT Report CAO2017-008, **Council Remuneration (2018-2022)**, be received;

THAT Council salaries be established as outlined in Option 3 in Report CAO2017-008 effective the next term of Council (2018-2022);

THAT a Deputy Mayor position be established effective the next term of Council (2018-2022) and appointed by Council for a one (1) year term with additional annual compensation of $2500;

THAT all Council members are eligible for mileage reimbursement for any City business both within and outside of the City of Kawartha Lakes at the rate set by Council through policy; and

THAT the necessary by-laws be forwarded to Council for adoption.

At the Council Meeting of July 17, 2018, Council adopted the following resolution:

That Report CAO2018-005, **Update – Review of City and Agency Boards and Committees**, be received;

That staff be directed to update the terms of reference for various Committees and Boards as generally outlined in Appendix A to Report CAO2018-005 in advance of the next term of Council for approval and subsequent recruitment; and

That the City Clerk include regular monthly Committee of the Whole meetings in future annual meeting calendars beginning the next term of Council.

Rationale:

This report addresses the direction of Council and provides the recommended amendments to the Procedural By-law to include Deputy Mayor and expands the provisions for a Committee of the Whole.

Some of the recommended amendments are intended to capture legislative changes as per Bill 68, Modernizing Ontario's Municipal Legislation Act.

While reviewing the Procedural By-law additional amendments are recommended to provide clarity. A Redline version has been provided to identify the changes. Section numbering will be adjusted and the Table of Content updated once the amendments have been accepted.

Other Alternatives Considered:

Further amendments may be considered during the new term of Council as follows:

- Integrating the Public Meetings, Endorsement of External Resolutions and Town Hall Meetings Polices into the Procedural By-law.
- Electronic Participation at Meetings.
- Additional enhancements in the content to provide clarity.

Financial/Operation Impacts:

No direct financial impacts identified.

Review of Accessibility Implications of Any Development or Policy:

Not applicable.

Attachments:

Appendix A – Amended Procedural By-law 2014-266 Redline Version

2018 Working Copy of
2014-266 Procedural E

Department Head E-Mail: rtaylor@kawarthalakes.ca

Department Head: Ron Taylor, CAO

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2018-XXX

Consolidated on September 25, 2018

Passed by Council on October 14, 2014

The Corporation of the City of Kawartha Lakes

By-Law 2018-XXX

A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266

Recitals:

1. The City of Kawartha Lakes Act, 2000, S.O. 2000, CHAPTER 43 was enacted and the Corporation of the City of Kawartha Lakes was created as a municipal corporation on January 1, 2001.

2 Section 238(2)of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, requires every municipal council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings and governing the conduct of their Members.

3 The Council of the City of Kawartha Lakes deems it advisable to enact a by-law to govern the proceedings of Council, Committee of the Whole, Boards and Committees of Council, the conduct of its Members and the calling, place, and conduct of its meetings.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX

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Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law:

"Acting Head of Council" is the person delegated by Council through resolution to act as Head of Council in the absence of the Mayor and Deputy Mayor.".

"Ad Hoc Committee" is any special purpose Committee created by resolution of Council.

"Advisory Committee" is any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.

"Agenda" is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.

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

"By-law" means the legislative intent behind the requirement: that powers of council be exercised by by-law is to ensure due deliberation by councils of all important policy matters through the more formal procedure prescribed for the enactment of a by-law.

"CAO" means the Chief Administrative Officer (CAO) or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 229 of the Municipal Act, 2001, as amended.

"Chair" means the person presiding at a Meeting.

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 228 of the Municipal Act. 2001, as amended.

"Closed Session" means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Act, as amended.

"Committee of the Whole" means a working committee made up of all of the Members of Council where less formal procedures are followed.

"Correspondence (Communication)" means any written or digital communication in the form of a letter, media release, bulletin, postcard or email addressed to Council that directly relates to City services or a matter of shared interest to the Kawartha Lakes Community.

"Council" means the municipal council for the City.

"Council Floor" means that area of the assembly occupied by Members and the Chair during a Meeting.

"Delegation" means a person or group making a verbal deputation to Council.

"Deputy Mayor" is the deputy head of Council duly elected by Council.

"Designated Area" means the public areas outside the Council floor within the meeting room.

"Emergency" means a time sensitive matter which if not dealt with may have serious ramifications, including but not limited to, the inability to address or influence the matter at a later date.

"Emergency Meeting" means a Meeting of the Council called without Notice to address circumstances of emergency as defined.

"Head of Council" means the Head of Council as defined by the Act and may also be referred to as "Mayor".

"Holiday" means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of the Council as a Civic Holiday.

"Invited Guest" means an individual or group of individuals invited by Council to a Meeting.

"Local Board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

"Mayor" is the head of Council duly elected at large.

"Meeting" means any regular, special or other meeting of a council, of a local board, management board or of a committee of Council, where,

i. a quorum of members is present, and

ii. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

"Meeting: Statutory Public" means any public meeting that is required pursuant to provincial legislation. (

"Meeting: Public" means any public meeting that Council believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation. A Public Meeting may be held at Regular, Special, Council Information or Planning Advisory Committee Meeting or other body delegated the authority by Council.

"Member" means a Member of the Council and includes the Head of Council. Where the term is used in reference to Committees and Boards, it refers to only those members of the Committee or Board itself. Where the term is used in reference to a Committee or Board made up of persons who are not Members of the Council, the term also includes those persons.

"Motion" means a proposal brought forward by a member for consideration that is moved and seconded by another member.

"Motion to Receive" means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Council with no additional action being taken.

"Municipal Election" means a general, City-wide Municipal election or a by-election.

"Notice" means written notice, except where legislation, by-law or policy of the City provides for another form or manner of notice.

"Notice of Meeting" means a written document provided to Members and to the public that advises the recipient of the time and place of a Meeting.

"Notice of Motion" means a written motion received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Council.

"Planning Advisory Committee" means the Planning Advisory Committee as established by Council under Section 8(1) of the Planning Act, R.S.O. 1990, c.P.13, with the delegated authority to hear matters under the Planning Act on behalf of Council.

"Petition" means a document requesting Council's consideration of a matter that contains more than ten (10) original signatures and does not include an electronic web-based document.

"Point of Order" is a concern regarding conformity to the rules of order of Council, defined in this by-law.

"Point of Privilege" is a concern about the honour, dignity, character, rights or professionalism of the Head of Council and Members of Council.

"Presentation" means the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.a) a ceremonial presentation to or from the City of Kawartha Lakes;

b) a presentation made by city staff and/or by consultants retained by the City or by another level of government;

c) a presentation to or from the City that in the opinion of the Head of Council is most beneficial for all involved if heard at a Council Information Meeting.

"Press (Media)" means news industry of the mass media that focus on delivering news to the general public through print media (newspapers, newsmagazines), broadcast news (radio and television) and the Internet (online newspapers.

"Recess" means an interruption in a meeting's proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

"Recorded Vote" means the recording of the name and vote of every Member present on any matter of question.

"Recording Secretary" is the staff person assigned by the City Clerk or Director to attend at, and to take minutes of, any Meeting.

"Recreation Volunteer Management Board" is a special purpose body created by Council to manage specific community facilities or services reporting directly to the Director of Community Services.

"Resolution" means a motion voted on by the Members present and resolved in the affirmative.

"Task Force" is an Advisory Committee with approved terms of reference, that is formed for a set time period sufficient to make recommendations to the Council on a specific issue.

"Website" means the official City internet website.

1.02 Interpretation Rules:

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

(c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 Statutes:

References to laws in this By-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability:

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules

2.01 Observation:

The rules and regulations contained in this By-law shall be observed in all Meetings, for the order and dispatch of business.

2.02 Place of Meetings:

All Meetings of Council shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay, unless another location is identified on the published Agenda. All other Committee and Board Meetings shall take place at a public location specified on the agenda issued for them.

2.03 Relocation of Meeting Place:

If for any reason it is impossible or impractical for a Meeting to occur in the place prescribed, then the assembly in question shall meet at an alternative site or room as specified on an amended Agenda for that meeting. The alternate location shall be posted at the original location and announced as broadly as determined by the Chair.

2.04 Meeting Notices:

The notice of Meetings is considered as the electronic notification to Members of the posting of the agenda and the posting of the agenda on the city website. Lack of receipt of the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.

2.05 Rules of Order:

Where any matter of procedure is not provided for in this By-law, Robert's Rules of Order, as revised, shall be followed.

2.06 Decision-Making:

Decisions binding the Council may be made only at Council Meetings unless authority has been specifically delegated by by-law.

2.07 Creation of Task Forces :

Council may create Task Forces with amandate and specific terms of reference., approved by Council.

The term of any Task Force shall not extend beyond the term of Council.The newly elected Council may confirm by resolution to continue.

2.08 Direction to Staff:

No Member shall direct or interfere with the performance of any work being carried on by an employee of the City. Requests for reports by any Member shall be by resolution of Council.

2.09 Role of Council:

As defined within the *Municipal Act, 2001, Section 224,* it is the role of council,

a) to represent the public and to consider the well-being and interests of the municipality;

b) to develop and evaluate the policies and programs of the municipality;

c) to determine which services the municipality provides;

d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

e) to maintain the financial integrity of the municipality; and

f) to carry out the duties of council under this or any other Act.

2.10 Role of Head of Council:

As defined within the *Municipal Act, 2001, Section 225*, it is the role of the Head of Council,

a) to act as chief executive officer of the municipality;

b) to preside over council meetings so that its business can be carried out efficiently and effectively;

c) to provide leadership to the council;

c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1);

d) to represent the municipality at official functions; and

e) to carry out the duties of the head of council under this or any other Act.

2.11 Municipal Administration:

As defined within the *Municipal Act, 2001, Section 227,* it is the role of the officers and employees of the municipality:

a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

b) to undertake research and provide advice to council on the policies and programs of the municipality; and

c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

2.12 City Clerk:

As defined within the *Municipal Act, 2001, Section 228,* a municipality shall appoint a clerk whose duty it is,

a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;

b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;

d) to perform the other duties required under this Act or under any other Act; and

e) to perform such other duties as are assigned by the municipality.

2.13 Chief Administrative Officer:

As defined within the *Municipal Act, 2001,* a municipality may appoint a chief administrative officer who shall be responsible for;

a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality: and

b) performing such other duties as are assigned by the municipality.

Section 3.00: Inaugural Meetings of Council

3.01 Inaugural Meeting - Declarations of office before business

No business shall be proceeded with at the Inaugural Meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

3.02 Time and Place of Inaugural Meeting:

The Inaugural Meeting for each term of Council shall be held on the first Monday of the new term following a Municipal Election and shall commence at 2:00 p.m. and take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay.

3.03 Order of Proceedings:

The order of proceedings for the Inaugural Meeting shall be established by the incoming Head of Council, CAO and City Clerk.

3.04 Election of Deputy Mayor

Election of the Deputy Mayor shall be held at the Inaugural Meeting for each term of Council and at the first Council Meeting of each calendar year.

Clerk to preside

The Clerk or their designate shall preside over the election of the Deputy Mayor.**Nominations for Deputy Mayor**

The Clerk or their designate shall call for nominations, Each nomination for Deputy Mayor will require a mover and a seconder.

Secret Ballot

Voting for the Deputy Mayor shall be by secret ballot.

Scrutineer

In the case of an election and prior to voting for Deputy Mayor, Council may by resolution appoint a scrutineer to verify the vote.

Equality of votes

For the purposes of electing the Deputy Mayor, each Member will have one (1) vote.

Majority of Council Required

In order to be declared Deputy Mayor, the successful candidate must be elected by a majority vote of Council.

Tie Vote – 2 Candidates

In case of votes for Deputy Mayor, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

Tie Vote – 3 or More Candidates

Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be removed from the next ballot and that the voting will be repeated.

Section 4.00: Regular Meetings of Council

4.01 Regular Council Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Council Meeting Dates. The Mayor and City Clerk have the authority to modify meeting dates when necessary.

4.02

4.03 Unfinished Business:

In the event that a Council Meeting adjourns with matters on the Agenda which have not yet been reached, all matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council

Meeting, unless the Members determine otherwise prior to the adjournment or the Head of Council calls for a Special Meeting.

4.04 Extracted Items:

When an item has been extracted from a consent agenda for separate debate, if the debate extends beyond 30 minutes, a Member of Council may put forward a resolution to defer the item to the next Council Meeting.

4.05 Notice of Meeting and Agenda Distribution:

It shall be the responsibility of the City Clerk to forward to Members all Agendas for Regular Planning Advisory Committee,Council and Committee of the Whole Meetings not later than the Wednesday preceding the week in which the Meeting is to be held. Where that Wednesday is a statutory holiday, the material shall be distributed on the preceding Tuesday. For special Planning Advisory Committee and Council Meetings, the City Clerk shall forward to Members all Agendas a minimum of one business day in advance of the Meeting. Posting the Agenda on the website is considered as adequate Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council.

4.06 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

4.07 Closed Session:

Notwithstanding the exemptions defined under the Municipal Act, any part of a Meeting:

a) may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) of the Municipal Act, 2001; and

b) shall be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(3) of the Municipal Act, 2001.

4.08 Resolution Required:

Before holding any Closed Session, it shall be stated by resolution that: a Closed Session is to be held, identifying the nature of the matter to be considered, and the statutory authority under which the matter is to be considered.

4.09 Voting in Closed Session:

A Vote may only be taken during Closed Session where:

a) the vote is for a procedural matter, including the receipt of information, or

b) for giving direction or instruction to officers, employees or agents of the City, local board or persons retained by or under contract with the City.

4.10 Confidentiality:

No Member or staff person shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff members.

4.11 Closed Session Record:

A record of any closed session shall be kept in the form of Minutes, and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings.

4.12 Meeting Adjournment:

The hour for adjournment for all Council Meetings including Committee of the Whole shall be no later than 6 hours from the time of commencement and/or no later than 11:00 p.m. unless advance notice or with the approval of Council.

Section 5.00: Special and Emergency Meetings of Council

5.01 Special Meeting at the Call of the Head of Council:

The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours Notice through the City Clerk's office to the Members unless there is an emergency as defined.

5.02 Emergency Meetings:

a) Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the City Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency.

b) In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Head of Council or his designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the City's Emergency Response Plan or any other similar unforeseen circumstances.

5.03 Business:

The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Agenda of the Meeting.There will be no additions to the published agenda unless it pertains directly to the the agenda item. .

5.04 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

5.05 Place of Meeting:

The location of a Special or Emergency Meetingshall be at the location identified on the published Agenda or, in the case of an Emergency Meeting, where the emergency renders that location inaccessible, the location will be specified in the City Clerk's communications to Members.

5.06

Section 6.00: Planning Advisory Committee Meetings

7.01 Regular Planning Advisory Committee Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Planning Advisory Committee Meeting Dates..

7.02 Special Planning Advisory Committee Meeting Dates:

The Head of Council or the Chair may at any time, summon a Special Planning Advisory Committee Meeting with twenty-four (24) hours' Notice through the City Clerk's office to the Members.

7.03 Composition:

The Planning Advisory Committee shall consist of seven (7) members, being theMayor, three(3) Members of Council, and three (3) members of the public. Two (2) alternate

Council Members for the Planning Advisory Committee, are to be identified and to be called upon to attend to ensure that a quorum is met when it becomes apparent that a member is not able to attend.

7.04 Term of Appointment:

The term of appointment shall be four (4) years for Council Members and for Members of the Public a two (2) year term. The members of the public shall be volunteer positions and shall be appointed in accordance with the established appointment policy.

7.05 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

Section 8.00: Advisory Committee, Ad Hoc Committee and Task Force Meetings

8.01 Establish:

An Advisory Committee, Ad Hoc Committee or Task Force may be formed by Council from time to time in accordance with established criteria and process.

8.02 Meetings:

Meetings shall be held at the call of the appointed chair of the Committee or Task Force. Agendas, setting out the time and place of the meeting, for the business to be conducted at the Meeting, shall be distributed by the Chair or Secretary of the Committee or Task Force, to all Members five (5) days prior to the meeting. The format of the Agenda and the order of proceedings, and the applicability of any portions of this By-law shall be within the control and at the discretion of the Committee or Task Force and in accordance with the Council adopted Terms of Reference. All other provisions of this By-law apply, with the appropriate amendments.

8.03 Ex Officio:

Where a policy of Council or Council appoints a Member to a Committee as an “ex officio” Member, including the Head of Council, that Member has all of the rights and privileges of all of the other Members of that Committee, including participation in debate, voting, receipt of notices, etc. unless otherwise stated by resolution or the associated approved terms of reference.

8.04 Appointment of Council Member to Committee or Task Force:

At the beginning of each term of Council, the Head of Council shall present a Report recommending the appointment of Members to the Planning Advisory Committee, Advisory Committees, Ad Hoc Committees, Task Forces, Management Boards and other required appointments.

Section 9.00: Other Meetings

9.01 Committee of the Whole:

Council shall hold regular Committee of the Whole meetings as stated in the approved Annual Meeting Schedule.

Special Meetings of the Committee of the Whole may be called by the Mayor or in their absence the Deputy Mayor or by the majority of members with the prescribed notice requirements.

Deputations and Presentations will be directed to the Committee of the Whole where appropriate.

The minutes will be forwarded to the next Regular Council Meeting to consider recommendations made by the Committee of the Whole.

9.02 Drainage Matters:

Council delegates its authority to the City of Kawartha Lakes Drainage Board in accordance with the *Drainage Act* R.S.O 1990, c. D.17 and the City of Kawartha Lakes Act. The City of Kawartha Lakes Drainage Board shall operate within the adopted Terms of Reference. The Agenda of all Drainage Board meetings shall be provided to all Members.

9.03 Council as an Administrative Tribunal:

From time to time, it shall be necessary for Council, or an appropriately appointed Ad Hoc Committee, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the *Statutory Powers Procedures Act,* R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.

9.04 Public Meetings:

From time to time, it shall be necessary for Council to preside over a public meeting to gather information prior to making a decision on a matter. Public Meetings shall be held in accordance with the Public Meeting Policy.

Section 10.00: Public Attendance and Communications

10.01 Presumption of Open Meetings:

All Meetings shall be open to the public other than for the exceptions identified within the Municipal Act, 2001

10.02 Public Input to Regular Meeting Agenda Item:

a) Any person wishing to address the assembly as a delegation on an issue identified as an item on an agenda yet to be issued, may do so by submitting a written request to the City Clerk's Office on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

b) After the time prescribed in Section 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Council Meeting, must submit to the City Clerk, ,a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the day preceding the start time of the Meeting at which they wish to appear. If the day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

c) After the time prescribed in 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Planning Meeting (other than the public meeting portion), must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the second day preceding the start time of the Meeting at which they wish to appear. If the second day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

10.03 Public Input to New Agenda Item:

Any person wishing to address the assembly as a delegation on an issue not identified on an issued agenda, must submit to the City Clerk, a signed, written brief, stating the agenda item that they wish to address to the assembly. The City Clerk shall place any item of this nature on a Committee of the Whole. The written request must be submitted to the City Clerk on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

10.04 Delegations in Urgent Matters:

In the event that a proposed subject to be spoken to is of an urgent nature, the delegation request may be adopted as part of the Agenda, with leave of Council or Planning Advisory Committee, as applicable with the exception of a Member of Parliament and a Member of the Ontario Legislature who shall be automatically placed on the amended agenda.

10.05 Maximum Delegation Numbers:

A maximum of five (5) delegations shall be allowed to address Council per Regular Council meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

A maximum of eight (8) delegations shall be allowed to address Planning Advisory Committee per Regular Planning Advisory Committee meeting. This number does not include anyone present who wishes to address Planning Advisory Committee at a statutory public meeting.

The maximum number of delegations at Council Information Meetings shall be determined in consultation with the Head of Council and CAO.

10.05 Denial of Request to Speak or to Distribute Material:

Council, or Planning Advisory Committee may refuse to hear Delegations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, or where it contains obscene or defamatory content.

10.06 Rules of Conduct for Presentations:

Persons addressing an assembly of Members shall observe the rules of conduct set out in this Section:

a) Any person wishing to address the assembly with a presentation on a new issue, shall do so at a Council Information Meeting unless approved to present directly to Council or Planning Advisory Committee by the Head of Council and CAO.

b) Presentations shall be limited to a maximum of thirty minutes.

10.07 Rules of Conduct for Delegations:

Persons addressing an assembly of Members shall observe the Rules of Conduct set out in this Section.

(a) No printed material may be distributed on the Council Floor by a Delegation. Any material which a Delegation wishes to distribute must be provided to the City Clerk, no later than one (1) hour in advance of the relevant Meeting where the Delegation will be addressing the assembly pursuant to Section 10.07.

(b) Where a Delegation does appear with material to distribute, they shall provide all copies directly to the City Clerk and shall not distribute anything directly to Members. The Mayor or Chair shall determine whether the material is to be

distributed by the City Clerk at that Meeting, or whether it shall be retained to be considered.

(c) Delegations who read from a printed script must provide the City Clerk with a copy of the script for the record. Delegations who present slide shows or computerized display presentations must provide the City Clerk with a copy at a minimum one hour prior to the meeting for the record.

(d) All printed material submitted to the City Clerk must be legible, and must be signed and dated legibly. All printed material shall include an address and telephone number, or email address where return correspondence or contact is to be directed.

(e) The City Clerk will only circulate material that comply with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended.

(f) Delegations must confine their remarks to the business stated in the communication to the City Clerk seeking Delegation status under Sections 10.06 or 10.07, as applicable.

(g) Delegations are limited to a time period of not more than five (5) minutes in total unless approval is granted by the majority of assembly members. Delegations consisting of three or more persons shall be limited to two (2) speakers.

(h) Delegations speaking to a matter, item or topic that the person has previously addressed at a Meeting shall be limited to a total time period of not more than two and one-half (2.5) minutes.

(i) Delegations speaking to a matter, item or topic that has been discussed two times at a meeting and they have previously addressed at a Meeting shall not be allowed to address the issue a third time. If new information arises, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.

(j) Delegations speaking to a matter relating to an appeal of a Council or staff decision shall be afforded one opportunity to address Council. If new information becomes available, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.

(k) Delegations are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

10.08 Rules of Conduct for Public Audience:

Persons attending a Meeting, whether or not they are Delegations, shall observe the Rules of Conduct set out in this Section.

(a) At all times, including recesses or breaks, all persons attending a Meeting shall be restricted to the Designated Area and shall not approach the Council Floor unless invited by the Mayor or Chair.

(b) No shouting, cheering, booing, deliberate foot-stomping or any other unprofessional or un-businesslike conduct shall be tolerated by the Chair, at the discretion of the Chair.

(c) Persons who are not Delegations may not address the assembly and shall not do so by shouting out, interrupting, or prompting a Delegation.

(d) Signs, banners, emblems or flags, carried or otherwise, are not permitted in the Council Chambers or other location designated as the Council or Planning Advisory Committee Meeting place, without prior authorization of the Chair.

(e) Profanity is strictly prohibited, whether it is audible or expressed through gesture.

10.09 Time Extensions:

If the Delegation has been requested by the City, or if the time limits established in Section 10.07 are deemed too restrictive by the Chair of the Meeting or by two-thirds of the Members present at the Meeting, the time limit may be increased in increments of five (5) minutes, at the discretion of the Chair or two-thirds of the Members in attendance.

10.10 Petitions, Communications or Correspondence:

Every petition, communication or correspondence to be placed on an Agenda of a Regular Council Meeting or Planning Advisory Committee Meeting shall be delivered to the City Clerk by 12:00 o'clock noon on the second day preceding the day upon which the Agenda for that Meeting is issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution). All communications or petitions received after the above delivery date and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Regular Meeting of Council or Planning Advisory Committee unless otherwise approved by the Head of Council and Chief Administrative Officer.

Motions to receive a Petition, refer the matter to City staff for consideration, or direct City Staff to report back to Council, are proper during this part of the Agenda without prior notice. Any other motion related to a Petition shall not be in order.

The City Clerk shall refuse to place documents on the agenda where the subject matter:

a) Involves current or pending litigation;
b) Involves insurance claims;
c) Involves administrative complaints that have not been reported and investigated through the administrative process;
d) Is beyond the jurisdiction of Council; or
e) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

Petitions shall contain the printed name, signature, and some contact information of the individuals signing it. Signatures without contact information shall be redacted by the individual or group submitting the Petition or it will not be accepted by the City Clerk nor presented to Council.

No petition shall be considered valid and accepted by the City Clerk without the Name and Contact Information of the Person(s) Responsible for the Contents and Submission of the Petition to the municipality.

10.11 Requests for Proclamations:

Requests for Proclamations shall be forwarded to the Clerk for review. Only proclamations relevant to services or proclamations at the request of a member of Council and approved by the Mayor will be included on Council meeting Agendas.

Requests for Proclamations from individuals shall not be placed on a Council Agenda. The requestor shall be notified that the Council of the City of Kawartha Lakes does not partake in the Declaration of Proclamations

10.12 Expulsion:

The Chair of any Meeting may exclude any persons from the Council Chamber or Meeting Room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.

10.13 Exemption:

This By-law does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area sanctioned by the Chair.

Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)

11.01 Quorum:

Five (5) Members shall constitute a quorum for Regular, Special, Information and Emergency Meetings of Council and Committee of the Whole. For the Planning Advisory Committee and all other types of Meetings, a quorum is made up of a majority of Members.

11.02 Special Case Quorum:

Notwithstanding Section 11.01, when a majority of the Members have disclosed pecuniary interests to a matter in accordance with this By-law and/or the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two.

11.03 Meeting Commencement/Absence of Chair:

As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Acting Head of Council (Deputy Mayor) or Vice Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Acting Head of Council (Deputy Mayor) or Vice Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Head of Council or Chair and the Acting Head of Council or Vice Chair, the City Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Head of Council or Acting Head of Council (Deputy Mayor) or Chair or Vice Chair. While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

11.04 Failure to Achieve Quorum:

If there is not a quorum within thirty minutes after the appointed commencement time for any Meeting, the City Clerk (in the case of a Council or Committee of the Whole Meeting) or the Recording Secretary (in the case of a Task Force, Advisory Committee, Ad Hoc Committee or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Meeting as the case may be.

11.05 General Duties of the Chair of a Meeting:

The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:

(a) Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;

(b) Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;

(c) Receive and submit, in the proper manner, all Motions presented by the Members;

(d) Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;

(e) Decline to put to vote Motions that infringe on the rules of procedure;

(f) Restrain Members, within the rules of order, when engaged in debate;

(g) Enforce, on all occasions, the observance of order and decorum among the Members and the attending members of the public;

(h) Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.

(i) Receive all messages and other communications and announce them to the Meeting assembly;

(j) Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;

(k) Ensure that the decisions and recommendations made at Meetings are in conformity with the Procedural By-law, Terms of Reference if applicable, laws and by-laws governing activities of same;

(l) Adjourn the Meeting when the business is concluded;

(m) At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;

(n) Notwithstanding Section 11.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;

(o) Where the Chair is the Head of Council or the Acting Head of Council, he or she shall authenticate, by his or her signature when necessary, all by-laws, resolutions and minutes of the Council; and

(p) In the case of grave disorder arising in the designated Meeting Room, the Chair has the duty to adjourn the Meeting without questions having been put.

11.06 Duties of the Chair In Directing Debate:

During the course of debate, the Chair shall:

(a) Designate the Member who has the floor when two or more Members raise their hands to speak;

(b) Preserve order and decide questions of order; and

(c) Ensure all Motions presented are clear to the Members before permitting debate on the question, except when otherwise provided in this By-law.

11.07 Acting Head of Council:

a) In the absence of the Head of Council (Mayor), the Deputy Mayor shall act as the Head of Council with all of the powers, duties, rights and obligations of the Head of Council. In the absence of the Mayor and Deputy Mayor, Council shall appoint an Acting Head of Council.

b)

11.08 Participation by Chair:

The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, he or she shall leave the Chair for that purpose and shall call upon another Member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the Meeting.

11.09 Rules of Conduct for Members:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

(a) No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Delegations in attendance.

(b) No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.

(c) No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.

(d)

(e) No Member shall speak until he or she has addressed himself or herself to the Chair.

(f) No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his or her seat while a vote is being taken and until the result thereof is declared.

(g) No Member shall ignore a dress standard for Meetings agreed to by the majority of Members of Council.

(h) No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.

(i) No Member shall, in addressing the assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.

(j) No Member shall, in addressing the assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.

(k) .

(l) No Member shall, in addressing the assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.

(m) No Member shall, in addressing the assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.

11.10 Members Shall Vote:

Every Member physically present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests in the question. Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations in the Agenda. However, if an interest is overlooked or becomes evident to any Member later in the meeting, as a result of discussion or otherwise, a Member shall disclose his or her interest at the first opportunity, and afterwards, he or she shall refrain from taking part in the discussion, shall vacate his or her seat and refrain from voting on the particular question. If any Member at a Meeting declines to vote when a question is put and a recorded vote taken, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

11.11 Rules of Conduct for Members During Debate:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

(a) Every Member, when speaking to any question or Motion, shall respectfully address the Chair.

(b) When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.

(c) Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.

(d) No Member shall speak to the same question for longer than five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes, may be granted.

(e) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.

(f) All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.

(g) Questions may be asked only:

1. of a Delegation after he or she has spoken, in accordance with this By-law;
2. the previous speaker;
3. of the Chair; or
4. of an Official of the City, through the Chair, on the matter under debate.

11.12 Closed Session Disclosures of Interest:

Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be provided in writing and recorded in the minutes of the open Meeting.

11.13 Motions without Notice:

The types of Motions listed in this Section may be introduced orally without written Notice and without leave:

(a) A Point of Order;

(b) Presentation of petitions;

(c) Motions to suspend a rule of procedure or in compliance with a rule of procedure;

(d) Motions to adjourn (which are not debatable);

(e) Motions that the vote now be taken;

(f) Motions that Council resolve itself into Committee of the Whole (which are not debatable);

(g) any matter where the assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.

11.14 Putting a Question:

A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

11.15 Dividing a Question:

When the Motion under consideration concerns two or more matters, upon the request of any Member stating clearly where the Motion is divided, the vote upon each matter shall be taken separately and this shall be non-debatable.

11.16 Withdrawal of Motion:

After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion.

11.17 Subsequent Motions:

When a Motion is under debate, no other Motion shall be in order except a Motion:

(a) to adjourn;

(b) to extend the hour (pursuant to Section 4.02);

(c) to table;

(d) to put the question (close the debate);

(e) to postpone or defer;

(f) to refer; or

(g) to amend.

11.18 Motions to Adjourn:

A Motion to adjourn shall:

(a) not be amended;

(b) not be debated;

(c) not include qualifications or additional statements; and

(d) always be in order, except when a Member is speaking or the Members are voting, or when made in Committee of the Whole (except as noted in 11.39 d))

When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

11.19 Motions to Extend the Hour:

A Motion to extend the hour (Section 4.02) shall:

(a) not be amended;

(b) not be debated; and

(c) always be in order, except when a Member is speaking or the Members are voting.

d) shall be made in open session

11.20 Motions to Table:

A Motion to table shall:

(a) not be amended;

(b) not be debated;

(c) apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and

(d) not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the Meeting.

11.21 Motions to Postpone or Defer:

A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

(a) not be amended;

(b) be debated only as to the time period of deferral or postponement;

(c) apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and

(d) not include qualifications or additional statements.

If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion.

11.22 Motions to Put the Question:

A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

(a) not be amended;

(b) not be debated;

(c) apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and

If a Motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

11.23 Motions to Refer:

A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

(a) be open to debate;

(b) be amendable; and

(c) preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

11.24 Motions to Amend:

A Motion to amend a Motion in possession of the assembly shall:

(a) receive disposition of Council or Committee of Council before a previous amendment or the question;

(b) be open to debate;

(c) not be further amended more than once provided that the further amendment may be made to the main question;

(d) be relevant to the question to be received; and

(e) not be received proposing a direct negative to the question.

11.25 Motions to Reconsider/Rescind:

Motion to Rescind: A motion to rescind a Motion previously adopted by the Assembly may be carried to cease the force and effect of a previously adopted motion. A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted. A motion to rescind can be moved by a member on the prevailing side at anytime or by any member, regardless of how the member voted on the original question following a 365 day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.

Without previous notice of motion, the motion to rescind requires a two-thirds vote. This provision cannot be waived.

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

A motion to reconsider cannot be renewed except by unanimous consent.

11.26 Motion Beyond Jurisdiction:

A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order and shall not be placed on the Agenda

11.27 Receipt of Motions:

Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.

11.28 Order of Debate of Motions:

The rules for order of discussion shall be as set out in this Section.

(a) In general, and subject to the provisions of clauses (b) through (d), the order of discussion shall proceed as follows:

1. Mover;

2. Seconder;

3. Any other Member who may wish to speak; and

4. The mover in summary of their position prior to the Chair calling for the vote.

(b) The mover, with leave of the Chair, may speak again in order to clarify a material part of his or her Motion which may have been misunderstood.

(c) No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same question so long as any Member who has not spoken on that question seeks the floor.

(d) Each Member shall confine his or her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.

11.29 Voting on Questions:

When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.

11.30 Reading of Motions:

Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall ensure the question in the form in which it will be recorded in the minutes is read aloud if requested.

11.31 Motions to Amend:

The vote on amending Motions shall be conducted in the following order:

(a) a Motion to amend a Motion to amend the main Motion;

(b) A Motion (as amended or not) to amend the main Motion; and

(c) the main Motion (as amended or not)

11.32 Cessation of Debate:

After the Chair puts a question, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.

11.33 Method of Voting:

Subject to this Section, the manner of determining the decision of the assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Meeting shall not be by secret ballot or by any other method of secret voting.

11.34 Binding Resolutions:

Any resolution shall require affirmative votes in order to be valid and binding on Council. Any questions on which there is an equality of votes shall be deemed to be negative. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority present at the Meeting, or as set out under provincial legislation.

11.35 Results:

The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the City Clerk to record the vote accordingly.

11.36 Tie Votes:

Any questions on which there is an equality of votes is deemed to be negative.

11.37 Recorded Votes:

Subject to this By-law, a recorded vote may be requested at Council Meetings by any Member for any Motion, at any time. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)

11.38 Procedure for Recorded Votes:

When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the meeting must vote in random order as called by the City Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and those who voted against shall be noted in the minutes. The City Clerk shall call the names of the Members and the Chair shall announce the results. Members who do not vote (excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the negative.

11.39 Procedural Rules for Committee of the Whole, Committees, Boards and Task Forces:

The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:

(a) The number of times of speaking on any question shall not be limited;

(b) No recorded vote shall be permitted;

(c)

(d)

11.40 Notice of Motion:

When a Member wishes to present a Notice of Motion, generally for the purpose to change an established policy of the organization, the rules governing the procedure shall be observed as follows:

a) A member wishing to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the City Clerk not later than Monday noon the week preceding the regular meeting of council at which notice of the Motion is to be given.

b) the City Clerk, upon receipt of a Notice of Motion, shall print the motion in full in the agenda for the next regular meeting of the Council.

c) A Notice of Motion shall not be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting.

d) Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;

e) A Notice of Motion that is called for by the Head of Council at two (2) meetings of the Council and has not been proceeded with shall be removed from the agenda unless otherwise directed to Committee by Council.

11.41 By-law versus Resolution

A "**by-law"** shall be used, but is not limited to implementing policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a municipal corporation and whether it is being transacted under the *Municipal Act, 2001, as amended*.

A "**resolution"** is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

11.42 New or Other Business:

When a Member desires to introduce a new business item at a meeting, the member shall provide to the City Clerk, a written Memorandum on the established form within the established time lines for agenda preparation. The Memorandum shall contain background information and the Member's Recommendation for action on the issue.

11.43 Point of Order:

A Point of Order is a tool used by a Member when they wish to exercise their right to address the Chair on a procedural matter. The rules governing the procedure shall be observed as follows:

a) A Member may raise a Point of Order directing attention to a matter that affects the rights of the Member or Members.

b) A Point of Order shall take precedence over any other matter except during the verification of a vote.

c) A member shall state the Point of Order to the Chair at the time of occurrence.

d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order.

e) The Chair shall decide upon the Point of Order and advise the Members of the decision.

f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

h) When the matter has been determined to be a Point of Order, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Order.

11.44 Point of Privilege:

A Point of Privilege is a tool used by a Member when they wish to exercise their right to address the Chair on a personal matter dealing with the integrity of the Member. The rules governing the procedure shall be observed as follows:

a) A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member.

b) A Point of Privilege shall take precedence over any other matter except during the verification of a vote.

c) A member shall state the Point of Privilege to the Chair at the time of occurrence.

d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.

e) The Chair shall decide upon the Point of Privilege and advise the Members of the decision.

f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

h) When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Privilege.

11.45 Order of Precedence:

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

a) to request information

b) to request that the vote be taken (call the question)

c) to limit or extend the debate

d) to defer (to another meeting, date, indefinitely)

e) to refer (to another committee, administration)

f) to amend

11.46 Non-Debatable Motions

a) to adjourn

b) to close, limit or extend debate

c) to lay on the table (to table)

d) questions of privilege

e) to suspend the rules.

Section 12.00: Meeting Minutes

12.01 Requirement for Minutes for Council:

The City Clerk or designate shall be present at all Meetings of Council and shall duly record the Minutes of the Meeting required by this Section.

12.02 Requirement for Minutes for Planning Advisory Committees:

The Recording Secretary or designate shall be present at all Meetings of Planning Advisory Committee and shall duly record the Minutes of the Meeting required by this Section.

12.03 Requirements for Minutes for Advisory Committees:

The Recording Secretary or designate shall record all Minutes of Advisory Committees in the same manner as set out in the Municipal Act for Council Meetings.

12.04 Minute Contents (Open Session):

All minutes shall record the following

(a) The place, date and time of Meeting;

(b) The names of the Chair or Chairs and record of attendance of the Members;

(c) The reading, if requested, correction and adoption of the minutes of the prior Meeting; and

(d) All other proceedings of the Meeting without note or comment.

12.05 Minute Contents (Closed Session):

All minutes of a Closed Session shall be recorded in separate minutes, closed to the public, and shall include the same information as is set out in Section 12.03.

12.06 Adoption of Minutes:

The minutes of a Council, Special, Planning Advisory Committee or Council Information Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). Minutes of a Closed Session of Council, Planning Advisory Committee shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.

12.07 Reading Minutes:

In presenting the minutes of any Meeting for adoption, it shall not be necessary for the City Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.

12.08 Requirement for Minutes for Committee of Adjustment, Drainage Board, Advisory Committee, Ad Hoc Committee, Task Force or Board of Management:

Minutes of Meetings are the responsibility of the Secretary of the body, and must be submitted to the Clerk for circulation.. The receipt by the Council of the minutes is a procedural matter, and does not affect the validity or effect of the resolution recorded in the minutes. It does not adopt or ratify any action taken by the Advisory Committee, Ad Hoc Committee, Task Force or Management Board in question. If an Advisory Committee, Ad Hoc Committee, Task Force or Management Board requires adoption of recommendations, same must be specifically set out in a report to Council, and not simply contained within the Meeting minutes.

Section 13:00: By-Laws

13.01 Form:

Every by-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. Recitals will include references to resolution numbers that are applicable to the by-law. By-laws so introduced shall be complete with the exception of the by-law number, date of readings and passage and signatures of the Head of Council and City Clerk.

13.02 Readings:

Every by-law shall have three readings prior to passage. By-laws may be presented as a consent agenda. All by-laws will be passed in one motion with Council having the ability to extract single items to be dealt with on an individual basis which includes introducing amendments. The City Clerk shall exclude any by-law from the consent section that does not require all three readings.

By-laws introduced through consent

A member of Council will introduce all three readings of a by-law within the same Motion, duly moved and seconded. This Motion must specify the title of the by-law or with the consent of Council only include By-law Numbers.

By-laws introduced on an individual basis

A member of Council will introduce a by-law with its first and second reading which must specify the title of the by-law. . Where this procedure occurs the by-law may be amended before third reading shall be put to vote immediately following the amendment. The third reading of a by-law shall be decided without amendment or debate.

13.03 Formal Records:

Every by-law enacted by Council shall be numbered and dated, signed by the Head of Council and City Clerk or their designates appointed by by-law or statute and sealed with the seal of the City. The City Clerk shall ensure that all by-laws are properly stored for safekeeping.

13.04 Confirmation By-laws:

At the end of each Council Meeting, a by-law will be enacted to confirm all Motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate by-law duly enacted, except where the prior approval of the Ontario

Municipal Board or any other body or agency is required. A Motion to pass a by-law to confirm the proceedings of a Meeting of Council shall be voted on without debate.

Section 14.00: Amendments to, and Suspensions of, this By-law

14.01 Suspension:

Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law.

14.02 Notice:

No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.

14.03 Voting Requirement:

Amendment to this by-law shall require an affirmative vote of two-thirds of Council present.

Section 15.00: Administration and Effective Date

15.01 Administration:

The City Clerk is responsible for the administration of this by-law.

15.02 Force and Effect:

This By-law shall come into force on the date it is finally passed.

Section 16.00: Repeals

16.01 **Repeal:** By-law 2014-266, a By-law to adopt the Procedural By-law is repealed.

By-law read a first, second and third time, and finally passed, this ___ day of September, 2018.

_____ _____

Andy Letham, Mayor Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

Council Report

Report Number RS2018-028

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Parkland and Greenspace Surplus Property Update

Author and Title: Robyn Carlson, City Solicitor and Acting Manager of Realty Services

Recommendations:

That Report RS2018-028, Parkland and Greenspace Surplus Property Update, be received;

That Resolution CR2013-848 be amended to remove the property legally described as BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES, being PIN: 63119-0568 (LT) (Roll Number: 1651 310 020 42400) from the list of properties in Appendix B to Report LM2013-009;

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2014-101 be amended to remove the following properties from the list of properties to be sold:

- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES
  - PIN: 63171-0144 (LT)
  - Roll Number: 1651 160 050 32900
- LT 21 PL 333; KAWARTHA LAKES
  - PIN: 63171-0379 (LT)
  - Roll Number: 1651 160 050 38000
- LT 31 PL 333; KAWARTHA LAKES
  - PIN: 63171-0390 (LT)
  - Roll Number: 1651 160 050 39000

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES
    - PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)
    - Roll Number: 1651 160 050 73600
- LT 10 PL 317; KAWARTHA LAKES
    - PIN: 63169-0328 (LT)
    - Roll Number: 1651 160 050 75800
- LT 19 PL 317; KAWARTHA LAKES
    - Part of PIN: 63169-0319 (LT)
    - Roll Number: 1651 160 050 76700
- LT 20 PL 317; KAWARTHA LAKES
    - Part of PIN: 63169-0319 (LT)
    - Roll Number: 1651 160 050 76800
- BLK A PL 322 S/T A12547; KAWARTHA LAKES
    - PIN: 63169-0380 (LT)
    - Roll Number: 1651 160 050 81400
- BLK B PL 322 S/T A12547; KAWARTHA LAKES
    - PIN: 63169-0372 (LT)
    - Roll Number: 1651 160 050 82200
- BLK A, B PL 523; KAWARTHA LAKES
    - PIN: 63146-0359 (LT)
    - Roll Number: 1651 210 030 58204
- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES
    - PIN: 63160-0413 (LT)
    - Roll Number: 1651 210 040 67801

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2015-1164 be amended to remove the property legally described as LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES, being PIN: 63273-0108 (LT) (Roll Number: 1651 420 002 22300) from the list of properties to be sold:

(A two-thirds majority vote is required to pass this specific resolution)

That Resolution CR2016-755 be amended to remove the property legally described as Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES, being Part of PIN: 63269-0356 (LT) (Part of Roll Number: 1651 008 010 09701) from the list of properties to be sold;

(A two-thirds majority vote is required to pass this specific resolution)

That the surplus declaration of the following properties be rescinded:

- BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES
    - PIN: 63119-0568 (LT)
    - Roll Number: 1651 310 020 42400
- LT 33 PL 282 S/T VT91877; KAWARTHA LAKES
    - PIN: 63171-0144 (LT)
    - Roll Number: 1651 160 050 32900
- LT 21 PL 333; KAWARTHA LAKES
    - PIN: 63171-0379 (LT)
    - Roll Number: 1651 160 050 38000
- LT 31 PL 333; KAWARTHA LAKES
    - PIN: 63171-0390 (LT)
    - Roll Number: 1651 160 050 39000
- LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES
    - PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)
    - Roll Number: 1651 160 050 73600
- LT 10 PL 317; KAWARTHA LAKES
    - PIN: 63169-0328 (LT)
    - Roll Number: 1651 160 050 75800
- LT 19 PL 317; KAWARTHA LAKES
    - Part of PIN: 63169-0319 (LT)
    - Roll Number: 1651 160 050 76700
- LT 20 PL 317; KAWARTHA LAKES
    - Part of PIN: 63169-0319 (LT)
    - Roll Number: 1651 160 050 76800
- BLK A PL 322 S/T A12547; KAWARTHA LAKES
    - PIN: 63169-0380 (LT)
    - Roll Number: 1651 160 050 81400
- BLK B PL 322 S/T A12547; KAWARTHA LAKES
    - PIN: 63169-0372 (LT)
    - Roll Number: 1651 160 050 82200
- BLK A, B PL 523; KAWARTHA LAKES
    - PIN: 63146-0359 (LT)
    - Roll Number: 1651 210 030 58204
- PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES
    - PIN: 63160-0413 (LT)
    - Roll Number: 1651 210 040 67801
- LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES
    - PIN: 63273-0108 (LT)
    - Roll Number: 1651 420 002 22300

- Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES
    - Part of PIN: 63269-0356 (LT)
    - Part of Roll Number: 1651 008 010 09701

(A two-thirds majority vote is required to pass this specific resolution)

Background:

At the Council Meeting of May 8, 2018, Council adopted the following resolution:

> **CR2018-288**
> **Moved By** Councillor Dunn
> **Seconded By** Councillor Miller
>
> **That** the Memo from Councillor Dunn dated May 8, 2018 regarding Surplusing of Parkland/Greenspace, be received;
>
> **That** Staff be requested to identify all parkland and/or greenspace currently declared surplus or being considered for surplus declaration;
>
> **That** Staff bring forward recommendations respecting the disposition process and public notification/consultation provision early in the surplus process;
>
> **That** any surplus park or greenspace planned for disposition in the 2018 workplan be deferred until a future year;
>
> **That** any City-owned lands, parkland or otherwise, being reviewed and/or recommended to be transferred to or utilized by the Kawartha Lakes Haliburton Housing Corporation for the provision of affordable housing development continue to be brought forward on a project-specific basis to Council for consideration; and
>
> **That** a report be brought back to Council by Q3, 2018.
>
> **Carried**

This report addresses that direction, in that it identifies all parkland and/or greenspace currently declared surplus or being considered for surplus declaration. For each of these properties, the current status is described.

This report recommends that certain properties no longer be declared surplus for the purpose of sale, for reasons given in the chart below. The reason to rescind this declaration could be: 1) the property is in use by the City; or 2) the property – while not in use – is not likely to be sold due to encumbrances.

The report indicates which properties will be investigated for potential sale in 2019 or subsequent years. In response to the portion of CR2018-288 that requires “Staff bring forward recommendations respecting the disposition process and public notification/consultation provision early in the surplus process”, the

2018 amendments to the Sale of Land By-law 2018-020 are reported on and no further enhancements or amendments are recommended.

