



**THE CORPORATION OF THE
TOWN OF MATTAWA**

AGENDA

**REGULAR MEETING OF COUNCIL
MONDAY, JULY 26TH, 2021
7:00 P.M.**

**DR. S. F. MONESTIME MUNICIPAL
COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO**

**TELECONFERENCE TOLL FREE # 1-