Rationale:

21 greenspace/parkland properties have been declared surplus to municipal needs for potential future sale in 2019 or proceeding years. The status of each of these 21 properties is as follows:

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
A	3	BLK B PL 399 EXCEPT PT 1, 57R4954; PT BLK C PL 399 PT 2, 57R4954; PT RDAL BTN LT 15 AND LT 16 CON 4 SOMERVILLE CLOSED BY R268518, PT 3, 57R4954; KAWARTHA LAKES Kozy Kove Road, Somerville PIN: 63119-0568 (LT)	1651 310 020 42400	LM2013-009	Transferred pursuant to terms of a Subdivision Agreement (5% of subdivision lands)	Property cannot be sold, as drainage easement would encumber significant portion of property Surplus declaration to be rescinded
B	4	LT 33 PL 282 S/T VT91877; KAWARTHA LAKES Stanley Road PIN: 63171-0144 (LT)	1651 160 050 32900	LM2014-003	Transferred “subject to the said lands being used in perpetuity for park purposes only, for the owners, tenants and lawful occupants of all the other lots on said	Cannot sell due to restrictions on title Surplus declaration to be rescinded

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
					Registered Plan 282, Registered Plan 239 and Registered Plan 333.”	
C	4	LT 21 PL 333; KAWARTHA LAKES Stanley Road PIN: 63171-0379 (LT)	1651 160 050 38000	LM2014-003	Transferred “subject to the said lands being used in perpetuity for park purposes only, for the owners, tenants and lawful occupants of all the other lots on said Registered Plan 282, Registered Plan 239 and Registered Plan 333.”	Cannot sell due to restrictions on title Surplus declaration to be rescinded
D	4	LT 31 PL 333; KAWARTHA LAKES Stanley Road PIN: 63171-0390 (LT)	1651 160 050 39000	LM2014-003	Transferred “subject to the said lands being used in perpetuity for park purposes only, for the owners, tenants and lawful occupants of all the other lots on said Registered Plan 282, Registered Plan 239 and	Cannot sell due to restrictions on title Surplus declaration to be rescinded

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
					Registered Plan 333."	
E	4	LT 8 PL 273; PT LT 20 CON N PORTAGE RD ELDON AS IN KL12166; CITY OF KAWARTHA LAKES Driftwood Shores Road PIN: 63169-0271 (LT) and PIN: 63169-0432 (LT)	1651 160 050 73600	LM2014-003	Lot 8 transferred for "public purposes" Part of Lot 20 transferred on the condition that the "lands shall be put aside and reserved, forever, by the Corporation for park purposes" and "the Corporation shall not sell, lease or otherwise dispose of the said lands"	Cannot sell "Lot 20" due to restrictions on title. Cannot sell Lot 8, as it would land lock "Lot 20"; the two essentially act as one parcel. Surplus declaration to be rescinded
F	4	LT 10 PL 317; KAWARTHA LAKES Driftwood Shores Road PIN: 63169-0328 (LT)	1651 160 050 75800	LM2014-003	Transferred "as areas of user common to the owners of all the lots" on Registered Plan 317 and Registered Plan 322	Cannot sell due to restrictions on title Surplus declaration to be rescinded
G	4	LT 19 PL 317; KAWARTHA LAKES Driftwood Shores Road Part of PIN:	1651 160 050 76700	LM2014-003	Transferred "as areas of user common to the owners of all the lots" on Registered Plan 317 and Registered	Cannot sell due to restrictions on title Surplus declaration to be rescinded

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
		63169-0319 (LT)			Plan 322	
H	4	LT 20 PL 317; KAWARTHA LAKES Driftwood Shores Road Part of PIN: 63169-0319 (LT)	1651 160 050 76800	LM2014-003	Transferred "as areas of user common to the owners of all the lots" on Registered Plan 317 and Registered Plan 322	Cannot sell due to restrictions on title Surplus declaration to be rescinded
I	4	BLK A PL 322 S/T A12547; KAWARTHA LAKES Driftwood Shores Road PIN: 63169-0380 (LT)	1651 160 050 81400	LM2014-003	Transferred "as areas of user common to the owners of all the lots" on Registered Plan 317 and Registered Plan 322	Cannot sell due to restrictions on title Surplus declaration to be rescinded
J	4	BLK B PL 322 S/T A12547; KAWARTHA LAKES Driftwood Shores Road PIN: 63169-0372 (LT)	1651 160 050 82200	LM2014-003	Transferred "as areas of user common to the owners of all the lots" on Registered Plan 317 and Registered Plan 322	Cannot sell due to restrictions on title Surplus declaration to be rescinded
K	5	BLK A, B PL 523; KAWARTHA LAKES Beatrice Drive PIN: 63146-0359 (LT)	1651 210 030 58204	LM2014-003	Subdivision Agreement sets out that "Block A shall be dedicated as an area of user common to the owners of Lots 5, 6, and 7 and shall be limited to	Cannot sell due to lot being dedicated as open space for Lots 5, 6, and 7 (this interest in noted in Transfer documents) Surplus

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
					open space.”	declaration to be rescinded
L	6	PT FIRST ST PL 190 AS IN F14300 (SECONDLY); KAWARTHA LAKES Bass Street & Oriole Road PIN: 63160-0413 (LT)	1651 210 040 67801	LM2014-003	Transferred with the covenant that “the owners of land shown on the said Plan Number 190 shall have the right to use the said lands at all times for ingress and egress to and from Cameron Lake”	Cannot sell due to restriction that owners of land on Plan 190 have right to use the property for access to and from Cameron Lake Surplus declaration to be rescinded
M	6	LT 256 PL 57; S/T R283173; LT 249 PL 57; LT 247 AND LT 248 PL 57; PT HILL ST PL 100 CLOSED BY R274935; PT 7, 57R6341; BLAKE ST PL 100 CLOSED BY R274935 BTN ROCK ST AND HILL ST; KAWARTHA LAKES Juniper Street PIN: 63149-0204 (LT) PIN: 63149-0205 (LT) PIN: 63149-0211	1651 240 003 20140	LM2014-003	Zoned Open Space	The Planning Department is currently reviewing the potential for a City-initiated rezoning

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
		(LT) PIN: 63149-0212 (LT) PIN: 63149-0234 (LT)				
N	1	PT W1/2 LT 1 CON 10 CARDEN AS IN C2512; KAWARTHA LAKES Talbot River Road PIN: 63168-0119 (LT)	1651 036 001 40610	LM2015-015	Greenspace (zoned Environmental Protection)	Property not viable for sale on the open market as it is in EP zone – potential abutting landowner sale
O	1	LT 4 PL 266; PT SHORE RDAL LAXTON ALONG HEAD LAKE IN FRONT OF LT 12 & 13 CON 5 CLOSED BY R168362 BTN PT 6 & 7 57R3557; KAWARTHA LAKES Suter Drive/Dewberry Lane PIN: 63273-0108 (LT)	1651 420 002 22300	LM2015-015	Greenspace	Property is currently used by the community as a boat launch area – Community Services feels property should not be considered surplus Surplus declaration to be rescinded
P	3	BLK D PL 494; KAWARTHA LAKES 225 Crego Lake Road	1651 310 030 14660	LM2015-015	"Conveyance made pursuant to Agreement between Granter and	Property is used as a boat launch area by community – in review for potential

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
		PIN: 63120-0560 (LT)			Grantee dated October 1969”	license or sale (of portion or entirety) to community association. Appraisal to be completed in Spring 2019 and development potential to be analyzed.
Q	3	PT LT 25 CON FRONT RANGE SOMERVILLE PT 1 57R1264; KAWARTHA LAKES Lightening Point Road/South Fork Drive PIN: 63118-0175 (LT)	1651 310 050 26705	LM2015-015	“Deed of within land required pursuant to the Planning Act”	One foot reserve (in private ownership) restricts access to property. Records search underway to determine the reason for the reserve and thus whether or not Vesting Order can be obtained and the reserve should be lifted, and the property subsequently sold
R	7	PARK PL 153; KAWARTHA LAKES End of Pleasant View Drive	1651 026 030 22600	LM2015-015	Transferred for “park purposes”	Property currently subject of Maintenance and Liability Agreement

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
		PIN: 63125-0326 (LT)				with the Hickory Beach Dock Owners Association
S	7	BLK B PL 373; KAWARTHA LAKES Frontage on East Beehive Road PIN: 63126-0482 (LT)	1651 026 050 18600	LM2015-015	Greenspace	In progress – property is in KRCA regulated area, need to determine if property is buildable Target – 2019 for sale
T	7	LT 11 RCP 551; KAWARTHA LAKES South Bayou Road/Parkhill Drive PIN: 63125-0440 (LT)	1651 026 030 31525	LM2015-015	"Conveyance to municipality for park reservation"	Currently used by residents as docking area (not under Agreement) To be reviewed by Land Management Committee in October 2018 to discuss sale or license potential
U	16	Part of LT 1-2 PL 17 MANVERS; PT LT 12 CON 3 MANVERS AS IN MVB14168; KAWARTHA LAKES 6 Bradley Street, Pontypool (Former Pontypool Firehall Station	1651 008 010 19701	RS2016-001	Located on portion of Nimigon Park property	Cannot sell due to entrance issues (current entrance shared with Park, not able to install separate entrance) Surplus declaration to

App-endix	Ward	Legal Description	Roll Number	Original Surplus Report	Conditions of City Acquisition	Status
		8) Part of PIN: 63269-0356 (LT)				be rescinded – Pontypool Firehall to be demolished. Property to be retained as parkland

3 additional greenspace/parkland properties have not yet been declared surplus but have been discussed by the Land Management Committee as potential surplus properties. Public Notice advertising the potential surplus declaration and sale of the properties was completed by newspaper circulation in the Kawartha Lakes This Week on the 19th and 26th days of April and the 3rd day of May, 2018, and circulation in the Peterborough this Week on the 18th and 25th days of April and the 2nd day of May, 2018. In addition, "Potential Surplus Property" signs were present on the properties for the duration of the three week advertising period.

The status of each of these properties is as follows:

App-endix	Ward	Legal Description	Roll Number	Conditions of City Acquisition	Status
V	8	BLK B PL 509; KAWARTHA LAKES Gilson Point Road, Little Britain PIN: 63196-0125 (LT)	Part of 1651 110 010 71122	Conveyed as condition of township "approving Plan No. 509" for "park purposes"	Property is currently zoned Community Facility and is within KRCA regulated area. Further research required to determine sale potential. If property is determined to be saleable, Report to Council (for a surplus declaration and to authorize sale) to be presented by April 2019 (in order to comply with By-Law 2018-020 – Report must be presented within 12 months of notice)

App-endix	Ward	Legal Description	Roll Number	Conditions of City Acquisition	Status
W	8	PT LT 19 PL 447 AS IN VT86505; KAWARTHA LAKES Lakeview Boulevard, Little Britain PIN: 63199-0111 (LT)	1651 110 010 62101	Greenspace Conveyed "pursuant to the requirements of the Township in its consenting to the registration of Plan of Subdivision 447" (not specifically noted as parkland – zoned Rural Residential Type 3)	Property is within KRCA regulated area. Further research required to determine sale potential. If property is determined to be saleable, Report to Council (for a surplus declaration and to authorize sale) to be presented by April 2019 (in order to comply with By-Law 2018-020 – Report must be presented within 12 months of notice)
X	10	PT LT 5 N/S KING ST, 6 N/S KING ST PL 15P PT 1 & 2 PL 57R5191; CITY OF KAWARTHA LAKES East Ward Park, Lindsay PIN: 63229-0254 (LT) and 63229-0255 (LT)	1651 030 001 05200 and 1651 030 001 05100	Park Transferred from Canadian National Railway Company	Public response to potential surplus declaration not favourable. In an area currently experiencing significant medium residential development. Property no longer recommended for surplus declaration.

By-law Amendments

In February 2018, the Sale of Land By-law was amended to provide, in addition to existing newspaper and website notice, that onsite posting of an upcoming potential surplus declaration was to occur (for viable/ developable properties

only). Moreover, the by-law was amended to provide that this 3 week period of notice was to occur no less than 12 months before the surplus declaration itself.

Finally, notification was to be given prior to the matter coming to Council for a surplus declaration rather than following surplus declaration and prior to sale, which had previously been the case.

This enhanced and early notification was to increase transparency associated with municipal land sales.

The amendments in February 2018 included a transition period. As fees had increased for certain land purchases following February 2018, the transition provisions provided that, for applications received by the City prior to February 2018, the fees would remain as prior to the amendment. The transition provision provided further that, for those dispositions for which notice had already been given but the property had not been sold, the enhanced notice would not need to be provided.

Notice has not been given for any of the above surplus declarations and thus the above properties will fall into the new process: For each, if the Land Management Committee decides the property should be sold, then Realty Services will draft a Report to Council following 3 weeks of onsite posting, newspaper circulation and website publication. The Report must advance to Council within 12 months of the advertisement. Accordingly, all of these properties will receive enhanced notice.

Other Alternatives Considered:

An alternative is to circulate potential property sales to adjacent owners. However, it appears that the new system of onsite posting is working well and Staff have not received any indication that the posting is insufficient.

Moreover, the Realty Services Division is currently understaffed, with 1 out of 3 positions in that Division vacant. Increased circulation would unnecessarily slow down the process of land sales, leasing and licensing.

For those reasons, further circulation requirements are not recommended at this time.

Financial Impacts:

None.

Relationship of Recommendations to the 2016-2019 Strategic Plan:

The recommendations in this report align both with the goal of “A Vibrant and Growing Economy” and the strategic enabler of ”Efficient Asset Management.”

Consultations:

None.

Attachments:

Appendix A – Kozy Kove Road, Somerville

Appendix A - Kozy Kove Road, Somervill

Appendix B – Stanley Road, Woodville

Appendix B - Stanley Road, Woodville.pdf

Appendix C – Stanley Road, Woodville

Appendix C - Stanley Road, Woodville.pdf

Appendix D – Stanley Road, Woodville

Appendix D - Stanley Road, Woodville.pdf

Appendix E – Driftwood Shores Road, Kirkfield

Appendix E - Driftwood Shores Roa

Appendix F – Driftwood Shores Road, Kirkfield

Appendix F - Driftwood Shores Roa

Appendix G – Driftwood Shores Road, Kirkfield

Appendix G - Driftwood Shores Roa

Appendix H – Driftwood Shores Road, Kirkfield

Appendix H - Driftwood Shores Roa

Appendix I – Driftwood Shores Road, Kirkfield

Appendix I - Driftwood Shores Roa

Appendix J – Driftwood Shores Road, Kirkfield

Appendix J - Driftwood Shores Roa

Appendix K – Beatrice Drive, Cameron

Appendix K - Beatrice Drive, Came

Appendix L – Bass Street & Oriole Drive, Fenelon Falls

Appendix L - Bass Street & Oriole Road,

Appendix M – Juniper Street, Fenelon Falls

Appendix M - Juniper Street, Fenelon Falls.

Appendix N – Talbot River Road, Kirkfield

Appendix N - Talbot River Road, Kirkfield.

Appendix O – Suter Drive/Dewberry Lane, Kirkfield

Appendix O - Suter Drive & Dewberry Lar

Appendix P – 225 Crego Lake, Norland

Appendix P - 225 Crego Lake Road, No

Appendix Q – Lightning Point Road/South Fork Drive, Somerville

Appendix Q - Lightning Point Road

Appendix R – End of Pleasant Point Drive, Hickory Beach

Appendix R - End of Pleasant View Drive,

Appendix S – East Beehive Road, Bobcaygeon

Appendix S - East Beehive Road, Bobca

Appendix T – South Bayou Road/Parkhill Drive, Hickory Beach

Appendix T - South Bayou Road & Parkhil

Appendix U – 6 Bradley Street, Pontypool (Former Pontypool Firehall)

Appendix U - 6 Bradley Street, Ponty

Appendix V – Gilson Point Road, Little Britain

Appendix V - Gilson Point Road, Little Brit

Appendix W – Lakeview Boulevard, Little Britain

Appendix W - Lakeview Boulevard,

Appendix X – East Ward Park, Lindsay

Appendix X - East Ward Park, Lindsay.p

Department Head E-Mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Date:

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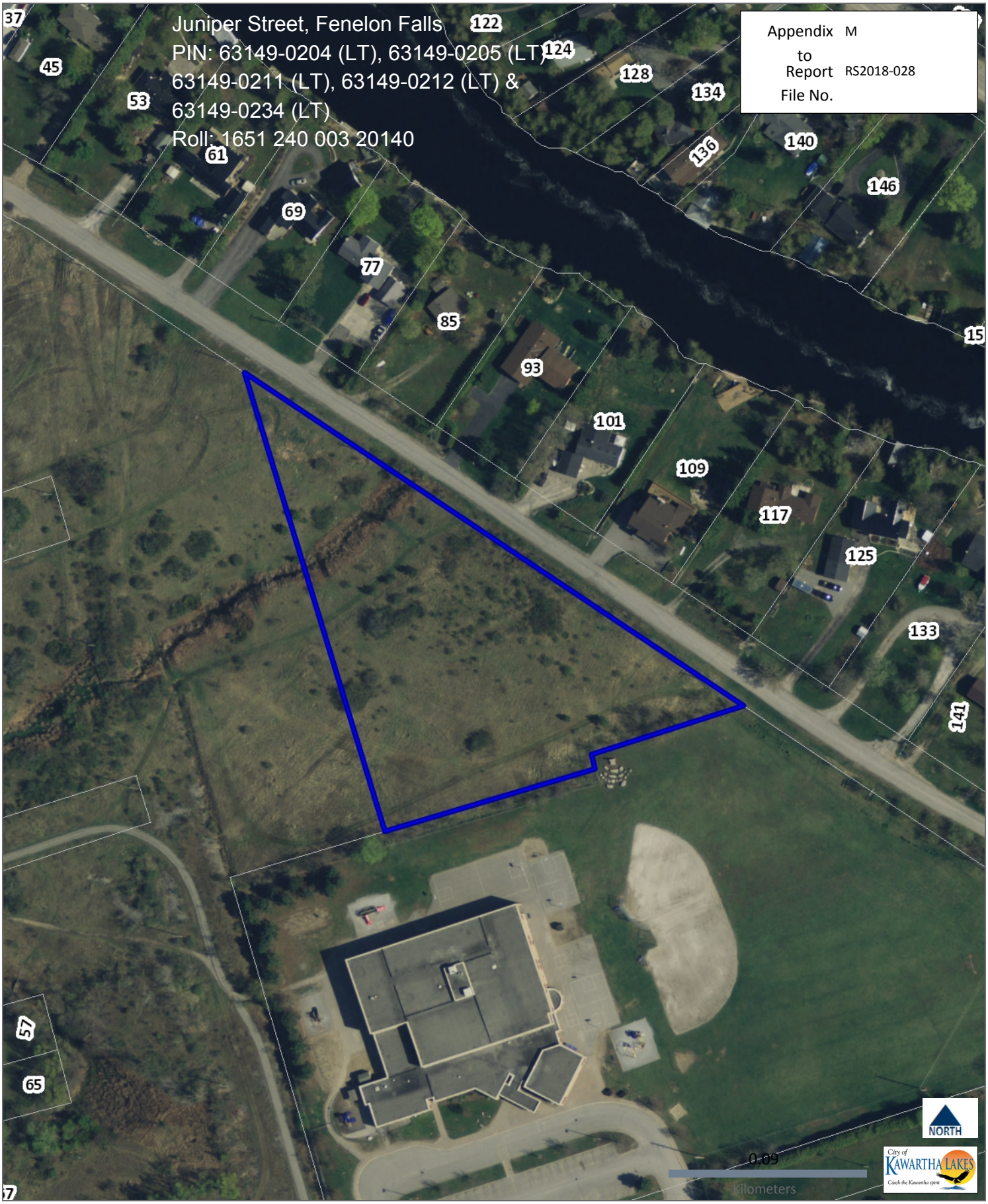

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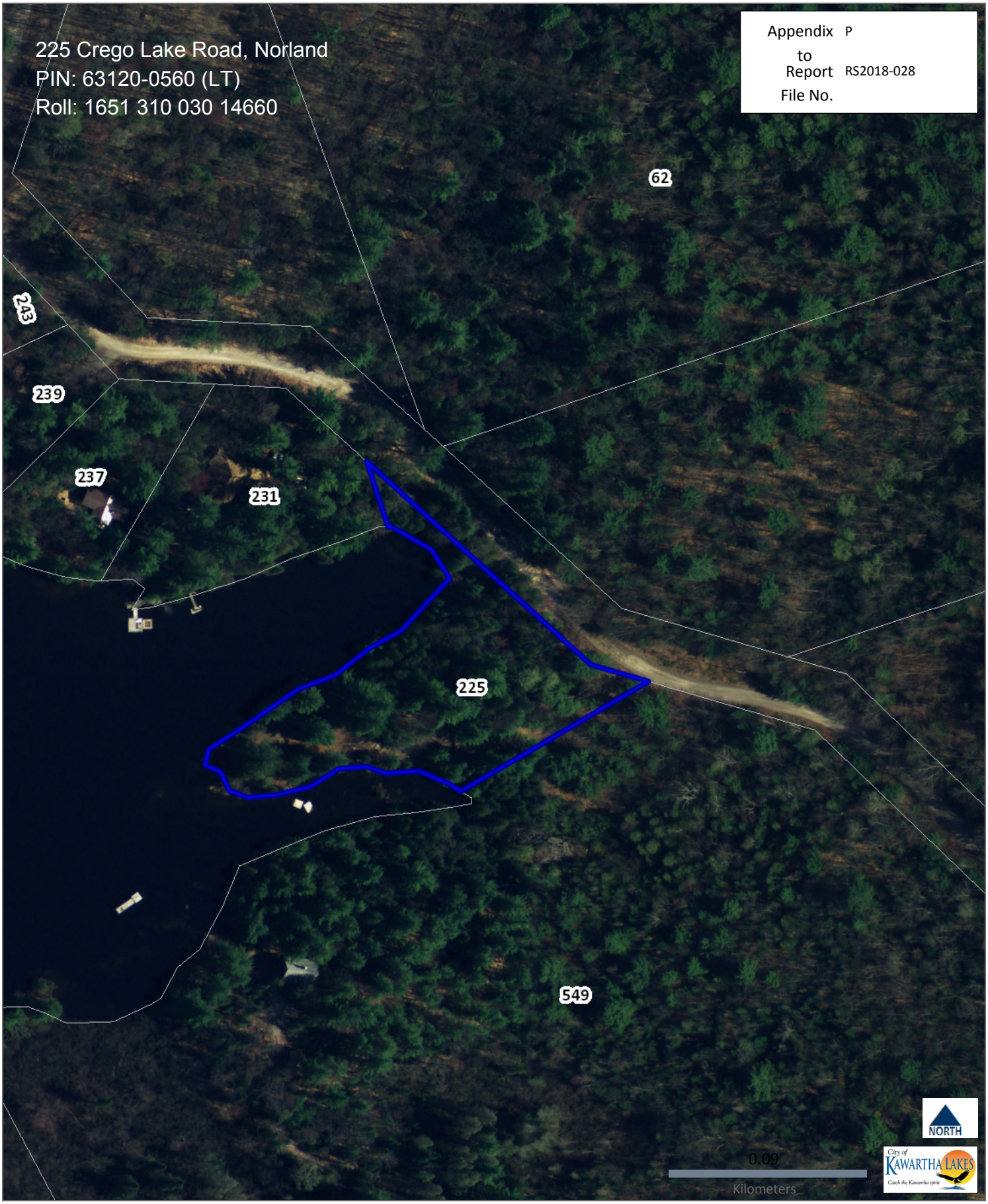

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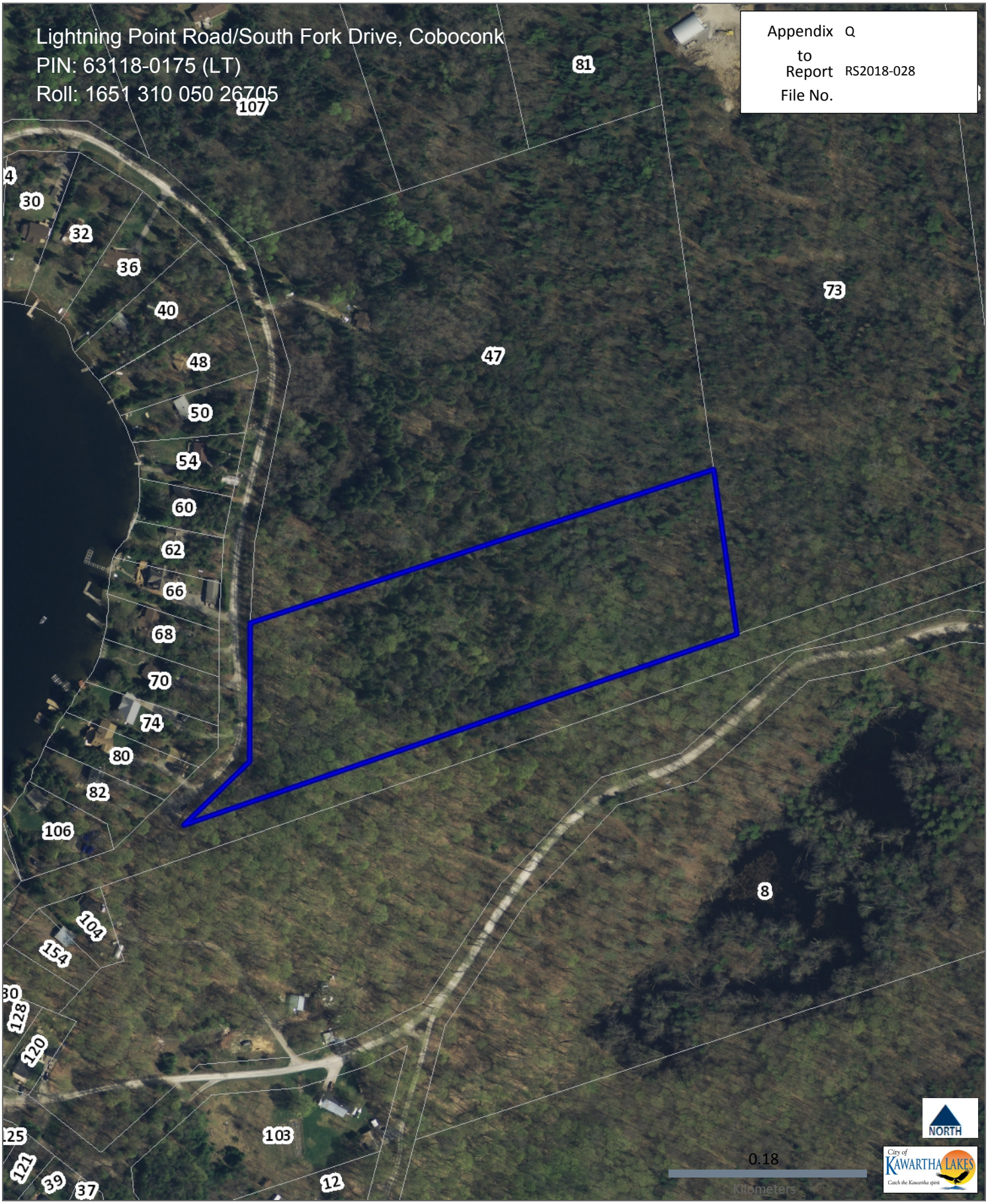

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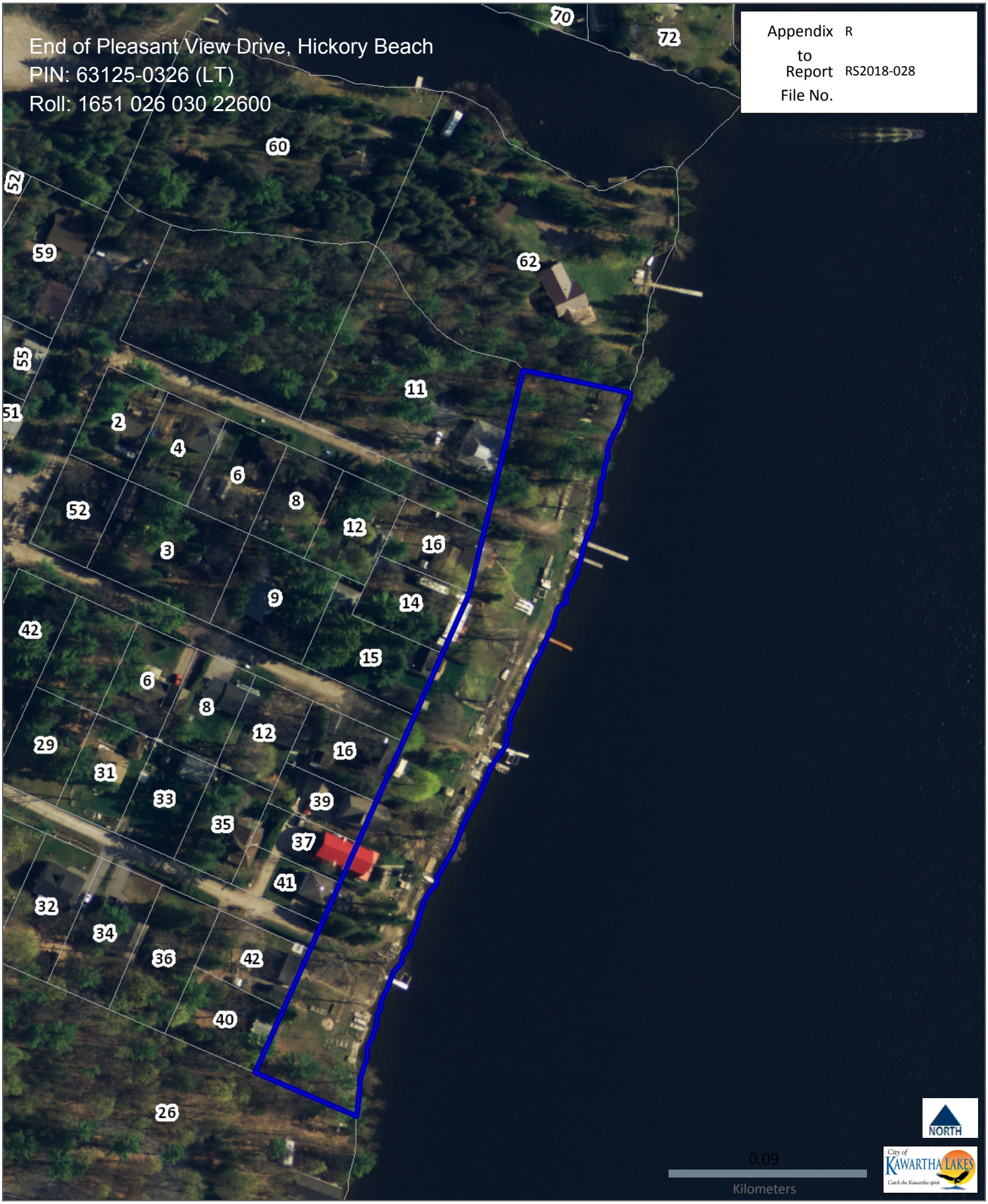

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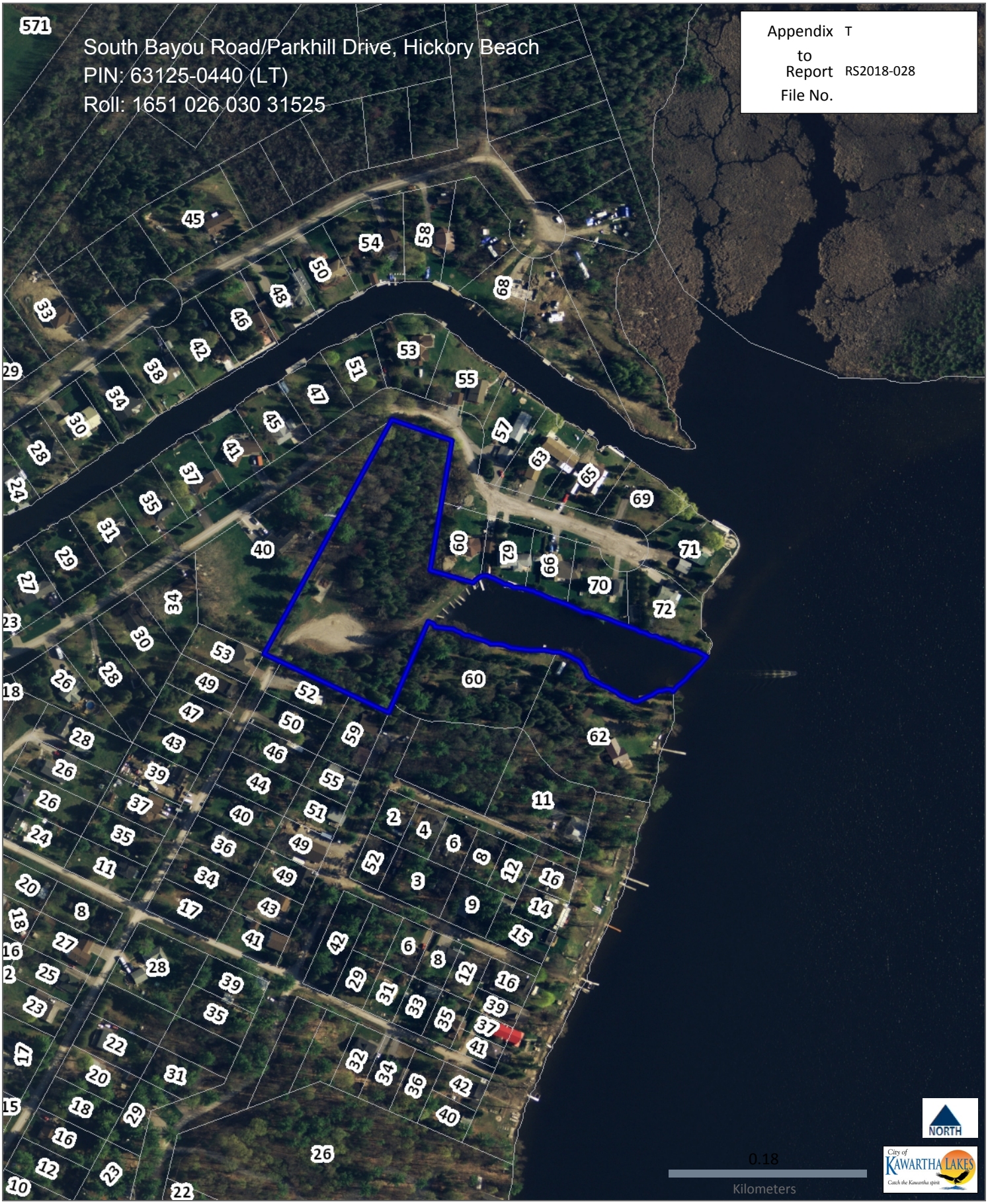

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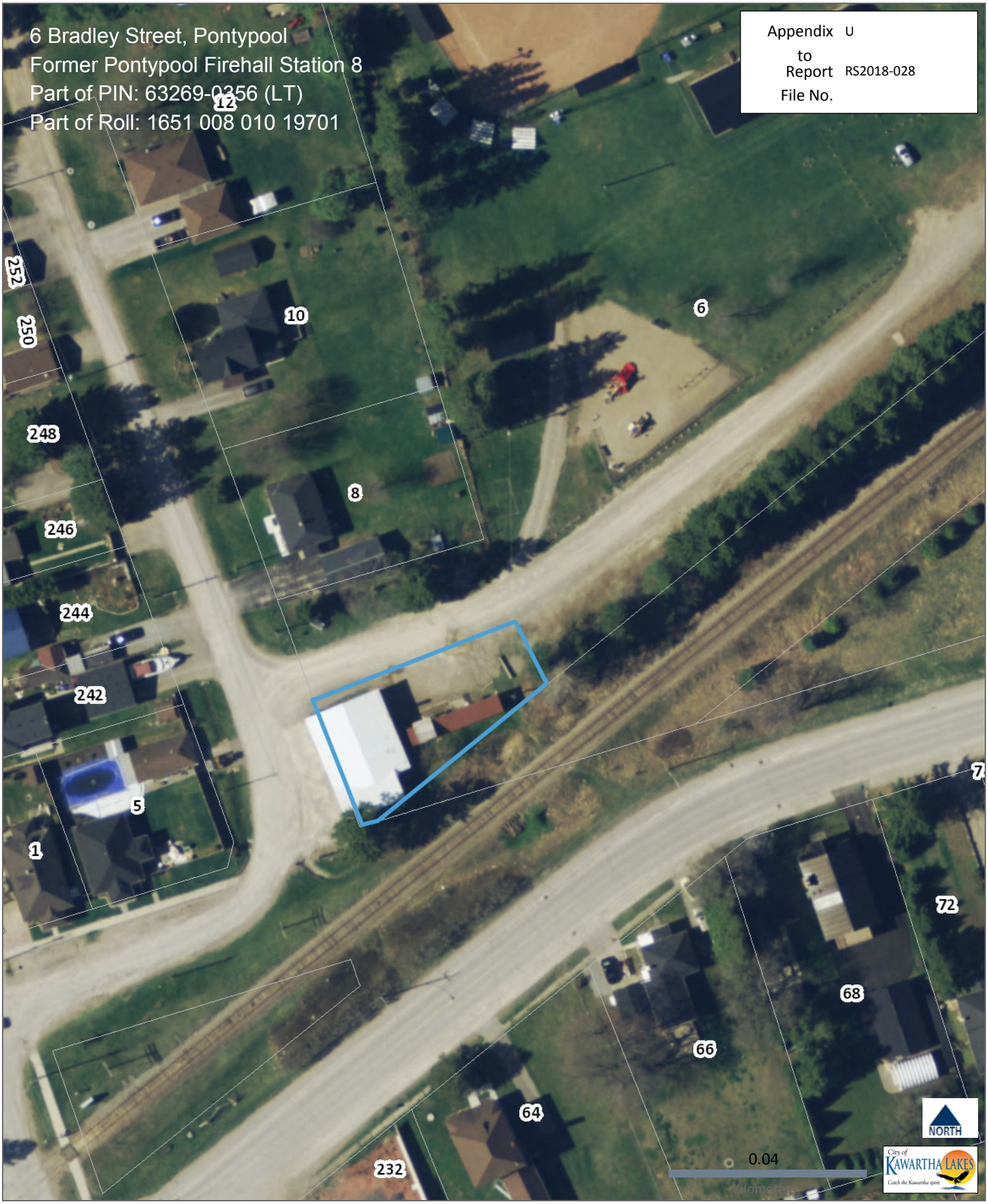

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The Corporation of the City of Kawartha Lakes

Minutes

Planning Advisory Committee Meeting

PC2018-09
Wednesday, September 12, 2018
1:00 P.M.
Victoria Room
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Andy Letham
Councillor Brian Junkin
Councillor Rob Macklem
Councillor Gord Miller
Councillor Patrick O'Reilly
Councillor Heather Stauble
Councillor Andrew Veale
Mike Barkwell
Debbie Girard

Accessible formats and communication supports are available upon request.

1. Call to Order and Adoption of Agenda

Chair O'Reilly called the meeting to order at 1:00 p.m. Mayor A. Letham, Councillors B. Junkin, R. Macklem, H. Stauble and A. Veale and D. Girard were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services C. Marshall, Supervisor of Policy Planning L. Barrie, Supervisor of Development Engineering C. Sisson, Planning Officer - Large Developments I. Walker, and Planners II D. Harding and Q. Adebayo were also in attendance.

Absent: G. Miller, M. Barkwell

The Chair opened the meeting and introduced Planning Advisory Committee and the members of staff present.

Moved By Councillor Junkin
Seconded By Councillor Macklem

That the agenda for the Wednesday, September 12, 2018 Planning Advisory Committee Meeting be adopted as circulated.

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest noted.

3. Public Meeting

The Chair stated that, as required under the Planning Act, a public meeting is being held prior to the City of Kawartha Lakes Council making decisions on the following planning matters.

3.1 PLAN2018-070

An application to amend the Township of Emily Zoning By-law 1996-30 to rezone the land surrounding 791 Cottingham Road to Rural Residential Type One (RR1) Zone and rezone the land on the balance of the property (795 Cottingham Road) to permit only one single detached dwelling (Fife)
David Harding, Planner II

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Harding confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was

posted the subject property. He summarized the application, explaining that it proposes to rezone the lands as a condition of the provisional consent granted on the property at the April 20, 2018 Committee of Adjustment meeting. As a condition of provisional consent, the agricultural land to be retained is to be rezoned to prohibit more than one single detached dwelling. The application is consistent with the decision of the Committee of Adjustment, and is therefore consistent with the Provincial Policy Statement and conforms to the Growth Plan and Official Plan. Mr. Harding summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from the Engineering and Corporate Assets and Community Services Departments, and the Chippewas of Rama First Nations with no concerns. Staff are recommending that the application be forwarded to Council for approval.
The Chair inquired if the applicant wished to speak to the application.

Hugh Fife spoke on behalf of the owner, and made himself available to any questions from committee. He noted the severed land will only have a residence and a shed, and the other lands will retain the agricultural zoning including a restriction to only permit one residence on the lands.

He responded to questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

No other persons spoke to the application.

3.2 PLAN2018-073

An application to amend the Township of Mariposa Zoning By-law to add an observation tower as a permitted use and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa (Alden and Sommerville)
Ian Walker, Planning Officer - Large Developments

The Chair requested staff to advise on the manner of giving notice for the proposed zoning by-law amendment. He also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date.

Mr. Walker confirmed that the required notice was given in accordance with the Planning Act and circulated to each owner of land within 500m, and a sign was posted the subject property. He summarized the application, explaining that it proposes to add an additional use to the property and amend the development standards to recognize an existing 10.5m high osprey observation tower which

was constructed in the absence of any building permits. Staff are of the opinion that the tower does not conform with the Growth Plan, and is not compatible with local land uses and local landscapes as a stated requirement in the Provincial Policy Statement (PPS). Mr. Walker summarized the comments received to date, as detailed in his report, noting that subsequent to the writing of the report additional comments were received from a number of local residents and property owners. Comments from residents opposed stated concerns with privacy, aesthetics, and the height of the tower, as well as the precedence set of building without a permit. Comments from residents in support of the application noted the environmental benefits to viewing the osprey, and how the local tree canopy offers privacy from the tower. Staff are recommending that the application be denied. He responded to questions from Committee members.

The Chair inquired if the applicant wished to speak to the application.

Scott Sommerville spoke as the owner of the property. He noted his years of experience as an electrical lineman, and Suzanne's background in various environmental endeavors. He noted that the tower constructed allows for people to view the natural habitat of the osprey nest at top of another nearby pole. He presented a variety of images and a video of the views from the tower at different heights and facing different directions. He noted that he can see more from his front porch of his neighbours, than atop the tower due to the tree canopy. He responded to questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

Doug Carroll spoke as a registered professional planner who was asked to comment on the application by the owners. He noted the history of the structure since its initial construction in June, 2016, including the complaint, application for a building permit post-construction, and a denial of a request for a Minor Variance. He noted that the tower is not in compliance with the general provisions of the zoning by-law, in that it is 4 metres taller than the allowed provisions. He noted that the structure is within the required setbacks from property lines, and that he does not believe the Growth Plan and PPS have concern to accessory structures in backyards. He noted that the pictorial evidence provided by the owner shows the view of neighbouring properties obstructed by the tree canopy, and that the platform would not be used in inclement weather when the tree canopy is reduced. He stated that a number of letters of support, and a petition were submitted, and that it represents good planning to approve the accessory structure. He responded to questions from

Committee members.

Penny Knapp of 131 Oakdene, directly across the street from the owner, stated that she has known the applicants since they moved into the neighbourhood, and their support to see various species of birds and the environment flourish. She stated that they constructed the platform with safety in mind, to allow people to view the osprey. She stated that she feels the tower blends in beautifully into the environment, and that she is more concerned about her privacy from trespassers on her property than people looking in from the tower. Overall, she stated that this is a small positive step to make a difference in environmental protection. She responded to questions from Committee members.

James Blair of 130 Oakdene, submitted a letter of his concerns and wanted to review them. He first questioned if the osprey nest was even visible from the platform. He then expressed concern for safety of the structure, and location on grade, and proximity to the property line if the structure failed. He noted liability concerns if children climbed the tower without permission. He stated that pictures provided now show the view with the full canopy, but does not show how his privacy is effected when the trees have no leaves in the winter. He also noted that the structure interferes with his spiritual practice, and infringes on his privacy. He noted that the tower was constructed without a permit, and allowing it to remain may set a precedence. He responded to questions from Committee members.

Olga Zavarzin of 135 Oakdene noted that she is a spiritual person and does not see any problem with the structure, and stated she is concerned for the local environment.

No other persons spoke to the application.

The Public Meeting concluded at 2:15 p.m.

4. Business Arising from Public Meeting

4.1 Item 3.1

PAC2018-037
Moved By Mayor Letham
Seconded By Councillor Stauble

Recommend that Report PLAN2018-070, respecting **Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road** – Application D06-2018-020, be received;

That a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix “D” to Report PLAN2018-070, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

4.2 Item 3.2

Moved By Councillor Stauble
Seconded By Councillor Junkin

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That PLAN2018-073 respecting Application D06-2018-022 be denied.

Motion Failed

PAC2018-038
Moved By Mayor Letham
Seconded By Councillor Veale

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be approved;

That a by-law respecting the application be brought forward for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this report be attached to the Minutes of the September 12, 2018 Planning Advisory Committee meeting.

Carried

5. Deputations

6. Correspondence

7. City of Kawartha Lakes Reports

7.1 PLAN2018-067

Follow-up regarding matters identified at the May 9, 2018 Planning Advisory Committee Meeting involving Vizatimet Farms Ltd.
Leah Barrie, Policy Planning Supervisor

Ms. Barrie provided an overview of this follow-up report from resolution PAC2018-027 adopted at the May 9, 2018 Planning Advisory Committee Meeting. She noted that additional correspondence was received from John Passalacqua, owner of Vizatimet Farms Ltd., and responded to their correspondence requesting to have their lands designated Rural from the current Prime Agricultural. She said the request has not been associated with a site-specific Official Plan Amendment application, or through an appeal to the 2012 Kawartha Lakes Official Plan. She also advised that the LEAR study submitted by Vizatimet should only be utilized in conjunction with a larger Municipal Comprehensive Review of all the lands within the area. She responded to questions from the members of the committee.

PAC2018-039
Moved By Mayor Letham
Seconded By Councillor Junkin

Recommend that Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Carried

7.2 PLAN2018-071

An application to amend the City of Kawartha Lakes Official Plan and Township of Mariposa Zoning By-law 94-07 to permit the creation of a residential lot at 408-422 Ranch Road (Muirhead)

Mr. Harding confirmed that a Public Meeting on this matter was held on May 9, 2018 in accordance with the Planning Act. He summarized the applications, explaining that it proposes to permit an existing single detached dwelling (422 Ranch Road) on approximately 0.54 hectares of land to be severed from the balance of the agricultural property, which is approximately 40.2 hectares. The

balance of the agricultural property contains a second dwelling and agricultural buildings (408 Ranch Road). The applications do not conflict with the Growth Plan or the Provincial Policy Statement. Mr. Harding summarized the comments received to date, as detailed in his report. Staff are recommending that the applications be referred to Council for approval. He responded to questions from Committee members.

PAC2018-040
Moved By Councillor Veale
Seconded By Councillor Junkin

Recommend that Report PLAN2018-071, respecting **Part of Lot 17, Concession 3, geographic Township of Mariposa, and identified as 408-422 Ranch Road, Muirhead** – Applications D01-2018-003 and D06-2018-011, be received;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Carried

7.3 ENG2018-016

Municipal Infrastructure Design Guidelines – Annual Update
Juan Rojas, Director of Engineering and Corporate Assets

Ms. Sisson responded to questions from the committee members.

PAC2018-041
Moved By Mayor Letham
Seconded By Councillor Macklem

Recommend that Report ENG2018-016, **Infrastructure Guidelines – Annual Update**, be received; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City’s website.

Carried

8. Adjournment

Moved By Councillor Stauble
Seconded By Councillor Macklem

That the Planning Advisory Committee Meeting adjourn at 2:45 p.m.

Carried

Recommendations from the September 12, 2018 Planning Advisory Committee Meeting:

PAC2018-037
Moved By Mayor Letham
Seconded By Councillor Stauble

Recommend that Report PLAN2018-070, respecting **Part of Lot 21, Concession 3, geographic Township of Emily, and identified as 791-795 Cottingham Road** – Application D06-2018-020, be received;

That a Zoning By-law Amendment respecting application D06-2018-020, substantially in the form attached as Appendix "D" to Report PLAN2018-070, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

PAC2018-038
Moved By Mayor Letham
Seconded By Councillor Veale

Recommend that Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That Zoning By-law Amendment application D06-2018-022, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville and proposing to add an observation tower as a permitted use and amend the development standards for the observation tower, be approved;

That a by-law respecting the application be brought forward for adoption;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this report be attached to the Minutes of the September 12, 2018 Planning Advisory Committee meeting.

Carried

PAC2018-039
Moved By Mayor Letham
Seconded By Councillor Junkin

Recommend that Report PLAN2018-067, **Secondary Plans Appeals Update – Follow-up**, be received.

Carried

PAC2018-040
Moved By Councillor Veale
Seconded By Councillor Junkin

Recommend that Report PLAN2018-071, respecting **Part of Lot 17, Concession 3, geographic Township of Mariposa, and identified as 408-422 Ranch Road, Muirhead** – Applications D01-2018-003 and D06-2018-011, be received;

That an Official Plan Amendment and Zoning By-law Amendment respecting applications D01-2018-003 and D06-2018-020, substantially in the form attached as Appendices “D” and “E” to Report PLAN2018-071, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

Carried

PAC2018-041
Moved By Mayor Letham
Seconded By Councillor Macklem

Recommend that Report ENG2018-016, **Infrastructure Guidelines – Annual Update**, be received; and

That Staff be directed to continue to monitor for any communication improvements and for any current legislative or regulatory enhancements requiring updates to the existing guidelines on the City’s website.

Carried

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2018-073

Date: **September 12, 2018**
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 8 – Mariposa

Title: Zoning By-law Amendment for Observation Tower

Description: An application to amend the Township of Mariposa Zoning By-law to add an observation tower as a permitted use and amend the development standards for the observation tower on the property identified as 132 Oakdene Crescent, Mariposa (Alden and Sommerville)

Author and Title: **Ian Walker, Planning Officer – Large Developments**

Recommendations:

That Report PLAN2018-073, respecting **Part of Lot 17, Concession C, Geographic Township of Mariposa, Alden and Sommerville – Application D06-2018-022**, be received; and

That PLAN2018-073 respecting Application D06-2018-022 be denied

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The owners have submitted a Zoning By-law Amendment application to amend the Rural Residential Type Three (RR3) Zone to include an exception zone. The intent of the exception zone is to add an additional use to the property and amend the development standards to recognize an existing 10.5 metre high osprey observation tower which was constructed in the absence of any building permits.

Owner:	Suzanne Alden and Scott Sommerville	
Legal Description:	Part of Lot 17, Concession C, Geographic Township of Mariposa	
Designation:	Waterfront on Schedule A-2 of the City of Kawartha Lakes Official Plan	
Zone:	Rural Residential Type Three (RR3) Zone on Schedule A of the Township of Mariposa Zoning By-law Number 94-07	
Lot Area:	2,808 square metres [31,363 square feet – MPAC]	
Site Servicing:	Private individual on-site sewage disposal and well	
Existing Uses:	Shoreline Residential	
Adjacent Uses:	North:	Shoreline Residential
	East:	Unopened Road Allowance; Agricultural
	South:	Shoreline Residential
	West:	Oakdene Crescent; Shoreline Residential

Rationale:

The property is located on the east side of Oakdene Crescent, and west of an unopened road allowance. See Appendix A. The property contains a two-storey single detached dwelling with associated septic system and well, and the osprey observation tower. See Appendix B. The observation tower is not a permitted use in the current zone category, and is not in compliance with the general provisions set out in the Zoning By-law. As such, a rezoning is required.

5 letters of support were submitted with the application, along with a Site Visit Report prepared by M.B. Finney Limited, dated September 28, 2017.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan):

The Growth Plan provides that development outside of settlement areas may be permitted on rural lands for the management or use of resources; resource-based recreational activities; and other rural land uses that are not appropriate in

settlement areas. Section 2.2.9 3.c) of the Growth Plan provides that other rural land uses must:

i. Be compatible with the rural landscape and surrounding local land uses;
ii. Be sustained by rural service levels; and
iii. Not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Staff are of the opinion that the viewing tower does not conform with the Growth Plan as it is not compatible with the rural landscape and surrounding local land uses. There are a number of neighbours that have complained about the viewing tower as they feel that it is unsightly and they feel it will impact their privacy.

Provincial Policy Statement, 2014 (PPS):

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. The PPS provides that in rural areas, permitted uses and activities shall relate to the management or use of resources; resource-based recreational uses; limited residential development; and other rural land uses. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

Staff are of the opinion that the viewing tower is not compatible with the rural landscape.

Official Plan Conformity:

The lot is designated Waterfront on Schedule A-2 of the City's Official Plan (OP). Portions of adjacent properties to the north have been identified as Provincially Significant Wetlands and Significant Woodlands on Schedule B-2 of the OP. Permitted uses in the Waterfront designation include single detached dwellings and residential accessory uses. Section 20.5.1 of the OP states all buildings and structures shall maintain a low profile and blend with natural surroundings.

Staff are of the opinion that the viewing tower is not a residential accessory use and does not maintain a low profile and blend with the natural surroundings.

Zoning By-Law Compliance:

The lot is zoned Rural Residential Type Three (RR3) Zone in the Township of Mariposa Zoning By-law. The RR3 zone permits a single detached dwelling or vacation dwelling, and a home occupation. Accessory buildings, structures and uses are permitted through the General Provisions section of the By-law.

The observation tower is not a residential accessory use, therefore the use would need to be permitted as part of a site-specific exception zone. This application proposes to add an exception zone to recognize the observation tower as a permitted use; and to include development standards to recognize the height of the observation tower, which is currently 9.0 metres with a 1.52 metre railing, for a total height of 10.52 metres.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application may align with the healthy environment strategic goal as it promotes the protection of natural features.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The existing dwelling is serviced by an on-site private sanitary sewage disposal system and individual well. No services are proposed for the observation tower structure.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius of the property, agencies, and City Departments which may have an interest in the application. As of August 31, 2018, we have received the following comments:

Public Comments:

5 emails and one letter objecting to the rezoning have been provided by 6 area residents. Concerns include: the invasion of privacy; that the tower provides a full view of neighbouring properties and the bay; that the tower is impacting on property values in the area; that the tower was constructed without any permits or approvals; that future uses of the tower cannot be controlled if the property is sold; and that other property owners in the area would seek similar approvals if this one is successful.

Agency Review Comments:

August 15, 2018	The Building Division has no concerns with the rezoning application.
August 15, 2018	The Economic Development Division has no comments to offer regarding the rezoning application.
August 17, 2018	The Engineering and Corporate Assets Department has no objection to the rezoning from an engineering review perspective.
August 23, 2018	Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
August 27, 2018	Enbridge Gas Distribution advised it does not object to the rezoning.
August 27, 2018	The Part 8 Sewage System Program advised it has no issue with the proposed rezoning.
August 31, 2018	The Kawartha Region Conservation Authority advised the property is regulated under Ontario Regulation 182/06, as it is within 120 metres of the Starr Bay Provincially Significant Wetland. As such, formal permission (a Section 28 Permit, Remediation Agreement) will be required for the observation tower. The signed and stamped engineering drawings prepared by M.B. Finney Ltd. for the bell-shaped foundations demonstrate the stability of the structure in relation to the grade of the property.

Development Services – Planning Division Comments:

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, a number of objections have been received as a result of the public circulation.

Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be denied as it does not conform with the Growth Plan, is not consistent with the PPS, and does not conform to the City of Kawartha Lakes Official Plan.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map

PLAN2018-073
Appendix A.pdf

Appendix 'B' – Site Plan, not dated

PLAN2018-073
Appendix B.pdf

Appendix 'C' – Cross Section, not dated

PLAN2018-073
Appendix C.pdf

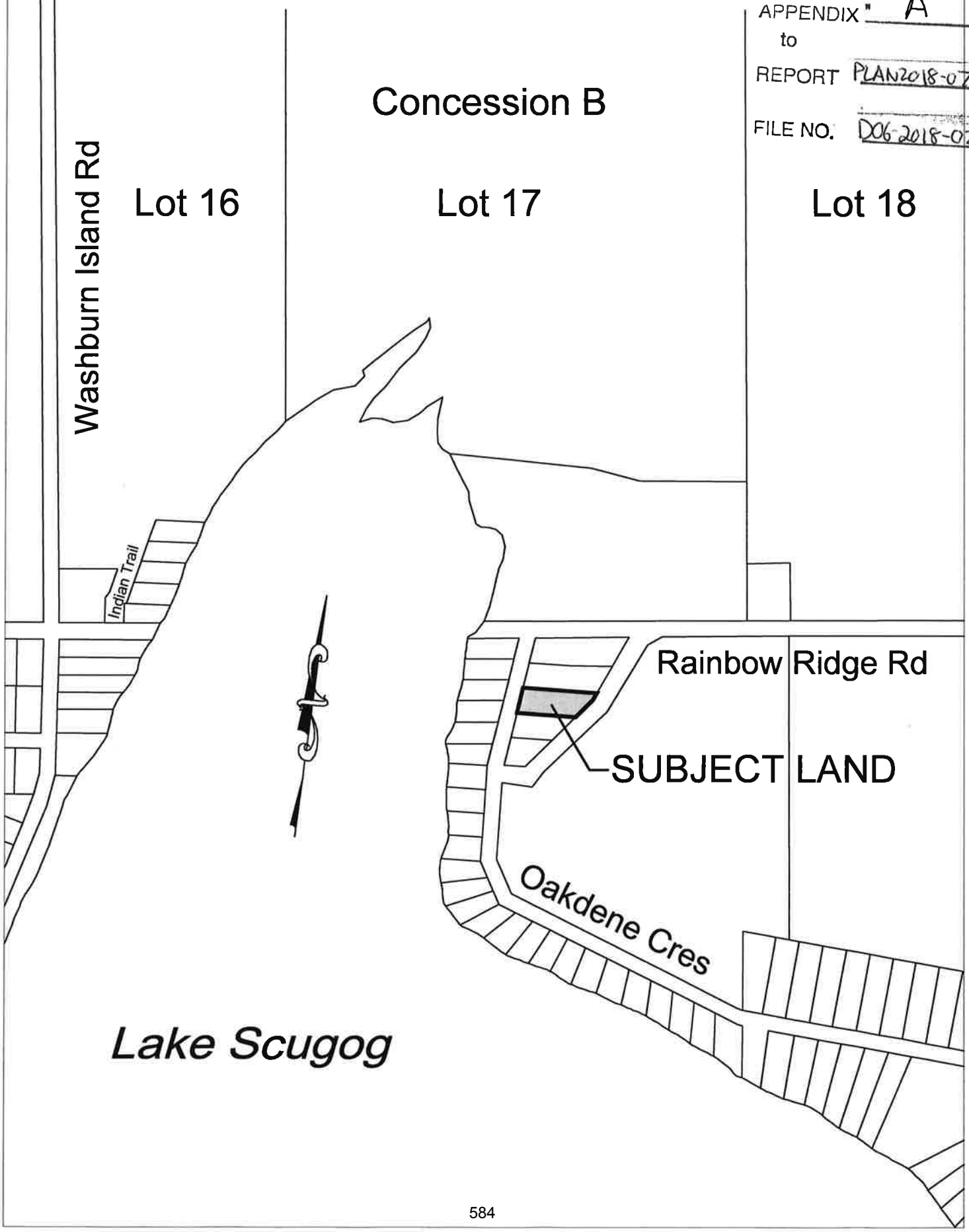
Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

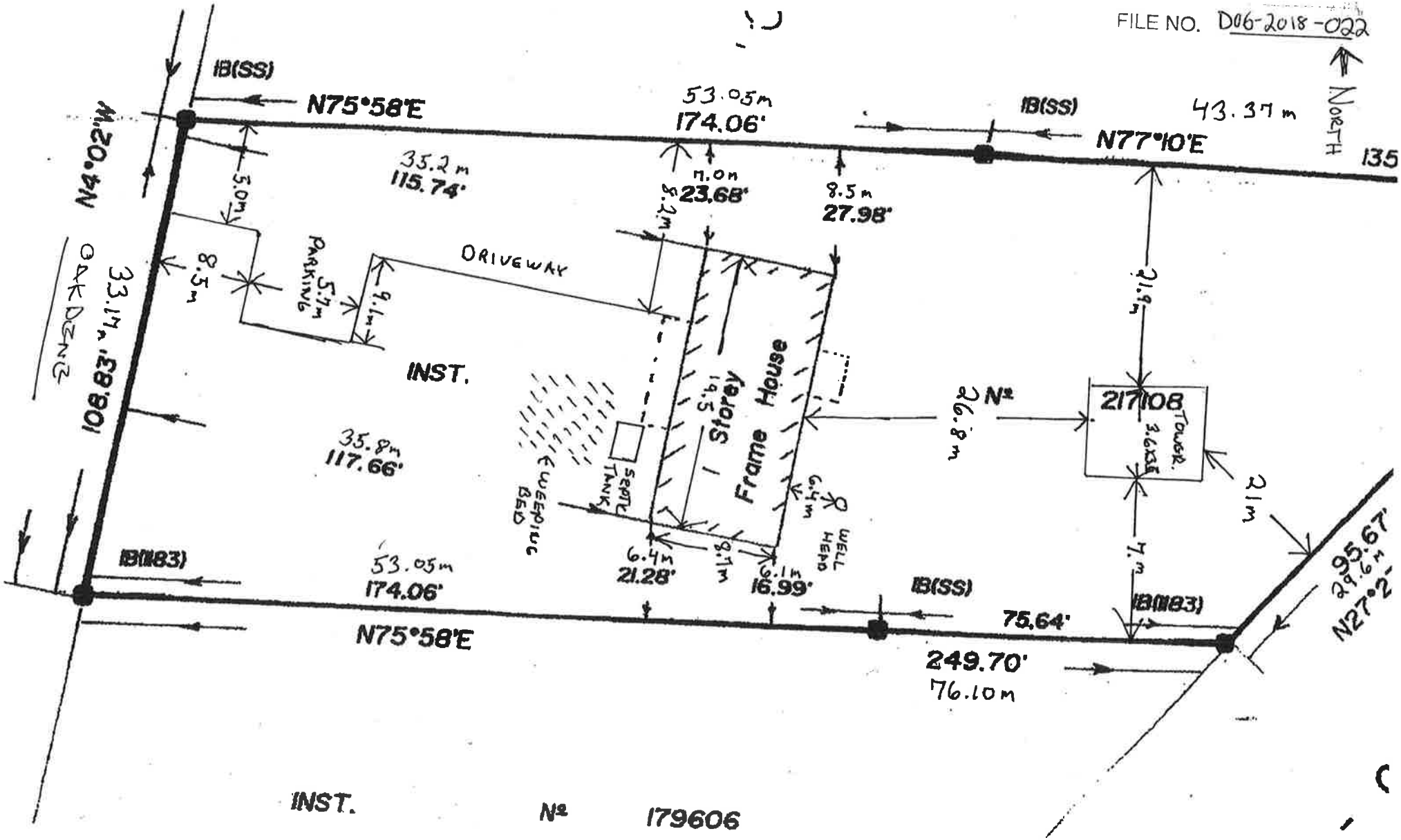
Department File: D06-2018-022

Geographic Township of Mariposa

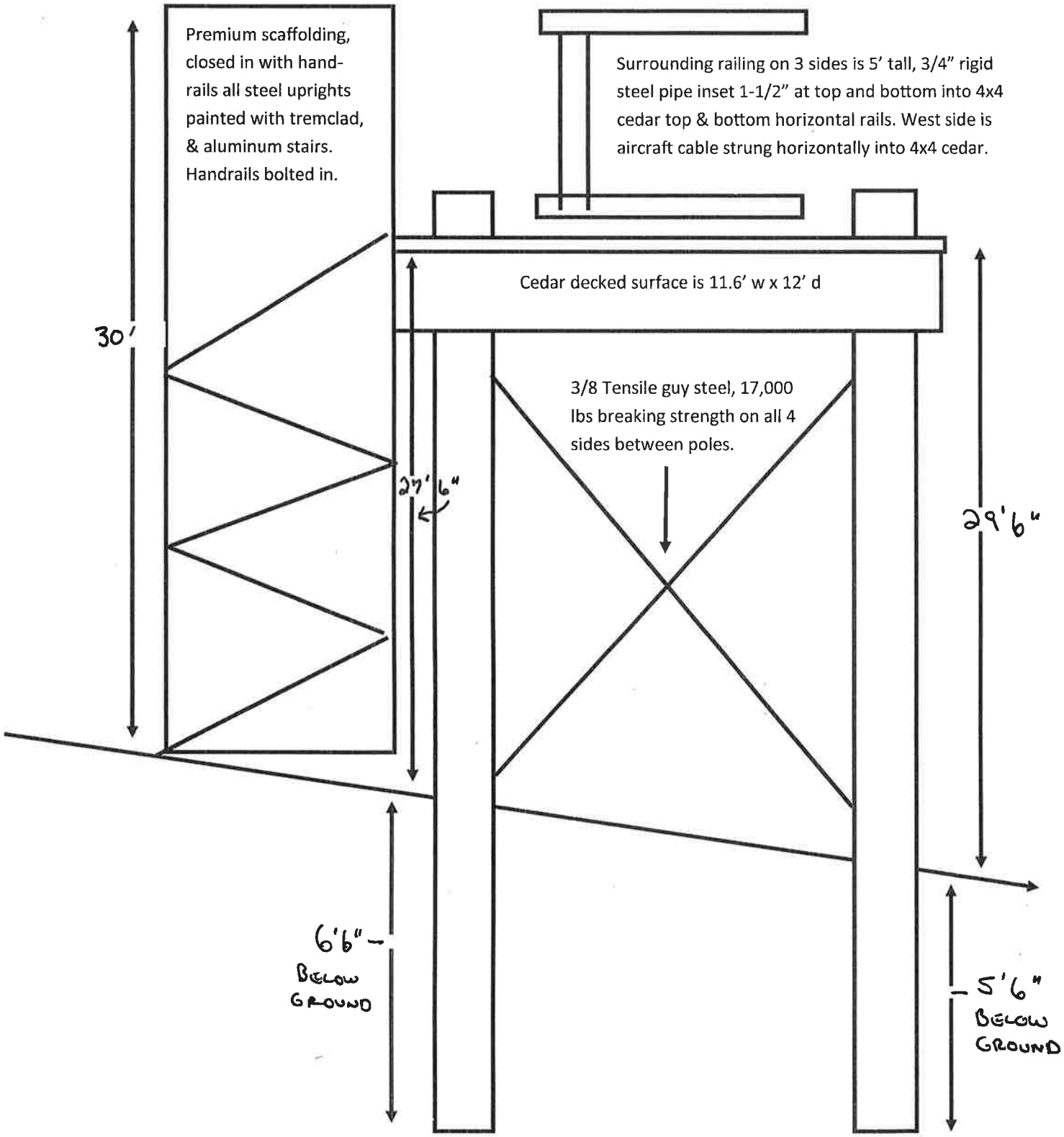
APPENDIX "A"
to
REPORT PLAN2018-073
FILE NO. D06-2018-022



APPENDIX "B"
to
REPORT PLAN/2018-073
FILE NO. D06-2018-022



APPENDIX "C"
to
REPORT PLAN2018-073
FILE NO. D06-2018-022



Observation Tower Side View

13.1

RECEIVED

SEP 14 2018

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

September 14, 2018

To: The Council of the City of Kawartha Lakes,

Please accept our petition regarding A By-law to Regulate the Discharge of Firearms By-Law 2005 – 329.

Section 3.00 of the by-law, Specific Provisions 3.01 states: "No person other than an officer or police officer who is carrying out their duties, shall discharge a firearm or bow in the designated areas as set out in this Section." The by-law then describes the areas that Section 3.0 applies to.

This petition has 69 signatories. In the interest of public safety, the signatories are asking Council to amend By-law 2005 – 329 and add all of the waterfront properties of Crego Lake to Section 3.00 Specific Provisions, section 3.01 Area Description, as additional properties Listed under the Geographic Township of Somerville.

Background:

There are sixty (60) waterfront properties at Crego Lake. The property owners at Crego Lake formed a not-for-profit corporation named The Kinmount Park Estates Association in 1970. Our association owns and manages 600 acres of undeveloped forest and wetlands around Crego Lake. These lands are a Managed Forest and are protected from development. There is no hunting allowed on our land and we maintain walking trails for our residents. Please find attached excerpts from our By-laws showing we are incorporated (page 1), and outlining the duties and powers of the Association (pages 4 & 5) regarding the environment of Crego Lake and the surrounding lands. We also work closely with Kawartha Conservation and monitor the health of Crego Lake.

Sincerely, on behalf of the Kinmount Park Estates Association (KPEA),

Richard Weston
KPEA President.
Contact Info: j.r.weston@rogers.com (905) 751-9224

KINMOUNT PARK ESTATES ASSOCIATION

BY-LAW NO. 1

BE IT ENACTED as a by-law of Kinmount Park Estates Association (hereinafter referred to as the "Association") as follows:

ARTICLE I

HEAD OFFICE

The Head Office of the Corporation shall be in the Township of Somerville, in the City of Kawartha Lakes (formerly the County of Victoria), and at such place therein as the directors may from time to time determine.

ARTICLE II

SEAL

The corporate seal of the association shall be in the form impressed hereon.

ARTICLE III

REGISTER

The association shall keep a register (hereinafter called "the register") respecting the property which shall note the name and address of the owner of each lake front lot as shown on Plan 494, in the Township of Somerville, in the County of Victoria, who have notified the corporation of their respective interests in the property. The address of each owner shall be the address shown for him on his deed registered in the Registry Office unless the association is given notice of a different address by such owner.

ARTICLE IV

MEETING OF MEMBERS

1. **ANNUAL MEETING:**
The annual meeting of the members shall be held at such place at such time and on such day in each year as the board may from time to time determine, for the purpose of hearing and receiving the reports and statements required by the by-laws of the association, to be read at and laid before the members at an annual meeting; electing directors; appointing the auditor and fixing or authorizing the board to fix his remuneration and for the transaction of such other business as may properly be brought before the meeting.

11. VOTES TO GOVERN:

At all meetings of members every question shall, unless otherwise required by the by-laws be decided by a majority of the votes as defined in paragraph 7 of this Article IV, duly cast on the question.

12. METHOD OF VOTING:

At any general or special meeting a resolution by the vote of the meeting shall be decided in a show of hands unless a poll is so demanded. A declaration by the Chairman that a resolution has in the show of hands been carried is prima facie proof of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution, but a demand for a poll may be withdrawn.

ARTICLE V

THE ASSOCIATION

1. DUTIES OF THE ASSOCIATION:

The duties of the association shall include, but shall not be limited to the following:

(a) The regulation and control of the environment and use of the waters of Crego Lake:
(b) The regulation of the use and enjoyment in common with all members, of the community lands and facilities of Kinmount Park Estates;
(c) The operation, care, upkeep and maintenance of the roads, docks, fences, gates and other common facilities and services of Kinmount Park Estates;
(d) Collection of the common element charges from the owners;
(e) Obtaining and maintaining insurance for the property as may be required by the by-laws;
(f) Causing audits to be made after every year's end and making auditors' statements available to the owners;
(g) To promote the study, practice and knowledge of conservation and ecology as it relates to the wildlife and natural surroundings of Kinmount Park Estates.
(h) To promote the study, practice and knowledge of the prevention of pollution as it relates to Crego Lake and the natural surroundings of Kinmount Park Estates.

2. POWERS OF THE ASSOCIATION:

The powers of the association shall include but shall not be limited to the following:

(a) Employment and dismissal of personnel necessary for the maintenance and operation of the common elements;

(b) Adoption and amendment of rules and regulations concerning the operation and use of the community property and its attendant facilities;

(c) Entering into contracts with conservation or scientific agencies or specialists for the advancement of conservation objectives;

(d) Employing a manager at a compensation to be determined by the board, to perform such duties and services as the board shall authorize, including but not limited to the foregoing duties;

(e) Administration of the restrictions originally imposed on Plan 494 by the developer, Simon-Henry Limited, with full powers to amend, vary, modify, substitute or cancel.

ARTICLE VI

BOARD OF DIRECTORS

1. The affairs of the association shall be managed by the Board.

2. **QUORUM:**
Until changed by a by-law, the number of directors shall be a minimum of seven (7) and a maximum of nine (9). For Boards with seven (7) or eight (8) Directors, four (4) directors shall constitute a quorum for the transaction of business at any meeting of the board. For Boards with nine (9) directors, five (5) directors shall constitute a quorum. Notwithstanding vacancies, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office.

3. **QUALIFICATIONS:**
Each director shall be eighteen (18) or more years of age and need not be a member of the association.

4. **ELECTION AND TERM:**
The directors of the association shall be elected in rotation and upon the expiration of their respective term of office, shall retire, but shall be eligible for re-election. At each annual meeting the number of directors required to maintain a Board of seven (7) to nine (9) directors shall be elected for a term of three (3) years.

5. **REMOVAL OF DIRECTORS AND FILLING OF VACANCIES:**
The members may by resolution passed by majority vote at a meeting of members called for such purpose remove any director before the expiration of his term of office. The members may elect a person in place of any director who has been removed, died or resigned for the remainder of his term, at any annual or special meeting.

Person submitting the petition:
Richard Weston, 319 Crego Lake Road, Kinmount j.r.weston@rogers.com

RECEIVED
SEP 14 2018
OFFICE OF THE CITY CLERK
KAWARTHA LAKES

To: the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8
We the undersigned, petition the Council of the City of Kawartha Lakes as follows:

For several years the owner of a cottage at Crego Lake has been discharging firearms on their cottage lot. Children play on lots near the lot in question, people boat near the lot and residents and pets walk on the road past the lot.

In the interest of public safety, we petition the Council of the City of Kawartha Lakes to:

Amend the By-Law to Regulate the Discharge of Firearms 2005 – 329 to include in Section 3.00 Specific Provisions, 3.01. Area Description: Geographic Township of Somerville:

All of the waterfront (lakefront, shoreline) properties, lots, cottages, and homes zoned Limited Service Residential and surrounding Crego Lake in Plan of Subdivision 494 (Somerville) and known as the Kinmount Park Estates Association.

#	Name	Contact Information	Signature
1	R E MUNNS	tedmunns2@hotmail.com	
2	Jessica Lee	jlee.edge23@gmail.com	
3	Catherine Smith	smithca100@gmail.com	C Smith
4	Jonathan Delano	delanojj@gmail.com	
5	Rikki vanMarle	rikki.vanmarle@gmail.com	
6	Amanda Wyman	amandawyman@gmail.com	AWyman
7	BILL WYMAN	bwyman@rogers.com	
8	DAVID WETMORE	dbwetmore@rogers.com	
9	Bev. Wetmore	bawetmore@rogers.com	B. Wetmore
10	Sandra Butler	sasabutler@hotmail.com	Sandra Butler
11	ROBIN FLEGUEL	rflegueleh.hotmail.com	
12	ANNA FLEGUEL	aflegueleg@gmail.com	
13	Lisa Kingsley Correia	littlespoonadventures@gmail.com	

Person submitting the petition:
Richard Weston, 319 Crego Lake Road, Kinmount j.r.weston@rogers.com

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#	Name	Contact Information	Signature
14	Chuck Baker	KPEA-chuck.baker @sneakemail.com	C Baker
15	ANDREW GOTTWALD	agottwald@gmail.com	
16	Caralyne Donnet	carrie@brandrevolution.ca	
17	Victor Gottwald	vgottwa@toronto.ca	
18	Suzanne Giblon	sgiblon@gmail.com	
19	GEORGE McPHERSON	gmcpherson2018@gmail.com	
20	LAURIE GREENWOOD	greenwood.laurie@gmail.com	
21	Andrea Smith	ansmith77@gmail.com	
22	Jane Abedi (Darling)	jane.darling7@gmail.com	
23	Leila Verheyen	lpkumpula@rogers.com	
24	JEFF VERHEYEN	jefv@rogers.com	
25	Bridget Keogh-Watson	281 Crego Lk Rd Kinmount	
26	BRIAN WATSON	lumbrunner@gmail.com	

Person submitting the petition:
Richard Weston, 319 Crego Lake Road, Kinmount j.r.weston@rogers.com

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All of the waterfront (lakefront, shoreline) properties, lots, cottages, and homes zoned Limited Service Residential and surrounding Crego Lake in Plan of Subdivision 494 (Somerville) and known as the Kinmount Park Estates Association.

#	Name	Contact Information	Signature
27	KRIS PAYNE	647·213·1734	
28	Peter Payne	705324 7910	
29	Christa Naylor	416-489-7150	
30	JAMES DARRELL	647·9875033	
31	Nina Darrell	416-948-1878	
32	IVAN BETCHERMAN	416 4829960	
33	DONNA BETCHERMAN	416 4829960	
34	RON REUSCH	905 823 3589	
35	Christy Martausch	905 299 1283	
36	BILL KELLY	416-231-8942	
37	R. Shamai	416-931·5121	
38	Carolyn Darrell	647 883 5727	
39	Brock Duke	647 460 2272	
~~40~~	~~Ellen Connelly~~	~~416-7~~	
40	Ellen Connelly	416-723-9956	

Person submitting the petition:
Richard Weston, 319 Crego Lake Road, Kinmount j.r.weston@rogers.com

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All of the waterfront (lakefront, shoreline) properties, lots, cottages, and homes zoned Limited Service Residential and surrounding Crego Lake in Plan of Subdivision 494 (Somerville) and known as the Kinmount Park Estates Association.

#	Name	Contact Information	Signature
41	Thomas Bauer	21 Hudson Dr. Toronto	
42	Diane Gillespie	dianegillespie@bell.net	D. Gillespie
43	Murray Brooks	mBrooks@gmail.com	
44	GARY ELGAR	465 CREGO LAKE RD	
45	ALF CHALK	achalk@pathcom.com 489 Crego Lake Rd	Alf Chalk
46	WALTER RIDLEY	618-65 Scadding Ave Toronto 416-214-4223	Walter Ridley
47	Richard Weston	j.r.weston@rogers.com	
48	Sally Elgar	gelgar@rogers.com	Sally Elgar
49	CLYDE ROBINSON	clydeerobinson@rogers.com	
50	WAYNE SMITH	705-731-2103	
51	Gary Naylor	gtcnaylor@gmail.com	Gary Naylor
52	TREVOR EASTON	drumpad99@hotmail.com	
53	Jill Weston	j.r.weston@rogers.com	Jill Z. Weston
54	Sharon Smith	sharwayne100@hotmail.com	Sharon Smith
55	Earl Payne	249 Kellers Rd. Fenelon Falls	Earl Payne

Person submitting the petition:
Richard Weston, 319 Crego Lake Road, Kinmount j.r.weston@rogers.com

To: the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8.
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Amend the By-Law to Regulate the Discharge of Firearms 2005 – 329 to include in Section 3.00 Specific Provisions, 3.01. Area Description: Geographic Township of Somerville:

All of the waterfront (lakefront, shoreline) properties, lots, cottages, and homes zoned Limited Service Residential and surrounding Crego Lake in Plan of Subdivision 494 (Somerville) and known as the Kinmount Park Estates Association.

#	Name	Contact Information	Signature
56	TODD MUNNS	toddmunns@hotmail.com	
57	TERESA LEMIEUX	TERRYLEMIEUX19@HOTMAIL.COM	
58	CLAIRE MACKENZIE	c.k.mackenzie@hotmail.com	Claire Mackenzie
59	David Mackenzie	dmackenzie@ryerson.ca	
60	Matt McMillan	mcmillan_matt@hotmail.ca	
61	Sharon Kelly	billandsharon001@hotmail.com	S. Kelly
62	Bonnie Pimento	bonniepimento@bell.net	
63	Sue Pimento	sueandbon@sympatico.ca	
64	HAROLD DURNFORD	KPEA-MAC LOVER@SNEAKEMAIL.COM	
65	Donna Ridley	ridleydonna01@gmail.com	
66	Linda Menett	ridleydonna01@gmail.com	
67	Linsey Flannery	linsey.flannery@gmail.com	
	~~Mary Ann McPherson~~		
68	Mary Ann McPherson	416-214-9723	
69	SUSAN NEVILLE	416-826-8999	

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1984-26, Being a By-Law to designate 17 Sussex Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 17 Sussex Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 17 Sussex Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1984-26 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 17 Sussex Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This two storey red brick Arts and Crafts Tudor Revival English style home is located on the west side of Sussex Street North, just north of Peel Street.

Legal Description:

TOWN PLAN PT LOT 17 N PEEL;ST

PIN: 63223-0127

REASON FOR DESIGNATION

Architectural Design or Physical Value:

Built in 1900 by Almena Morton, the red brick two storey home features a steep windowed gable over the front door. The roof lines are what define the home as an English cottage style dwelling, given that the front steeped gabled roof flares up at either side. The English style home features a front entrance door made of solid wood. The windows are a defining attributes of the home, with two windows framing the main entrance, and a windowed dormer over the home’s garage which projects from the homes southern portion. The first and second storeys of the home also feature leaded windows.

Historical Significance:

The historical significance of the home is based on its previous owner: Mr. Leslie M. Frost who represented the Counties of Victoria-Haliburton in the Ontario Legislation for many years. Elected in 1937, and named Treasurer of Ontario and Minister of the Mines in 1943. Both of these posts were held simultaneously by Mr. Frost until 1949 until he was named Leader of the Progressive Conservative Party for Ontario and consequently became Premier at that time, to remain in office until he resigned in 1961 into retirement. The remainder of Mr. Frost’s life was spent living at 17 Sussex Street North until he died in 1973. Therefore he had both political and personal influence both within the region and the Province of Ontario.

ATTRIBUTES TO BE CONSERVED:

- Three toned red, black and orange brick
- Steeped gable window over front door
- Roof lines reflective of English Cottage style with a pitched gable roof that flares on either side
- Box ends that decorate the frieze of the roofs
- Solid wood front door

- Two side framing windows
- Gable style overhang over side door
- Windowed dormer over the garage
- Windowed dormer over the east side of home
- Original leaded windows on first and second storeys
- A large brick chimney in the same three toned bricks
- Frieze board in the tongue and groove design along the eaves

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1992-12, Being a By-Law to designate 37 Colborne Street, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 37 Colborne Street, Fenelon Falls City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 37 Colborne Street, Fenelon Falls, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1992-12 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 37 Colborne Street, Fenelon Falls, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The building that currently operates as the Canadian Institute of Banking Commerce (CIBC) is on the west side of Colborne Street and the south side of Francis Street. Facing east, the front of the red brick building is a landmark for its residents with its large standing clock tower.

Legal Description:

100 PT LOT 1 W COLB S;FRAN

PIN# 63155-0130

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The CIBC building is an architecturally significant building that contributes to the streetscape of Fenelon Falls. The most notable feature of the red brick building is the three storey clock tower. This building is also adorned with a large stone that has been carved with the words “Fenelon Falls”. The building itself, and particularly its exterior walls were original to the building from 1935 until 1992 when an amendment to the original designation Bylaw allowed CIBC to make alterations to the building by expanding the front of the building to align with the existing structure.

Historical Significance:

The building and its adjoined clock tower have been in existence as a landmark to the residents of Fenelon Falls since 1935. Originally the building operated as a post office until its services were moved to a different location in 1968. Today, the building remains an integral part of the community functioning as the Canadian Institute of Banking Commerce (CIBC).

Contextual Value:

The clock tower is significant given the role it played as an identifying landmark to the surrounding area. The landscape of Fenelon Falls would be significantly altered should the landmark ever be removed. Given that few other municipalities have preserved their clock towers it is a rare landmark that should be protected in Fenelon Falls.

ATTRIBUTES TO BE CONSERVED:

- 3 storey clock tower featuring a clock face on each of the four sides of the tower
- Neo-classical detailing surrounding the front doors and limestone detailing around the windows and clocks within the clock tower
- Main entranced surrounded by carved rococo design stonework
- The name “Fenelon Falls” etched into the buildings stonework
- The raised brick quoins on the building’s corners with decorative limestone tops
- The roofline peaked cornices on the clock tower

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2001-172 Being a By-Law to designate 15 Lindsay Street, Fenelon Falls in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 15 Lindsay Street, Fenelon Falls City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 15 Lindsay Street, Fenelon Falls, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2001-172 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 15 Lindsay Street, Fenelon Falls, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This old stone building is currently being operated as RWH Construction. The building is located south of the river which connects Lakes Sturgeon and Cameron, west of Clifton St., east of the Lindsay St. Bridge and south to the old Lindsay Light, Heat and Power Co. generating station.

Legal Description:

100 PT LOT 170 RP;57R8553 PARTS 1 TO 4

PIN# 63152-0107

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This building has physical attributes which are noteworthy and worthy of preservation. It is the oldest stone house in the village of Fenelon Falls constructed of sedimentary limestone. The property’s interior features a beautiful wooden staircase. The outer string of the staircase features a simplistic wave design with carefully preserved balusters, newel post, banister, and tread.

Historical Significance:

Constructed in 1860, this is the oldest stone building in the village of Fenelon Falls. It was built by R. C. Smith, who was influential in the Fenelon Falls community in the 1800’s. The building was purchased in 1892 to serve as the office for Lindsay Light, Heat, and Power Co., the company that generated electricity at the waterside adjacent to the property. The building was the purchased in 1939 by Ontario Hydro for area office.

ATTRIBUTES TO BE CONSERVED:

- Original interior wooden staircase
- Original exterior sedimentary stone walls

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2010-090, Being a By-Law to designate 746 Janetville Road, Janetville in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 746 Janetville Road, Janetville, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 746 Janetville Road, Janetville, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2010-090 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 746 Janetville Road, Janetville, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The property is located north of Manvers Drive on the east side of Janetville Road and south of Highway 57 between Highway 35 and Lake Scugog.

Legal Description:

(LT) PT LT 6 CON 13 MANVERS AS IN MV27915 EXCEPT PT 4, 9R2202; KAWARTHA LAKES

PIN# 63262-0188

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This stately Queen Anne Revival home is a landmark to the area, the home retains much of its original character. The home is a Georgian centre hall plan with extensive Italianate and Greek Revival detail. Also noteworthy are three interior archways on the second floor foyer in the home as well as Greek which are characteristic of this home's elaborate and ornate detail.

Historical Significance:

The building in question is the main house located on 746 Janetville Road, which was constructed in 1880. Dubbed "The Big Mansion" the house was constructed by Dr. John MacAlpine in anticipation of the rail that was expected to pass the area. The interior of the house has been restored.

ATTRIBUTES TO BE CONSERVED:

- Buff brickwork, original windows and shutters, two sets of double front doors with etched glass
- Exterior 4-pane and double-hung windows
- Two-storey Italianate verandas, which includes a polaza (Italianate) on the ground floor terrace and a balcony with French doors on the first and second floors
- Inlaid parquet floorings in the main entrance
- Two fireplaces on the second floor –1) original Eastlake fireplace in the library, 2) fireplace in the master bedroom with Gothic style mantel.
- Vaulted ceiling in the second floor library
- One main Jacobean staircase in the foyer leading to the second floor
- Decorative balustrade across the top of landing

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1990-71, Being a By-Law to designate 23 Adelaide Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 23 Adelaide Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"**Council" or "City Council"** means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 23 Adelaide Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

Section 5.00 Repeals

5.01 Repeal: By-law 1990-71 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 23 Adelaide Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

23 Adelaide Street North is a two story brick residence located on the west side of Adelaide Street North.

Legal Description:

TOWN PLAN PARK PT LOT 10 W;ADELAIDE ST

PIN: 63224-0017

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The brick home at 23 Adelaide Street North maintains architectural and historical value. The home is an example of Queen Anne Revival architecture with its rectangular shape and two windows and door on the main level and three windows on the second level. The placement of the door to the side rather than the middle makes it asymmetrical and different from the Georgian or Gothic style popularly during this time. The house is one of the most striking examples of late Victorian buildings on the street.

Historical Significance:

This property is also important historically. The history of the property can be traced back to 1850. Initially, the property was owned by John Langton, the elected representative to Parliament for Peterborough County. When Langton was elected into Parliament, he sold the property to Dr. Joshua Fidler, a coroner, doctor, and surgeon local to the area. However, the current dwelling is estimated to have been built in the early 1880's. In 1883 the noted owner of the home was a Hugh Workman, who owned a livery stable. Some of Workman's notable tenants of this property include the local Member of Parliament Samuel Hughes. After Workman's death in 1895, his wife operated the home as a boarding house.

ATTRIBUTES TO BE CONSERVED:

- The distinct original windows on the first storey and the second storey which are capped with hand carved limestone
- The front veranda with Roman Doric chamfered columns accentuated with Gothic style brackets
- Wood lug window sills
- Original panel door with transom over front door
- A single brick chimney on the south side of the home's hipped roof
- Decorative gothic wood brackets and trim along tongue and groove soffits

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1985-15, Being a By-Law to designate 55 Albert Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 55 Albert Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 55 Albert Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1985-15 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 55 Albert Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

55 Albert Street contains a two storey fieldstone residence. The residence is located on a large lot on the west side of the street.

Legal Description:

PLAN 13 PT LOT 1 N BOND W;ALBERT

PIN: 63224-0075

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The residence at 55 Albert Street maintains strong architectural value. The residence provides an example of the Gothic Revival style, which are sometimes termed “Ontario Farm Houses.” The house, constructed of fieldstone, is symmetrical in design with a gabled roof. Decorative Gothic bargeboard frames the steep center pitch with a central Gothic window and shutters.

Historical Significance:

The building on this property was originally located in West of Oakwood and North of Manilla. In 1934, Mervyn and Margaret Sutcliffe purchased the home and had it moved to Lindsay. To do so, the house was disassembled, each individual component then numbered, and the house reconstructed on the current lot. The Gothic Revival features and re-construction of this residence on its current lot contribute to the historical value and heritage merit of the property.

The home was originally built in 1852 by a Scottish stone mason. Many farmers would use the stone they accumulated when clearing their fields. The property on which the original home was built is located approximately 1.5 miles from Manilla.

ATTRIBUTES TO BE CONSERVED:

- Multicolor cut fieldstone with all the pieces of the stone still in their original location as they were when the home was originally constructed in 1852
- Six over six windows framing either side of the door
- Original windows
- Cedar shake roof
- Centre gable decorated with Gothic bargeboard and a drop turned finial
- Low pitched gable roof
- Plain boxed cornices, and prominent eaves and soffits trimming the roof

- Two large offset chimneys
- Recessed front entrance with vaulted trim
- Cross and bible front entrance door of pine with four paneled window transom and three paneled window sidelights
- Arched stonework over windows in dormer and all other main windows
- Stone porch entrances

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1990-10, Being a By-Law to designate 28 Albert Street South, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 28 Albert Street South, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 28 Albert Street South, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1990-10 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 28 Albert Street South, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

Located on the east side of Albert Street and south of Glenelg Street West, the property is a two story yellow brick home featuring a turreted tower.

Legal Description:

PT LOT 21 S GLENELG ST W

PIN: 63227-0061

REASON FOR DESIGNATION

Architectural Design or Physical Value:

Constructed in 1875, the home still features many of the original aspects which make it architecturally significant. This Queen Anne style home which was popularized in the mid 1800’s, was adorned with a turreted tower. While the tower’s roof no longer features the original detailing, it still acts as a prominent aspect of the Florentine inspired home. The asymmetrical shapes used throughout the home are reflective of this well preserved Queen Anne Style.

ATTRIBUTES TO BE CONSERVED:

- A Baronial turreted tower is situated in the center of the home’s front façade
- Decorative brickwork above the upper storey arched windows
- Singular brick chimney
- Fish-tail shingles in the front facing gabled roof
- Windows of varying shapes and sizes, many are of which are arched windows
- Single storey bay window on the Glenelg Street West side of the house
- Heavy wood window sills and shutters
- Decorative bargeboard on main façade gable

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1991-24,Being a By-Law to designate 40 Bond Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 40 Bond Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 40 Bond Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1991-24 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 40 Bond Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

A buff brick two storey house that has had additions built on it to the north and east. This property is situated on the north east corner of Bond Street West and Victoria Avenue North on a treed lot.

Legal Description:

TOWN PLAN PT LOT 13 N BOND;ST

PIN: 63223-0089

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This 19th century Victorian home is suspected to have been constructed in 1870 using buff brick as an alternative to the more popular red brick. The house has a number of features which historically reflects the time in which it was built and architecturally contributes to the neighbourhood in which it was constructed. There are Italianate elements to the home, particularly those surrounding the canted bay windows featuring arched lintels. This asymmetrical home is accompanied by simple detailing, such as the decorative elements in its gabled roof and arched brickwork lintels around the second storey windows. By including elements from two different styles, the property identifies itself as an architecturally unique home worth preservation.

ATTRIBUTES TO BE CONSERVED:

- Buff brick
- Italianate single story canted bay windows
- Arched windows detailed with round segmental arch brickwork
- Two original chimneys punctuating the gables
- Drop finial decoration on south-facing gable
- Wrap around Greek Revival verandah
- Balusters supporting the roof of the verandah
- Shed dormers balancing the second storey verandah and door

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1985-42, Being a By-Law to designate 46 Bond Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 46 Bond Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 46 Bond Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1985-42 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 46 Bond Street West, Township of Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The property at 46 Bond Street is a single story brick dwelling. The property is named “The Garth” in reference to the stone fence that encloses the property.

Legal Description:

TOWN PLAN S PT LOT 16 N BOND;ST W

PIN: 63223-0031

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The dwelling is a unique example of the Ontario Regency Cottage style of architecture in the area. The residence is squarely constructed with a hip roof that slopes on all four sides, typical of the Regency style of construction. The residence maintains a symmetrical form with three sets of French doors, two acting as windows and one as a centered entrance. The Regency style of architecture is not predominate in the local area, and as such enhances the architectural value of this rare property.

Historical Significance:

The dwelling on the property was built in 1853 by Charles Rubridge. The home was intended to be used by Charles’ sister. The surrounding stone fence was added in 1935 which dubbed the property with the nickname “The Garth”.

ATTRIBUTES TO BE CONSERVED:

- Stone fence which surrounds the premise of the property
- Low four sided slanted roofline
- French doors, including French door windows
- Double French door entrance with transom and gable roofline

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1987-48, Being a By-Law to designate 54 Bond Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 54 Bond Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 54 Bond Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1987-48 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 54 Bond Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

54 Bond Street contains a large brick dwelling on a well treed lot. The property is located on the north side of the street.

Legal Description:

TOWN PLAN LOT 19 NORTH BOND;ST TOWN PLAN PT LOT 19 S OF;FRANCIS ST W

PIN: 63223-0019

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The house is a unique representation of the Queen Anne Revival style of architecture and it is rare to find one in such well-maintained condition. The residence has many of the original features that were established when the house was built in 1871. The residence maintains the tall chimneys and turreted tower that were part of the original structure. A pillared verandah was a later addition to the front and east sides of the house but is authentically aligned with the Queen Anne Revival style of the residence. All of the home’s features reflect the Queen Anne Revival style of architecture and contribute to the physical value of the building.

ATTRIBUTES TO BE CONSERVED:

- The two storey bay frontispiece located on the south west side of the dwelling
- The turreted tower
- The wrap around verandah with supporting by pairs Romanesque columns in a style reflective of the Queen Anne Revival
- The foundation of the home containing ashlar stone
- Two rectangular bricked chimneys
- The stained glass arched window in the bay and the stained glass transom in the side bay windows
- The stone archway leading to the front door
- Original windows including double-hung 4 by 4 windows on both the first and second storeys with decorative stained glass transoms on the second storey and window shutters on both storeys
- The transom window over the front door

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1994-055, Being a By-Law to designate 60 Bond Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 60 Bond Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 60 Bond Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1994-055 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 60 Bond Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

60 Bond Street contains a two story brick residence. The property is located on the northeast corner of Bond and Albert streets.

Legal Description:

TOWN PLAN LOT 21 PT LOT 20 N;BOND ST W TOWN PLAN PT LOT;20 PT LOT 21 S FRAN W

PIN: 63223-0021

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This property contributes significantly to the streetscape of this neighbourhood. The foursquare and Georgian influenced construction styles are exemplified by the home’s symmetrical design and façade, deep soffits and arched windows with carved limestone lintels. The elegant verandah that extends across the length of the home’s facade was added later and is of Georgian and Chippendale influence.

Historical Significance:

The two-storey home was constructed in 1874 by John McLennan. Mr. McLennan was a prominent citizen of the area, serving as the Sheriff of Victoria County from 1875 until 1915. The McLennan family crest remains etched in the glass panels in the double doors facing Bond Street.

ATTRIBUTES TO BE CONSERVED:

- Front Georgian – Chippendale inspired verandah with chamfered columns and decorative balustrade that are paired at the porch’s entrance.
- Single corbel bricked chimney
- Decorative stain glassed entrance window and front French double doors which feature the McLennan family Crest on the glass panels of the home with transom
- Truncated hipped roof
- Blond brick
- Decorative brackets along soffits
- East wing conservatory is not original but is compatible with the architecture of the home

- A single storey bay window on the homes East side
- Original four over four arched windows with shutters
- Corner brick quoins

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1991-25, Being a By-Law to designate 78 Bond Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 78 Bond Street West, Lindsay,, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 78 Bond Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule "A". This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1991-25 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 78 Bond Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The two storey red bricked home is located on the north side of Bond Street, east of Adelaide Street North.

Legal Description:

PLAN 13 PT LOT 4 N OF BOND

PIN: 63224-0066

REASON FOR DESIGNATION

Architectural Design or Physical Value:

Although this two and a half story Italianate influenced home currently occupies a smaller treed lot, the property was once a 10 acre lot. The multi-coloured ornamental brickwork is prominent characteristic of Victorian architecture. The property originally had two upstairs balconies on either side of the sunporch that have been removed but the dwelling still has significant architectural significance.

Historical Significance:

Constructed in 1870 by James Lovell, the home was one of the first to be built in the Bond Street community. James Lovell contributed to the early development of Lindsay as a saddle and harness maker. Given the agricultural roots of the region, his services as a saddle merchant would have been a necessity.

ATTRIBUTES TO BE CONSERVED:

- Segmental windows accented by white brick drip labels
- Decorative and contrasting brick work along soffits and roofline
- Large dormer on roof that was once the original balcony
- Buff brick quoins on the corners of the building
- Dormered roof with two small windows within the gable
- Original four over four windows
- Transom and sidelights around front door

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1988-86, Being a By-Law to designate 31 Cambridge Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 31 Cambridge Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 31 Cambridge Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1988-86 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 31 Cambridge Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

North of Peel street, this two story Queen Anne cottage is located on the west side of Cambridge Street across from the Peel street municipal parking lot.

Legal Description:

TOWN PLAN PT LOT 11 N PEEL;ST

PIN: 63223-0168

REASON FOR DESIGNATION

Architectural Design or Physical Value:
This home is a fine example of the Queen Anne Cottage style of dwellings, with many of its original attributes still evident. Inside, the home contains an arts and crafts terracotta fireplace. On the exterior, there is extensive wood trimming and bargeboard showing a great deal of craftsmanship. The asymmetrical roof lines can be identified as those often associated with Queen Anne's architecture.

Historical Significance:
Named the Goodwin house, the property was built by William A. Goodwin in 1871. The Goodwin family maintained residence in the home for over one hundred years, which is an anomaly to other homes in the area. This Queen Anne cottage was home to one of Lindsay's most prominent painters and decorators of the time, William Alfred Goodwin. He favoured pencil, oil, and watercolour when doing his paintings, many of which took place at his cottage located on Sturgeon Point called "Cherry Tree Lodge." Goodwin was well known for his counter-culture socialist perspectives that influenced his way of life. In 2015 an exhibition to honour Mr. Goodwin opened at the Olde Gaol Museum and Archives' when four of his paintings were unearthed.

ATTRIBUTES TO BE CONSERVED:

- Asymmetrical roof lines often found with Queen Anne Revival architecture
- Extensive Chippendale style wood trim along the home's roof and porch roof
- Original front porch verandah and original side porch leading to secondary entrance
- Rectangular windows
- Entrance panel door and four panel sidelights windows and a window transom over the main entrance
- Original paneled door boxed in by a vestibule
- Original terracotta fireplace and mantel

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1994-017, Being a By-Law to designate 51 Cambridge Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 51 Cambridge Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 51 Cambridge Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1994-017 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 51 Cambridge Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This distinctive red brick home is located on the west side of Cambridge Street just south of Bond Street and north of Wellington Street.

Legal Description:

TOWN PLAN PT LOT 11 PT LOT;12 N WELLINGTON

PIN: 63223-0100

REASON FOR DESIGNATION

Architectural Design or Physical Value:

Constructed in 1888, the two-and-a-half story home is of architectural significance. The building’s architecture incorporates Gothic Revival features with Arts and Craft influence. Front and side gables are steeply pitched and heavily decorated with bargeboard. A multistorey bay frontispiece and Baronial style tower adds depth to the front façade of the home. Extreme craftsmanship is evident in the lintels which decorate the windows. Many features of the home make it exemplary and warrant its preservation for future generations.

Historical Significance:

The most historically significant owner of the home was Mr. George Wilson, the publisher of the Lindsay Daily Post. He owned the home from 1898 till 1954. Given the importance of the newspaper to the community, as publisher Mr. Wilson had an integral role in keeping the citizens of Lindsay connected with the aspects of their day-to-day living.

ATTRIBUTES TO BE CONSERVED:

- Foundation structured of broken cut stone
- First and second storey double-hung windows with carved limestone lintels complimented by inlaid terra cotta moulding between upper and lower storey windows
- Multi-storey bay frontispiece
- Gracious limestone and brick staircase leading to front door
- Tall, two paned windows with decorative masonry lintels and side labels

- Main front entrance doors with two panel wooden door with amber glass and stained glass window in the transom over the front doors
- Third storey and tower featuring narrow stained glass, rectangular windows
- Bracketed down finial and bargeboard fascia along rooflines and gables
- Three chimneys with triple flues and decorative brickwork
- Recessed brick framing around the door

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1988-87, Being a By-Law to designate 58 Cambridge Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 58 Cambridge Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 58 Cambridge Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1988-87 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 58 Cambridge Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This two and a half storey Gothic Revival style home is located on the south east corner of Bond Street and Cambridge Street North.

Legal Description:

TOWN PLAN N PT LOT 10 S BOND; ST

PIN: 63222-0028

<u>REASON FOR DESIGNATION</u>

Architectural Design or Physical Value:

This Gothic Revival style home was constructed in 1880. It features a multi-storey bay frontispiece that protrudes westward from the front of the home. In true Gothic Revival fashion, it has bargeboard crosses and beams within the gables of the roofs and along the soffits of the verandah. This home is noteworthy because it has maintained many of its original features.

ATTRIBUTES TO BE CONSERVED:

- Multi-storey bay frontispiece
- Steep pitched roofs
- Front and side decorative Gothic Revival gables
- Decorative Gothic bargeboard trim and finials along the gables of the roof and verandah
- Buff coloured brick
- Brick chimney located on south side of the home
- Stone foundation
- Decorative arched brickwork above windows
- Front entrance with glass transom
- Arched windows in the gables of the home
- Original four over four windows with arched brickwork lintels and shutters

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2012-221, Being a By-Law to designate 4 Colborne Street East, City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 4 Colborne Street East, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 4 Colborne Street East, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2012-221 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 4 Colborne Street East, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This Queen Anne revival home is located on the north side of Colborne Street East on a large tree lined property.

Legal Description:

(LT) PT LT 22 CON 6 OPS; PT LT 1-3 BLK EE PL 1 AS IN R308708; KAWARTHA LAKES

PIN: 63216-0101

REASON FOR DESIGNATION

Architectural Design or Physical Value:

4 Colborne Street East is a Queen Anne style structure that was built in 1890. The land was purchased by Irene Crandle and her husband Freemont Crandle erected the home. The house has a unique asymmetrical design with a bell tower and a large covered verandah. Although not all exterior features are original, they are consistent with the original home and its Queen Anne revival style. The interior of the home features two original curved staircases, one leading from the first floor to the second floor and another leading from the second floor to the third floor, along with original woodwork.

ATTRIBUTES TO BE CONSERVED:

Exterior:

- Unique asymmetrical design
- Queen Anne revival style turret with French Revival Second Empire mansard roofline
- Large covered verandah
- Two original brick chimneys and a third chimney was added after 1993
- Stone situated on the front property at the top of the stairs that lead to the side walk is etched with the words “Riverview- Freemont Crandle”
- Original East Lake style wood paneled front door with the original doorbell
- Chamfered detailing brickwork over the windows

Interior:

- Two original curved staircases on the homes interior leading from the first to second and third storeys of the home

- Original wood flooring inside the home along the front entrance and hallway
- The railing on the second storey of the secondary staircase that leads to the kitchen is original
- An original door and frame exit on the second storey of the home which leads to the verandah

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1994-097, Being a By-Law to designate 22 Elgin Street, Lindsay in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 22 Elgin Street, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 22 Elgin Street, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1994-097 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 22 Elgin Street, Town of Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This two storey home is located on the north side of Elgin Street between William Street North and Margaret Avenue.

Legal Description:

PLAN 1 BLK L PT LOT 3

PIN: 63221-0037

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The spacious home, featuring an original two storey rear tail, was constructed of solid buff coloured brick, on a rubble stone foundation. The prominent features of the home include the decorative brick window hoods, a gracious entrance with the original panel door beneath an arched transom, and raised brick pilaster strips framing the corners of the home. Decorative bargeboard which is frequently present on Gothic revival homes from this period adds to the home’s façade.

Historical Significance:

Originally constructed in 1875, the home is of contextual and historical value given it being a fine example of early Lindsay buildings. The home’s features are influenced from the Ontario Gothic Revival style of architecture. The home exemplifies 19th century architecture and contributes to the history of Lindsay and Elgin Street streetscape where a variety of homes featuring numerous styles and eras are visible. Owners of the home were likely farmers, dating as far back as 1896-1906 Miss Catherine Naylor was in charge of selling or renting a farm. Her husband was Mr. John Naylor.

Attributes to be conserved:

- Buff coloured brick
- Rubble stone foundation
- Two storey rear tail
- Prominent center gable
- Raised brick pilaster strips at corners of the home
- Front panel door
- Arched transom and sidelight panel windows with etched glass

- Original two over two windows on main level
- Wood lug window sills with matching trim
- Full height brick chimney in rear
- Decorative soldier brick work over windows

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1989-01, Being a By-Law to designate 19 Francis Street, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 19 Francis Street, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 19 Francis Street, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1989-01 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 19 Francis Street, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

A two storey red brick home located on the south side of Francis Street, east of Cambridge Street North and west of William Street North.

Legal Description:

PLAN 1 PT LOT 9 S FRANCIS ST;RP 57R8429 PARTS 3-6

PIN: 63222-0010

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This Queen Anne Revival style home was constructed in the year 1900 by the Adams family who lived in the home for many years. The second storey bay window and 3 single paned windows pitched in the homes gable are archetype of the style in which the home was built. A signature front verandah that wraps around the east side of the home compliments the front façade of this red brick dwelling. Inside, there are numerous features worth mentioning and preserving, including much of the trimming and floors which have been restored to their original wood. The front entrance features a stunning staircase that leads to the second storey of the home. With original wood paneling, detailed craftsmanship in the railing, and a beautiful landing that includes ash and maple wood in a detailed pattern, this staircase and the maid’s staircase are both worth preserving. This home is a significant contribution to the streetscape of Francis Street, providing exemplary evidence of architecture from the turn of the 20th century.

ATTRIBUTES TO BE CONSERVED:

Exterior

- Heavy stone window sills
- Second bay storey window
- Wrap around Queen Anne Revival verandah
- 3 windows situated in the home’s gable
- A stained glass arched transom over front facing main window
- Additional fish scaling shingles on the front gable
- Decorative cornice with a frieze featuring ornamental brackets
- Single toned red brick used throughout
- Roman Doric columns on verandah
- Vaulted bulkhead over second storey bay window

- Corner finials and details on soffits
- Ashlar fieldstone foundation

Interior

- Living room fireplace with oak mantel and ceramic tile surround on hearth
- Main staircase with inlaid ash and bird’s eye maple on the landing and parquet stair landing comprised of various Canadian woods arranged in a decorative pattern
- Second storey bay window bench
- All door frames and hardware have been restored and are original
- Maid’s staircase with original flooring and wood paneling
- Black iron floor vents in decorative rococo pattern
- Pocket doors with original handles and decorative glass that separate the dining room and living room
- Decorative window design on doors located in the living room
- Decorative window featuring a deer and floral design located in the landing of the stairs
- Decorative staircase bannister and newel post

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1989-19, Being a By-Law to designate 21 Francis Street, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 21 Francis Street, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 21 Francis Street, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1989-19 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 21 Francis Street, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This red brick Queen Anne Revival home is located on the South side of Francis street east of Cambridge Street North and west of William Street North.

Legal Description:

PLAN 1 PT LOTS 9 & 10 S;FRANCIS ST RP 57R8429 PART 2

PIN: 63222-0009

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This property is designated on the basis of its architectural significance. The Queen Anne Revival style home was built in 1900 contributing the streetscape of Francis Street with its distinguishing features. The grand front porch and windows are an important attributes of this home. A grand porch with a decorative cornice wraps around the front of the home. The front window on the main level features a stain glassed arched transom and sidelight panel windows around the main storey bay window. On the second storey four pilasters frame the second storey windows. Three single paneled windows are nestled into the shingles of the home's front gable.

ATTRIBUTES TO BE CONSERVED:

- 4 pilasters on second storey framing the three front facing windows
- Stain glassed arched transom and sidelights around the front bay window
- Heavy stone window sills
- Wrap around verandah
- 3 windows situated in the home's gable
- Cedar shingles on the front gable
- Decorative cornice with a frieze featuring ornamental brackets
- Red brick
- Roman Doric columns on verandah
- Ashlar fieldstone foundation

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1985-23, Being a By-Law to designate 9 Glenelg Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 9 Glenelg Street East, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 9 Glenelg Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1985-23 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 9 Glenelg Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This two storey red brick home is located in the south west corner of Glenelg Street East and Mill Street.

Legal Description:

LOT 2 S GLENELG ST E

PIN: 63233-0029

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This two storey Georgian home was constructed in 1870 with locally made red brick. The building exemplifies the late 19th century Lindsay architectural context. The symmetrical character of this Georgian inspired home is one of its most notable features. The front façade of the home is structured into three bays, with three windows on the second storey and two windows framing the front door on the first storey. The front door is decorated with two sidelight panel windows and a decorative transom above. Because it is situated on a corner lot, the home’s Mill street façade is of importance architecturally as well. The home’s symmetry extends into this portion of the building featuring eight windows and two doors. The main façade exemplifies true Georgian style, including a wrap-around verandah and supporting columns.

ATTRIBUTES TO BE CONSERVED:

- Hipped roof
- Red stone double brick exterior
- Symmetrical design
- The verandah with its slender supporting pillars with decorative rococo scheme and brackets along the overhang of the eaves
- Wrap around verandah along the west wing of the building
- Heavy stone lintel below the rectangular windows
- Decorative Gothic transom above doorway
- Original wood paneled door with trim and original windows and storms
- Raised brick corner quoins

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1990-11 Being a By-Law to Designate 2 Kent Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 2 Kent Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the **duties of the clerk described in section 228 of the Municipal Act, 2001;**

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 2 Kent Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1990-11 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 2 Kent Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The building is a two storey commercial building located on the northwest corner of Kent Street was and Lindsay Street south which is also within Lindsay's designated heritage conservation district.

Legal Description:

TOWN PLAN PT LOT 1 N KENT ST;W

PIN: 63222-0144

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This building exemplifies the essence of the downtown core and the effort that was made to ensure previous and original styles of architecture were maintained after the great fire. The building is a superb example of Italianate architecture with Georgian overtones that is characteristic of the downtown core. All elements including the ornate brickwork, Italianate façade, Georgian style windows and doors, and roof details are impeccably presented and preserved.

Contextual Significance:

The two storey building at 2 Kent Street West is prominent focal point of the downtown streetscape, sitting at the juncture of Kent Street and Lindsay Street. Kent Street development began in 1840 when the properties were cleared of timber. After the fire of 1861, many of the storefronts that had previously existed in downtown Lindsay were destroyed. However, the town quickly went into action to rebuild, and by 1875 this building was an integral component of the post-fire streetscape.

ATTRIBUTES TO BE CONSERVED:

- Georgian four over four windows on south and east walls
- Protruding roof beam accents exposed through soffits
- Front entrance with double and single French doors with transom
- Ornate wooden storefront with chamfered Greek revival pilasters with fern motif
- Side entrance on east wall with Italianate pillasters and Georgian door surrounded by sidelights
- Cedar Shake roof

- Decorative brick cornice at south east corner of building
- Steel window sills on upper storey windows
- Two tone ornate brickwork throughout the building
- Ornate Italianate signs with raised serif lettering
- Rectangular windows on the south and east facing sides of the building
- Hipped roof
- Brick quoin features
- Corbel brick between the first and second storey

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1988-48 Being a By-Law to designate 3 Kent Street West, Lindsay in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 3 Kent Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 3 Kent Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1988-48 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 3 Kent Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

Located on the south west corner where Kent Street West and Lindsay Street South connect, this three storey residential and commercial building is a featured part of the Lindsay Heritage Conservation District.

Legal Description:

PLAN TOWN PLOT PT LOT 1 S;KENT ST RP 57R1276 PARTS 3;AND 6

PIN: 63228-0054

REASON FOR DESIGNATION

Architectural Significance:

This building reflects the Italianate commercial architectural style that would have been present during the time of Lindsay's earliest years. Some examples of the building worth preserving include its front façade with the decorative brickwork around second and third storey windows. The two center widows have a semicircular arch with three distinct keystones at the ends and middle of the arch. The two windows on either side are decorated with a flat segmental arch found on many of the buildings built in the end of the 19th century. Ornate brick patterning along the cornice is reflective of the Italianate style.

Historical Significance:

The building that was previously constructed on this lot was a Y.M.C.A. which speaks to the growth of social and cultural life in Lindsay at the time. Records from 1899 show that the Y.M.C.A. was constructed at this location after the fire destroyed most of the downtown.

ATTRIBUTES TO BE CONSERVED:

- The north facing façade of the building and the east wall
- Rectangular windows in alignment with the attached properties
- Stone lintel's below windows and keystone arches above second and third storey arched windows
- Decorative cornices at north east and north west corners of building
- Corbelled brick work around windows of second and third storeys reflective of the Italianate commercial building from the late 19th century
- Ornate brick patterning along the cornice

- The full storefront façade windows and transom windows on the first storey
- Prominent chimney in a buff brick colour
- Decorative triple cornices along roofline

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1980-02 Being a By-Law to designate 2 Lindsay Street South, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 2 Lindsay Street South, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 2 Lindsay Street South, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1980-02 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 2 Lindsay Street South, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The Academy Theatre is a landmark building located on the East side of Lindsay Street South, between Kent Street West and Kent Street East.

Legal Description:

PT BLK A E LINDSAY S KENT ST

PIN: 63229-0007

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The building exhibits Romanesque features with rounded pilasters, a gabled parapet, and red and salmon brick colour. The theatre's symmetry of design and rectangular windows also suggest a classical style of architecture that was popular in the late 19th century, but was rare to North America.

Historical Significance:

Constructed in 1892 while Lindsay was experiencing significant economic growth, the need for arts and culture was met through the construction of a brick theatre called the Academy of Music. The Romanesque building was designed by W. Blackwell of Peterborough and built by William White of Lindsay. The first performance in the theatre took place on January 5th, 1893. Some of the notable performers include Marie Dressler and Dumbells. It was one of the original silent movie houses east of Toronto, with the first movie being shown in 1913. During the middle of the 20th century, use for the theatre declined, forcing its doors to be closed in 1956. The residents of Lindsay came together in 1963 to buy and restore the theatre.

Contextual Value:

Since 1892, the Academy Theatre has been an identifying landmark of the downtown core of Lindsay, contributing to its historic streetscape and providing arts and culture for the township and the surrounding region.

ATTRIBUTES TO BE CONSERVED:

- Front westerly façade with decorative belt cornice and tongue and groove commercial façade, Georgian style storefront windows, and art deco main entrance doors into foyer

- The large corbel bricked chimney on the south facing side of the building
- Prominent center gabled parapet
- Salmon brick featured on the west facing front facade on second and third storeys of the building and red brick on the north and south sides
- Highly symmetrical building with three distinct bays
- Rounded pilasters separate the three bays from one another with limestone base
- Rectangular windows in a 4 over 4 pattern on second and third storeys
- The main storey is tongue and groove siding adorned with two large sets of windows and the front entrance doors.
- Limestone lintels and sills on rectangular windows
- A semicircular window located in the gabled parapet surrounded by limestone lintel

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1992-76 Being a By-Law to designate 29 Regent Street, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 29 Regent Street, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 29 Regent Street, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1992-76 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

September, 2018

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 29 Regent Street, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

Located on the south side of Regent Street, this yellow brick home is located between William Street North and Victoria Avenue North.

Legal Description:

PLAN 1 BLK B PT LOT 15

PIN: 63221- 0102

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This dwelling is a two storey Queen Anne Revival house built in 1875 of yellow brick veneer construction with a rubble stone foundation. It features a low hip roof and decorative corbelled brick ornamentation over the windows. A solid wood door is original to the home and is featured with a transom and two sidelights. Some unoriginal but sympathetic features have been added to the home including the use of six over six double hung windows, a verandah that runs across the front of the home facing north, and stained glassed windows on either side of the door.

ATTRIBUTES TO BE CONSERVED:

- Yellow brick veneer
- Rubble stone foundation
- Low hipped roof
- Decorative corbelled brick ornamentation over the windows
- Solid wood paneled door with sidelights and transom
- Verandah extending the width of the home that is either original or in the original style of the home, with chamfered Gothic style columns and decorative brackets and bargeboard designs

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2013-102, Being a By-Law to designate 46 Regent Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 46 Regent Street East, Lindsay,, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 46 Regent Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2013-102 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 46 Regent Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This seemingly one storey brick home is located in the northwest plot of Regent Street and Victoria Avenue North.

Legal Description:

PLAN 1 BLK H PT LOT 1 R165285

PIN: 63220-0077

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The home was built in 1874 and is an excellent example of a Regency Style Ontario Cottage. The brick structure sits on a stone foundation and has a hip roof and three large brick chimneys. The main rooms of the structure boast 11 foot ceilings, original woodwork, moldings and baseboards. In the front parlor room, a grand wooden fireplace remains from a time when it was used to heat the entire home.

Historical Significance:

The structure was used as a ticket office for the railway line that travelled along Victoria Avenue from Lindsay to Haliburton. The house itself would have been used by passengers waiting for the train.

ATTRIBUTES TO BE CONSERVED:

Exterior:

- Brick quoining
- Shutters
- Stone foundation
- Hipped roof
- 3 large brick chimneys
- The front entrance with transom and sidelights
- Classic Romanesque front verandah

Interior:

- Original Woodwork and Mouldings
- Fireplace mantel

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1983-09, Being a By-Law to designate 63 Regent Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 63 Regent Street East, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 63 Regent Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1983-09 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 63 Regent Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This one and a half storey brick home is located on the south side of Regent Street between Albert and Victoria Streets.

Legal Description:

PLAN 1 BLK C LOT 13

PIN: 63220-0085

REASON FOR DESIGNATION

Architectural Design or Physical Value:
This home is an excellent example of the "Ontario Farm House" with Gothic Revival features that was common on farms in the mid 1800's. This design has characteristics which include a pitched gable and front verandahwith decorative bargeboard, chamfered columns and a ballasted roof. and a gothic style window in the center of the predominant front gable. The paneled front door is framed by a window transom above and sidelights.

Historical Significance:
Constructed in 1870 by William Laidley, this property was part of a large parcel of land bounded by Colbourne, Angeline, Needham and Verulam streets owned by Cheeseman Moe. The house contained one of the first phones for the surrounding area, and as a result many neighbours would often use their phone. Captain Moe was a retired naval officer from Britain who set out for the California Gold Rush in 1847 and never returned. A land company acquired his land when the taxes went unpaid.

ATTRIBUTES TO BE CONSERVED:

- One and a half storey two tone brick in an Italianate style with quoining at corners
- Verandah with chamfered columns, decorative bargeboard and a ballasted roof
- Prominent center pitched gable
- Solid wood paneled front door with overhead window transom and sidelights
- Two brick chimneys frame either side of the home
- Original four over three double-hung windows with brick lintels and shutters
- The central rounded arch window in the front gable with a yellow brick segmented arch lintel and shutters
- Decorative yellow brick cornice along roofline and under front gable

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1981-46, Being a By-Law to designate 45 Russell Street West, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 45 Russell Street West, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 45 Russell Street West, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1981-46 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 45 Russell Street West, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

St. Paul's Anglican Church is located on Russell Street West between Cambridge Street South and William Street South.

Legal Description:

PLAN TOWN PLOT LOTS 7 AND 8;S RUSSELL ST PT LOTS 7 AND 8;N GLENELG ST AND RP 57R10037;PARTS 1 3 5 7 AND 9

PIN: 63228-0059

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The church was constructed in Arts and Crafts style with Gothic overtures, which was common in the 19th century for Canadian churches. The church features a tower with a gable on each of the four sides and the spire which is topped with a finial. The bell tower in conjunction with the spire rises 130 feet above ground level. Pointed arched windows and entranceways continue to contribute to the Gothic influences of the church’s style. Facing the sanctuary, there are five memorial stained glass windows situated on the west side as well as three on the south side (the reredos) and six on the east side. A triptych stained glass window (three windows designed to illustrate one subject) is located on the north exposure. All stained glass windows contain a significant bible verse and a dedication panel. These windows all contribute to the church’s beauty. The building and the tower are both supported by a number of buttresses that are in an early Gothic style.

Historical Significance:

Well-known Lindsay citizen Adam Huspeth donated the land to build the church when it became evident that a new building and site was needed for the growing congregation of St. Paul's Anglican Church. The cornerstone was laid on Dominion Day (July, 1st) 1885 and opening services were held on November 15, 1885. The designers of the church were Stewart and Denison of Toronto, and the contractors were McNeely and Walters of Lindsay.

ATTRIBUTES TO BE CONSERVED:
Exterior:

- Bell tower featuring Gothic gable along its four sides
- Gothic Spire
- Decorative iron finials

- Carved limestone decoration throughout the building's exterior
- Gothic lancet pointed arched windows along the church's front façade
- Pointed arched entranceway
- Three paneled double doors in vaulted Gothic style
- Triplet window on the front façade
- Small rose windows
- Quatrefoil windows near the church's roof
- Original hammer beam vaulted ceiling
- Quatrefoil post and beam wooden arches
- Gothic wooden pews

Interior:

- Triptych stain glassed Atonement Windows on the north side of the church
- 5 stain glassed windows on the west side of the church and 6 stain glassed windows on the east side of the church
- Three stain glassed Sanctuary Windows featuring *The Good Sheppard, Saint John* and *Saint Paul*

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1986-05 Being a By-Law to designate 10 Russell Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 10 Russell Street East, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 10 Russell Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1986-05 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 10 Russell Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This two storey home is located at the north west corner of Russell Street and Mill Street.

Legal Description:

PLAN 15P LOT 2 PT LOT 1 N;RUSSELL ST RP 57R10233 PARTS;2 TO 4

PIN: 63229-0021

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The home is a typical Ontario Gothic home featuring chip and dale bargeboard decoration around the center and sides of the home’s gabled roof. The home is symmetrical and features two brick chimneys. The middle bay juts from the home giving dimension to the second storey window and front entrance. The front door is surrounded by etched cranberry sidelight and transom windows and brick quoins decorate the corners of the home.

Historical Significance:

Constructed in 1870 by William Needler who moved to Lindsay in 1862 from Hull, England, the home remains restored and sympathetic to the original build. Mr. Needler’s contribution to the community was through the St. Andrew’s Presbyterian Church and its Sunday school.

ATTRIBUTES TO BE CONSERVED:

- Prominent center bay with a strong gabled roof
- The Chippendale bargeboard decorates the eaves of the homes gables
- Two brick chimneys balance the home with one on either side
- Highly ornate brickwork including quoins at corners and belt cornice separating the first and second storey, are likely a different brick tone from the rest of the house, however the home has now been painted
- Etched cranberry glass transom and sidelight windows
- A classical Georgian style verandah

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1987-06, Being a By-Law to designate 12 Russell Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 12 Russell Street East, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 12 Russell Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1987-06 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

September, 2018

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 12 Russell Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This Upper Canada Georgian style home is located at the north east corner of Russell Street East and Mill Street.

Legal Description:

LOT 3N RUSSELL ST E

PIN: 63229- 0125

REASON FOR DESIGNATION

Architectural Design or Physical Value:

One of the main characteristics of this dwelling is its rectangular and symmetrical shape, which is consistent with Georgian architecture. In the central bay of the home, the façade protrudes outward. There is a small, gable roof which governs this protruding section. This projecting Georgian is unique in that it does not feature a Palladian window about the entryway. The main entrance features double doors with transoms above, with a unique Greek Revival temple style veranda. The second storey windows feature a rounded arch window lintel while the first storey windows feature a small gabled lintel. Two chimneys sit atop the hipped roof.

Historical Significance:

Originally housing the Bank of Upper Canada, this historically significant home has been contributing to Lindsay’s community since 1853. The Bank of Upper Canada failed in 1863 at which point it was absorbed by the Ontario Bank, followed by The Bank of Montreal. It ceased operation as a bank when it was purchased by Mossom Boyd in 1873.

ATTRIBUTES TO BE CONSERVED:

- Front façade of the home with a center bay protruding from the home
- Gabled lintel over the main storey windows
- Transoms above double doors
- Rounded arched lintels over second storey windows in a rococo design
- Two brick chimneys balancing the home on either side of the roof

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1984-34, Being a By-Law to designate 29 Russell Street East, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 29 Russell Street East, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 29 Russell Street East, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1984-34 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 29 Russell Street East, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

St. Mary’s Catholic Church is a large red brick church situated on the south east corner of Russell Street East and St. Lawrence Street.

Legal Description:

PL 1 LTS 7 TO 10 S OF RUSEL;LTS 3 & 4 E ST LAWRENCE LTS;3 & 4 W HURON PT LTS 7 TO 10;N GLENELG E AM140

PIN: 63229-0178

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The defining feature of the church is the cross and spire which were erected on top of the church’s Gothic bell tower in 1890. Renovations to the church took place in 1894 in order to expand the church. The building has now become a landmark within Lindsay. The red bricks that were originally used to construct the church were manufactured by Patrick Curtain in Lindsay. However these were painted and then painstakingly replaced with current red brickwork. This Church is a fine example of Gothic architecture from this time. Although the stunning interior has Gothic overtones, it reflects the Arts and Crafts influence of William Morrison, the father of the Arts and Crafts movement of England. Two stained glass windows were installed in 1902 and remain in their original form visible from inside the church on either side of the sanctuary. In 1913 a pipe organ with Gothic wood paneling was installed and remains in the church. The central alter depicts the Last Supper. This matches the donated alters which frame either side of the main alter.

Historical Significance:

As the oldest church in Lindsay, St. Mary’s Catholic Church is an important landmark. The land where the church currently sits was given to the church in 1854. Originally designed by Charles McCarthy, the church did not have a convent until 1858. The original church structure is still attached to the south side of the building. Over the years the striking interior of the church has been painstakingly cared for and restored.

ATTRIBUTES TO BE CONSERVED:

- The red brick cladding, stone, wood and metal trim
- Pointed arched glass windows with decorative wood trimming with arched stone lintels adorning the front façade of the church

- Pointed arched front entrances that are accompanied by wood paneled doors and a similar window motif as other façade windows
- Bell tower which features three bells constructed in 1894
- Cross and spire
- Additional spires are present on either side of the bell tower
- Stained glass windows
- Interior wall and ceiling panels, frescos and decorative borders
- Original Gothic style church pews
- Central Gothic style altar and built-in shrines

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1988-85, Being a By-Law to designate 45 Victoria Avenue North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 45 Victoria Avenue North, Lindsay City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 45 Victoria Avenue North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1988-85 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

September, 2018.

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 45 Victoria Avenue North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

Located on the west side of Victoria Street North, this three storey yellow brick home is situated between Front Street and Bond Street West.

Legal Description:

TOWN PLAN PT LOT 14 PT LOT;15 N BOND ST W

PIN: 63223-0029

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The three storey, yellow brick house is believed to have been built in 1880 by Thomas Bradburn. The home features the Mansard or Second Empire style and is of architectural significance which merits designation. The most prominent feature of the home is its style of roof which has dormers persisting around the home decorated with of bargeboards. The main entrance of the home is the entrance facing Bond Street. This entrance features a beautifully decorated verandah that has a successive stream of bargeboard.

ATTRIBUTES TO BE CONSERVED:

- Yellow brick
- Second empire style Mansard roof line
- Three dormers with gable bays on the front facing third storey and three dormers on the south facing third storey
- Verandah with significant Gothic brackets and bargeboard
- Decorative Rococo brick and wooden brackets under soffits between second and third storey
- Wedge arched brickwork above windows
- Upper roofline cornices
- 2 brick chimneys
- Original windows
- The large bay sectional window on the west side of property featured on the first storey

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1993-01, Being a By-Law to designate 37 William Street North, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 37 William Street North, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of **Kawartha Lakes and** includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 37 William Street North, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1993-01 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 37 William Street North, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This three storey building is located on the west side of William Street North between Peel Street and Kent Street West.

Legal Description:

TOWN PLAN PT LOT 6 S PEEL ST

PIN: 63222-0094

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This building is distinguished by its belled mansard roof which is reflective of the Second Empire style. The mansard roof was decorated with gabled dormers that featured elaborate box brackets with Rococo design and ornamental corner brackets. The second storey windows originally were rounded at the top; however they have been filled in with brick and now only feature the arched design above.

Historical Significance:

This building was formerly the Tremont Hotel that was originally situated on William Street near Wellington. However it was moved to 37 William Street which suited the hotel operator who was named William Bell. It continues to contribute to the historic William Street streetscape.

ATTRIBUTES TO BE CONSERVED:

- Distinctive mansard roof
- Gabled dormers
- Boxed brackets with Rococo design on dormers
- Ornamental corner brackets and belt cornice between second and third storey and between the first and second storey

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1992-38, Being a By-Law to designate 73 William Street South, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 73 William Street South, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 73 William Street South, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1992-38 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 73 William Street South, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This buff brick home is located on the west side of William Street between Melbourne Street West and Durham Street West.

Legal Description:

PT LOT 6 S MELBOURNE ST W

PIN: 63228-0151

REASON FOR DESIGNATION

Architectural Design or Physical Value:

As one of the oldest homes on William Street, this two and a half storey Italianate style home was constructed in 1864 on a stone foundation. The building’s architecture is noteworthy, with a single storey canted bay, first and second storey segmental windows with raised brick lintels and bracketed cut stone sills. On the third storey, these features are mirrored in the two arched windows. The beautifully crafted double arched leaded glass doors, complemented by a leaded glass arched transom accentuate the home’s main entrance. A small two storey porch has replaced the original verandah. On the second storey entrance, there is a double door with a shuttered transom. The home also boasts corner quoins, a four double stacked chimney and the west and south gables that have maintained their original molding with decorative finials. The rear side entrance features a charming multi-paned arched window which lights the second floor landing.

ATTRIBUTES TO BE CONSERVED:

- Buff brick
- Queen Anne Revival gabled façade
- Canted bay window
- Original windows on first and second storeys
- Raised brick lintels and bracketed cut stone sills
- Two arched windows on third storey of the northeast facing side of the home with decorative brick arched lintels
- Double leaded glass arched doors at main entrance
- Leaded glass arched transom
- Rear entrance multi-paned arched window
- Downward finial on third storey gable
- Decorative brick corner quoins

- One double stacked chimney
- The west facing façade featuring a dormer on the third storey

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1988-84, Being a By-Law to designate 8, 10, & 12 William Street South, Lindsay, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 8, 10, & 12 William Street South, Lindsay, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 8, 10, & 12 William Street South, Lindsay, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1988-84 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 8, 10, & 12 William Street South, Lindsay, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This is a two storey commercial building located on the east side of William Street between Kent Street West and Russell Street West.

Legal Description:

PLAN 6 W PT LOT 6

PIN: 63228-0033

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This property is designated for its architectural significance. The two sides of the façade feature large bay windows on the first storey and two small rectangular windows above. The central bay features a door under a rectangular window. The corners contain decorative brick cornices and decorative balustrade along roofline that was likely to have been two tone brickwork.

ATTRIBUTES TO BE CONSERVED:

- Italianate 2 tone brick work on the façade of the building (although it has been painted over)
- Georgian centre style design with the symmetrical windows framing either side
- Patterned brick work along the roof cornice
- Raised patterned brick work along the corners of the building and along original belt cornice now covered by awnings on the first storey and the second storey
- Original lintels above second storey windows currently painted and covered by awnings

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2005-154, Being a By-Law to designate 704 Fingerboard Road, Little Britain in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 704 Fingerboard Road, Little Britain, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 704 Fingerboard Road, Little Britain, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2005-154 is repealed.

By-law read a first, second and third time, and finally passed, this 11 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 704 Fingerboard Road, Little Britain, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The Salem-Mariposa United Church is located in the Northwest corner of the intersection of Fingerboard Road and Salem Road.

Legal Description:

CON 6 PT LOT 6

PIN: 63189-0108

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This simple church is defined by predominantly Gothic features and Italianate brickwork which were popular during the time of its construction. The lancet doors and windows accentuate the building. Although three of the eight windows have been broken, their shape and the decorative buff brick work which frames the windows remain. A set of French paneled doors are set within a Lancet frame on the front façade. One of the most notable attributes of this property is the brickwork set on a fieldstone foundation. The red brick walls are accented with Gothic style arched windows peaked with ornate red and buff brick lintels and limestone sills, buff brick corner quoins and cornice trim.

Historical Significance:

Once the focal point of the community, this church is currently sitting in its original place from when it was constructed over 100 years ago. The Methodist Church first appeared in Salem in the years of 1883-1884. Church services for this religious community were previously held in a log chapel before the decision to build a new church was made in February 1885. The community immediately worked to build the new Salem-Mariposa United Church. Before the New Year, church services were being held in the new building. The land where the current church stands was sold for $60.00 by a Mrs. Isabella McInnes. Building costs of $1800.00 were within the budget set out by the church. Cost savings were possible as a result of help from local carpenter Hiram Brown and mason John Pearce. The church underwent interior improvements from 1897-1919 and the outside of the church was renovated in 1910. This church has been closed since 1965.

ATTRIBUTES TO BE CONSERVED:

- The stone foundation
- Decorative buff brickwork on the corner quoins and in the segmental arch found above the windows. This brickwork is also apparent in columns

between the church windows, in a double cross shape apparent on the church's south facing side that extends in the cornice and along the peaks of the roof

- Gothic arched windows peaked with ornate red and buff brick lintels and limestone sills
- Buff brick corner quoins and cornice trim
- White brackets that are patterned along the soffits that surrounds the entire building
- Four lancet windows on the sides of the church
- A recessed entrance featuring a wooden lancet paneled door

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1997-10 Being a By-Law to Designate 166 Ramsey Road, Little Britain in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 166 Ramsey Road, Little Britain, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 166 Ramsey Road, Little Britain, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1997-10 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule 'A' to By-law 2018 –

Being a By-law to designate 166 Ramsey Road, Little Britain, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

Once identified as Beecroft Farms, this dwelling is situated on the south side of Ramsey Road between Highway 2 and Fingerboard Road.

Legal Description:

CON 1 PT LOT 3

PIN# 63194-0222

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The Beecroft farmhouse is an excellent example of Ontario Farmhouse Style architecture clad with Blocked Course Ashlar stone walls on the main house and segmented stone lintels above the front door and windows. It has a central raised one and a half storey Gothic Revival gable with a Gothic Revival window. The front door is framed by side lights and a transom light. Decorative bargeboard, frieze board and a finial accentuate the front gable.

Historical Significance:

Ontario Farmhouse Style architecture exemplifies the history of this rural Ontario properties constructed during the 19th century. Originally, the property was owned by Joseph Sheffield who received a Crown patent for the land in 1846. John Beecroft, the son of English immigrants William and Elizabeth Beecroft, became the next property owner in 1847. John and his wife Catherine Beecroft are listed as living on the property in a log home in the 1861 census. The current stone dwelling was constructed between the 1861 and the 1891 census dates. John, together with Catherine, and their children Mary, Elizabeth Ann, Jane, William, and John proceeded to clear and farm on the land which was maintained in the Beecroft family for over a century.

ATTRIBUTES TO BE CONSERVED:

- Ashlar stone used to construct the front and two adjacent side walls and the decorative lintels above windows on these three walls and the front door
- Transom and side lights that frame the front door
- Decorative bargeboard, frieze board and finial within the front gable

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1995-26 Being a By-Law to Designate 1201 Salem Road, Little Britain in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 1201 Salem Road, Little Britain, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 1201 Salem Road, Little Britain, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1995-26 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	**Cathie Ritchie, City Clerk**

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 1201 Salem Road, Little Britain, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

A two storey brick home located on the north side of Salem Road, just east of Bush road.

Legal Description:

CON 6 S PT LOT 20

PIN# 63191- 0120

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The Georgian style red brick home located at 1201 Salem Road is a beautiful example of Georgian architecture with its symmetrical design. The home features a front entrance nestled between identical multi-storey bay frontispieces topped with pitched gables. The gabled roofs are decorated with bargeboard and fish scale shingles. Each gable contains a red brick chimney as well. All windows and doors on the home are accented with arched buff brickwork lintels.

ATTRIBUTES TO BE CONSERVED:

Exterior:

- Two front gables with stained glass windows, gingerbread cornice trim and fish scale shingles
- Two side porches with decorative brackets
- Decorative arched brick lintels over the windows and front door
- Two chimneys atop each gable roof

Interior:

- Four plaster ceiling medallions featured in the front fall, dining room, living room, and master bedroom

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1996-36, Being a By-Law to designate 17025 Simcoe Street, Manilla, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 17025 Simcoe Street, Manilla, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 17025 Simcoe Street, Manilla, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1996-36 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 17025 Simcoe Street, Manilla, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This Manilla Public Library continues to operate in a small wood siding cottage style dwelling on the east side of Simcoe Street just south of Highway 7.

Legal Description:

PLAN 42 LOT 14

PIN: 63187-0120

REASON FOR DESIGNATION

Architectural Design or Physical Value:

Originally constructed as a one and a half storey family home around 1850, the structure continues to feature original wood siding although it was moved back from the road to provide a setback. The distinguishing attribute of this Cottage style structure is its Italianate front door frame which consists of two wooden pilasters with a decorative wood lintel on the building’s north and south end maintains its symmetry.

Historical Significance:

Beginning in 1861, the Manilla Mechanics Institute formed a literary society until a Manilla Public Library was officially opened in 1895. However, the permanent home of the Library was relocated to this site in 1913 when Edward Acton donated the current building. The Manilla Public Library became a part of the Victoria County Public Library System in 1965. As such, it provides a place of community for the residents and visitors to Manilla.

ATTRIBUTES TO BE CONSERVED:

- One and a half storey
- Six over windows (although not original) front facing windows are in character with the style original to the home
- Horizontal wood siding remains
- Front door frame with two wooden pilasters and decorative wood intel and trimming
- The gabled roof topped with a chimney

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1992-04 Being a By-Law to Designate 977 Eldon Road, Oakwood in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 977 Eldon Road, Oakwood, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 977 Eldon Road, Oakwood, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1992-04 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	**Cathie Ritchie, City Clerk**

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 977 Eldon Road, Oakwood, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The two storey store is situated in the northwest corner of Highway 7 and Eldon Road.

Legal Description:

PLAN 80 PT LOT 1 & 2

PIN# 63185-0120

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This historic property is distinguishable by its red brick and decorative buff brick work. Buff brick quoins accentuate the building’s corners and buff brick lintels highlight its upper and lower storey windows. Two prominent chimneys are featured, with one at the peak of the east facing gable and the other on the north facing gable. Although not designated for protection, it is noted that the shelving and wood cornices situated on top of the shelving are original internal fixtures.

Historical Significance:

The land was originally was purchased from Mariposa Township when Council decided to uplift and move their building to a new location. Archibald E. Cameron purchased the land and built his A. E. Cameron’s Store in 1864 and opened his doors to the public in 1865. This building has been home to a bakery, furniture and casket business, and a hardware store. More recently the property has been known as an antique shop. This building was also the first building to be designated in Mariposa Township.

ATTRIBUTES TO BE CONSERVED:

External:

- Quoined brick corners in buff brick
- Chimney atop of east and north facing gables
- Decorative buff brick lintels over colonial 4 over 4 single hung sash windows hung windows
- Store front façade and front door
- Decorative wood brackets along soffits

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1993-19, Being a By-Law to designate 949 Highway 7, Oakwood, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 949 Highway 7, Oakwood, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 949 Highway 7, Oakwood, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1993-19 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 949 Highway 7, Oakwood, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The Oakwood United Church stands prominently on the north side of Highway 7, just east of Road 6 (Eldon Road).

Legal Description:

PLAN 80 PT LOT 4 & 5 PT BLK;T

PIN# 63184-0168

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The exterior of this Romanesque style church is red brick with a rusticated concrete foundation and accents. It is adorned with asymmetrical towers of Scottish baronial influence and a variety of arched windows, Gothic-influenced peaked windows and decorative brick and limestone roofline cornices.

Inside the church, stunning curved wooden pews are located on the main and balcony levels. The sides of the pews feature a panel and rococo arm designs along the arm rests. The interior also features a lofty vaulted tin ceiling. Memorial Windows contribute to the ambience of the church’s interior. These windows, purchased from the Toronto Plate Glass Importing Company depict religious symbolism and were selected from the “*Book of Designs”.* The large west window is entitled “The Parable of the Sower” and the large east window is titled “Glory to God in the Highest”.

Historical Significance:

The Oakwood United Church has been a defining aspect of the Oakwood community, continuing to offer religious services to the residents of Oakwood and nearby townships. The land for the church was donated by James Thorndyke and the church came into fruition in 1909 when the minister, Mr. Limbert, put efforts into its construction. The church was modelled after one that had been built in Fenelon Falls, with one exception; this church would have two main entrances. The church was officially opened on November 21, 1912 and the first church service was held on Sunday November 24th with Reverend Dr. A. C. Crews preaching the sermon.

ATTRIBUTES TO BE CONSERVED:

Exterior:

- Asymmetrical Scottish baronial towers
- Red brick finish with raised brick quoins and roofline cornices
- Limestone detailing in the south gables, decorative window lintels and sills, and Greek style front porch columns
- Rusticated concrete foundation
- Stained Glass Memorial windows
- Arched decorative bell tower louvered vents

Interior:

- Original wooden pews
- Arched ceiling in patterned tin

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1993-19, Being a By-Law to designate 430 Taylor's Road, Oakwood, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 430 Taylor's Road, Oakwood, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

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"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 430 Taylor’s Road, Oakwood, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 Administration of the By-law: The Director of Economic Development is responsible for the administration of this by-law.

4.02 Effective Date: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1993-19 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 430 Taylor’s Road, Oakwood, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This prominent two storey brick farmhouse is located on the east side of Taylor’s Road, just north of Skyline Road.

Legal Description:

CON 10 S PT LOT 20 LESS RP;57R2296 PART 1 TO 2

PIN: 63184-0104

REASON FOR DESIGNATION

Architectural Design or Physical Value:

This Saltbox Georgian home is designated on the basis of its architectural value. Notable features include the original triple red brick finish with decorative yellow brick lintels surrounding the windows, original doors and corner brickwork quoins, double brackets along the soffits of the main home, and the brick belt cornice delineating the first and second storey. The cupola situated atop the home has been restored to its original design, as has much of the interior of this home. From within the cupola the original wooden beams that once supported the primary cupola are visible. While there are many other notable interior features of the home, including a magnificent original multilevel pine wood staircase, trim, flooring, and three original ceiling medallions, these attributes are not included in the designation as attributes to be conserved.

ATTRIBUTES TO BE CONSERVED:

- A functional open belvedere cupola that has been rebuilt
- The red brick finish with decorative yellow brick lintels over and along the vertical sides of the windows, corner brickwork quoins, and the brick belt cornice delineating the first and second storey and extending into the east section of the home
- Double brackets along the soffits of the main home
- The main front entrance with its seven paned wooden door and yellow and blue stained glass sidelights and transom
- The arched entrance into the former servants quarters on the south face of the building with decorative yellow brick segmented arch and vertical accents

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2007-124, Being a By-Law to designate 1185 Ballyduff Road, Pontypool, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 1185 Ballyduff Road, Pontypool, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

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"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 1185 Ballyduff Road, Pontypool, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2007-124 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 1185 Ballyduff Road, Pontypool, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

This Gothic style red brick home is situated on the north side of Ballyduff Road, just west of Porter Road in Pontypool.

Legal Description:

CON 6 PT LOT 20

PIN: 63266-0410

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The home has many architecturally significant attributes which contribute to its rich historical importance. The house is a fine example of the center gable red brick Gothic style home that has become synonymous with Ontario Farm House style, with common bond brickwork (header and courses at regular intervals). The floor plan is suggestive of traditional Mennonite/Amish house construction where each room leads into another without the wasted space of hallways. The second storey hall and staircase railing was designed for quilt making with the banisters angled in such a way as to support a quilt frame for the quilters in the community to sit around and sew. While the majority of the wood trim and flooring in the home is original with the exception of the family gathering room (the original kitchen) where the pine floor was replaced with balsam wood from the property in the 1930’s after a fire damaged the floor.

Historical Significance:

In 1844 the William Fallis family, who were Irish settlers, acquired the land from the Canada Land Company where they established and built what is now named Fallingbrook Farm. The resources needed to make the home were harvested and kilned from the property directly. As one of the first families to settle in Manvers, this farm home has been an integral part of the community for many generations. The Fallis family lived on the property for over five generations.

Attributes to be conserved:

Exterior:

- Red brick finish
- Gothic front second storey window with original decorative trim
- Center gabled roof
- The front door with sidelights and a transom

- A sympathetic wrap around verandah on two sides of the home

Interior:

- The floor plan is suggestive of traditional Mennonite/Amish house construction
- The house retains mostly all the original wood moldings and trim
- The pine floors are all original, with the exception of the family gathering room
- The second storey staircase railing and the angled banister
- Original door knobs
- Large wooden beam which was once a part of the verandah, located in the back room acting as the newel for the staircase leading into the basement

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 1993-12, Being a By-Law to designate 119 Irene Avenue, Sturgeon Point, in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate 119 Irene Avenue, Sturgeon Point, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

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"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 119 Irene Avenue, Sturgeon Point, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 1993-12 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate 119 Irene Avenue, Sturgeon Point, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The heavily wooded Sturgeon Point Union Church is located on the south west corner where Irene Avenue and 6th Street intersect.

Legal Description:

PLAN 73 LOT 3 PLAN 91 LOT 6;RP 57R9673 PART 1

PIN: 63145-0178

REASON FOR DESIGNATION

Architectural Design or Physical Value:

As one of the few octagonal structures in the City of Kawartha Lakes, the building is a unique architectural gem. The building is a unique post and beam structure with Georgia pine throughout the building and feature windows on seven sides. A central pillar supports the building’s structure with secondary beams radiating upwards from this pillar to support the monumental octagonal sloping roof with a curved upper peak. A belfry tops the building and houses a bell that continues to be rung each Sunday for service.

Historical Significance:

Well recognized for its unique octagonal architecture, the Sturgeon Point Union Church was constructed in 1915. The funding to build the church came from the Flavelle family who were well known in Sturgeon Point and Lindsay both in business and social circles. The Flavelles would often cottage at “the Point” with descendants still occupying one of the area’s original family cottages. This unique wooden church replaced an earlier church that had been built on this site in 1888.

Contextual Value:

This independent church has been and continues to be a place of worship and special celebrations for the Sturgeon Point community for over 100 years, welcoming worshipers from all creeds.

ATTRIBUTES TO BE CONSERVED:

Exterior:

- Sets of 8 paned windows and two sets of double doors that provide natural light into the church
- Seven of the eight sides of the roof that feature two gabled dormers
- The cedar shake clad roof and Italianate belfry at the center of the octagonal structure
- Two right angle triangle beams are crossed to support the overhand of the eaves
- The Gothic style door knocker

Interior:

- Central pillar with secondary beams branching upwards to support beams along the ceiling
- The use of Georgian pine throughout the inside of the building
- Interior octagonal wood ceiling

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-Law to Repeal and Replace By-Law 2007-006, Being a By-Law to designate Sturgeon Point Rain Shelter, Sturgeon Point in the City of Kawartha Lakes as being of Cultural Heritage Value and Interest

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law designating a property within the boundaries of the municipality to be of cultural heritage value or interest.

2. Notice of Intention to Designate Sturgeon Point Rain Shelter, Sturgeon Point, City of Kawartha Lakes, described further in Schedule "A", has been given in accordance with Section 29 of the Ontario Heritage Act.

3. No objection to the proposed designation has been served on the Clerk of the City.

4. Reasons for Designation are set forth in Schedule "A".

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Development Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

"Property" means property as set out in Section 2.01.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation

2.01 Sturgeon Point Rain Shelter, Sturgeon Point, City of Kawartha Lakes, is designated as being of historic interest and value, described further in Schedule “A”. This designation shall not preclude any changes that may be deemed necessary for the efficient use of the building but that any and all such changes shall be in keeping with the original and present character of the building and in consultation with the municipal heritage committee.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the proper Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in the newspaper.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Economic Development is responsible for the administration of this by-law.

4.02 **Effective Date**: This By-law shall come into force on the date it is finally passed

Section 5.00 Repeals

5.01 Repeal: By-law 2007-006 is repealed.

By-law read a first, second and third time, and finally passed, this 25 day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law 2018 –

Being a By-law to designate Sturgeon Point Rain Shelter, Sturgeon Point, City of Kawartha Lakes, as being of cultural heritage value and interest.

Description of Property

The Sturgeon Point Rain shelter is a wood structure on the Upper Wharf in the Village of Sturgeon Point. The wharf extends into Sturgeon Lake at the end of Irene Avenue and is fronted on the lakeside by concrete.

Legal Description:

PT BED STURGEON LAKE IN;FRONT OF CON 10 PT LOT 10;(FMLY FENELON) RP 57R7926;PARTS 1 & 2

PIN: 63145-0184

REASON FOR DESIGNATION

Architectural Design or Physical Value:

The Rain Shelter at the Wharf is an example of an Edwardian shelter. Much of the building’s architecture has been preserved and there have been no records of alterations or renovations. It is believed that only minor repairs have been made as necessary. Regardless, many of the structure’s original features are still intact and represent a good example of the architecture of the time. Roofline has a bracketed overhang used to shelter people in foul weather.

Historical Significance:

The rain shelter is a rare surviving example of this type of structure on the Trent-Severn system that provided a passenger waiting area during the steamboat era on Sturgeon Lake. Believed to have been constructed in 1903 by the Council of the Village of Sturgeon Point, it is a historical reminder of the importance of the steam boats that once sailed throughout the Kawartha Lakes. The cost of the rain shelter in 1903 was $315.83. Without the steam boats Sturgeon Point would not have developed as early as it did to become a popular holiday destination. Given Sturgeon Point’s proximity to Lindsay, many of its residents were quick to make this community their home in the summer months. Given that the residents, livestock, and servants from Lindsay were spending their summer months at “The Point” many of the men would commute daily back and forth to Lindsay for work by steam boats. The most famous of these boats was the “Lintonia” that officially stopped running in 1931.

ATTRIBUTES TO BE CONSERVED:

- Curved wood roof supports under the roofline extension
- Gabled front facing roof with arts and crafts trim
- Four support beams the length of the building and 3 support beams the width of the building
- Exterior louvered windows or vents
- Exterior wooden doors
- Original exterior cove molding (siding)
- Interior that has been relatively unaltered since the original construction

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Sir Sandford Fleming College in Lindsay for parking enforcement in the Lindsay Recreation Complex parking lot located at 133 Adelaide Street South.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City;

"Manager of Municipal Law Enforcement" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

2.01 **Appointment:** Ben Poliquin is appointed as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay.

2.02 **Provincial Offences Officer:** Ben Poliquin is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations at the property known as “Lindsay Recreation Complex”, located at 133 Adelaide Street South, in Lindsay, in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.

302 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Repeal By-law 2001-053, being A By-law to Fix Days for Solicitation of Monetary Contributions by Person or Organizations in Charitable or Patriotic Work

Recitals

1. Council adopted By-law 2001-053 on April 23, 2001 to fix days for solicitation of monetary contributions by persons and organizations in charitable or patriotic work.
2. Council adopted Resolution CR2018-XXX on September 25, 2018 directing that a by-law be brought forward to repeal By-law 2001-053 to eliminate the administration of the 'Tag Day' process.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2001-053 is repealed.

Section 3.00: Administration and Effective Date

3.01 **Administration of this By-law:** The City Clerk is responsible for the administration of this By-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Appoint a Drainage Superintendent for the City of Kawartha Lakes and to Repeal By-law 2010-014

Recitals

1. Section 93 (1) of the *Drainage Act,* R.S.O. 1990, c.D.17 authorizes the appointment of a Drainage Superintendent.

2. Council deems it appropriate to appoint a staff person(s) to fulfil the position as a Drainage Superintendent.

3. Council adopted by-law 2010-014 on February 2, 2010 to appoint two Drainage Superintendents

4. Due to staffing changes, the provisions of this by-law replace the provisions of 2010-014, and thus Council deems it appropriate to repeal By-law 2010-014.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City;

"Director of Engineering and Corporate Assets" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

"Drainage Superintendent" means the person who holds that position and his or her delegate(s) or, in the event of the organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

2.01 **Drainage Superintendents:** Michael Farquhar, and Juan Rojas are appointed as a Drainage Superintendent for the City of Kawartha Lakes in accordance with Section 93(1) of the Drainage Act, R.S.O. 1990, c.D.17.

2.02 **Remuneration**: The Drainage Superintendent shall receive the remuneration mutually agreed upon by it and approved in the annual operating budget.

2.03 **Duties**: The Drainage Superintendent is authorized and directed to carry out the duties imposed by the Drainage Act, R.S.O. 1990, c.D.17, and shall submit reports and carry out the duties as may be required by Council from time to time.

2.04 **Reporting Relationship:** Michael Farquhar shall report to and be under the direction of the Director of Engineering and Corporate Assets.

Section 3.00: Repeal

3.01 **Repeal:** By-law 2010-014 is repealed.

Section 4.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of Engineering and Corporate Assets is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Authorize the Acquisition of Part of Lot 25, Concession 3, in the Geographic Township of Manvers, City of Kawartha Lakes, Designated as Part 1 on Plan 57R-10670, being Part of PIN: 63269-0541 (LT)

Recitals

1. The acquisition of Part of Lot 25, Concession 3, in the Geographic Township of Manvers, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10670, being Part of PIN: 63269-0541 (LT), was approved by City Council on the 30th day of January, 2018 by CR2018-021.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) Any Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Acquisition of Land

2.01 **Acquisition:** The parcel of land, more particularly described as Part of Lot 25, Concession 3, in the Geographic Township of Manvers, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10670, being Part of PIN: 63269-0541 (LT), is to be acquired by the Corporation of the City of Kawartha Lakes for nominal consideration, plus all costs associated with the transaction.

Section 3.00: Effective Date

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Stop Up and Close Part of the Road Allowance Legally Described as Part of Blocks A and B, on Registered Plan No. 175, in the Geographic Township of Bexley, in the City of Kawartha Lakes, Described as Parts 3, 4, and 5 on Plan 57R-10646

Recitals

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;

2. The land described in Schedule "A" attached forms part of the road allowance legally described as Blocks A and B on Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, and has been declared to be surplus to municipal needs.

3. It is desirable to stop up and close that part of the road allowance described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owners.

4. Notice of the intention of City Council to pass this by-law was given by ad notice duly published in the *Kawartha Lakes This Week* newspaper on the 8th, 15th, and 22nd days of February, 2018, in accordance with the provisions of the Municipal Act, 2001 and City of Kawartha Lakes By-Law 2018-020, as amended.

5. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of September, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.

6. This matter was approved by City Council on the 6th day of March, 2018 by the adoption of Report RS2018-007 by CR2018-102.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure and Sale

2.01 **Closure and Sale:** That part of the road allowance described in Schedule “A” attached has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting landowners for nominal consideration, plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursement and any other costs incurred by the City in connection to this transaction.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule "A" To City Of Kawartha Lakes
By-Law Number 2018-
Passed This 25th Day Of September, 2018

Description Of Land To Be Stopped Up, Closed
And Conveyed To The Abutting Owners

Part of Blocks A and B, on Registered Plan No. 175, in the Geographic Township of Bexley, City of Kawartha Lakes, described as Parts 3, 4, and 5 on Reference Plan 57R-10646, being Part of PIN: 63116-0188 (LT)

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Authorize the Acquisition of Part of Lot 18, Concession B, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10688 being part of PIN 63196-0102 (LT)

Recitals

1. The acquisition of Part of Lot 18, Concession B, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10688 being part of PIN 63196-0102 (LT), was approved by City Council on the 22nd day of May, 2018 by CR2018-316.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) Any Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Acquisition of Land

2.01 **Acquisition:** The parcel of land, more particularly described as Part of Lot 18, Concession B, in the Geographic Township of Mariposa, City of Kawartha Lakes, designated as Part 1 on Plan 57R-10688 being part of PIN 63196-0102 (LT), is to be acquired by the Corporation of the City of Kawartha Lakes for $5,000.00, plus all costs associated with the transaction.

Section 3.00: Effective Date

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2016-206, being the Consolidated Fees By-law in the City of Kawartha Lakes (Amendment No. 10)

Recitals

1. By-law 2016-206, being a By-law to establish and require payment of fees for information, services, activities and use of City property in the City of Kawartha Lakes was adopted by Council on November 8, 2016.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 for an update to the General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear) Fees.
3. This by-law amends By-law 2016-206 to reflect this decision.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2016-206 of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Schedule A-12 to By-law 2016-206 – General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear) is amended by removing:

A – 12 General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear)						
Service Description	**Unit**	**Additional Fees**	**Fee Effective January 1, 2017**	**Fee Effective March 1, 2017**	**Rate Effective January 1, 2018**	**Reference**
Initial First Inspection	each		Free	Free	Free	
Initial Final Inspection	each		Free	Free	Free	
Second Offence Inspection	each		Free	Free	Free	
Second Offence Final Inspection	each		$103.00	$108.25	$110.00	
Third Offence Inspection	each		Free	Free	Free	
Third Offence Final Inspection	each		$206.00	$216.50	$220.00	
Fourth Offence Inspection	each		Free	Free	Free	
Fourth Offence Final Inspection	each		$412.00	$432.75	$435.00	
Fifth Offence Inspection	each		Free	Free	$875.00	
Fifth Offence Final Inspection	each		$824.00	$865.25	$875.00	
Subsequent offences	each		Fees double	Fees double	Fees double	
Certificate of Compliance (Includes Discharge from title / deed)	each		$206.00	$216.50	$220.00	

2.02 **Amendment:** Schedule A-12 to By-law 2016-206 – General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear) is amended by adding:

A – 12 General Inspections (all Regulatory By-law Inspections not including Property Standards and Clean and Clear)						
Service Description	**Unit**	**Additional Fees**	**Fee Effective January 1, 2017**	**Fee Effective March 1, 2017**	**Rate Effective January 1, 2018**	**Reference**
First Occurrence Inspection	each		Free	Free	Free	
Second Occurrence Inspection	each		$103.00	$108.25	$110.00	
Third Occurrence Inspection	each		$206.00	$216.50	$220.00	
Fourth Occurrence Inspection	each		$412.00	$432.75	$435.00	
Fifth Occurrence Inspection	each		$824.00	$865.25	$875.00	
Subsequent Occurrences	each		Fees double	Fees double	Fees double	
Certificate of Compliance (Includes Discharge from title / deed)	each		$206.00	$216.50	$220.00	

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of the City Departments are responsible for the administration of the respective department fees as approved in Schedules A to H of By-law 2016-206.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Repeal By-law 2018-090, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Council adopted By-law 2018-090 on May 22, 2018 to appoint a Municipal Law Enforcement Officer.

2. Council deems it appropriate to repeal By-law 2018-090 due to changes in staffing.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2018-090 is repealed.

Section 3.00: Administration and Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Repeal By-law 2018-091, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes

Recitals

1. Council adopted By-law 2018-091 on May 22, 2018 to appoint an Area Weed Inspector for the City of Kawartha Lakes.

2. Council deems it appropriate to repeal By-law 2018-091 due to changes in staffing.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2018-091 is repealed.

Section 3.00: Administration and Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Repeal By-law 2018-088, being A By-law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Council adopted By-law 2018-088 on May 22, 2018 to appoint a Municipal Law Enforcement Officer.

2. Council deems it appropriate to repeal By-law 2018-088 due to changes in staffing.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2018-088 is repealed.

Section 3.00: Administration and Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Repeal By-law 2018-089, being A By-law to Appoint an Area Weed Inspector for the City of Kawartha Lakes

Recitals

1. Council adopted By-law 2018-089 on May 22, 2018 to appoint an Area Weed Inspector for the City of Kawartha Lakes.

2. Council deems it appropriate to repeal By-law 2018-089 due to changes in staffing.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"Council" or "City Council" means the municipal council for the City.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Repeals

2.01 **Repeal:** By-law 2018-089 is repealed.

Section 3.00: Administration and Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2012-173, being A By-law to Regulate Parking (Amendment No. 17)

Recitals

1. Council adopted Resolution CR2018-509 on August 14, 2018 directing amendments to By-law 2012-173, being a By-law to Regulate Parking.
2. An amendment to the original by-law is required to add additional No Parking Zones.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2012-173, as amended, of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Schedule A – No Parking Zones, to By-law 2012-173 is amended by adding:

STREET	GEOGRAPHIC AREA	SIDE	FROM	TO	TIME RESTRICTIONS
Albert St. S.	Lindsay	East	a point 163m south of Mary Street West	a point 30m further south	
Broad	Lindsay	Both	Angeline St. S.	Fallingbrook Cres.	
Fallingbrook Cres. (all three corner connections)	Lindsay	Both,	Broad St.	a point west 35m	
Fallingbrook Cres.	Lindsay	South	A point 35 metres west of Broad St.	Following the road until it reconnects with Broad St.	

STREET	GEOGRAPHIC AREA	SIDE	FROM	TO	TIME RESTRICTIONS
George St.	Lindsay	North	Lindsay St. S.	a point west 25m	
Lisbeth Cres.	Lindsay	Both	Mary St. W.	a point north 35m	
Lisbeth Cres.	Lindsay	East and North	Mary St. W.	Adelaide St. S.	
Maple Cres.	Lindsay	Both	Angeline St. S.	a point west 50m	
Sunset Court	Lindsay	Both	Angeline St. S.	a point east 30m	
Thrushwood Trail	Lindsay	South	Broad St. (North connection)	Broad St. (South Connection)	
Fells Bay Rd.	Ward 6	Both	Northline Rd.	a point west 70m	
Northline Road	Ward 6	Both	Fells Bay Rd.	a point north 70 metres; a point south 90m	
Main St.	Bobcaygeon	East	A point in front of # 71	a point north of #181	
Mill St.	Omemee	Both	King St. E.	Mary St. E.	
Trent View Road	Ward 1	Both	Fenel Rd.	End of road.	
Aylmer Drive	Ward 7	Both	East Beehive Drive	End of road.	
Clonsilla Drive	Ward 7	Both	East Beehive Drive	End of road.	

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____ _____

Andy Letham, Mayor Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2007-236, being A By-Law Respecting the Sale and the Setting Off of Fireworks within the City of Kawartha Lakes

Recitals

1. By-law 2007-236, being a by-law respecting the sale and the setting off of fireworks within the City of Kawartha Lakes, was adopted by Council on October 30, 2007.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 directing that the necessary by-law amendments identified in Council Report LIC2018-005, Short Term Residential Rentals Follow-up Report, be brought forward to Council for adoption.
3. This by-law amends By-law 2007-236 to reflect this decision.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2007-236, as amended, of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** That the following definition be added to By-law 2007-236:

“Person” means an individual, partnership, group or association, organization, company, corporation or cooperative and may also include owner.

2.02 **Amendment:** Section 8.19 to By-law 2007-236 is deleted in its entirety and replaced with the following:

8.19 Where any holder of a permit fails or refuses to comply with a term or condition to which the permit is subject, the Fire Chief or Municipal Law Enforcement Officer shall immediately revoke the permit and the Fire Chief shall forthwith send a written notice of that revocation to the permit holder.

2.03 **Amendment:** Section 8.21 is added to By-law 2007-236 as follows:

8.21 **Administrative Fee:** Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as set out in the Consolidated Fees By-Law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Fire Chief and the City Clerk are responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2005-025, being A By-Law to Regulate Noise in the City Of Kawartha Lakes

Recitals

1. By-law 2005-025, being a by-law to regulate noise in the City of Kawartha Lakes, was adopted by Council on February 1, 2005.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 directing that the necessary by-law amendments identified in Council Report LIC2018-005, Short Term Residential Rentals Follow-up Report, be brought forward to Council for adoption.
3. This by-law amends By-law 2005-025 to reflect this decision.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2005-025, as amended, of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Section 4.03 is added to By-law 2005-025 as follows:

4.03 Administrative Fee: Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as set out in the Consolidated Fees By-Law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Clerk's Office is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2016-110, being A By-Law to Regulate Times During Which Fires May Be Set in the Open Air, the Precautions to be Observed by Persons Setting Fires and for the Setting of Fees for Fire Permits in the City of Kawartha Lakes

Recitals

1. By-law 2016-110, being a by-law to regulate times during which fires may be set in the open air, the precaustions to be observed by persons setting fires and for the setting of fees for fire permits in the City of Kawartha Lakes, was adopted by Council on May 24, 2016.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 directing that the necessary by-law amendments identified in Council Report LIC2018-005, Short Term Residential Rentals Follow-up Report, be brought forward to Council for adoption.
3. This by-law amends By-law 2016-110 to reflect this decision.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2016-110, as amended, of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Section 9.08 is added to By-law 2016-110 as follows:

9.08 Administrative Fee: Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as set out in the Consolidated Fees By-Law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Fire Chief is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2017-039, being A By-Law to Regulate Animals in the City of Kawartha Lakes

Recitals

1. By-law 2017-039, being a by-law to regulate animals in the City of Kawartha Lakes, was adopted by Council on February 21, 2017.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 directing that the necessary by-law amendments identified in Council Report LIC2018-005, Short Term Residential Rentals Follow-up Report, be brought forward to Council for adoption.
3. This by-law amends By-law 2017-039 to reflect this decision and to make a minor administrative correction to a cross-reference within the by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2017-039 of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Section 6.06 is added to By-law 2017-039 as follows:

6.06 Administrative Fee: Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as set out in the Consolidated Fees By-Law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes

2.02 **Amendment:** Section 8.05 is amended by removing the reference to ‘Section 8.03’ and replacing it with ‘Section 8.04’.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Amend By-law 2014-026, being A By-law to Require the Owners of Yards within Kawartha Lakes to Clean and Clear Them

Recitals

1. By-law 2014-026, being a By-law to require the owners of yards within Kawartha Lakes to clean and clear them, was adopted by Council on January 14, 2014.
2. At the August 14, 2018 Regular Council Meeting, Council approved Resolution CR2018-512 directing that the necessary by-law amendments identified in Council Report LIC2018-005, Short Term Residential Rentals Follow-up Report, be brought forward to Council for adoption.
3. This by-law amends By-law 2014-026 to reflect this decision.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**:

All defined terms in the amending By-law take their meaning from By-law 2014-026, as amended, of the City of Kawartha Lakes.

1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 **Amendment:** Sections 3.05, 4.06 and 6.02 to By-law 2014-026 each be amended by removing the words “Schedule A-9 to”.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law Number XXXXX

A By-Law to authorize the submission of an application to Ontario Infrastructure and Land Corporation ("OILC") for financing certain ongoing capital works of The Corporation of the City of Kawartha Lakes (the "Municipality"); to authorize temporary borrowing from OILC to meet expenditures in connection with such works, and to authorize long term borrowing for such works through the issue of debentures to OILC

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the "**Act**") provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Municipality has passed the by-law(s) enumerated in column (1) of Schedule "A" attached hereto and forming part of this By-law ("**Schedule "A"**) authorizing the capital work(s) described in column (2) of Schedule "A" (individually a "**Capital Work**", collectively the "**Capital Works**", as the case may be) in the amount of the respective estimated expenditure set out in column (3) of Schedule "A" , subject in each case to approval by OILC of the financing for such Capital Work(s) that will be requested by the Municipality in the Application as hereinafter defined;

AND WHEREAS before the Council of the Municipality approved the Capital Work(s) in accordance with section 4 of Ontario Regulation 403/02 (the "**Regulation**"), the Council of the Municipality had its Treasurer calculate an updated limit in respect of its then most recent annual debt and financial obligation limit received from the Ministry of Municipal Affairs and Housing (as so updated, the "**Updated Limit"**), and, on the basis of the authorized estimated expenditure for the Capital Work or each Capital Work, as the case may be, as set out in column (3) of Schedule "A" (the "**Authorized Expenditure**" for any such Capital Work), the Treasurer calculated the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, and determined that the estimated annual amount payable in respect of the Capital Work or each Capital Work, as the case may be, did not cause the Municipality to exceed the Updated Limit, and accordingly the approval of the Ontario Municipal Board pursuant to the Regulation, was not required before any such Capital Work was authorized by the Council of the Municipality;

AND WHEREAS subsection 405 (1) of the Act provides, amongst other things, that a municipality may authorize temporary borrowing to meet expenditures made in connection with a work to be financed in whole or in part by the issue of debentures if, the municipality is an upper-tier municipality, a lower-tier municipality in a county or a single-tier municipality and it has approved the issue of debentures for the work;

AND WHEREAS subsection 401(1) of the Act provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

AND WHEREAS the Act also provides that a municipality shall authorize long term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Act;

AND WHEREAS OILC has invited Ontario municipalities desirous of obtaining temporary and long term debt financing in order to meet capital expenditures incurred on or after January 1, 2013 in connection with eligible capital works to make application to OILC for such financing by completing and submitting an application on the form provided by OILC;

AND WHEREAS the Municipality has completed and submitted an application to OILC (the "**Application**") to request financing for the Capital Work(s) by way of long term borrowing through the issue of debentures to OILC and by way of temporary borrowing from OILC pending the issue of such debentures;

AND WHEREAS OILC has accepted and has approved the Application;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF KAWARTHA LAKES ENACTS AS FOLLOWS:

1. The Council of the Municipality hereby confirms, ratifies and approves the execution by the Treasurer of the Application and the submission by such authorized official of the Application, duly executed by such authorized official, to OILC for the financing of the Capital Work(s) in the maximum aggregate principal amount of $6,500,689.66 substantially in the form of Schedule "B" hereto and forming part of this By-law, with such changes thereon as such authorized official may hereafter, approve such execution and delivery to be conclusive evidence of such approval.

2. The Mayor and the Treasurer are hereby authorized to negotiate and enter into, execute and deliver for and on behalf of the Municipality a financing agreement (a "**Financing Agreement**") with OILC that provides for temporary and long term borrowing from OILC in respect of the Capital Work(s) on such terms and conditions as such authorized officials may approve, such execution and delivery to be conclusive evidence of such approval.

3. The Mayor and/or the Treasurer are hereby authorized, pending the substantial completion the Capital Work or each Capital Work, as the case may be, or as otherwise agreed with OILC, to make temporary borrowings pursuant to section 405 of the Act in respect of the Capital Work or of each Capital Work, as the case may be, on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree, and to sign such evidence of indebtedness as OILC may require (the "**Note**") and to deliver the Note to OILC, such execution and delivery to be conclusive evidence of such agreement; and the Treasurer is authorized to sign such certifications as OILC may require in connection with such borrowings in respect of the Capital Work(s); provided that the amount of borrowings allocated to the Capital Work or each Capital Work, as the case may be, does not exceed the Authorized Expenditure for such Capital Work and does not exceed the related loan amount set out in column (4) of Schedule "A" in respect of such Capital Work.

4. Subject to the terms and conditions of the Financing Agreement and such other terms and conditions as OILC may otherwise require, the Mayor and the Treasurer are hereby authorized to long term borrow for the Capital Work(s) and to issue debentures to OILC on the terms and conditions provided in the Financing Agreement and on such other terms and conditions as such authorized officials may agree (the "**Debentures**"); provided that the principal amount of the Debentures issued in respect of the Capital Work or of each Capital Work, as the case may be, does not exceed the Authorized Expenditure for such Capital Work and does not exceed the related loan amount set out in column (4) of Schedule "A" in respect of such Capital Work.

5. In accordance with the provisions of section 25 of the *Ontario Infrastructure and Lands Corporation Act, 2011*, as amended from time to time hereafter, as security for the payment by the Municipality of the indebtedness of the Municipality to OILC under the Note and/or the Debentures, as the case may be (the "Obligations"), the Municipality is hereby authorized to agree in writing with OILC that the Minister of Finance is entitled, without notice to the Municipality, to deduct from money appropriated by the Legislative Assembly of Ontario for payment to the Municipality, amounts not exceeding the amounts that the Municipality fails to pay OILC on account of the Obligations and to pay such amounts to OILC from the Consolidated Revenue Fund.

6. For the purposes of meeting the Obligations, the Municipality shall provide for raising in each year as part of the general levy, the amounts of principal and interest payable in each year under the Note and/or any outstanding Debenture, to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality.

7. (a) The Mayor and/or the Treasurer are hereby authorized to execute and deliver the Note, the Mayor and the Treasurer are hereby authorized to enter into, execute and deliver the Financing Agreement and to issue the Debentures, one or more of the Clerk and the Treasurer are hereby authorized to generally do all things and to execute all other documents and papers in the name of the Municipality in order to perform the Obligations of the Municipality under the Financing Agreement, to execute and deliver the Note and to issue the Debentures, and the Treasurer is authorized to affix the Municipality's municipal seal to any such documents and papers.

   (b) The money realized in respect of the Note and the Debentures, including any premium, and any earnings derived from the investment of the money, after providing for the expenses related to the execution and delivery of the Note and to the issue of the Debentures, if any, shall be apportioned and applied to the respective Capital Work and to no other purpose except as permitted by the Act.

8. This By-law takes effect on the day of passing.

ENACTED AND PASSED this _____day of _____, A.D. 20_____.

_____ _____

Andy Letham, Mayor **Cathie Ritchie, City Clerk**

Schedule "A"
to By-Law Number XXXXX
(Ongoing Capital Work(s))

(1)	(2)	(3)	(4)
By-Law Number	**Description of Capital Work**	**Estimated Expenditure**	**Loan Amount**
		$	$

See Attached for Ongoing Capital Works

Schedule A - Borrowing By-Law.xls

Schedule "B"
to By-Law Number XXXXX

Please insert the OILC Application into Schedule "B".

LoanApplication288.pdf

ONGOING CAPITAL PROJECTS

City Code	Description of Capital Work	Estimated Expnediture	Loan Amount
10 Year -General Tax Levy Supported			
BP1705	Development at 68 Lindsay St. N.	5,306,053.41	1,706,053.41
RD1610	Rural Resurfacing Program	3,267,998.82	951,077.57
	Total Tax Levy Application Amount		**2,657,130.98**
20 Year -Water and Sewer Projects			
WW1510	Huron St. Watermian Replacement	298,970.08	159,070.08
WW1517	Colborne Sanitary Pumping Station	5,781,193.74	1,579,364.00
WW1803	Combined Water Distribution & Wastewater Collection	2,783,961.90	1,316,561.90
	Total Water and Sewer Application Amount		**3,054,995.98**
	Total Application Request for Ongoing Capital Projects		**5,712,126.96**

The Corporation of the City Of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Fenelon Zoning By-Law 12-95 To Remove The Holding Symbol (H) From A Zone Category On Property Within The City Of Kawartha Lakes

File D06-2018-024, Report PLAN2018-075, respecting Part of Lot 6, Concession 5, 3922 Highway 35, geographic Township of Fenelon – Schleifer

Recitals:

1. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.

2. The Council of the City of Kawartha Lakes enacted By-law No. 12-95, which contained a Holding (H) symbol relating to the use of the property, which was modified by By-law 2017-138 to require an executed Site Plan Agreement.

3. Council has received a request to remove the Holding (H) symbol from the Agricultural Exception Twenty-Three Holding "A1-23 (H)" Zone.

4. The conditions imposed by Council and shown in By-law 2017-138 are no longer required.

5. Council deems it appropriate to remove the Holding (H) symbol.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-.**

Section 1:00 Zoning Details

1.01 **Property Affected**: The Property affected by this By-law is described as Part of Lot 6, Concession 5, being 3922 Highway 35, geographic Township of Fenelon, now in the City of Kawartha Lakes.

1.02 **Schedule Amendment**: Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to remove the Holding (H) symbol from the "Agricultural Exception Twenty-Three - Holding [A1-23(H)] Zone" for the land referred to as 'A1-23', as shown on Schedule 'A' attached to this By-law.

Section 2:00 General Terms

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of **, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

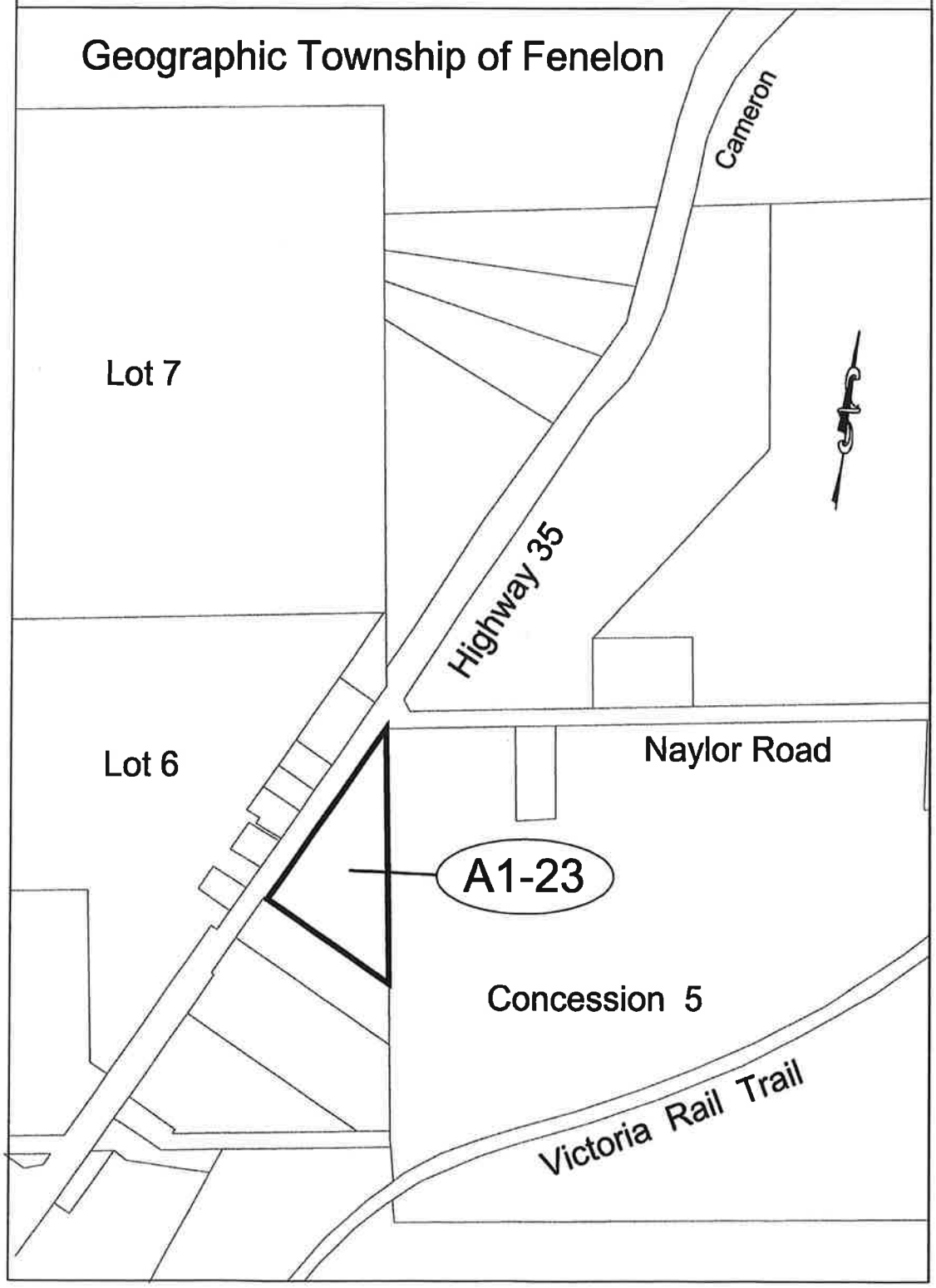
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR_____ CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-law to Stop Up and Close Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R), and to Release the City's Right to Re-Purchase the Land

Recitals

1. Pursuant to the *Municipal Act*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;

2. The land described in Schedule "A" attached forms part of the road allowance between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Manvers, City of Kawartha Lakes, and has been declared to be surplus to municipal needs.

3. It is desirable to stop up and close that part of the road allowance described in Schedule "A" attached to this by-law and to authorize the release of the City's right to re-purchase the land.

4. By-Law No. 831 authorized the sale of the land described in Schedule "A". A Deed of Land registered as Instrument No. 8864, dated October 19, 1931, confirms the land has been in private ownership since that date.

5. Notice of the intention of City Council to pass this by-law was given by ad notice duly published in the *Kawartha Lakes This Week* newspaper on the 9th, 16th, and 23rd days of August. During the three week newspaper circulation, notice was also posted on-site, as well as on the City of Kawartha Lakes website, in accordance with the provisions of the *Municipal Act, 2001* and City of Kawartha Lakes By-Law 2018-020, as amended.

6. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of September, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure and Sale

2.01 **Closure and Sale:** That part of the road allowance described in Schedule “A” attached has been declared to be surplus to municipal needs and is hereby stopped up and closed. The City’s right to re-purchase the land described in Schedule “A” is authorized to be released in exchange for consideration in the amount of $18,212.15, plus HST, if applicable, plus the cost of advertising, registrations, City staff time expense, legal fees and disbursements and any other costs incurred by the City in connection to this transaction.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule "A" To City Of Kawartha Lakes
By-Law Number 2018-
Passed This 25th Day Of September, 2018

Description Of Land To Be Stopped Up and Closed

Part of the Road Allowance Between Lot 10 and Lot 11, Concession 4, in the Geographic Township of Verulam, City of Kawartha Lakes, Designated as Part 1 on Reference Plan 57R-10655, Being PIN: 63141-0116 (R)

The Corporation of the City of Kawartha Lakes

By-Law 2018-

A By-Law to Stop Up and Close Part of the Original Shore Road Allowance in Front of Lot 32, Concession 5, in the Geographic Township of Dalton, City of Kawartha Lakes, Designated as Parts 4 and 5 on Reference Plan 57R-10686, and to Authorize the Sale of the Land to the Abutting Owners

Recitals

1. Pursuant to the *Municipal Act, 2001*, Council is empowered to stop up, close and to sell any part of a highway under its jurisdiction;

2. The land described in Schedule "A" attached forms part of the original shore road allowance along the Head River and has been declared to be surplus to municipal needs.

3. It is desirable to stop up and close that part of the original shore road allowance along the Head River described in Schedule "A" attached to this by-law and to authorize the sale of the land to the abutting owners.

4. Notice of intention of City Council to pass this by-law was given by ad notice duly published in the Kawartha Lakes This Week newspaper in the City of Kawartha Lakes on the 8th, 15th, and 22nd days of February, 2018, in accordance with the provisions of the Municipal Act, 2001 and By-law 2010-118, as amended.

5. The proposed by-law came before Council for consideration at its regular meeting on the 25th day of September, 2018 at 2:00 p.m. and at that time no person objected to the proposed by-law nor claimed that his land would be prejudicially affected.

6. The sale of this land was approved by City Council on the 6th day of March, 2018 by the adoption of Report RS2018-008 by CR2018-103.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Shoreline Road Closure and Sale

2.01 **Closure and Sale:** That part of the original shore road allowance described in Schedule "A" attached to this by-law has been declared to be surplus to municipal needs and is hereby stopped up, closed and authorized to be sold to the abutting owners for $20.00 per linear foot of water frontage. Part 4 on Plan 57R-10686 shall be sold for the sum of Two Thousand Eight Hundred Eighty-Seven Dollars and Fourteen Cents ($2,887.14) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction. Part 5 on Plan 57R-10686 shall be sold for the sum of One Thousand Four Hundred Eighty-Nine Dollars and Fifty Cents ($1,489.50) plus HST, if applicable, plus the cost of the reference plan, advertising, registrations, City staff time expense, legal fees and disbursements, and any other costs incurred by the City in connection to this transaction.

Section 3.00: Effective Date

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed by Council and has been deposited on title in the Registry Office for the Registry Division of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 25th day of August, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule A

Description of Land to be Stopped Up, Closed and Conveyed to the Abutting Owner

Part of the Original Shore Road Allowance in Front of Lot 32, Concession 5, in the Geographic Township of Dalton, City of Kawartha Lakes, Designated as Parts 4 and 5 on Reference Plan 57R-10686

The Corporation of the City of Kawartha Lakes
By-law 2018-

A Bylaw to Temporarily Suspend the Application of Subsection 50(5) of the Planning Act for a certain property within Kawartha Lakes PIN # 63236-0114 (LT)

Recitals:

1. Council has received a request to suspend the application of Subsection 50(5) of the Planning Act against certain property, and considers that request reasonable.

2. Pursuant to Subsection 51(4) of the Planning Act, The Corporation of the City of Kawartha Lakes is the approval authority for an application to suspend Subsection 50(5) to certain lands.

Accordingly, the Council enacts this By-law No. 2018-

Section 1:00 Definitions and Interpretation

1.01 **Definitions**: Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

(a) **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
(b) **"City"** means The Corporation of the City of Kawartha Lakes.
(c) **"Clerk"** means the person within the administration of the City, which fulfils the function of the City Clerk as required by the *Municipal Act*.
(d) **"Council"** means the elected municipal council for the City.
(e) **"Director"** means a Director of the City.

1.02 **Interpretation Rules**:

(a) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable in the circumstances.
(b) References to items in the plural include the singular, as applicable.
(c) The word "include" is not to be read as limiting the phrase or descriptions that precede it.
(d) The recitals, and any schedules to this By-law are integral parts of it.

1.03 **Statutes**: References to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was passed. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

1.04 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Section 2:00 Zoning Details

2.01 **Property Affected**:

PIN # 63236-0114(LT) –PT PARKLT D1, PL 8P, PT 21, 57R9184; Kawartha Lakes

2.02 **Suspension**: Subsection 50(5) of the Planning Act does not apply to the Property.

Section 3:00 General Terms

3.01 **Force and Effect**: This By-law shall come into force and take effect on the date it is finally passed.

3.02 **Expiry**: This By-law expires three (3) years from the date that it comes into force pursuant to Section 3.01.

By-law read a first, second and third time, and finally passed, this ** day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Provide for the Erection of Stop Signs in the City of Kawartha Lakes (various intersection Thurstonia and Oakwood) in the City of Kawartha Lakes

Recitals

1. The Engineering and Corporate Assets Department has recommended that stop controls be implemented at various intersections in Thurstonia and Oakwood.
2. At the September 25, 2018 Regular Council Meeting, Council adopted Resolution Numbers CR2018-XXX and CR2018-XXX approving of the Traffic Control in this area.
3. The Municipal Act, 2001, S.O. 2001, c. 25 authorizes municipal councils to pass by-laws respecting traffic on highways under the jurisdiction, in conjunction with the provisions and requirements of the Highways Traffic Act, R.S.O. 1990, c.H.8.
4. This by-law enacts the approved traffic control.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Director of Engineering and Corporate Assets" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

(c) Except as otherwise provided in section 1.01, the words and terms used in this by-law have the same meaning as the words and terms used in the Highway Traffic Act, R.S.O. 1990, c.H.8.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Regulate Traffic

2.01 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of First Street and Hotel Road in Thurstonia.

2.02 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Second Street and Hotel Road in Thurstonia.

2.03 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Third Street and Hotel Road in Thurstonia.

2.04 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Clipper Street and Pavillion Road in Thurstonia.

2.05 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Second Street and Pavillion Road in Thurstonia.

2.06 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Third Street and Pavillion Road in Thurstonia.

2.07 **Stop Control:** Stop sign shall be erected at the east corner of the intersection of Thornton Street and Silver Birch Street in Thurstonia.

2.08 **Stop Control:** Stop sign shall be erected at the west corner of the intersection of Thornton Street and Silver Birch Street in Thurstonia.

2.09 **Stop Control:** Stop sign shall be erected at the west corner of the intersection of Alfred Street and Silver Birch Street in Thurstonia.

2.10 **Stop Control**: Stop sign shall be erected at the north corner of the intersection of McLernon Street and Birchcliff Avenue in Thurstonia.

2.11 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Hollyville Boulevard and Birchcliff Avenue in Thurstonia.

2.12 **Stop Control:** Stop sign shall be erected at the north corner of the intersection of Birchcliffe Avenue and Birchcliff Avenue in Thurstonia.

2.13 **Stop Control:** Stop sign shall be erected at the south corner of the northern intersection of Grant Drive and Brenda Boulevard in Oakwood.

2.14 **Stop Control:** Stop sign shall be erected at the west corner of the southern intersection of Brenda Boulevard and Grant Drive in Oakwood.

2.15 **Stop Control:** Stop sign shall be erected at the west corner at the intersection of Albert Street and Grant Drive in Oakwood.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every police officer.

3.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

3.03 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offense and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended and the Highway Traffic Act, R.S.O. 1990, c.H.8 and any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Engineering and Corporate Assets is responsible for the administration of this by-law and for the installation and maintenance of the traffic control signal systems, other traffic control signals, and signs authorized by this by-law

4.02 **New Traffic Control Signals:** In accordance with the requirements of subsection 144(31) of the Highway Traffic Act, R.S.O. 1990, c.H.8., the Director of Engineering and Corporate Assets is designated by Council as the person whose approval is required prior to the erection or installation of any new traffic control signal system or traffic control signals used in conjunction with a traffic control signal system that has been authorized by this by-law.

4.03 **Effective Date:** This By-law shall come into force on the date it is finally passed, and after properly worded signs have been erected.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The City of Kawartha Lakes Official Plan To Re-Designate Land Within The City Of Kawartha Lakes

File D01-2018-003, Report PLAN2018-071, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, identified as 408 and 422 Ranch Road

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to consider the adoption of an amendment to an Official Plan.

2. Council has received an application to amend the City of Kawartha Lakes Official Plan to add a special provision to the Prime Agricultural designation policies as they apply on a portion of the subject land in order to facilitate the creation of a rural residential lot that is not deemed surplus to a farm operation as the result of a consolidation of farm land.

3. A public meeting to solicit public input has been held.

4. Council deems it appropriate to adopt Official Plan Amendment 31.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Official Plan Amendment Details

1.01 **Property Affected**: The Property affected by this by-law is described as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes.

1.02 **Amendment**: Amendment Number 31 of the City of Kawartha Lakes Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

2.01 **Force and Effect**: This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule ‘A’ to By-law No. 2018-***

The Corporation of the City of Kawartha Lakes

Amendment Number 31 To The City of Kawartha Lakes Official Plan

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the “Prime Agricultural” land use designation within the City of Kawartha Lakes Official Plan to include a Special Policy on a portion of the subject land to facilitate the severance of a rural residential lot.

The effect of the change would permit a second existing dwelling to be severed from the agricultural lot, whereas the proposal would not currently be permitted in the Prime Agricultural policies of the City of Kawartha Lakes Official Plan as the second dwelling is not deemed surplus to the needs of a farm operation as a result of the consolidation of farm land.

B. Location

The subject land has an area of approximately 40.74 hectares and is legally identified as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes and municipally addressed as 408-422 Ranch Road. The portion of the subject land affected by this amendment has an area of approximately 0.54 hectares, contains a single detached dwelling, and is municipally addressed as 422 Ranch Road.

C. Basis

Council has enacted this Official Plan Amendment in response to an application submitted by EcoVue Consulting Services Inc. on behalf of the owner, Ann Muirhead. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to facilitate an application for consent under Section 53 of the Planning Act to create a rural residential lot containing an existing dwelling on the portion of the property municipally addressed as 422 Ranch Road.

The land is designated “Prime Agricultural” as shown on Schedule “A-2” of the City of Kawartha Lakes Official Plan. The land is also subject to an application for a Zoning By-law Amendment.

The proposed amendment to the City of Kawartha Lakes Official Plan is justified and represents good planning for the following reasons:

1. The second dwelling was constructed in accordance with the provisions of the Mariposa Zoning By-law in effect at the time; and

2. The concurrent zoning by-law amendment, file D06-2018-011, ensures that the residential uses permitted on the balance of the property are restricted to one dwelling unit, reflecting the original farmhouse which remains, protecting the agricultural use of the land. In this way, the agricultural land is treated equally to an application to sever a dwelling surplus to a farming operation as a result of the consolidation of farm land.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following Map ‘A’ constitutes Amendment Number 31 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

The City of Kawartha Lakes Official Plan is hereby amended as follows:

1. **15.4 SPECIAL PROVISIONS:**

   “15.4.4 Notwithstanding the Prime Agricultural policies of Section 15 of this Plan to the contrary, on a portion of land described as Part of Lot 17, Concession 3, geographic Township of Mariposa, a consent shall be permitted to create a rural residential lot on lands addressed as 422 Ranch Road containing an existing single detached dwelling, to be used for rural residential purposes”.

2. Schedule ‘A-2’ of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the portion of the subject property containing the dwelling addressed as 422 Ranch Road lot is subject to Policy 15.4.4 of the Official Plan, as shown on Map ‘A’ as ‘Subject to Special Provisions 15.4.4’.

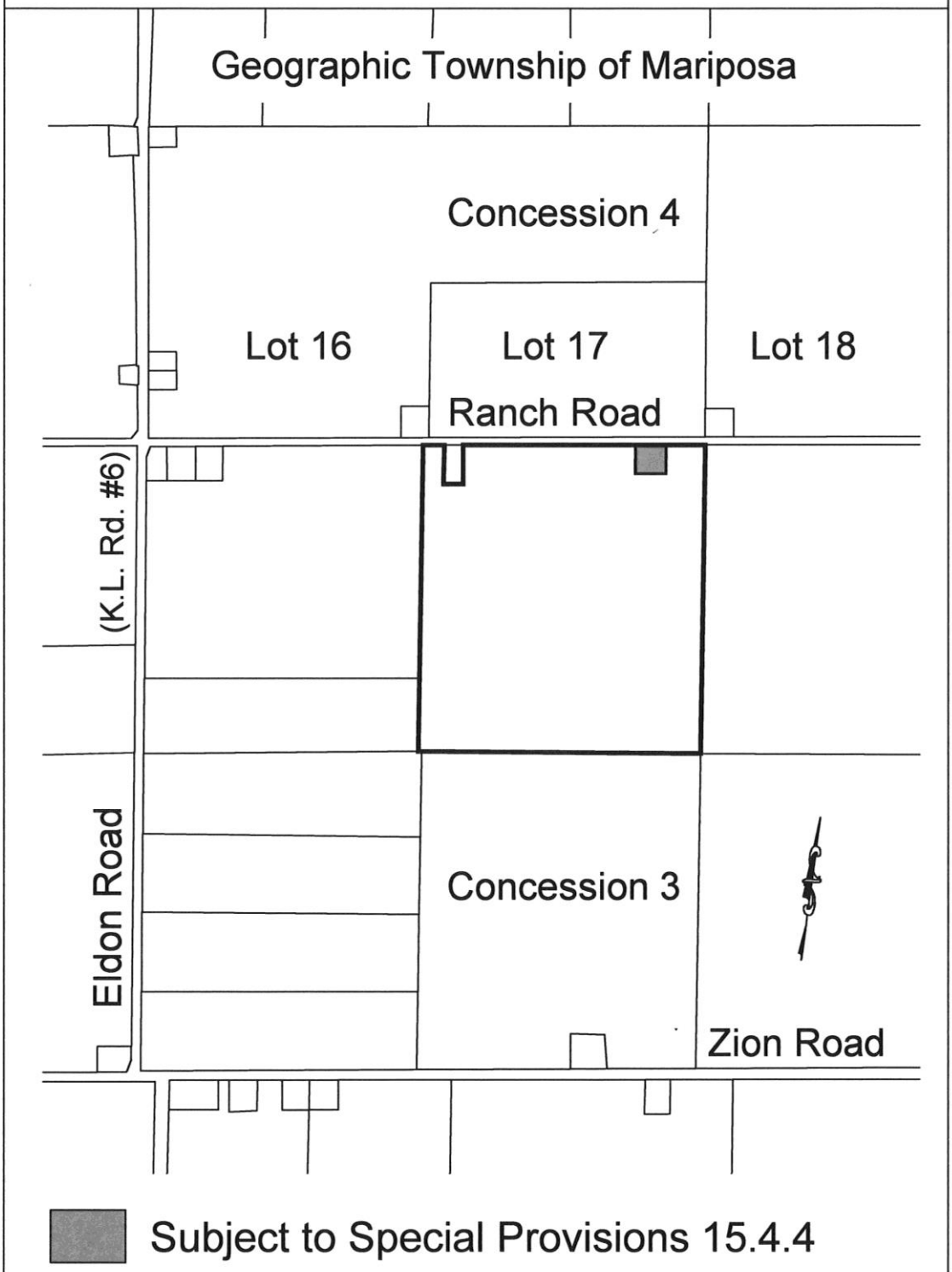
F. Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the City of Kawartha Lakes Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 31
to the City of Kawartha Lakes Official Plan



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-011, Report PLAN2018-071, respecting Part of Lot 17, Concession 3, geographic Township of Mariposa, identified as 408 and 422 Ranch Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.

2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:

   (a) rezone the land containing the dwelling on 422 Ranch Road to a residential zone category, and

   (b) restrict the permitted number of single detached dwellings on the balance of the land (408 Ranch Road) to one,

   in order to facilitate a future consent application.

3. A public meeting to solicit public input has been held.

4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

1.01 **Property Affected**: The Property affected by this by-law is described as Part of Lot 17, Concession 3, geographic Township of Mariposa, City of Kawartha Lakes.

1.02 **Textual Amendment**: By-law No. 94-07 of the Township of Mariposa is further amended by adding the following section to Section 16.3:

"8.3.33 Agricultural Exception Thirty Three (A1-33) Zone

8.3.33.1 Notwithstanding subsections 3.22, 8.1.1.8, and 8.2.1.10, on land zoned "A1-33" a maximum of one single detached dwelling is permitted and a seasonal farm residential use is not permitted."

1.03 **Schedule Amendment**: Schedule 'A' to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category on a portion of the Property from "Agricultural (A1) Zone" to "Rural Residential Type One (RR1) Zone" for the land referred to as 'RR1', as shown on Schedule 'A' attached to

this By-law, and to change the zone category on the balance of the Property from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Three (A1-33) Zone” for the land referred to as ‘A1-33’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

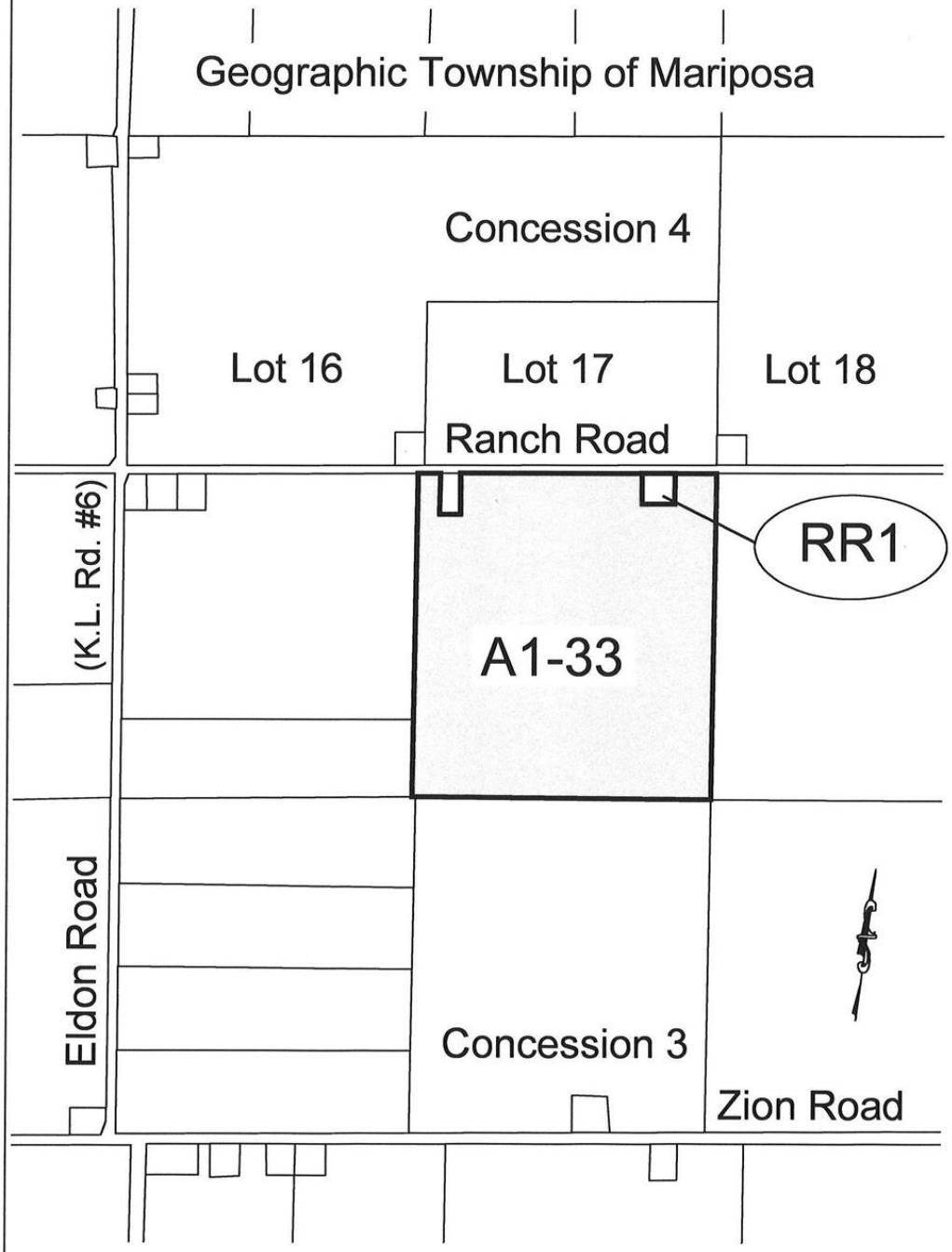
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-Law To Amend The Township of Emily Zoning By-Law No. 1996-30 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-020, Report PLAN2018-070, respecting Part of Lot 21, Concession 3, geographic Township of Emily, identified as 791 and 795 Cottingham Road

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.

2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to:

   (a) rezone the land containing the dwelling on 791 Cottingham Road to a residential zone category, and

   (b) restrict the permitted number of single detached dwellings on the balance of the land (795 Cottingham Road) to one,

   in order to fulfill a condition of provisional consent approval.

3. A public meeting to solicit public input has been held.

4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

1.01 **Property Affected**: The Property affected by this by-law is described as Part of Lot 21, Concession 3, geographic Township of Emily, City of Kawartha Lakes.

1.02 **Textual Amendment**: By-law No. 1996-30 of the Township of Emily is further amended by adding the following section to Section 16.3:

"7.3.32 Agricultural Exception Thirty Two (A1-32) Zone

Notwithstanding subsections 3.21, 7.1.1.8, 7.1.1.11 and 7.2.1.11, on land zoned "A1-32" a maximum of one single detached dwelling is permitted and a seasonal farm residential use is not permitted."

1.03 **Schedule Amendment**: Schedule 'A' to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category on a portion of the Property from "Agricultural (A1) Zone" to "Rural Residential Type One (RR1) Zone" for the land referred to as 'RR1', as shown on Schedule 'A' attached to this By-law, and to change the zone category on the balance of the Property

from “Agricultural (A1) Zone” to “Agricultural Exception Thirty Two (A1-32) Zone” for the land referred to as ‘A1-32’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

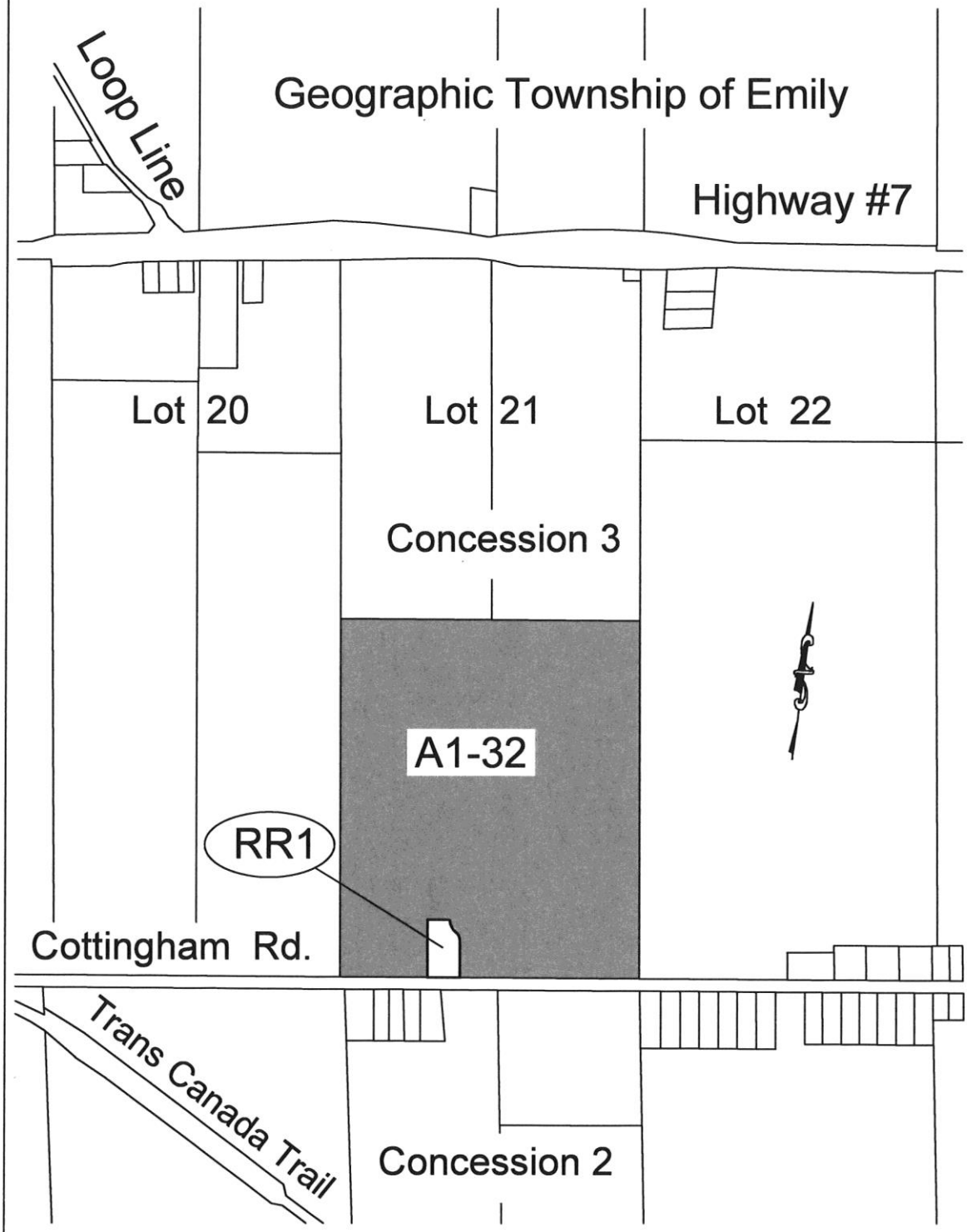
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2018.

MAYOR _____ CITY CLERK _____



The Corporation of the City of Kawartha Lakes

By-Law 2018 -

A By-law to Amend the Township of Mariposa Zoning By-law No. 94-07 to Rezone Land within the City Of Kawartha Lakes

[File D06-2018-022, Report PLAN2018-073, respecting Part of Lot 17, Concession C, Geographic Township of Mariposa, identified as 132 Oakdene Crescent – Alden and Sommerville]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.

2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit an observation tower use with specific development standards on the subject land.

3. A public meeting to solicit public input has been held.

4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1:00 Zoning Details

1.01 **Property Affected**: The Property affected by this by-law is described as Part of Lot 17, Concession C, Geographic Township of Mariposa, City of Kawartha Lakes.

1.02 **Textual Amendment**: By-law No. 94-07 of the Township of Mariposa is further amended to add the following section to Section 14.3:

14.3.8 RURAL RESIDENTIAL TYPE THREE EXCEPTION EIGHT (RR3-8) ZONE

14.3.8.1 Notwithstanding subsection 14.1.1 on land zoned 'RR3-8' the following use shall also be permitted:

(a) an observation tower as an accessory use to the principle dwelling.

14.3.8.2 Notwithstanding subsections 3.1.2.2, 3.1.3.2, 14.2.1.3 (b) and 14.2.1.6, an observation tower on land zoned 'RR3-8' shall be subject to the following zone provisions:

(a) The observation tower shall not be closer than 7.0 metres to a side lot line;

(b) The maximum height of the observation tower shall not exceed 9.0 metres to the top of the platform, with a railing not to exceed 10.52 metres; and

(c) The maximum lot coverage of the observation tower shall not exceed 13.5 square metres, excluding access stairs.

1.03 **Schedule Amendment**: Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category from the Rural Residential Type Three (RR3) Zone to the Rural Residential Type Three Exception Eight (RR3-8) Zone for the land referred to as ‘RR3-8’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-XXX

A By-Law to Replace By-law 2014-141, Being a By-law to Licence, Regulate and Govern Kennels in Kawartha Lakes

Recitals

1. Sections 150 - 153 of The *Municipal Act, 2001*, S.O. 2001 c.25, as amended authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: If a word is used in this by-law and a definition is not provided the definition of that word will be found in a legal dictionary and if not found in a legal dictionary then a standard English dictionary definition is used. In this by-law:

"agent, trustee" means any person who may represent the owner or the kennel and includes but is not limited to an employee or operator of the kennel.

"animal" is defined in Section 11.1 of the *Municipal Act 2001 S.O. 2001 c.25*, as amended and means any member of the animal kingdom, other than a human. That definition (as amended from time to time) is adopted for this by-law.

"animal sound" means any sound emitted from an animal, which is audible at a point of reception. This term includes but is not limited to: barking, whimpering, whining, howling and yelping.

"applicant" includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

"boarding kennel" means a structure or part thereof in which dogs are boarded on a temporary basis for more than 8 consecutive hours for remuneration.

"breeding" means the generation of offspring. The terms "breed", "bred" and words of like import or intent have corresponding meanings.

"breeding kennel" means a structure or part thereof in which dogs are kept for the purposes of intentional breeding and sold for remuneration.

"broker" means any person or corporation that facilitates the sale of dogs or puppies for remuneration but does not include a breeding kennel.

"business" means a trade that requires a licence pursuant to this by-law, whether or not a licence has been issued or maintained for that business.

"business day" means Monday, Tuesday, Wednesday, Thursday, Friday, between the hours of 8:00 a.m. and 6:00 p.m. excluding any holiday as defined by the Legislation Act, 2006, S.O. 2006, c.21, Schedule F as amended.

"by-law" means this by-law, as it may be amended from time to time. The recitals to, and the schedules attached to this by-law are considered integral parts of it.

"canine day boarding facility" means a structure or part thereof in which dogs are housed for a period not exceeding 10 consecutive hours and not overnight;

"Chief Building Official" means the person within the City's administration who fulfills the function of the chief building official as required by the *Building Code Act, 1992*, S. O. c.23, as amended, or his or her delegate.

"City", "City of Kawartha Lakes", "Kawartha Lakes", or "municipality" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act*, *2001* S.O. c.25, as amended, or their delegate.

"committee" means the committee of Council to which Council has delegated the responsibility of handling licensing matters. Where no delegation has been made, the term refers to the Council itself.

"Consolidated Fees By-law" means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law."

"control" includes care and custody.

"Council" means the municipal council for the City.

"**Dog(s)**" means a male or female of the species canis familiaris.

"dog kennel shelter" means an enclosed area in a kennel building or outdoors offering protection from the elements for a dog(s) when sleeping or resting and may include but is not limited to a dwelling unit.

"dwelling unit" means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household and with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include motels, hotels, tents, truck campers, tourist trailers, cottage establishments, lodges, cabins or mobile camper trailers.

"Fire Chief" means the person within the City's administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, or their delegate.

"Health Unit" means the Haliburton, Kawartha, Pine Ridge District Health Unit.

"highway" includes every highway as defined by the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended from time to time, including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"household" means any dwelling unit, and includes the entire property (any outdoor space or accessory buildings) associated with the household. "House" has a corresponding meaning.

"Humane Society of Kawartha Lakes" means the local animal shelter and affiliate of the OSPCA from which animals may be redeemed or lawfully adopted.

"impound" means an animal is taken into custody and transported to a City pound and held. The terms "impoundment", "impounded" and words of like import or intent have corresponding meanings.

"kennel" for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours and shall include a Breeding Kennel, Boarding Kennel, and Working Dog Kennel, Canine Day Boarding Facility, and Broker as defined within this by-law.

"kennel building" is a structure or facility where the dog kennel shelters, cages or pens that house the dogs are kept and may include a dwelling unit.

"leash" means a strap, cord or chain which is designed to restrain the animal it is controlling

"licence" means a licence issued pursuant to this by-law.

"licensee" means the owner of a licence.

"licence year" means the period between January 1 and December 31 in any calendar year.

"Licensing Officer" means the municipal Licensing Officer for the City, responsible for the issuing, administration and approval of Licences in accordance with provincial legislation and City policies and procedures, or their delegate.

"Livestock Guardian Dog" means a dog that works and/or lives with domestic farm animals (i.e. cattle, sheep, goats) to protect them while aggressively repelling predators and is used exclusively for that purpose.

"Manager of Municipal Law Enforcement" means the person who holds that position and/or their delegate(s) or, in the event of organizational changes, another person designated by Council.

"Medical Officer of Health" means the Medical Officer of Health of the Health Unit or their delegate.

"Municipal Act" means the *Municipal Act, 2001, S.O. 2001 c.25* as amended from time to time.

"Municipal Law Enforcement Officer" is a person duly appointed within the City's administration to enforce the by-laws of the City, and includes the Licensing Officer.

“operator” is a person with care and control of a kennel at any given point in time, with authorization of the owner of the kennel. The terms “operate”, “operation” and words of like import or intent have corresponding meanings.

“OSPCA” means the Ontario Society for the Prevention of Cruelty to Animals within the jurisdiction of the Province of Ontario. “Ontario SPCA” has the same meaning.

“OSPCA Act” means the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, C. O.36* as amended from time to time.

“owner” means a person:

1. to whom a licence for a kennel has been issued under this bylaw; or

2. who owns, is in possession of, or has the care and control of a kennel;

3. (when used in relation to a dog) who possesses or harbours the dog and, where the owner is a “minor”, the person responsible for the custody of the minor.

“Peace Officer” includes but is not limited to the mayor, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, municipal law enforcement officer, licensing officer or other person employed for the preservation and maintenance of the public peace, or for the service of execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this by-law.

“persistent” is characterized by a specified habitual behaviour pattern, which is an undesirable one. “Insistently repetitive” or “continuous” have a corresponding meaning.

“person” includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person.

"pet store" means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets.

“point of reception” means any geographic location at which a sound can be heard, excluding the premises from which the sound originates.

“Police” means the Chief of Police or other designated officer in charge of a police service within the jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate.

"premises" means a building or part of a building or a place.

"running at large" means an animal that is in a place other than a property owned or occupied by its owner, and not under the control of any person. **"run at large"** or **"at large,"** has a corresponding meaning.

"schedule" means a schedule to this by-law.

"site plan" means a sketch of the property outlining the kennel, building locations and proximity to neighbouring dwelling units.

"trade" includes business, calling or occupation and "carrying on a trade" includes any act of:

a) selling any animals, goods or providing a service; or

b) soliciting business or offering or exposing goods or services for sale or hire.

"Whelping" means the process of giving birth.

"Working Dog Kennel" means a structure or other enclosure in which the owners personal dogs are housed and such dogs are kept for the purposes of hunting or used as working dogs such as sled dogs.

"young dogs" or "puppies" are dogs that are 16 weeks of age or under.

1.02 **Interpretation Rules**:

a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

1.05 **Conflicts:** If a provision of this by-law conflict with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Section 2.00: Licensing Requirements

2.01 **Requirements:** Every person carrying on a kennel shall obtain a licence from the city. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a kennel either for profit or not for profit, without first having obtained the required licence. Failure to comply with this section or any other provision of this by-law shall be an offence.

2.02 **Regulations:** A person who receives a licence for a kennel shall comply with the regulations set out in this by-law and any other applicable by-laws, Provincial or Federal legislation or regulations. Failure to comply with the regulations in this by-law is an offence.

2.03 **Responsibility of Agents:** An agent, trustee or representative of persons operating a kennel in Kawartha Lakes shall also be personally liable for the compliance of their principal, beneficiary or persons they represent in connection with this by-law. The owner of the kennel shall be liable for any action of their agent(s) that is not in compliance with this by-law. Failure to comply with this section is an offence.

2.04 **Locational Requirement:** A licence shall be obtained for each location from which a kennel is operating. Failure to comply with this section shall be an offence.

Section 3.00: Licensing Procedures

3.01 **Application:** An application for a licence or renewal of a licence may be made at the main licensing office of the city, or at any of the city's municipal service centres, on the form prescribed by the Licensing Officer. A renewal shall be applied for at the beginning of every calendar year.

3.02 **Application Requirements and Documentation For New Applications – Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels:** Every applicant applying for a new licence for a kennel shall submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been

convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

c) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned;
f) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
g) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties;
h) copy of the Ontario Master Business Licence (if applicable);
i) registered kennel certificate (if applicable);
j) a list of all dogs to be permanently kept at the subject property, noting verification of current rabies vaccination or titer testing for each dog (except where there is proof that the dog is under four (4) months of age).

3.03 **Application Requirements and Documentation For Renewal Applications - Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels:** Every applicant applying to renew a licence for a kennel shall annually submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals”. Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.04 **Application Requirements and Documentation For New Applications – Broker:** Every applicant applying for a broker kennel licence shall submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an

animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

c) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
d) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
e) proof of insurance as outlined in Section 8;
f) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned (if applicable);
g) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
h) a site plan drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties (if applicable);
i) copy of the Ontario Master Business Licence (if applicable);
j) a list of all dogs to be permanently kept at the subject property and proof of municipal dog licence for each dog.

3.05 **Application Requirements and Documentation For Renewal Applications - Broker:** Every applicant applying to renew a licence for a broker kennel licence shall annually submit the following documentation to the Licensing Officer:

a) a fully completed application form as supplied by the city;
b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
d) proof of insurance as outlined in Section 8;
e) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
f) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.06 **Additional Documents Required:** In addition to the requirements prescribed in Sections 3.02, 3.03,3.04, and 3.05, the applicant shall, at the

request of the Licensing Officer or designate, provide additional documentation should a complaint or concern be reported to the licensing officer or a concern arises from inspection including but not limited to:

a) documentation from the Medical Officer of Health that all health requirements have been met;

3.07 **Record-keeping Requirements of a Kennel and Brokers:** Every owner of a licenced kennel and brokers shall maintain records appropriate to the type of kennel being operated and must include, at minimum, health records, the number of dogs being kept and the destination of each dog after it leaves the property.

3.08 **Additional Criteria Considered:** The Licensing Officer may deny a licence or issue a licence with specific conditions based on, but not limited to, the following criteria:

a) the applicant's kennel, premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the *Building Code Act S. O. 1992, c.23*, as amended;
b) the applicant's premises (or use of such for the kennel requested) is not in compliance with the Zoning By-law or any parking requirements of the city;
c) the applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
d) the applicant's premises requires corrective action pursuant to an order of the Fire Chief;
e) the applicant has been convicted of an offence pursuant to the *Criminal Code of Canada*, R.S.C. 1985, c. C.46 that relates to crimes against animals;
f) the applicant was previously convicted of an offence pursuant to this or a predecessor by-law;

3.09 **Inspection Requirement:** The Licensing Officer or designate will inspect any property where a kennel is to operate prior to the issuance of any new or renewal licence within 20 business days of application or on an agreed upon date at the request of the kennel operator. Any person authorized to conduct an inspection shall endeavour to take adequate precautions to ensure proper care is taken to limit the risk of spreading disease within kennels is adhered. Precautionary measures will be determined by the kennel owner/operator. Such precautions will include the use of one or a combination of the following measures: use disinfectant spray on boots and clothing, the wearing of freshly laundered clothing to each inspection, the wearing of bio-hazard suits, the wearing of protective boot covers. In addition, only one inspection will occur per day to limit the risk of spreading disease within kennels. Where appropriate, the kennel owner/operator may provide the protective supplies.

It is an offence to obstruct or permit the obstruction of an inspection under this section.

A person authorized to conduct an inspection for licence issuance purposes under this section, shall consult with the kennel owner prior to entering the kennel and meet all of the sanitation requirements of the owner to enter the kennel.

A person authorized to conduct an inspection under this section for enforcement purposes shall take every precaution to ensure adequate sanitation requirements are met when entering the kennel.

3.10 **Time Limited:** Licences shall be issued for a maximum period of one year and shall come into effect on the date of issue, and expire on December 31 of that same year. Expiring licenses remain in effect during the renewal process.

Section 4.00: Licence Regulations – All Licences

4.01 **Prerequisites for Operating a Kennel:** Kennels shall only be operated for the purposes of breeding, boarding, day boarding or training dogs. A kennel building may not be required for sled dogs, hunting dogs, working dogs or Livestock Guardian Dogs, but a dog kennel shelter shall be provided at all times.

4.02 **Zoning Requirements:** The Licensing Officer shall not issue a licence under this by-law for the operation of a kennel on lands which do not meet the requirements of the applicable city zoning by-law, or any other applicable Municipal by-law, Provincial or Federal legislation or regulation, and shall not be permitted on property less than two hectares (5 acres) in size.

4.03 **Number per Property:** The Licensing Officer shall not issue a licence under this by-law for the operation of more than one kennel per property.

4.04 **Proximity to Neighbouring Properties:** In order to qualify for a kennel licence under this by-law, no kennel shall be situated within one hundred and fifty metres (150m) of a neighbouring dwelling unit(s).

4.05 **Dogs Environmental Needs:** In order to qualify for a kennel licence under this by-law, every kennel operator must ensure that the environmental needs of dogs are met in accordance with the Ontario Society for the Prevention of Cruelty to Animals Act, as amended. Every dog in the kennel shall be provided with adequate and appropriate:

a) food and water;
b) medical attention;
c) care necessary for its general welfare;

d) resting and sleeping area;
e) space to enable the animal to move naturally and to exercise;
f) sanitary conditions;
g) ventilation;
h) light; and
i) protection from the elements, including harmful temperatures.

4.06 **Residence Requirement:** A kennel licence under this by-law shall not be issued unless one of the owners, operators, or employees of the kennel resides on a full time basis in a dwelling unit on the property where the kennel is located while the kennel is operational.

4.07 **Transition Period:** Where a kennel operated lawfully immediately before this by-law took effect, the owner or operator shall be provided with a maximum transition time period of twelve (12) months to comply with this by-law.

4.08 **Grandfathering:** Where a kennel operated lawfully before by-law 2005-42 took effect, the current owner shall be exempt from the provisions of Subsections 4.02, 4.03, 4.04, 4.05.

4.09 **License Transfer:** Licenses issued under Section 4.08 (grandfathering) are not transferrable.

4.10 **Exemptions:**

a) **Veterinarians**: A licenced Veterinarian shall not be considered a kennel owner/operator where a dog(s) has been brought upon their premises for care or treatment.
b) **Animal Shelters or Pounds**: The operator of an animal shelter, humane society or animal pound shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for care or treatment and will not be retained for more than eight (8) weeks. In order to qualify for this exemption, an animal shelter must be a facility that has been approved by the Ontario Society for the Prevention of Cruelty to Animals, or a similar organization recognized by the Licensing Officer. The Licensing Officer may grant an extension of the time period referenced in this subsection to address special circumstances. An example of appropriate special circumstances would be a situation where the appropriate medical treatment for the recovery of an abused animal will take longer than eight (8) weeks.
c) **Pet Stores**: The operator of a pet store shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for the purposes of sale to the public.

4.11 **Unattended Animals:** It is an offence for a kennel owner to leave the kennel operation, unless the dog(s) are prevented from running at large,

by means of an adequate tether or fence or any other enclosure, and the dog(s) are attended and care for by a competent person at least twice per day.

4.12 **Noise and Nuisance Prevention:** It is an offence for the Owner or Operator of a Kennel to permit or allow any Dog(s) to make persistent or excessive Animal Sounds audible at a Point of Reception.

Section 5.00: Licence Regulations for Canine Day Boarding Facilities

5.01 **Zoning Requirements for Canine Day Boarding Facilities:** Notwithstanding Section 4.02, Canine Day Boarding Facilities shall be permitted on properties of less than two hectares (5 acres) in size that are zoned for commercial and/or industrial use and where “personal service” is listed as a permitted use.

5.02 **Fencing Requirements:** Fences are required to enclose all outdoor areas where dogs may be off leash. Fences must be constructed in accordance with By-Law 2017-216 being a By-law to Regulate Fences in Kawartha Lakes, as amended.

5.03 **Waste Removal Requirements:** Canine day boarding operators shall ensure that all outdoor and indoor areas are cleaned to prevent offensive odors. Animal waste is removed from the property daily and disposed of in accordance with any City by-law or provincial or federal regulation.

Section 6.00: Impoundment and Redemption

6.01 **Dogs at Large:** No Kennel Opertor shall cause or permit any dog(s) to be at large. Permitting a dog or dogs to run at large is an offence.

6.02 **Impoundment:** Any dog found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound.

6.03 **Recovery of Impounded Dogs:** The owner of an impounded dog or another person acting with the authorization of the owner may recover the dog from a pound within three business days, excluding the day on which the dog was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the dog has been in the pound and all costs incurred by the City in impounding the dog, including the full amount of any emergency veterinary care that was required for the dog and administration fee.

6.04 **Disposition of Impounded Dogs:** If an impounded dog is not recovered from a pound within the time period specified in section 6.03, the dog may be surrendered to a Humane Society or or otherwise disposed of by the City in any lawful and humane manner.

Section 7.00: Licence Issue, Revocation & Suspension

7.01 **Licence Fee:** The fee for obtaining a licence or renewal of a licence for a kennel shall be the amount set forth in the Consolidated Fees By-law. License fees shall be raised in accordance with inflation and upon review and approval by council.

7.02 **Licence Fee Refund:** No fee is refundable except in the event that a licence is revoked by reason of municipal staff error. In that case, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.

7.03 **Duplicate Licence:** Except as otherwise provided in this by-law, a duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of the fee set out in Schedule B-3 to the Consolidated Fees By-law.

7.04 **Posting of Licences:** The licensee shall keep the licence obtained under this by-law in a place on the property where the kennel is being operated and be available to the public at all times. Persons licensed under this by-law shall, when requested by the Licensing Officer, the Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person authorized by council, produce the licence for inspection and shall exhibit the licence to any person to whom the licensee is offering dogs for sale or offering to board or train a persons dogs. Failure to comply with this section is an offence.

7.05 **Partnerships and Corporations and Unincorporated Associations:**

(a) A partnership, a corporation, an association or a combination of persons is considered as a single applicant for any one kennel.

(b) On any application by a partnership, the licence shall be issued in the name under which the applicant carries on the kennel. The names and addresses of all partners must be listed on the application form.

(c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.

(d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the clerk or licensing officer within thirty days. Failure to comply with this section is an offence.

7.06 **Change of Address**: Every change of mailing address or telephone number of any licensee shall be reported to the Licensing Officer within fifteen (15) days. Failure to comply with this section is an offence.

7.07 **No Transfer:** It is an offence to attempt to transfer or assign a licence issued under this by-law except in accordance with Section 7.08.

7.08 **Licence Transfer:** Upon cessation or sale or other transfer of a kennel, the licensee of that kennel shall notify the Licensing Officer of the cessation or transfer. Where the kennel is being transferred, and subject to any restrictions in the applicable section, the new owner or operator shall be required to submit an application for the licence transfer, in the form prescribed by the Licensing Officer. The requirements of Section 3.00 of this by-law apply to applications for licence transfer.

7.09 **No Vested Right:** No person enjoys a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension; all licences remain the property of the city.

7.10 **Licensees to Use Name on Licence:** It is an offence for a person licensed to carry on a kennel under this by-law to advertise or carry on that kennel under any other name than the one endorsed on their licence.

Section8.00: Insurance

8.01 **Insurance**: Any person who obtains a kennel license shall provide to the Licensing Officer, prior to the issuance of such license and any renewals thereafter, a current and valid Certificate of Insurance evidencing Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including loss of use thereof. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the Province of Ontario. The amount of insurance shall be not less than two million ($2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer.

8.02 The policy shall be endorsed to provide the Licensing Officer with thirty (30) days' prior written notice of cancellation, material change or amendment restricting coverage. Failure to provide such notification is an offence.

Section 9.00: Indemnification

9.01 **Indemnification:** Every Licensee shall, prior to the issuance of a kennel license, enter into an indemnification agreement with the Corporation of the City of Kawartha Lakes whereby the Licensee agrees that it shall at all times indemnify and save harmless the City, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

Section 10.00: Granting, Refusal and Revocation of Licenses

10.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this by-law and all other applicable by-laws, Provincial and Federal legislation and regulations.

10.02 **Grant Licence with Conditions:** The Licensing Officer may, where the provisions of this by-law have been met, propose in writing to the applicant to grant the licence subject to conditions, if appropriate. If within five (5) days following the written proposal to grant the licence with conditions, the applicant has not indicated an objection to the licence with conditions, the licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame.

10.03 **Refuse Licence:** In the event that the Licensing Officer refuses to grant for any reason, suspends or revokes a licence, and the applicant requests that the matter be considered by a committee appointed by council, the Licensing Officer shall prepare a report for the consideration of the committee and the applicant shall be provided with at least two (2) weeks notice of the meeting of council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address council prior to council making a decision.

10.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a licence.

In the exercise of its discretion under section 10.03 such discretion shall be exercised,

a) upon such grounds as are set out in this by-law; or

b) upon the grounds where the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Section 111.00: Enforcement and Penalties

11.01 **Enforcement:** Municipal Law Enforcement Officers, Police, the Licensing Officer or any person appointed by council may enforce this by-law.

11.02 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to suspension or revocation of their license and a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

11.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

11.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than $100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.

11.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 12.00: Administration and Effective Date

12.01 **Administration:** The Manger of Municipal Law Enforcement is responsible for the administration of this by-law.

12.02 **Effective Date:** This by-law shall come into force and take effect on the date of passage.

12.03 **Ongoing Matters:** By-law 2014-141 shall remain in force and effect for the purpose of conclusion of any legal proceedings commenced under that by-law prior to the effective date of this by-law.

12.04 **Caveat:** Any licencing, regulation or governing process underway with respect to kennels prior to the passage of this by-law shall follow the process described in By-law 2014-141, as amended.

12.05 **Fees:** The fee's for a kennel licence shall be outlined in the Consolidated Fee's By-law, as amended.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-law 2018-XXX

A By-law to Repeal and Replace By-law 2012-200, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades

Recitals

1. Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the "Municipal Act, 2001") authorizes a municipality to pass By-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

2. Section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to public nuisances;

3. Section 129 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to noise, vibration and dust;

4. Section 142 of the Municipal Act, 2001 authorizes municipal councils to pass by-laws respecting Site Alteration, including by-laws regulating the removal of Topsoil, Soil, Placement of Fill, and the alteration of the Grade of the land in any defined areas in the municipality;and

5. Council considers it in the public interest to enact a by-law regulating the removal of Soil, Placement of Fill, and the alteration of the Grade of land within the City in order to ensure that:

    a. Existing drainage patterns are maintained and Erosion and sedimentation is prevented;

    b. Changes to drainage or Grades are appropriate to protect natural heritage features and archaeological resources;

    c. Interference and damage to watercourses or water bodies are prevented;

    d. Groundwater and surface water quality is maintained;

    e. There is no discharge of a contaminant into the natural environment that causes or may cause and Adverse Effect and that degradation of the pre-existing soil and ground water quality at the Site and on abutting and adjacent properties is prevented;

f. Haul Routes for the transportation of Fill and Topsoil authorized for Placement, Dumping or removal will be designated to and/or from a Site by the Director to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses;

g. Disturbance to landform characteristics are kept to a minimum;

h. The proponent of the Site Alteration project pays for its costs; and

i. The precautionary principle, as defined by the Bergen Ministerial Declaration on Sustainable Development (1990), is respected and applied to the issue of Site Alteration within the Municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.0 Definitions and Interpretation

1.1 **Definitions**:

The following definitions shall be applicable to this By-law.

1.1.1 **"Adverse Effect"** means as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended.

1.1.2 **"Agricultural Drain"** means infrastructure constructed for the purpose of draining Agricultural Land under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended.

1.1.3 **"Agricultural Impact Assessment"** means a study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as defined by Provincial Plans.

1.1.4 **"Agricultural Lands"** means all lands that are used by a farming business registered under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21, as amemded, for growing of crops, including nursery and horticultural crops; raising livestock; raising other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production.

1.1.5 **"Agricultural Operation**" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward.

1.1.6 **"Applicant"** means each Person who is in the process of obtaining a Permit.

1.1.7 **"City"**, **"City of Kawartha Lakes"** or **"Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes.

1.1.8 **"Conservation Authority"** means the Kawartha Region Conservation Authority, Lake Simcoe Region Conservation Authority, Otonabee Region Conservation Authority, or the Ganaraska Region Conservation Authority, as designated by the Province as having jurisdiction within the boundaries of the City of Kawartha Lakes.

1.1.9 **"Contaminated Fill"** means:

a. Fill which contains material or debris that does not naturally occur in the location of the lot or parcel of land;

b. any Soil that does not meet the Table 1 Standards of the "Solid, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" as published by the Ministry of the Environment, Conservation and Parks (MOECP) dated April 15, 2011, as amended, unless the Applicant has demonstrated to the satisfaction of the Director that the existing ambient soil quality of the receiving site does not meet Table 1 Standards or that the Placing or Dumping of Soil meets Table 2 Standards would not have a detrimental effect on ground water; and

c. any Fill that contains putrescrible material.

1.1.10 **"Contractor's Yard"** means a lot, building or structure where equipment and materials of a contractor are stored or where the contractor performs activities permitted by the Zoning By-law.

1.1.11 **"Council"** or **"City Council"** means the Council of the City of Kawartha Lakes.

1.1.12 **"Development Agreement"** means a legal agreement between the City, an Applicant and an Owner, and including any other relevant party, which can be registered on the title of the Property.

1.1.13 **"Director"** means the City's Director of Engineering and Corporate Assets, or a designate.

1.1.14 **"Dumping"** means the depositing of Fill in a location on properties within the City, or the movement and depositing of Fill from one location to another location and "Dump" and "Dumped" in relation to Fill have the same meaning. "Place" shall have a similar meaning.

1.1.15 **"Ecological Function"** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, as defined by the Provincial Plans.

1.1.16 **"Environmental Impact Study"** or **"Natural Heritage Evaluation"** means a study which shall:

a. demonstrate that the development or Site Alteration will have no Adverse Effects on the Key Natural Heritage Feature or on the related ecological functions;

b. identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the Key Natural Heritage Feature and its connectivity with other Key Natural Heritage Features and with Key Hydrologic Features;

c. demonstrate how connectivity within and between Key Natural Heritage Features and Key Hydrologic Features will be maintained and, where possible, improved or restored before, during and after construction;

d. determine whether a Minimum Vegetation Protection Zone is required, and if one is required, specify the dimensions of the required Minimum Vegetation Protection Zone, and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and

e. in the case of a Key Natural Heritage Feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).

1.1.17 **"Erosion"** means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity.

1.1.18 **"Erosion and Sediment Control Plan"** means a plan as defined in Section 5.7 of this By-law.

1.1.19 **"Farmer"** means the owner or operator of an agricultural operation.

1.1.20 **"Feature"** means a Key Natural Heritage Feature and/or Key Hydrologic Feature, as defined by Provincial Plans.

1.1.21 **"Fill"** means any type of imported or relocated material deposited or Placed on the Property and includes Soil, stone, concrete, slurry, sod or turf either singly or in combination, scientifically demonstrated inert and able to pass a slump test as outlined in the General Waste Management provisions contained in Ontario Regulation R.R.O. 1990, Reg. 347: GENERAL - WASTE MANAGEMENT as amended.

1.1.22 **"Fill Operation"** means an operation that involves Placing or Dumping of Fill and shall be compromised of each of the following, as may be applicable:

a. **"Small Fill Operation"** means an operation that involves the Placing or Dumping of up to 1,000 cubic metres of Fill.

b. **"Large Fill Operation"** means an operation that involves the Placing or Dumping of more than 1,000 cubic metres of Fill.

1.1.23 **"Flood Plain"** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

1.1.24 **"Flooding"** means the inundation of areas not normally covered by water.

1.1.25 **"Grade"**, means the elevation of the ground surface of land and shall be comprised of the following as may be applicable:

a. **"Existing Grade"** means the elevation of an existing ground surface, upon which Dumping and/or Placing of Fill or other Site Alteration is proposed and of the adjacent ground surface up to three (3) metres wide surrounding such site;

b. **"Proposed Grade"** means the proposed elevation of the ground surface of land upon which any Fill is proposed to be Placed; and

c. **"Finished Grade"** means the approved elevation of ground surface of lands, upon which Fill has been placed or removed in accordance with this By-law.

1.1.26 **"Grading and Drainage Plan"** means a plan containing any or all of the matters and activities described in Section 5.7 of this By-law.

1.1.27 **"Hydrogeological Impact Study"** or **"Hydrogeological Study"** means a hydrogeologic and geotechnical review of the stratigraphy of the overburden (Soil) from ground surface to bedrock, depth to bedrock, depth to water table, aquifers, aquitards, and infiltration capacity,

1.1.28 **"Infrastructure"** means physical structures (facilities and corridors) that form the foundation for development, as defined by the Provincial Plans.

1.1.29 **"Inspector"** means any of the following staff members of the City: Director of Engineering and Corporate Assets, Director of Development Services, Director of Public Works, or a designate, Roads Supervisors in the City's Department of Public Works – Roads General Operations, and such Municipal Law Enforcement Officers as may be appointed by the City from time to time.

1.1.30 **"Key Hydrologic Feature"** means Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands as defined by the Provincial Plans.

1.1.31 **"Key Natural Heritage Feature"** means Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat

(including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars as defined by the Provincial Plans.

1.1.32 **"Lake Simcoe Protection Act"** means the Lake Simcoe Protection Act, 2008 or any successor thereto.

1.1.33 **"Lake Simcoe Protection Plan"** means a plan established under Lake Simcoe Protection Act, 2008 or any successor thereto.

1.1.34 **"Landform Features"** means distinctive physical attributes of land such as slope, shape, elevation and relief as defined by the Provincial Plans.

1.1.35 **"Lot"** means a lot or block within a registered plan of subdivision of land or any portion of a lot or block which may be conveyed separate and distinct under the provisions of the Planning Act, or any parcel of land that may be legally conveyed as one separate and distinct parcel by an Owner.

1.1.36 **"Minimum Vegetation Protection Zone"** means as defined by the Provincial Plans.

1.1.37 **"Manager of Municipal Law Enforcement"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.1.38 **"Municipal Act"** means the Municipal Act, 2001 or any successor thereto.

1.1.39 **"Municipal Storm Drainage System"** means the City's stormwater collection and treatment system.

1.1.40 **"Municipal Law Enforcement Officer"** means a person appointed by Council under Section 15 of the Police Services Act to enforce the by-laws of the City, and includes any Licencing Officer.

1.1.41 **"Normal Farm Practice"** is defined as meaning a practice that:

a. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or

b. makes use of innovative technology in a manner consistent with Property advanced farm management practices.

1.1.42 **"Oak Ridges Moraine Conservation Act"** means the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.

1.1.43 **"Oak Ridges Moraine Conservation Plan"** means a Plan established under the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.

1.1.44 **"Official Plan"** means a land use policy document adopted by the council of the City by By-law, pursuant to Section 17 of the Planning Act, as amended.

1.1.45 **"Order"** means an order issued pursuant to the provisions of this By-law.

1.1.46 **"Owner"** means the registered owner of the Property in question as revealed in the Land Registry Office of the Ministry of Government and Consumer Services; any occupant of the Property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf, any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the Property may have a similar meaning to Person.

1.1.47 **"Permit"** means an approval issued pursuant to the provisions of this By-law.

1.1.48 **"Person"** means an individual, partnership, association, firm or corporation.

1.1.49 **"Place"** means the distribution of Fill on Property to establish a Finished Grade higher or lower than the Existing Grade and "Placing", "Placement" and "Placed" in relation to Fill have the same meaning.

1.1.50 **"Ponding"** means the accumulation of surface water in an area not having drainage where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade.

1.1.51 **"Prime Agricultural Area"** means areas where prime agricultural lands predominate, and as defined by the Provincial Plans.

1.1.52 **"Prime Agricultural Land"** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, and as defined by the Provincial Plans.

1.1.53 **"Qualified Person"** means a professional person who is accredited or certified with a degree in the study of relevant environmental sciences and as further defined in the Environmental Protection Act, as amended, Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Act. The QUALIFIED PERSON may include an agrologist if soil is to be used for an agricultural purpose.

1.1.54 **"Rehabilitation Plan"** means a plan approved under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended to rehabilitate a pit or quarry.

1.1.55 **"Retaining Wall"** means a wall designed to contain and support Fill which has a Finished Grade higher than that of abutting lands.

1.1.56 **"Risk Management Official"** means the Risk Management Official appointed under Part IV of the Clean Water Act, 2006, S.O. 2006, c. 22.

1.1.57 **"Site Alteration"** means the Placement or Dumping of Fill on land, the removal of Soil from land or the alteration of the Grade of land by any means.

1.1.58 **"Site Alteration Plan"** means a plan containing any or all of the matters and activities described in Schedule "B" to this By-law.

1.1.59 **"Soil"** means material commonly known as clay, earth, gravel, loam, rock, sand, subsoil, or any combination thereof; Topsoil may also have a similar meaning.

1.1.60 **"Source Water Protection Area"** or **"Source Protection Area"** means a drinking water source protection area established by subsection 4(1) or by the regulations under the Clean Water Act, 2006, S.O. 2006, c. 22.

1.1.61 **"Surface Water Intake Protection Zone"** means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.

1.1.62 **"Swale"** means a shallow depression in the ground sloping to a place for the purpose of conveying surface drainage.

1.1.63 **"Table 1 Standards"** means the standards established in Table 1 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.

1.1.64 **"Table 2 Standards"** means the standards established in Table 2 of the "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.

1.1.65 **"Topsoil"** means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

1.1.66 **"Wellhead Protection Area"** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.

1.1.67 **"Zoning By-law"** means a by-law passed by the City pursuant to Section 34 of the Planning Act, as amended, and includes all Zoning By-laws for the City's former Towns, Villages, and Townships, as amended or superseded from time to time and the City's Oak Ridges Moraine Zoning By-law 2005-133, as amended, whichever is applicable to any land to which this By-law applies.

1.2 **Interpretation:**

(a) Schedule "A" - Exemptions - is attached to and forms part of this by-law.

(b) Schedule "B" – Site Alteration Plan – is attached to and forms part of this by-law.

(c) Except as otherwise provided, the provisions of this By-law apply to Soil removal, Placement of Fill, and Grade alteration throughout the City.

(d) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.4 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.0 Regulations and Prohibitions

2.1. No Person or Owner shall remove Soil, cause or permit Fill to be Placed or removed, or perform any other form of Site Alteration in the City except in accordance with this By-law.

2.2. No Person or Owner shall, except in accordance with the provisions of a Site Alteration Permit issued by the City pursuant to this By-law;

i. remove Soil or cause or permit the removal of Soil;

ii. Place Fill or cause or permit Fill to be Placed; or

iii. alter the Grade of any land or cause or permit the Grade of any land in the City to be altered.

2.3. No Owner, Person or Person acting on the behalf of an Owner shall cause or permit the removal of Soil or the Placement or Dumping of Fill or

alteration of the Grade of any land or Property within the City unless the Owner has consented in writing to the removal of Soil, Placing or Dumping of Fill or to the alteration of the Grade.

2.4. No Person or Owner shall permit a Property being used for storage purposes to be altered by the Placement or Dumping of Fill unless such storage is permitted as part of a Contractor's Yard pursuant to the Zoning By-law, as amended.

2.5. No Person or Owner shall cause or permit the removal of Soil or the Placing or Dumping of Fill or alter the Grade of any land or Property within the City that contravenes any Federal, Provincial or Municipal law, By-law, notice, Order, regulation, Permit or agreement.

Protection of the Natural Environment:

2.6. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains materials that are from the demolition of any structure including construction refuse or debris, toxic or hazardous materials, glass, raw sewage, or Contaminated Fill.

2.7. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains putrescible materials, termites and invasive species including eggs and seeds of such species.

2.8. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property by causing or permitting any other form of Site Alteration on land zoned as Hazard Land, Open Space or Environmental Protection zones, including exception zones thereof, as identified in the Zoning By-law, or within or adjacent to a watercourse, Flood Plain area or a wetland or other such regulated areas pursuant to O. Reg. 167/06, O. Reg. 168/06, O. Reg. 179/06, or O. Reg. 182/06 made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990, c. C.27 as amended, unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law, as required.

2.9. To protect Landform Features identified in landform conservation areas 1 and 2 as defined by the Oak Ridges Moraine Conservation Plan and through the implementing Oak Ridges Moraine Zoning By-law 2005-133, as amended, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity may impact any land within the Oak Ridges Moraine Conservation Plan Area unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law.

a. Small Fill Operations may be prohibited if it is determined there will be an impact to the Landform Features; and

b. Large Fill Operations will be prohibited.

2.10. To protect Key Natural Heritage Features and Key Hydrologic Features, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity is within a Key Natural Heritage Feature, Key Hydrologic Feature, or any associated Minimum Vegetation Protection Zone as defined by the Provincial Plans unless approval has been issued by the Conservation Authority that has jurisdiction over such land (and the activitity is in accordance with the approval), or a Permit has been issued pursuant to this By-law (and the activity is in accordance with the Permit).

a. Small Fill Operations will be prohibited within the Feature, and also may be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature; and

b. Large Fill Operations will be prohibited within the Feature, and may also be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature.

2.11. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will likely result in Soil Erosion.

Protection of Agricultural Resources and Preservation of Drainage:

2.12. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the blockage of a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

2.13. No Person or Owner shall cause or permit sediment or sediment laden water to be discharged, either directly or indirectly, into a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

2.14. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the Flooding or Ponding of water on an abutting Property.

2.15. No Person or Owner shall fail to provide Erosion or sediment protection for wind and drainage run off, where such Erosion or sediment may enter onto an abutting Property.

Section 3.0 Exemptions

3.1 The regulations established by this By-law do not apply to the activities and matters described in **Schedule "A".**

Section 4.0 Issuance of a Site Alteration Permit

4.1 An Owner or Applicant shall have a preliminary meeting with the Director and any other Persons that the Director deems necessary, in order to review the proposal to determine if a Permit could be issued under the requirements of this By-law.

4.2 No Person shall remove Soil, Place or Dump Fill or alter the Grade unless the alteration of Grade is established by a Site Alteration Plan as approved by the Director.

4.3 Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or contrary to the terms of a Permit shall forthwith restore the land to its original condition including the replacement of Topsoil to the Existing Grade of the land.

4.4 The issuance of a Permit under this By-law does not relieve the Owner or the Applicant from the obligation to secure all other applicable approvals.

4.5 When applying for a permit an Applicant and/or Owner shall submit the following information:

a. a completed application in the form prescribed from time to time by the Director in accordance with the information required in this By-law;

b. the Director at his or her sole discretion may require proof of liability insurance showing the City as an additional named insured. The proof of insurance must be submitted in a form satisfactory to the City;

c. the name, address and contact telephone number or the Owner(s) of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

d. the municipal address of the land on which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

e. legal description of the land upon which the Fill is to be Dumped or Placed or other Site Alteration is to occur;

f. the Owner’s authorization, Owner’s proof to bind a corporation where applicable;

g. a Site Alteration Plan, based on a legal survey if required by the Director, accurately indicating:

i. the Property lines of the lands for the Site Alteration with dimensions,

ii. all materials and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies,

iii. all existing storm sewers, ditches, swales, creeks, watercourses and wetlands on the lands and on abutting lands and public highways,

iv. all existing buildings, trees and driveways on the lands and all easements and right-of-ways over, under, across or through the lands,

v. proposed Grade and drainage systems upon completion of the Site Alteration,

vi. all proposed ground covering to be used upon completion of the Site Alteration operation, and

vii. all Erosion, sediment and tree protection measures for Site Alteration operation;

h. a copy of a Permit issued by a Conservation Authority where applicable within the City of Kawartha Lakes;

i. a description of the Fill proposed to be Dumped or Placed including a detailed description of the source of the Fill with a letter from the party from whom the Fill is being acquired attesting that the Fill meets the requirements for clean Fill if applicable, the quantity of Fill (expressed in cubic metres), and the proposed location of the Fill on the lands. Contact information shall be inlcuded;

j. the Permit fee, where Soil removal, Fill Placement, or Site Alteration activity associated with an application is subject to the provisions of this By-law, and shall be adjusted annually in accordance to the Consolidated Fees By-law:

Small Fill Operation	$600 (2018),
Large Fill Operation	$1,000 plus $1.00/m^3 (2018);

k. the Permit fee, where all Soil removal, Fill Placement, or Site Alteration activity associated with an application is regulated by a Conservation Authority but impacts the City's Infrastructure, shall be adjusted annually in accordance to the Consolidated Fees By-law:

Small Fill Operation	$600 (2018),
Large Fill Operation	$1,000 (2018);

l. for a Large Fill Operation, a Site Alteration Plan shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property and the Plan shall include information for matters and activities described in **Schedule "B"**;

m. when required by the Director, an Environmental Impact Study, Natural Heritage Evaluation, and/or Hydrogeological Impact Study, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Key Natural Heritage Features and/or Key Hydrologic Features on or within 120 metres of the Property;

n. when required by the Director, an Agricultural Impact Assessment shall be submitted if the Site Alteration is on lands identified in the City's Official Plan or in the Provincial Agricultural System as Prime Agricultural Area, where the placement is not part of an agricultural operation or practice;

o. a description of the proposed quantity and type of Fill, whether it qualifies as a Table 1 Standards of Fill or a Table 2 Standards of Fill, including a list of the Fill origin sources and geotechnical reports as to content and quality, prepared by a Qualified Person in that regard. The Applicant shall demonstrate in a report how the proposed Fill Placement and type of Fill being Placed meets the existing and/or intended land uses for the Property as indicated by the City's Official Plan, relevant Zoning By-law, and/or Rehabilitation Plan approved by the Ministry of Natural Resources and Forestry;

p. a certificate from the Owner, Applicant and each Qualified Person referenced in paragraph 5.3 and Schedule "B" certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended;

q. a plan showing the design details to proper scale of any Retaining Wall that may be required and the dimensions of any materials to be used in construction of such Retaining Wall. A Retaining Wall plan may require a permit as defined by the Ontario Building Code; and

r. security in a form and amount to be determined by the Director to include 100% for the operation and removal of all required on-site works and off-site improvements associated with the Permit and $1.00 per cubic metre of Fill being placed on the site and held in accordance to the Consolidated Fees By-law. Securities for on-site and off-site works will be refunded once the City is satisfied that the works have been completed and/or constructed to the City's satisfaction. The Fill securities will be refunded once the operation is complete and the City is satisfied that the Fill meets the Ministry of the Environment, Conservation and Parks criteria. The City reserves the right to have the Fill tested at the Applicant's and/or Owner's expense.

4.6 The City shall have the authority to designate all truck routes and trucking schedules, including any revisions, in order to minimize impacts to the public and municipal Infrastructure. The City shall require truck traffic to follow designated aggregate haul routes where possible. Public notification may also be required by the City.

4.7 An Owner or Person operating a Small Fill Operation or Large Fill Operation shall post information at the entrance to the excavation site containing the purpose of the operation, names, mailing addresses, and emergency telephone numbers of the company to which the Permit has been issued as well as sub-consultants, contractors, and trucking companies that are undertaking the work, to the satisfaction of the City. Emergency contact names and telephone numbers shall also be provided to the City as part of the permit application in Section 4.4 of this By-law.

4.8 Any person removing Soil, Placing or Dumping Fill, or altering Grades within the City shall implement and maintain an approved mud tracking and dust control program. As part of the Permit process, such a program shall be provided in writing to and be approved by the City and shall include the provision of mud mats and dust control measures at both the extraction and placement sites, and the continuous monitoring thereof. Where mud and dust are not controlled to the satisfaction of the City, the City may, without Order, have such mud or dust controlled by City employees or a third party contractor and such costs, plus a 30% management and administration charge in accordance to the Consolidated Fees By-law, shall be invoiced and collected as per Section 7.4 of this By-law.

4.9 In addition to Section 4.7, the Director may revoke the Permit until such invoices are paid in full at the sole discretion of the City.

4.10 The City may draw upon the security posted pursuant to Paragraph 4.4 r. to recover the costs incurred by the City in performing any required work which the Owner or the Applicant has failed to perform.

4.11 The City will consider a Permit for the removal of Soil, Placement of Fill, or the alteration of Grades within an area identified by a Conservation Authority, source water protection plan, or by the City's Official Plan as a Source Water Protection Area, Surface Water Intake Protection Zone or Wellhead Protection Area subject to the appropriate studies being submitted for review and approval by the relevant Conservation Authority, the Risk Management Official, and/or the City as required.

4.12 The City will not issue a permit to an Applicant and/or Owner if the City is made aware in advance of processing the Permit application that the Applicant or Owner has outstanding Orders for violations issued by the Ministry of the Environment, Conservation and Parks or other government agency for Property located within the City.

Section 5.0 Permit Agreement Requirements

5.1. The Director may, prior to the issuance of a Permit, require the Owner or Applicant or both to enter into a Development Agreement which may be registered on title to the Lot containing such requirements of this By-law as the Director considers necessary to ensure that the alteration of land or the Placing or Dumping or removal of Fill is done in accordance with the prevailing design standards of the City and proper engineering principles, and that prior to the commencement of the Placing or Dumping of Fill, a program to control mud tracking onto public roads and dust control program containing measures considered to be appropriate by the Director to control mud tracking and dust both on the Lot or other land from which the Fill is proposed to be removed and on the land on which Fill is to be Placed or Dumped and the truck routes proposed to be used by the Applicant, if any, to move the Fill to the Lot on which it is proposed to be Dumped or Placed.

5.2. Requirements contained in a Development Agreement may include the Owner or Applicant or both releasing and indemnifying the City, certifying that the Fill placed contains no contaminants as defined in the Environmental Protection Act, as amended, posting with the City the required security and where, in the opinion of the Director, extensive activities are proposed, certification by a geotechnical engineer or other similarly Qualified Person, both prior to the issuance of a Permit and upon completion of the work. All such certification shall state that the Owner or Applicant has complied with all of the obligations and conditions contained in the Permit.

5.3. The Director may at the Applicant's and/or Owner's expense, require the testing of any Fill by a Qualified Person retained by the City. Fill Removal and/or Placement of Fill operations may be suspended pending test results at the direction of the Director.

5.4. The City may require the Applicant and/or Owner to provide copies of prior certification that every load of Fill being placed on a Property complies with all Ministry of the Environment, Conservation and Parks Table 1 Standards or Table 2 Standards, whichever is applicable based on the zoning and/or intended use of the Property.

5.5. The Property Owner and/or the Applicant for which a Permit has been issued shall be solely responsible for the removal of Contaminated Fill and the Property shall not be used for the remediation or cleaning of Contaminated Fill.

5.6. The Director may require the Applicant and/or Owner to install such site remediation measures, including Soil Erosion and sediment control, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals and to provide for stabilization of the altered Grades.

5.7. An Erosion and Sediment Control Plan shall be completed as part of the Site Alteration Plan and Permit application submitted to the Director and shall include but may not be limited to the following requirements:

i. Project description, including the nature of the land disturbing activity;

ii. Condition of the existing site, including site use, topography, soil types and characteristics, vegetation, drainage system and receiving waters;

iii. Description of areas in the site that have potential for Erosion or sediment transportation;

iv. A delineation and description of measures to be taken to prevent Erosion and to retain sediment on the site, including but not limited to the designs and specifications for swales, dykes, drains, sediment control ponds, and a schedule for their continued maintenance over the project lifespan specified by the City; and

v. A delineation and description of the revegetative measures to be used including, but not limited to, mulches, type of seeds, the type and location of pre-existing and undisturbed vegetation types. The proposed revegetation shall consist of native, non-invasive plant species.

Section 6.0 Permit Expiry, Renewal, Transfer, and Revocation

6.1. A Permit shall expire 90 calendar days after the day on which it is issued pursuant to this By-law. Alternatively, an extended time frame may be approved by the Director upon request by the Owner and/or Applicant.

6.2. A Permit may be renewed at any time prior to its expiry for an additional 90 day period by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law. Any requested changes to the permit as a result of the renewal request shall be considered a new and separate permit.

6.3. A Permit shall not be renewed if the Applicant and/or Owner have violated the terms of a Permit previously issued by the City until the violation has been rectified.

6.4. A Permit shall not be transferred to a new Owner and/or Applicant unless the Director approves an amendment to the Permit by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law.

6.5. It is a condition of each Permit that the Permit shall be revoked by the Director or Municipal Law Enforcement Officer under the following circumstances:

i. if the Permit was obtained on mistaken, false or incorrect information;

ii. if the Permit was issued in error;

iii. if the Property Owner or PropertyApplicant fails to comply with an Order;

iv. if the Owner or Applicant requests in writing that the Permit be revoked;

v. if the terms of a Development Agreement under this By-law have not been complied with; or

vi. if an Owner and/or an Applicant fails to comply with the provisions of this By-law or with an Order requiring work to be done to correct any contravention of this By-law.

6.6. Every Person who removes Soil contrary to this By-law or contrary to an issued Permit shall forthwith rehabilitate the land from which the Soil was removed including the replacement of the Topsoil and the restoration of the Existing Grade.

6.7. Every person who removes and Places Fill or who causes or permits Fill to be removed or Placed contrary to this By-law or to a Permit shall forthwith remove such Fill and restore the Grade of the land that existed prior to the Placement of Fill on the Property.

6.8. Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or to a Permit shall forthwith restore the land to its original condition including the Existing Grade of the land.

Section 7.0 Orders

7.1. If the Director or Municipal Law Enforcement Officer becomes aware that a contravention of this By-Law is occurring or has occurred, the Director or Municipal Law Enforcement Officer may make an Order requiring any person who is removing Soil, placing Fill, or altering the Grade of land in contravention of this By-law to discontinue the activity or to do work to correct the contravention.

7.2. The contents of an Order issued under the By-Law shall include:

i. The reasonable particulars of the contravention;

ii. The inspection date;

iii. The municipal address of the Property or legal description of the Property where the Order applies;

iv. The Owner information;

v. PropertyPropertyWhat must be done to rectify the contravention;

vi. A time period, which is not less than fourteen (14) days and is not more than sixty (60) days, in which the Order must be complied with;

vii. A statement that, where an Owner fails to comply with an Order within the specified time frame, a Municipal Law Enforcement Officer may, in addition to any enforcement of this By-Law, cause the City's forces to complete the work required by the Order, without further Order to the Owner; and

viii. Any associated fees or administration charges.

7.3. Orders under this By-law shall be deemed sufficient if delivered in person, by regular mail, by courier, or by registered mail to the address of the Property on which the contravention is occurring and to the last known address of the registered Owner of the Property on which the contravention is occurring, if different. Any such Order shall be conclusively deemed to have been given and received upon the same day if personally delivered or sent by facsimile, or, if mailed, delivery shall be deemed completed after three business days.

7.4. When a Person or Owner fails to comply with an Order issued by the Director or a Municipal Law Enforcement Officer, the City may in addition to all other remedies enter onto the Property at a reasonable time to complete the remedial work. The costs of this action, including an inspection fee as set out in the Consolidated Fees By-law, shall be added to the tax roll of the Property which is the subject matter of the Order and shall be collected in like manner as municipal taxes, or by drawing on the security provided.

Section 8.0 Enforcement and Penalties

8.1. **Enforcement:** This By-law may be enforced by every Municipal Law Enforcement Officer who has been designated by Council.

8.2. **Obstruction:** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law or under the Municipal Act, 2001, as amended.

8.3. **Offence and Penalty:** Every person who contravenes this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, is guilty of an offence and, upon conviction, is liable to a fine in accordance

with the Municipal Act, 2001, and to any other applicable penalty. More specifically:

a. Any individual person or owner who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than $10,000, and on any subsequent conviction, to a fine of not more than $50,000.

b. Any corporation who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than $50,000, and on any subsequent conviction, to a fine of not more than $100,000.

8.4. **Multiple Offences:** The conviction of a Person for the contravention of any provision of this By-law shall not operate as a bar to the prosecution against the same Person for any subsequent or continued contravention of this By-law.

8.5. **Court Order:** If a Person is convicted of an offence for contravening this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other penalty, Order the Person, in such manner and within such period as the court considers appropriate to:

i. rehabilitate the land; or

ii. restore the Grade of the land to its original condition.

Section 9.0 Rights of Entry

9.1. The Director, Municipal Law Enforcement Officers, and the City's employees and agents may enter on the Owner's land at any reasonable time for the purpose of confirming compliance with the By-law or for doing works pursuant to Section 7.4 of the By-law.

Section 10.0 General Provisions

10.1 **Administration:** The Director of Engineering and Corporate Assets is responsible for the administration of this By-law.

10.2 **Designation of Officers:** All Municipal Law Enforcement Officers and Inspectors as defined in this By-law are designated as officers for the purpose of the enforcement of this By-law.

10.3 **Effective Date**: This By-law comes into force on the date that it receives third reading and is passed

Section 11.00: Repeals

11.01 **Repeal:** By-law 2012-200, a By-law Regulating The Removal of Soil, Placement of Fill, and the Alteration of Grades, is repealed.

By-law read a first, second and third time, and finally passed, this xx day of xxx, 2018.

_____	_____
Andy Letham, Mayor	Cathie Ritchie, City Clerk

SCHEDULE "A"

EXEMPTIONS

The exemptions noted below apply only to the provisions of this By-law, and do not prevent the owner and/or applicant from obtaining other required Federal, Provincial and/or municipal approvals, as required by law (including Conservation Authority Act approvals).

The provisions of this By-law do not apply to the removal or Placement of Fill or alteration of the Grade of land under the following situations:

1.0 General Exemptions

1.1 The use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990 as amended or a waste, waste disposal or waste management system that is exempted by regulation from said Part V;

1.2 The construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, as amended;

1.3 Emergency measures taken by the City or Conservation Authority or any other federal, provincial or governmental agency or body, to prevent Flooding, Erosion, slipping of Soil or damage of trees;

1.4 The activities of the City or the Conservation Authority related but not limited to the establishment or maintenance of utilities and services, roads, bridges, Flood and Erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;

1.5 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53 of the Planning Act, R.S.O. 1990 c. P.13 as amended, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

1.6 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, R.S.O. 1990 c. P.13 as amended or as a requirement of an agreement entered into under that regulation;

1.7 Aggregate (as defined in the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended) brought onto a pit or quarry operating under a licence or wayside permit issued under that statute as part of the operations of that pit or quarry;

1.8 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence and/or site plan for a pit or

quarry or a permit for a wayside pit or wayside quarry issued/approved under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended;

1.9 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,

i. that has not been designated under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended or a predecessor of that statute; and

ii. on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act, R.S.O. 1990 c. P.13 as amended;

1.10 Any rehabilitation or filling activity in a pit or quarry licensed under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended, and specifically addressed on the approved site plan when there is insufficient overburden retained to rehabilitate such pit or quarry in accordance with that statute;

1.11 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of the Agricultural Drain construction or Agricultural Drain cleanout under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended;

1.12 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, S.O. 1998, c. 15, Schedule A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

1.13 The activity is undertaken in accordance with an Order issued pursuant to the City's Property Standards By-law as amended from time to time;

1.14 The activity is conducted within a Contractor's Yard which imports, processes, uses, and/or sells Soil materials and which complies with the applicable City's Zoning By-law as amended;

1.15 The activities or matters undertaken by the City or a local board of the City, Province of Ontario, or Dominion of Canada involving the alteration of Grades or Placement of Fill on Property or public highways. These organizations shall ensure that Fill materials being removed meets all relevant Ministry of the Environment, Conservation and Parks Table 1 Standards and/or Table 2 Standards requirement. All contractors or agents working on behalf of the City or a local board of the City, Province of Ontario, or Dominion of Canada will be required to obtain approvals for the Placement of these Fill materials on private Property, with the exception of the Placement of ditching materials;

1.16 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53, respectively, of the Planning Act, or as a requirement of a

site plan agreement or subdivision agreement entered into under those sections;

1.17 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, or as a requirement of an agreement entered into under that regulation.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

2.0 Building and Development Exemptions

2.1 Construction where a permit authorized under the Building Code Act, 1992, S.O. 1992, c. 23, as amended, has been issued by the Chief Building Official including erection, installation, construction, demolition of a building, structure, swimming pool or on-site sewage system, where the building permit application provides sufficient information to determine that the Placing or Dumping of Fill conforms with provisions of this By-law and the amount of Fill to be Dumped or Placed pursuant to the building permit does not exceed 500 cubic metres;

2.2 The Placing or Dumping of Fill in an excavation to the elevation of Existing Grade following the demolition or removal of a building or structure for which a building permit has been issued;

2.3 The Placing or Dumping of Fill on lands for the purpose of Flood or Erosion control to establish Finished Grade shown on a Grading and Drainage Plan approved by the Conservation Authority or City in conjunction with a subdivision approval;

2.4 The Placing or Dumping of Fill on lands for non-residential Site Alteration involving an amount of Fill of less than two hundred (200) cubic metres on a Lot within any one-year period, provided that there is no significant change in the direction or rate of drainage to the neighboring properties, and unless the site includes or is adjacent to a body of water. Such alteration shall not take place within sixty (60) centimetres of any Property line;

2.5 The Placing or Dumping of Soil or Topsoil on lands zoned or used for residential purposes within the meaning of the Zoning By-Law for the purpose of lawn dressing, landscaping, adding of flowerbeds or vegetable gardens, provided that:

a. The elevation of the land is not changed within sixty (60) centimetres of the Property line;

b. There is no change in the location, direction, or elevation of any natural or artificial watercourse, open channel, swale, or ditch used to drain land;

c. The functionality of any drainage Infrastructure is not impeded;

d. The volume of Soil or Topsoil does not exceed one hundred (100) cubic metres in any consecutive 12 month period on a Lot which is 0.1 hectares or less; and

e. The volume of Soil or Topsoil does not exceed two hundred (200) cubic metres in any consecutive 12 month period on a Lot which is greater than 0.1 hectares in area.

2.6 The resurfacing or paving of existing driveways where there is no alteration to the existing driveway base and no significant change in the direction or rate of drainage to neighboring properties;

2.7 The Placing or Dumping of Fill for the construction and/or installation of a new driveway and associated works within the municipal right-of-way for a purpose where:

a. The use is permitted by the Zoning By-law;

b. Driveways may not be installed in advance of the zoning use being established; and

c. The width of the driveway shall not exceed seven (7) metres and the depth of fill does not exceed fifteen (15) centimetres above the existing Grade.

2.8 One time minor widenings of existing driveways are permitted to a maximum increase in impervious area of 50% of the original driveway area.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

3.0. Agricultural Exemptions

3.1. The provisions of this By-law do not apply to the removal of Soil, Placement of Fill, and the alteration of the Grade of land as an incidental part of a Normal Agricultural Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;

3.2. Storage of Topsoil for the restoration of Agricultural Lands used for Normal Agricultural Practices, as an incidental part of an agricultural or horticultural operation shall not exceed one thousand (1000) cubic metres, and shall be Stored a minimum of 30 metres from any Property line and any Key Hydroligic Feature and/or Key Natural Heritage Feature.

3.3. The removal or Placement of Topsoil on Agricultural Lands incidental to a Normal Agricultural Practice including but not limited to such addition or removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended. This exception does not include the removal of Topsoil for sale, exchange or other disposition;

3.4. The harvesting or excavation and removal of peat and/or organic soils in a commercial operation as approved by the Conservation Authority and/or the Ministry of Natural Resources and Forestry.

Schedule "B"

Site Alteration Plan

1.0 A Site Alteration Plan, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property affected. For a Small or Large Fill Operation, the Plan must be prepared by a Professional Engineer or an Ontario Land Surveyor. The Plan shall include any or all of the matters and activities described as follows:

i. key map showing the location of each Lot, including the nearest roadways and major intersection, and north arrow;

ii. where municipal pavement, ditches, culverts, sidewalks, facilities or other Infrastructure or services are impacted. The City may invoke its right to post a No Heavy Trucks route in the event that a hauler is damaging Municipal infrastructure;

iii. the Lot's boundaries and area (expressed in square metres and/or hectares) of each such Lot or parcel of land;

iv. the existing and proposed use of the land and the location and use of the buildings and other structures adjacent to each Lot. This information shall include the distance between the proposed work area and adjacent residential uses;

v. the location, dimensions and use of any building and other structures existing or proposed to be erected on each Lot;

vi. the location of all Key Natural Heritage Features, Key Hydrologic Features and/or any other environmentally sensitive features, including but not limited to: lakes, streams, rivers, wetlands, channels, ditches, other watercourses and other bodies of water including hydrologically sensitive features such as springs, seeps, etc. on and within a minimum of 120 metres beyond each Lot's boundaries;

vii. the location of all Regulatory Flood Lines and Conservation Authority Regulation limits;

viii. the location and identification of the predominant existing Soil types on and abutting the Lot within 120 metres;

ix. the species, Grade at base and size (in diameter at breast height) of all trees greater than 250 millimetres in calliper, all shrubs, trees and hedges within three (3) metre(s) of the Property line and driveways on each Lot and all easements and rights-of-way over, under, across or through the Lot;

x. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each Lot's boundaries;

Schedule "B" continued

Site Alteration Plan

xi. the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each Lot's boundaries;

xii. the existing topography on the Lot and extending a minimum of 30 metres beyond the Lot's boundaries;

xiii. the Proposed Grades of each Lot;

xiv. the location and dimensions of all proposed land disturbance activities, including construction of access roads;

xv. the location and dimensions of all temporary Soil, dirt or Fill stockpiles on the Property;

xvi. the total quantity of fill in cubic metres;

xvii. the location, dimensions, design details and design calculations of all construction site Erosion control measures that may be necessary to minimize the impact of the proposal;

xviii. a schedule of the anticipated starting and completion dates of each land disturbance or land development activity;

xix. provisions for the maintenance of the construction site Erosion control and dust control measures during construction and after as required;

xx. traffic management information including proposed daily truck traffic levels, a plan of proposed external haul routes and daily schedule for hours of hauling operations, traffic control plan and a plan showing signage as required by the City;

xxi. the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate, in metres;

xxii. an indication on the drawing of directions of overland water flow and overland flow route; and,

xxiii. any information, plans or studies required by Ontario Regulation 140/02, as amended – The Oak Ridges Moraine Conservation Plan. The City shall require a $3,000.00 deposit should the City require the services of a Qualified Person to peer review the studies submitted by the Applicant;

The Corporation of the City of Kawartha Lakes

By-Law 2018-XXX

A By-Law to Govern and Regulate the Proceedings of the Council of the City of Kawartha Lakes and to Repeal and Replace By-law 2014-266

Recitals:

1. The City of Kawartha Lakes Act, 2000, S.O. 2000, CHAPTER 43 was enacted and the Corporation of the City of Kawartha Lakes was created as a municipal corporation on January 1, 2001.

2 Section 238(2)of the *Municipal Act, 2001*, S. O. 2001, c.25, as amended, requires every municipal council and local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings and governing the conduct of their Members.

3 The Council of the City of Kawartha Lakes deems it advisable to enact a by-law to govern the proceedings of Council, Committee of the Whole, Boards and Committees of Council, the conduct of its Members and the calling, place, and conduct of its meetings.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Procedural By-law

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Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law:

"Acting Head of Council" is the person delegated by Council through resolution to act as Head of Council in the absence of the Mayor and Deputy Mayor".

"Ad Hoc Committee" is any special purpose Committee created by resolution of Council.

"Advisory Committee" is any special purpose Committee created by Council with approved Terms of Reference to provide recommendations or advice to Council.

"Agenda" is a document issued in accordance with this By-law that sets out the items of business and order of proceedings for any Meeting.

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

"By-law" means the legislative intent behind the requirement: that powers of council be exercised by by-law is to ensure due deliberation by councils of all important policy matters through the more formal procedure prescribed for the enactment of a by-law.

"CAO" means the Chief Administrative Officer (CAO) or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 229 of the Municipal Act, 2001, as amended.

"Chair" means the person presiding at a Meeting.

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person or designate duly appointed by the Council of the Corporation of the City of Kawartha Lakes as prescribed in Section 228 of the Municipal Act. 2001, as amended.

"Closed Session" means any Meeting or portion of a Meeting not open to the public and held in accordance with Section 239 of the Act, as amended.

"Committee of the Whole" means a working committee made up of all of the Members of Council where less formal procedures are followed.

"Correspondence (Communication)" means any written or digital communication in the form of a letter, media release, bulletin, postcard or email addressed to Council that directly relates to City services or a matter of shared interest to the Kawartha Lakes Community.

"Council" means the municipal council for the City.

"Council Floor" means that area of the assembly occupied by Members and the Chair during a Meeting.

"Delegation" means a person or group making a verbal deputation to Council.

"Deputy Mayor" is the deputy head of Council duly elected by Council.

"Designated Area" means the public areas outside the Council floor within the meeting room.

"Emergency" means a time sensitive matter which if not dealt with may have serious ramifications, including but not limited to, the inability to address or influence the matter at a later date.

"Emergency Meeting" means a Meeting of the Council called without Notice to address circumstances of emergency as defined.

"Head of Council" means the Head of Council as defined by the Act and may also be referred to as "Mayor".

"Holiday" means any holiday as defined in the Employment Standards Act, or any day proclaimed by the Head of the Council as a Civic Holiday.

"Invited Guest" means an individual or group of individuals invited by Council to a Meeting.

"Local Board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.

"Mayor" is the head of Council duly elected at large.

"Meeting" means any regular, special or other meeting of a council, of a local board, management board or of a committee of Council, where,

i. a quorum of members is present, and
ii. members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

"Meeting: Statutory Public" means any public meeting that is required pursuant to provincial legislation.

"Meeting: Public" means any public meeting that Council believes is in the best interest of the ratepayers of the City but is not a requirement pursuant to provincial legislation. A Public Meeting may be held at Regular, Special, Council Information or Planning Advisory Committee Meeting or other body delegated the authority by Council.

"Member" means a Member of the Council and includes the Head of Council. Where the term is used in reference to Committees and Boards, it refers to only those members of the Committee or Board itself. Where the term is used in reference to a Committee or Board made up of persons who are not Members of the Council, the term also includes those persons.

"Motion" means a proposal brought forward by a member for consideration that is moved and seconded by another member.

"Motion to Receive" means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Council with no additional action being taken.

"Municipal Election" means a general, City-wide Municipal election or a by-election.

"Notice" means written notice, except where legislation, by-law or policy of the City provides for another form or manner of notice.

"Notice of Meeting" means a written document provided to Members and to the public that advises the recipient of the time and place of a Meeting.

"Notice of Motion" means a written motion received by the Clerk, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Council.

"Planning Advisory Committee" means the Planning Advisory Committee as established by Council under Section 8(1) of the Planning Act, R.S.O. 1990, c.P.13, with the delegated authority to hear matters under the Planning Act on behalf of Council.

"Petition" means a document requesting Council's consideration of a matter that contains more than ten (10) original signatures and does not include an electronic web-based document.

"Point of Order" is a concern regarding conformity to the rules of order of Council, defined in this by-law.

"Point of Privilege" is a concern about the honour, dignity, character, rights or professionalism of the Head of Council and Members of Council.

"Presentation" means the occurrence when, staff, an individual or group have been invited to present information to Council or Committee.

a) a ceremonial presentation to or from the City of Kawartha Lakes;

b) a presentation made by city staff and/or by consultants retained by the City or by another level of government;

c) a presentation to or from the City that in the opinion of the Head of Council is most beneficial for all involved if heard at a Council Information Meeting.

"Press (Media)" means news industry of the mass media that focus on delivering news to the general public through print media (newspapers, newsmagazines), broadcast news (radio and television) and the Internet (online newspapers.

"Recess" means an interruption in a meeting's proceedings which does not close a meeting and after which business will be resumed at exactly the point where it was stopped.

"Recorded Vote" means the recording of the name and vote of every Member present on any matter of question.

"Recording Secretary" is the staff person assigned by the City Clerk or Director to attend at, and to take minutes of, any Meeting.

"Recreation Volunteer Management Board" is a special purpose body created by Council to manage specific community facilities or services reporting directly to the Director of Community Services.

"Resolution" means a motion voted on by the Members present and resolved in the affirmative.

"Task Force" is an Advisory Committee with approved terms of reference that is formed for a set time period sufficient to make recommendations to the Council on a specific issue.

"Website" means the official City internet website.

1.02 Interpretation Rules:

(a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(b) References to items in the plural include the singular, as applicable.

(c) The word "include" is not to be read as limiting the phrases or descriptions that precede it.

1.03 Statutes:

References to laws in this By-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability:

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.00: General Rules

2.01 Observation:

The rules and regulations contained in this By-law shall be observed in all Meetings, for the order and dispatch of business.

2.02 Place of Meetings:

All Meetings of Council shall take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay, unless another location is identified on the published Agenda. All other Committee and Board Meetings shall take place at a public location specified on the agenda.

2.03 Relocation of Meeting Place:

If for any reason it is impossible or impractical for a Meeting to occur in the place prescribed, then the assembly in question shall meet at an alternative site or room as specified on an amended Agenda for that meeting. The alternate location shall be posted at the original location and announced as broadly as determined by the Chair.

2.04 Meeting Notices:

The notice of Meetings is considered as the electronic notification to Members of the posting of the agenda and the posting of the agenda on the city website. Lack of receipt of the Agenda for any Meeting by the Members does not affect the validity of the Meeting or any action taken at the Meeting.

2.05 Rules of Order:

Where any matter of procedure is not provided for in this By-law, Robert's Rules of Order, as revised, shall be followed.

2.06 Decision-Making:

Decisions binding the Council may be made only at Council Meetings unless authority has been specifically delegated by by-law.

2.07 Creation of Task Forces:

Council may create Task Forces with a mandate and specific terms of reference, approved by Council.

The term of any Task Force shall not extend beyond the term of Council. The newly elected Council may confirm by resolution to continue.

2.08 Direction to Staff:

No Member shall direct or interfere with the performance of any work being carried on by an employee of the City. Requests for reports by any Member shall be by resolution of Council.

2.09 Role of Council:

As defined within the *Municipal Act, 2001, Section 224,* it is the role of council,

a) to represent the public and to consider the well-being and interests of the municipality;

b) to develop and evaluate the policies and programs of the municipality;

c) to determine which services the municipality provides;

d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;

e) to maintain the financial integrity of the municipality; and

f) to carry out the duties of council under this or any other Act.

2.10 Role of Head of Council:

As defined within the *Municipal Act, 2001, Section 225*, it is the role of the Head of Council,

a) to act as chief executive officer of the municipality;

b) to preside over council meetings so that its business can be carried out efficiently and effectively;

c) to provide leadership to the council;

c.1) without limiting clause c), to provide information and recommendations to the council with respect to the role of council described in clauses 224(d) and (d.1) *Municipal Act, 2001, Section 224*;

d) to represent the municipality at official functions; and

e) to carry out the duties of the head of council under this or any other Act.

2.11 Municipal Administration:

As defined within the *Municipal Act, 2001, Section 227,* it is the role of the officers and employees of the municipality:

a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;

b) to undertake research and provide advice to council on the policies and programs of the municipality; and

c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

2.12 City Clerk:

As defined within the *Municipal Act, 2001, Section 228,* a municipality shall appoint a clerk whose duty it is,

a) to record, without note or comment, all resolutions, decisions and other proceedings of the council;

b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;

c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the council;

d) to perform the other duties required under this Act or under any other Act; and

e) to perform such other duties as are assigned by the municipality.

2.13 Chief Administrative Officer:

As defined within the *Municipal Act, 2001,* a municipality may appoint a chief administrative officer who shall be responsible for;

a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality: and

b) performing such other duties as are assigned by the municipality.

Section 3.00: Inaugural Meetings of Council

3.01 Inaugural Meeting - Declarations of office before business

No business shall be proceeded with at the Inaugural Meeting until after the declarations of office have been made by all the members who present themselves for that purpose.

3.02 Time and Place of Inaugural Meeting:

The Inaugural Meeting for each term of Council shall be held on the first Monday of the new term following a Municipal Election and shall commence at 2:00 p.m. and take place in the Council Chambers, Main Administration Building, 26 Francis Street, Lindsay.

3.03 Order of Proceedings:

The order of proceedings for the Inaugural Meeting shall be established by the incoming Head of Council, CAO and City Clerk.

3.04 Election of Deputy Mayor

Election of the Deputy Mayor shall be held at the Inaugural Meeting for each term of Council and at the first Council Meeting of each calendar year.

Clerk to preside

The Clerk or their designate shall preside over the election of the Deputy Mayor.

Nominations for Deputy Mayor

The Clerk or their designate shall call for nominations. Each nomination for Deputy Mayor will require a mover and a seconder.

Secret Ballot

Voting for the Deputy Mayor shall be by secret ballot.

Scrutineer

In the case of an election and prior to voting for Deputy Mayor, Council may by resolution appoint a scrutineer to verify the vote.

Equality of votes

For the purposes of electing the Deputy Mayor, each Member will have one (1) vote.

Majority of Council Required

In order to be declared Deputy Mayor, the successful candidate must be elected by a majority vote of Council.

Tie Vote – 2 Candidates

In case of votes for Deputy Mayor, the successful candidate shall be determined by placing the names of the candidates on equal size pieces of paper in a container and one name shall be drawn and a successful candidate shall be declared by the Clerk or their designate.

Tie Vote – 3 or More Candidates

Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote, the name of the candidate with the lowest number of votes will be removed from the next ballot and that the voting will be repeated.

Section 4.00: Regular Meetings of Council

4.01 Regular Council Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Council Meeting Dates. The Mayor and City Clerk have the authority to modify meeting dates when necessary.

4.02 Unfinished Business:

In the event that a Council Meeting adjourns with matters on the Agenda which have not yet been reached, all matters on the Agendas for both the open and closed Sessions of the Meeting shall be deferred to the Agenda for the next regularly scheduled Council Meeting, unless the Members determine otherwise prior to the adjournment or the Head of Council calls for a Special Meeting.

4.03 Extracted Items:

When an item has been extracted from a consent agenda for separate debate, if the debate extends beyond 30 minutes, a Member of Council may put forward a resolution to defer the item to the next Council Meeting.

4.04 Notice of Meeting and Agenda Distribution:

It shall be the responsibility of the City Clerk to forward to Members all Agendas for Regular Planning Advisory Committee Council and Committee of the Whole Meetings not later than the Wednesday preceding the week in which the Meeting is to be held. Where that Wednesday is a statutory holiday, the material shall be distributed on the preceding Tuesday. For special Planning Advisory Committee and Council Meetings, the City Clerk shall forward to Members all Agendas a minimum of one business day in advance of the Meeting. Posting the Agenda on the website is considered as adequate Notice of the Meeting, unless otherwise provided for in this By-law or by direction by the Head of Council.

4.05 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

4.06 Closed Session:

Notwithstanding the exemptions defined under the Municipal Act, any part of a Meeting:

a) may be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(2) of the Municipal Act, 2001; and

b) shall be closed to the public if the subject matter being considered is permitted to be addressed in a Closed Session in accordance with Section 239(3) of the Municipal Act, 2001.

4.07 Resolution Required:

Before holding any Closed Session, it shall be stated by resolution that: a Closed Session is to be held, identifying the nature of the matter to be considered, and the statutory authority under which the matter is to be considered.

4.08 Voting in Closed Session:

A Vote may only be taken during Closed Session where:

a) the vote is for a procedural matter, including the receipt of information, or

b) for giving direction or instruction to officers, employees or agents of the City, local board or persons retained by or under contract with the City.

4.09 Confidentiality:

No Member or staff person shall release or make public any information considered during a Closed Session or discuss the content of any Closed Session with persons other than Members or relevant staff members.

4.10 Closed Session Record:

A record of any closed session shall be kept in the form of Minutes, and shall correspond directly to the prepared closed session agenda and shall identify without note or comment all resolutions, decisions and other proceedings.

4.11 Meeting Adjournment:

The hour for adjournment for all Council Meetings including Committee of the Whole shall be no later than 6 hours from the time of commencement and/or no later than 11:00 p.m. unless advance notice or with the approval of Council.

Section 5.00: Special and Emergency Meetings of Council

5.01 Special Meeting at the Call of the Head of Council:

The Head of Council may at any time, summon a Special Meeting of Council with twenty-four (24) hours' Notice through the City Clerk's office to the Members unless there is an emergency as defined.

5.02 Emergency Meetings:

a) Notwithstanding any other provision of this By-law, the Head of Council may at any time summon an Emergency Meeting of Council. An Emergency Meeting may be held without Notice, provided that an attempt has been made by the City Clerk to notify the Members about the Meeting as soon as possible and in the most expedient manner available. An Emergency Meeting may only be called by the Head of Council to deal with an emergency.

b) In accordance with Section 236 of the Municipal Act, 2001, an Emergency Meeting of Council may be called by the Head of Council or his designate under the Emergency Management and Civil Protection Act, at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the City's Emergency Response Plan or any other similar unforeseen circumstances.

5.03 Business:

The only business to be dealt with at a Special Meeting is that which is listed or communicated in the Agenda of the Meeting. There will be no additions to the published agenda unless it pertains directly to the agenda item. .

5.04 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

5.05 Place of Meeting:

The location of a Special or Emergency Meeting shall be at the location identified on the published Agenda or, in the case of an Emergency Meeting, where the emergency renders that location inaccessible, the location will be specified in the City Clerk's communications to Members.

Section 6.00: Planning Advisory Committee Meetings

6.01 Regular Planning Advisory Committee Meeting Dates and Time:

Council shall adopt an annual calendar for each year setting the Regular Planning Advisory Committee Meeting Dates.

6.02 Special Planning Advisory Committee Meeting Dates:

The Head of Council or the Chair may at any time, summon a Special Planning Advisory Committee Meeting with twenty-four (24) hours' Notice through the City Clerk's office to the Members.

6.03 Composition:

The Planning Advisory Committee shall consist of seven (7) members, being the Mayor, three (3) Members of Council, and three (3) members of the public. Two (2) alternate Council Members for the Planning Advisory Committee, are to be identified and to be called upon to attend to ensure that a quorum is met when it becomes apparent that a member is not able to attend.

6.04 Term of Appointment:

The term of appointment shall be four (4) years for Council Members and for Members of the Public a two (2) year term. The members of the public shall be volunteer positions and shall be appointed in accordance with the established appointment policy.

6.05 Order of Proceedings:

The City Clerk shall prepare an Agenda using the headings established and approved by the Head of Council, CAO and City Clerk.

Section 7.00: Advisory Committee, Ad Hoc Committee and Task Force Meetings

7.01 Establish:

An Advisory Committee, Ad Hoc Committee or Task Force may be formed by Council from time to time in accordance with established criteria and process.

7.02 Meetings:

Meetings shall be held at the call of the appointed chair of the Committee or Task Force. Agendas, setting out the time and place of the meeting, for the business to be conducted at the Meeting, shall be distributed by the Chair or Secretary of the Committee or Task Force, to all Members five (5) days prior to the meeting. The format of the Agenda and the order of proceedings, and the applicability of any portions of this By-law shall be within the control and at the discretion of the Committee or Task Force and in accordance with the Council adopted Terms of Reference. All other provisions of this By-law apply, with the appropriate amendments.

7.03 Ex Officio:

Where a policy of Council or Council appoints a Member to a Committee as an “ex officio” Member, including the Head of Council, that Member has all of the rights and privileges of all of the other Members of that Committee, including participation in debate, voting, receipt of notices, etc. unless otherwise stated by resolution or the associated approved terms of reference.

7.04 Appointment of Council Member to Committee or Task Force:

At the beginning of each term of Council, the Head of Council shall present a Report recommending the appointment of Members to the Planning Advisory Committee, Advisory Committees, Ad Hoc Committees, Task Forces, Management Boards and other required appointments.

Section 8.00: Other Meetings

8.01 Committee of the Whole:

Council shall hold regular Committee of the Whole meetings as stated in the approved Annual Meeting Schedule.

Special Meetings of the Committee of the Whole may be called by the Mayor or in their absence the Deputy Mayor or by the majority of members with the prescribed notice requirements.

Deputations and Presentations will be directed to the Committee of the Whole where appropriate.

The minutes will be forwarded to the next Regular Council Meeting to consider recommendations made by the Committee of the Whole.

8.02 Drainage Matters:

Council delegates its authority to the City of Kawartha Lakes Drainage Board in accordance with the *Drainage Act* R.S.O 1990, c. D.17 and the City of Kawartha Lakes Act. The City of Kawartha Lakes Drainage Board shall operate within the adopted Terms of Reference. The Agenda of all Drainage Board meetings shall be provided to all Members.

8.03 Council as an Administrative Tribunal:

From time to time, it shall be necessary for Council, or an appropriately appointed Ad Hoc Committee, to preside over hearings as a quasi-judicial decision-maker under various provincial statutes. In those circumstances, the requirements of the *Statutory Powers Procedures Act,* R.S.O. 1990, c.S.22, as amended, must be complied with, and shall take precedence over this By-law.

8.04 Public Meetings:

From time to time, it shall be necessary for Council to preside over a public meeting to gather information prior to making a decision on a matter. Public Meetings shall be held in accordance with the Public Meeting Policy.

Section 9.00: Public Attendance and Communications

9.01 Presumption of Open Meetings:

All Meetings shall be open to the public other than for the exceptions identified within the Municipal Act, 2001

9.02 Public Input to Regular Meeting Agenda Item:

a) Any person wishing to address the assembly as a delegation on an issue identified as an item on an agenda yet to be issued, may do so by submitting a written request to the City Clerk's Office on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

b) After the time prescribed in Section 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Council Meeting, must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the day preceding the start time of the Meeting at which they wish to appear. If the day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

c) After the time prescribed in 10.02 a), any person or delegation wishing to address the assembly on an item of business listed on an issued Agenda for a Regular Planning Meeting (other than the public meeting portion), must submit to the City Clerk, a written brief, stating the agenda item that they wish to speak to, no later than 12:00 o'clock noon on the second day preceding the start time of the Meeting at which they wish to appear. If the second day preceding the day of the meeting, is a holiday, the written request to speak must be received no later than two hours prior to the meeting time on the day of the meeting.

9.03 Public Input to New Agenda Item:

Any person wishing to address the assembly as a delegation on an issue not identified on an issued agenda, must submit to the City Clerk, a signed, written brief, stating the agenda item that they wish to address to the assembly. The City Clerk shall place any item of this nature on a Committee of the Whole. The written request must be submitted to the City Clerk on or before 12:00 o'clock noon on the second business day preceding the date on which the Agenda for that Meeting will be issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution).

9.04 Delegations in Urgent Matters:

In the event that a proposed subject to be spoken to is of an urgent nature, the delegation request may be adopted as part of the Agenda, with leave of Council or Planning Advisory Committee, as applicable with the exception of a Member of Parliament and a Member of the Ontario Legislature who shall be automatically placed on the amended agenda.

9.05 Maximum Delegation Numbers:

A maximum of five (5) delegations shall be allowed to address Council per Regular Council meeting. This number does not include anyone present who wishes to address Council at a statutory public meeting.

A maximum of eight (8) delegations shall be allowed to address Planning Advisory Committee per Regular Planning Advisory Committee meeting. This number does not include anyone present who wishes to address Planning Advisory Committee at a statutory public meeting.

The maximum number of delegations at Council Information Meetings shall be determined in consultation with the Head of Council and CAO.

9.06 Denial of Request to Speak or to Distribute Material:

Council, or Planning Advisory Committee may refuse to hear Delegations or presentations, or to receive communications when, in the opinion of the Chair, the subject of the presentation is beyond the jurisdiction of the Municipality, or where it contains obscene or defamatory content.

9.07 Rules of Conduct for Presentations:

Persons addressing an assembly of Members shall observe the rules of conduct set out in this Section:

a) Any person wishing to address the assembly with a presentation on a new issue, shall do so at a Council Information Meeting unless approved to present directly to Council or Planning Advisory Committee by the Head of Council and CAO.

b) Presentations shall be limited to a maximum of thirty minutes.

9.08 Rules of Conduct for Delegations:

Persons addressing an assembly of Members shall observe the Rules of Conduct set out in this Section.

(a) No printed material may be distributed on the Council Floor by a Delegation. Any material which a Delegation wishes to distribute must be provided to the City Clerk, no later than one (1) hour in advance of the relevant Meeting where the Delegation will be addressing the assembly pursuant to Section 10.07.

(b) Where a Delegation does appear with material to distribute, they shall provide all copies directly to the City Clerk and shall not distribute anything directly to Members. The Mayor or Chair shall determine whether the material is to be distributed by the City Clerk at that Meeting, or whether it shall be retained to be considered.

(c) Delegations who read from a printed script must provide the City Clerk with a copy of the script for the record. Delegations who present slide shows or computerized display presentations must provide the City Clerk with a copy at a minimum one hour prior to the meeting for the record.

(d) All printed material submitted to the City Clerk must be legible, and must be signed and dated legibly. All printed material shall include an address and telephone number, or email address where return correspondence or contact is to be directed.

(e) The City Clerk will only circulate materials that comply with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended.

(f) Delegations must confine their remarks to the business stated in the communication to the City Clerk seeking Delegation status under Sections 10.06 or 10.07, as applicable.

(g) Delegations are limited to a time period of not more than five (5) minutes in total unless approval is granted by the majority of assembly members. Delegations consisting of three or more persons shall be limited to two (2) speakers.

(h) Delegations speaking to a matter, item or topic that the person has previously addressed at a Meeting shall be limited to a total time period of not more than two and one-half (2.5) minutes.

(i) Delegations speaking to a matter, item or topic that has been discussed two times at a meeting and they have previously addressed at a Meeting shall not be allowed to address the issue a third time. If new information arises, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.

(j) Delegations speaking to a matter relating to an appeal of a Council or staff decision shall be afforded one opportunity to address Council. If new information becomes available, it shall be provided in written form with the request clearly identified to the Clerk and forwarded to Council for future consideration.

(k) Delegations are cautioned that their remarks are not subject to Parliamentary Privilege. Accordingly, derogatory remarks about any persons or organizations may be actionable at law.

9.09 Rules of Conduct for Public Audience:

Persons attending a Meeting, whether or not they are Delegations, shall observe the Rules of Conduct set out in this Section.

(a) At all times, including recesses or breaks, all persons attending a Meeting shall be restricted to the Designated Area and shall not approach the Council Floor unless invited by the Mayor or Chair.

(b) No shouting, cheering, booing, deliberate foot-stomping or any other unprofessional or un-businesslike conduct shall be tolerated by the Chair, at the discretion of the Chair.

(c) Persons who are not Delegations may not address the assembly and shall not do so by shouting out, interrupting, or prompting a Delegation.

(d) Signs, banners, emblems or flags, carried or otherwise, are not permitted in the Council Chambers or other location designated as the Council or Planning Advisory Committee Meeting place, without prior authorization of the Chair.

(e) Profanity is strictly prohibited, whether it is audible or expressed through gesture.

9.10 Time Extensions:

If the Delegation has been requested by the City, or if the time limits established in Section 10.07 are deemed too restrictive by the Chair of the Meeting or by two-thirds of the Members present at the Meeting, the time limit may be increased in increments of five (5) minutes, at the discretion of the Chair or two-thirds of the Members in attendance.

9.11 Petitions, Communications or Correspondence:

Every petition, communication or correspondence to be placed on an Agenda of a Regular Council Meeting or Planning Advisory Committee Meeting shall be delivered to the City Clerk by 12:00 o'clock noon on the second day preceding the day upon which the Agenda for that Meeting is issued (i.e. 12:00 o'clock noon Monday for Wednesday Agenda distribution). All communications or petitions received after the above delivery date and not pertaining to the matters listed on the Agenda for the Meeting shall be held over for consideration at the next Regular Meeting of Council or Planning Advisory Committee unless otherwise approved by the Head of Council and Chief Administrative Officer.

Motions to receive a Petition, refer the matter to City staff for consideration, or direct City Staff to report back to Council, are proper during this part of the Agenda without prior notice. Any other motion related to a Petition shall not be in order.

The City Clerk shall refuse to place documents on the agenda where the subject matter:

a) Involves current or pending litigation;
b) Involves insurance claims;
c) Involves administrative complaints that have not been reported and investigated through the administrative process;
d) Is beyond the jurisdiction of Council; or
e) Is contrary to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public.

Petitions shall contain the printed name, signature, and some contact information of the individuals signing it. Signatures without contact information shall be redacted by the individual or group submitting the Petition or it will not be accepted by the City Clerk nor presented to Council.

No petition shall be considered valid and accepted by the City Clerk without the Name and Contact Information of the Person(s) Responsible for the Contents and Submission of the Petition to the municipality.

9.12 Requests for Proclamations:

Requests for Proclamations shall be forwarded to the Clerk for review. Only proclamations relevant to services or proclamations at the request of a member of Council and approved by the Mayor will be included on Council meeting Agendas.

Requests for Proclamations from individuals shall not be placed on a Council Agenda. The requestor shall be notified that the Council of the City of Kawartha Lakes does not partake in the Declaration of Proclamations

9.13 Expulsion:

The Chair of any Meeting may exclude any persons from the Council Chamber or Meeting Room during the whole or any portion of a Meeting for improper conduct, including disregard for the rules of conduct set out in this Section.

9.14 Exemption:

This By-law does not prevent the positioning of recording equipment, and the persons required to operate that equipment, on the Council Floor during Meetings. Equipment and operators shall be positioned in an area sanctioned by the Chair.

Section 11.00: Conduct of Meetings (Presentation of Motions; Rules for Debate, Etc.)

11.01 Quorum:

Five (5) Members shall constitute a quorum for Regular, Special, Information and Emergency Meetings of Council and Committee of the Whole. For the Planning Advisory Committee and all other types of Meetings, a quorum is made up of a majority of Members.

11.02 Special Case Quorum:

Notwithstanding Section 11.01, when a majority of the Members have disclosed pecuniary interests to a matter in accordance with this By-law and/or the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, the remaining number of Members shall be deemed to constitute a quorum, provided that such number is not less than two.

11.03 Meeting Commencement/Absence of Chair:

As soon after the hour fixed for the Meeting as there is a quorum present, the Chair shall call the Members to order. In the event the Chair does not attend at a Meeting within fifteen minutes after the appointed commencement time or, in the event of prior notice of his or her absence, the Acting Head of Council (Deputy Mayor) or Vice Chair shall assume the Chair of the Meeting and call the Members to order. If a quorum is present, the Acting Head of Council (Deputy Mayor) or Vice Chair shall preside as Chair during the Meeting or until the arrival of the Chair. In the absence of both the Head of Council or Chair and the Acting Head of Council or Vice Chair, the City Clerk shall call the Members to order, if a quorum is present. A Chair shall then be chosen by the Members present who shall preside during the Meeting or until the arrival of the Head of Council or Acting Head of Council (Deputy Mayor) or Chair or Vice Chair. While presiding at the Meeting, the Acting Chair shall have same authority as the Chair and shall be entitled to vote with the other Members.

11.04 Failure to Achieve Quorum:

If there is not a quorum within thirty minutes after the appointed commencement time for any Meeting, the City Clerk (in the case of a Council or Committee of the Whole Meeting) or the Recording Secretary (in the case of a Task Force, Advisory Committee, Ad Hoc Committee or Board of Management) shall call the roll and record the names of the Members present and absent. The Meeting shall then stand adjourned until the next Meeting as the case may be.

11.05 General Duties of the Chair of a Meeting:

The Chair of a Meeting shall preserve order and decorum, decide questions of order (subject to an appeal to the Council, Committee of the Whole or Committee by any Member) and, without unnecessary comment, cite the rule of authority applicable to the case, if called upon to do so. In addition, it shall be the duty of the Chair to:

(a) Open the Meeting as soon after the hour fixed for the meeting as there is quorum present, by taking the Chair and calling the Members to order;

(b) Announce the business before the Council, Committee of the Whole or Committee, as the case may be, in the order in which it is to be acted upon;

(c) Receive and submit, in the proper manner, all Motions presented by the Members;

(d) Put to vote all Motions or questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and announce the results;

(e) Decline to put to vote Motions that infringe on the rules of procedure;

(f) Restrain Members, within the rules of order, when engaged in debate;

(g) Enforce, on all occasions, the observance of order and decorum among the Members and the attending members of the public;

(h) Exclude any persons deemed appropriate from the room in which the Meeting is being held during the whole or any portion of a Closed Session.

(i) Receive all messages and other communications and announce them to the Meeting assembly;

(j) Represent and support the Council, Committee of the Whole or other Committee, declaring its decisions in all things;

(k) Ensure that the decisions and recommendations made at Meetings are in conformity with the Procedural By-law, Terms of Reference if applicable, laws and by-laws governing activities of same;

(l) Adjourn the Meeting when the business is concluded;

(m) At any Council or Committee of the Whole Meeting, to call by name, any Member persisting in breach of the rules of procedure, and order any such Member to vacate the Council Chamber;

(n) Notwithstanding Section 11.01, the Chair presiding at a Council or Committee of the Whole Meeting may expel or exclude from the Meeting, any person who, in the opinion of the Chair, has behaved improperly;

(o) Where the Chair is the Head of Council or the Acting Head of Council, he or she shall authenticate, by his or her signature when necessary, all by-laws, resolutions and minutes of the Council; and

(p) In the case of grave disorder arising in the designated Meeting Room, the Chair has the duty to adjourn the Meeting without questions having been put.

11.06 Duties of the Chair In Directing Debate:

During the course of debate, the Chair shall:

(a) Designate the Member who has the floor when two or more Members raise their hands to speak;

(b) Preserve order and decide questions of order; and

(c) Ensure all Motions presented are clear to the Members before permitting debate on the question, except when otherwise provided in this By-law.

11.07 Acting Head of Council:

In the absence of the Head of Council (Mayor), the Deputy Mayor shall act as the Head of Council with all of the powers, duties, rights and obligations of the Head of Council. In the absence of the Mayor and Deputy Mayor, Council shall appoint an Acting Head of Council.

11.08 Participation by Chair:

The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion or by-law, he or she shall leave the Chair for that purpose and shall call upon another Member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the Meeting.

11.09 Rules of Conduct for Members:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

(a) No Member shall disturb another Member, or the Meeting, by any disorderly deportment disconcerting to any Member speaking or any Member of the public or Delegations in attendance.

(b) No Member shall resist the rules set out in this By-law, or disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.

(c) No Member shall be permitted to retake his or her seat at any Meeting after being ordered by the Chair to vacate after committing a breach of any rule of order, without making apology and without the consent of the Members present at the Meeting, expressed, without debate, by a majority vote.

(d) No Member shall speak until he or she has addressed himself or herself to the Chair.

(e) No Member shall walk across the Council Floor, or out of the Council Chamber, or make any noise or disturbance when the Chair is putting a question or leave his or her seat while a vote is being taken and until the result thereof is declared.

(f) No Member shall ignore a dress standard for Meetings agreed to by the majority of Members of Council.

(g) No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.

(h) No Member shall, in addressing the assembly, speak disrespectfully of Her Majesty the Queen or any of the Royal Family, or of the Governor-General, Lieutenant-Governor or any Member of the Senate, the House of Commons of Canada, or the Legislative Assembly of Ontario.

(i) No Member shall, in addressing the assembly, use indecent, offensive or insulting language in or against the Council, a Committee of Council or any Member, or a member of staff. Any concerns with respect to members of staff are to be raised with the Chief Administrative Officer.

(j) No Member shall, in addressing the assembly, criticize any decision of Council or Committee, except for the purpose of moving that the question be reconsidered.

(k) No Member shall, in addressing the assembly, disobey the rules of Council or a decision of the Chair on questions of order or practice, or upon the interpretation of the rules of the Council.

11.10 Members Shall Vote:

Every Member physically present at a Meeting where a question is put shall vote on that question, excepting any direct or indirect pecuniary interests in the question. Pecuniary interests shall be declared, wherever possible, at the time reserved for such declarations in the Agenda. However, if an interest is overlooked or becomes evident to any Member later in the meeting, as a result of discussion or otherwise, a Member shall disclose his or her interest at the first opportunity, and afterwards, he or she shall refrain from taking part in the discussion, shall vacate his or her seat and refrain from voting on the particular question. If any Member at a Meeting declines to vote when a question is put and a recorded vote taken, he or she shall be deemed as voting in the negative, except where he or she is prohibited from voting by statute.

11.11 Rules of Conduct for Members During Debate:

Members of Council or Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section.

(a) Every Member, when speaking to any question or Motion, shall respectfully address the Chair.

(b) When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Member except to raise a Point of Order or Point of Privilege.

(c) Any Member may require the question or Motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.

(d) No Member shall speak to the same question for longer than five (5) minutes, without the leave of Council or Committee of Council. A supplementary question with a further two (2) minutes may be granted.

(e) A Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding of that matter.

(f) All questions shall be stated succinctly, and questions shall not be used as a means of making statements or assertions.

(g) Questions may be asked only:

1. of a Delegation after he or she has spoken, in accordance with this By-law;
2. the previous speaker;
3. of the Chair; or
4. of an Official of the City, through the Chair, on the matter under debate.

11.12 Closed Session Disclosures of Interest:

Disclosures of pecuniary interest during a Closed Session shall include the declaration of the interest and its general nature. At the same or next Meeting open to the public after the Closed Session, every declaration of interest made during the Closed Session, but not its general nature, shall be provided in writing and recorded in the minutes of the open Meeting.

11.13 Motions without Notice:

The types of Motions listed in this Section may be introduced orally without written Notice and without leave:

(a) A Point of Order;

(b) Presentation of petitions;

(c) Motions to suspend a rule of procedure or in compliance with a rule of procedure;

(d) Motions to adjourn (which are not debatable);

(e) Motions that the vote now be taken;

(f) Motions that Council resolve itself into Committee of the Whole (which are not debatable);

(g) any matter where the assembly, without debate, dispenses with Notice on the affirmative vote of at least two-thirds of the Members present and voting.

11.14 Putting a Question:

A Motion for the previous question shall not be put until all speakers listed by the Chair have spoken and the mover has replied.

11.15 Dividing a Question:

When the Motion under consideration concerns two or more matters, upon the request of any Member stating clearly where the Motion is divided, the vote upon each matter shall be taken separately and this shall be non-debatable.

11.16 Withdrawal of Motion:

After a Motion has been received and or read by the Chair, it shall be deemed to be in the possession of the assembly, but it may be withdrawn at the joint request of the mover and seconder prior to any amendment or vote on the Motion.

11.17 Subsequent Motions:

When a Motion is under debate, no other Motion shall be in order except a Motion:

(a) to adjourn;

(b) to extend the hour (pursuant to Section 4.02);

(c) to table;

(d) to put the question (close the debate);

(e) to postpone or defer;

(f) to refer; or

(g) to amend.

11.18 Motions to Adjourn:

A Motion to adjourn shall:

(a) not be amended;

(b) not be debated;

(c) not include qualifications or additional statements; and

(d) always be in order, except when a Member is speaking or the Members are voting, or when made in Committee of the Whole (except as noted in 11.39 d))

When a Motion to adjourn has been decided in the negative, no further Motion to adjourn shall be made until a subsequent proceeding has taken place.

11.19 Motions to Extend the Hour:

A Motion to extend the hour (Section 4.02) shall:

(a) not be amended;

(b) not be debated; and

(c) always be in order, except when a Member is speaking or the Members are voting.

d) shall be made in open session

11.20 Motions to Table:

A Motion to table shall:

(a) not be amended;

(b) not be debated;

(c) apply to the main Motion and any amendments to it under debate at the time when the Motion to table was made; and

(d) not include qualifications or additional statements.

If a Motion to table is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly, and laid on the table. If the matter is not removed from the table by subsequent Motion, it shall remain there until the close of the Meeting.

11.21 Motions to Postpone or Defer:

A Motion to postpone or defer a matter pending receipt of further information or the happening of an event shall:

(a) not be amended;

(b) be debated only as to the time period of deferral or postponement;

(c) apply to the main Motion and any amendments to it under debate at the time when the Motion to postpone or defer was made; and

(d) not include qualifications or additional statements.

If a Motion to postpone or defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion.

11.22 Motions to Put the Question:

A Motion to put the question (close the debate) is in order only at a Meeting of Council, and shall:

(a) not be amended;

(b) not be debated;

(c) apply to the Motion or amendment under debate at the time when the Motion to put the question is made; and

If a Motion to put the question is decided in the affirmative by a majority vote of the Members present, then the preceding Motion or amendment shall be voted on immediately without further debate or comment.

11.23 Motions to Refer:

A Motion to refer a matter under consideration to a Committee or the Administration or elsewhere shall:

(a) be open to debate;

(b) be amendable; and

(c) preclude amendment or debate of the preceding Motion, unless the Motion to refer is resolved in the negative, in which case the preceding Motion shall be open to debate and amendment.

11.24 Motions to Amend:

A Motion to amend a Motion in possession of the assembly shall:

(a) receive disposition of Council or Committee of Council before a previous amendment or the question;

(b) be open to debate;

(c) not be further amended more than once provided that the further amendment may be made to the main question;

(d) be relevant to the question to be received; and

(e) not be received proposing a direct negative to the question.

11.25 Motions to Reconsider/Rescind:

Motion to Rescind: A motion to rescind a Motion previously adopted by the Assembly may be carried to cease the force and effect of a previously adopted motion. A motion to rescind shall be used to cease the force and effect of a previously adopted motion when the Assembly has confirmed the proceedings of the meeting at which the motion that is to be rescinded was adopted. A motion to rescind can be moved by a member on the prevailing side at anytime or by any member, regardless of how the member voted on the original question following a 365 day waiting period.

Motions cannot be rescinded when the action within the motion to be rescinded has been completed making that action impossible to undo.

Without previous notice of motion, the motion to rescind requires a two-thirds vote. This provision cannot be waived.

Motions to Reconsider: The motion to reconsider can, with certain exceptions, be applied to a vote that was either affirmative or negative, within a limited time after that vote, and it proposes no specific change in a decision but simply proposes that the original question be reopened. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

A motion to reconsider can be made only by a member who voted with the prevailing side.

A motion to reconsider can be made only on the same day the vote to be reconsidered was taken.

A motion to reconsider cannot be renewed except by unanimous consent.

11.26 Motion Beyond Jurisdiction:

A Motion in respect of a matter that is beyond the jurisdiction of Council or Committee is not in order and shall not be placed on the Agenda

11.27 Receipt of Motions:

Every Motion, when duly moved and seconded and in accordance with this By-law, shall be received by the Chair.

11.28 Order of Debate of Motions:

The rules for order of discussion shall be as set out in this Section.

(a) In general, and subject to the provisions of clauses (b) through (d), the order of discussion shall proceed as follows:

1. Mover;

2. Seconder;

3. Any other Member who may wish to speak; and

4. The mover in summary of their position prior to the Chair calling for the vote.

(b) The mover, with leave of the Chair, may speak again in order to clarify a material part of his or her Motion which may have been misunderstood.

(c) No Member who has already had the floor in debate on the immediately pending question is entitled to it again on the same question so long as any Member who has not spoken on that question seeks the floor.

(d) Each Member shall confine his or her remarks to a limit of five (5) minutes in total for both speeches should there be a second speech.

11.29 Voting on Questions:

When the Chair calls for the vote on a question, each Member shall occupy their seat and shall remain there until the Chair has declared the result of the vote. During such time, no Member shall walk across the Council Floor or speak to any other Member or person in attendance, including staff members, or make any noise or disturbance.

11.30 Reading of Motions:

Immediately preceding the taking of the vote, the Chair may state the amendment in the form introduced and shall do so if required by a Member. The Chair shall ensure the question in the form in which it will be recorded in the minutes is read aloud if requested.

11.31 Motions to Amend:

The vote on amending Motions shall be conducted in the following order:

(a) a Motion to amend a Motion to amend the main Motion;

(b) A Motion (as amended or not) to amend the main Motion; and

(c) the main Motion (as amended or not)

11.32 Cessation of Debate:

After the Chair puts a question, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.

11.33 Method of Voting:

Subject to this Section, the manner of determining the decision of the assembly on a Motion shall be at the discretion of the Chair, and shall be by a show of hands, unless a recorded vote is requested. The manner of determining the decision at any Meeting shall not be by secret ballot or by any other method of secret voting.

11.34 Binding Resolutions:

Any resolution shall require affirmative votes in order to be valid and binding on Council. Any questions on which there is an equality of votes shall be deemed to be negative. Where only a quorum is present, a resolution, in order to carry or be passed, must be affirmed by the majority present at the Meeting, or as set out under provincial legislation.

11.35 Results:

The Chair shall announce the result of every vote. Upon the taking of any vote, if all of the Members present when the vote is taken vote unanimously, the Chair may direct the City Clerk to record the vote accordingly.

11.36 Tie Votes:

Any questions on which there is an equality of votes is deemed to be negative.

11.37 Recorded Votes:

Subject to this By-law, a recorded vote may be requested at Council Meetings by any Member for any Motion, at any time. (If a Member who has voted on a question disagrees with the declaration of the Chair that the question is carried or lost, they may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.)

11.38 Procedure for Recorded Votes:

When a Member present requests a recorded vote immediately prior or immediately after the taking of the vote, all Members present at the meeting must vote in random order as called by the City Clerk, except the Chair who shall vote last, unless otherwise prohibited by statute or any other Provincial or Federal law. The names of those who voted for and those who voted against shall be noted in the minutes. The City Clerk shall call the names of the Members and the Chair shall announce the results. Members who do not vote

(excepting in circumstances where they are prohibited from voting by law) are deemed to have voted in the negative.

11.39 Procedural Rules for Committee of the Whole, Committees, Boards and Task Forces:

The rules governing the procedure of Council Meetings, and the conduct of Members in Council Meetings, shall be observed in Committee and Committee of the Whole with necessary modifications, except that:

(a) The number of times of speaking on any question shall not be limited;

(b) No recorded vote shall be permitted;

11.40 Notice of Motion:

When a Member wishes to present a Notice of Motion, generally for the purpose to change an established policy of the organization, the rules governing the procedure shall be observed as follows:

a) A member wishing to introduce a Motion at a meeting regarding a matter that would not otherwise be considered by the Council at such meeting, shall deliver a written copy of the motion, signed by the mover, to the City Clerk not later than Monday noon the week preceding the regular meeting of council at which notice of the Motion is to be given.

b) the City Clerk, upon receipt of a Notice of Motion, shall print the motion in full in the agenda for the next regular meeting of the Council.

c) A Notice of Motion shall not be considered or otherwise disposed of by Council at the regular meeting at which it is first introduced but may be considered or otherwise disposed of at any subsequent meeting of the Council provided the mover of the motion is in attendance at the meeting.

d) Any Member of the Council may agree to second the Notice of Motion if the seconder is absent from the meeting;

e) A Notice of Motion that is called for by the Head of Council at two (2) meetings of the Council and has not been proceeded with shall be removed from the agenda unless otherwise directed to Committee by Council.

11.41 By-law versus Resolution

A "**by-law"** shall be used, but is not limited to implementing policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a

municipal corporation and whether it is being transacted under the *Municipal Act, 2001, as amended*.

A "**resolution"** is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law required by law.

11.42 New or Other Business:

When a Member desires to introduce a new business item at a meeting, the member shall provide to the City Clerk, a written Memorandum on the established form within the established time lines for agenda preparation. The Memorandum shall contain background information and the Member's Recommendation for action on the issue.

11.43 Point of Order:

A Point of Order is a tool used by a Member when they wish to exercise their right to address the Chair on a procedural matter. The rules governing the procedure shall be observed as follows:

a) A Member may raise a Point of Order directing attention to a matter that affects the rights of the Member or Members.

b) A Point of Order shall take precedence over any other matter except during the verification of a vote.

c) A member shall state the Point of Order to the Chair at the time of occurrence.

d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Order.

e) The Chair shall decide upon the Point of Order and advise the Members of the decision.

f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

h) When the matter has been determined to be a Point of Order, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Order.

11.44 Point of Privilege:

A Point of Privilege is a tool used by a Member when they wish to exercise their right to address the Chair on a personal matter dealing with the integrity of the Member. The rules governing the procedure shall be observed as follows:

a) A Member may raise a Point of Privilege directing attention to a matter that affects the rights of the Member.

b) A Point of Privilege shall take precedence over any other matter except during the verification of a vote.

c) A member shall state the Point of Privilege to the Chair at the time of occurrence.

d) A member shall not be permitted to enter into any argument or introduce any motion not related to the Point of Privilege.

e) The Chair shall decide upon the Point of Privilege and advise the Members of the decision.

f) Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final;

g) If the decision of the Chair is appealed, the Members shall be asked if the ruling of the Chair is upheld?". The vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

h) When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Privilege.

11.45 Order of Precedence:

Where a motion is under consideration, no motion shall be received except a motion having precedence, in the following order:

a) to request information

b) to request that the vote be taken (call the question)

c) to limit or extend the debate

d) to defer (to another meeting, date, indefinitely)

e) to refer (to another committee, administration)

f) to amend

11.46 Non-Debatable Motions

a) to adjourn

b) to close, limit or extend debate

c) to lay on the table (to table)

d) questions of privilege

e) to suspend the rules.

Section 12.00: Meeting Minutes

12.01 Requirement for Minutes for Council:

The City Clerk or designate shall be present at all Meetings of Council and shall duly record the Minutes of the Meeting required by this Section.

12.02 Requirement for Minutes for Planning Advisory Committees:

The Recording Secretary or designate shall be present at all Meetings of Planning Advisory Committee and shall duly record the Minutes of the Meeting required by this Section.

12.03 Requirements for Minutes for Advisory Committees:

The Recording Secretary or designate shall record all Minutes of Advisory Committees in the same manner as set out in the Municipal Act for Council Meetings.

12.04 Minute Contents (Open Session):

All minutes shall record the following

(a) The place, date and time of Meeting;

(b) The names of the Chair or Chairs and record of attendance of the Members;

(c) The reading, if requested, correction and adoption of the minutes of the prior Meeting; and

(d) All other proceedings of the Meeting without note or comment.

12.05 Minute Contents (Closed Session):

All minutes of a Closed Session shall be recorded in separate minutes, closed to the public, and shall include the same information as is set out in Section 12.03.

12.06 Adoption of Minutes:

The minutes of a Council, Special, Planning Advisory Committee or Council Information Meeting open to the public shall be presented for adoption at the next Regular Meeting of Council in open session (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). Minutes of a Closed Session of Council, Planning Advisory Committee shall be presented for adoption at the next Closed Session portion of a Regular Meeting of Council (unless, in circumstances it does not meet the time line for Council agenda preparation, it shall go to the next Council Meeting). The adoption of the minutes is a procedural matter and does not affect the validity or effect of the resolutions recorded in the minutes.

12.07 Reading Minutes:

In presenting the minutes of any Meeting for adoption, it shall not be necessary for the City Clerk to read the minutes prior to their adoption, except as much thereof as may be required in order that corrections may be made.

12.08 Requirement for Minutes:

Committee of Adjustment, Drainage Board, Advisory Committee, Ad Hoc Committee, Task Force or Board of Management:

Minutes of Meetings are the responsibility of the Secretary of the body, and must be submitted to the Clerk for circulation. The receipt by the Council of the minutes is a procedural matter, and does not affect the validity or effect of the resolution recorded in the minutes. It does not adopt or ratify any action taken by the Advisory Committee, Ad Hoc Committee, Task Force or Management Board in question. If an Advisory Committee, Ad Hoc Committee, Task Force or Management Board requires adoption of recommendations, same must be specifically set out in a report to Council, and not simply contained within the Meeting minutes.

Section 13:00: By-Laws

13.01 Form:

Every by-law introduced for passage by Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedures or to comply with the provisions of any Act. Recitals will include references to resolution numbers that are applicable to the by-law. By-laws so introduced shall be complete with

the exception of the by-law number, date of readings and passage and signatures of the Head of Council and City Clerk.

13.02 Readings:

Every by-law shall have three readings prior to passage. By-laws may be presented as a consent agenda. All by-laws will be passed in one motion with Council having the ability to extract single items to be dealt with on an individual basis which includes introducing amendments. The City Clerk shall exclude any by-law from the consent section that does not require all three readings.

By-laws introduced through consent

A member of Council will introduce all three readings of a by-law within the same Motion, duly moved and seconded. This Motion must specify the title of the by-law or with the consent of Council only include By-law Numbers.

By-laws introduced on an individual basis

A member of Council will introduce a by-law with its first and second reading which must specify the title of the by-law. Where this procedure occurs the by-law may be amended before third reading shall be put to vote immediately following the amendment. The third reading of a by-law shall be decided without amendment or debate.

13.03 Formal Records:

Every by-law enacted by Council shall be numbered and dated, signed by the Head of Council and City Clerk or their designates appointed by by-law or statute and sealed with the seal of the City. The City Clerk shall ensure that all by-laws are properly stored for safekeeping.

13.04 Confirmation By-laws:

At the end of each Council Meeting, a by-law will be enacted to confirm all Motions, resolutions and other actions and decisions passed and taken by Council at the open portion of the Meeting, as if each and every one of those actions had been the subject matter of a separate by-law duly enacted, except where the prior approval of the Ontario Municipal Board or any other body or agency is required. A Motion to pass a by-law to confirm the proceedings of a Meeting of Council shall be voted on without debate.

Section 14.00: Amendments to, and Suspensions of, this By-law

14.01 Suspension:

Any procedure required by this By-law may be suspended with the consent of a majority of the Members present unless otherwise stated in this By-law.

14.02 Notice:

No amendment or repeal of this By-law or any part of it shall be considered at any Meeting of Council unless and until Notice of any proposed amendment or repeal has been given at a previous Regular Meeting of Council. The waiving of this Notice by Council is prohibited.

14.03 Voting Requirement:

Amendment to this by-law shall require an affirmative vote of two-thirds of Council present.

Section 15.00: Administration and Effective Date

15.01 Administration:

The City Clerk is responsible for the administration of this by-law.

15.02 Force and Effect:

This By-law shall come into force on the date it is finally passed.

Section 16.00: Repeals

16.01 **Repeal:** By-law 2014-266, a By-law to adopt the Procedural By-law is repealed.

By-law read a first, second and third time, and finally passed, this 25day of September, 2018.

_____ _____

Andy Letham, Mayor Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2018-___

A By-law to Appoint Members to and Adopt Terms of Reference for the City of Kawartha Lakes Municipal Election Compliance Audit Committee

Recitals

1. Section 88.37 of the Municipal Elections Act, 1996. S.O. 1996 states, "A council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this Act. 2016, c. 15, s. 66.c.32"
2. Under the Municipal Election Act (MEA) "an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances".
3. At the August 14, 2018 Regular Council Meeting, Council passed resolution CR2018-492 approving Terms of Reference for the Compliance Audit Committee.
4. This by-law fulfills the legislative requirement to establish a compliance audit committee and formally adopts the Terms of Reference for the committee.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments and Terms of Reference

2.01 **Appointments:** The following individuals are appointed to the City of Kawartha Lakes Municipal Election Compliance Audit Committee for the Term of 2018-2022:

1. (Insert Name)
2. (Insert Name)
3. (Insert Name)
4. (Insert Name)
5. (Insert Name)

2.02 **Terms of Reference:** The Terms of Reference for the Municipal Election Compliance Audit Committee attached to this By-law as Schedule A is approved.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk

Schedule A to By-law 2018-XXX

2018-2022 Municipal
Election Compliance A

Terms of Reference

Name: City of Kawartha Lakes Municipal Election Compliance Audit Committee

Date Established by Council:

Regular Review Timeframe: August 2022

Date Committee Ends: November 15, 2022

Mission:

The City of Kawartha Lakes Compliance Audit Committee has full authority under the *Municipal Elections Act, 1996*, as amended to address applications requesting an audit of a municipal and school board trustee candidate's and third party advertiser's election campaign finances. This authority includes, but is not limited to, the following:

- Review applications and grant or reject audit requests
- Where an audit is granted, to appoint an auditor and review the audit report
- Where indicated, decide whether legal proceedings shall be commenced.

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct,
- the City Accountability and Transparency Policy
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Role of Clerk, Secretary:

The Clerk will act as the main contact between the Committee, compliance audit applicant, candidate and registered third party. In accordance with section 88.37 (6) of the Act, the

Clerk shall carry out any duties required under the Act to implement the Committee's decisions.

Activities: The following represent the general activities of the Committee:

The *Municipal Elections Act, 1996,* as amended, states that Council shall establish a Compliance Audit Committee who will be responsible for conducting a compliance audit on a municipal election candidate and third party advertisers' campaign finances.

Until otherwise informed, the committee will be responsible for Trillium Lakelands District School Board applications for trustee campaign compliance audits.

To ensure that the provisions of the *Municipal Elections Act, 1996*, as amended Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81.

The Committee will abide by any terms and conditions which may be set out by the City's Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Composition:

The Committee shall be comprised of minimum of three and a maximum of 5 members of the public. Once appointed the number of members of the committee will established to determine quorum.

Members having a financial, legal or election background are preferred. Committee members will be appointed by Council in accordance with established policy. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair and Vice-Chair. The City Clerk shall act as Secretary to this Committee.

Under the *Municipal Elections Act, 1996,* as amended, members of Council or City Staff are prohibited from being appointed to the Committee.

At the first meeting of a Compliance Audit Committee, the members shall appoint one member to act as Chair for the duration of the Committee's term.

Term of Appointment:

Members will be appointed for the time frame to deal with applications received for compliance audits from October 1, until the term of Council ends November 15, 2022.

Resources:

The Clerk's Department will provide support in the form of advice, day-to-day liaison with the City and to attend meetings of the Committee upon request.

Timing of Meetings:

The first meeting will be called by the City Clerk upon receipt of an application to conduct a compliance audit. The date and time of the meeting will be determined by the City Clerk and communicated directly to the committee members. Subsequent meetings will be held at the call of the Chair. All time frames established in the *Municipal Elections Act, 1996,* as amended, and regulations shall be adhered to.

Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee

Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected.

Meetings:

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of Committee meetings will be determined by the Committee in consultation with the City Clerk.

The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

Procedures:

Procedures for the formal business meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Open Meetings:

The meetings of the committee under the Election Act shall be open to the public, but the committee may deliberate in private.

Agendas and Minutes:

The City Clerk's office will distribute the agenda to committee members and posted on the website. At the first meeting, an Orientation Session shall be held for new members.

Minutes of all formal business meetings of the Committee shall be forwarded to the City Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the City Clerk at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

Reports:

The Committee will conduct the compliance audit in accordance with the *Municipal Elections Act, 1996, as amended*. The City Clerk will act as the main contact between the Committee and Council and will report on Committee activity as required to the appropriate individuals and Council.

Errors/Omissions:

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

Meeting Attendance:

Any member of the Committee, who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

Location of Meetings:

The location of the meetings will be located at City owned facilities set by the Committee.

Budget:

The expenses of this Committee shall be the responsibility of the City Clerk under the Election Budget.

Positions:

Members of the Committee shall be paid $100.00 per meeting. The City Clerk shall ensure and verify the validity of the meeting.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Expulsion of Member:

The Committee and/or City Clerk may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the *Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act* and t*he Municipal Elections Act;* Council Code Conduct, disrupting the work of the Committee or other legal issues.

Administration:

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with the *Municipal Elections Act, 1996,* as amended.

Council may, at its discretion change the Terms of Reference for this Committee in accordance with the *Municipal Elections Act*. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the City Clerk through a report to Council.

The Corporation of The City of Kawartha Lakes

By-Law 2018-XXX

A By-law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, September 25, 2018

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.

2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.

3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.00: Confirmation

1.01 The actions of the Council at the following meeting:

Tuesday, September 25, 2018 Regular Council Meeting and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor	Cathie Ritchie, City Clerk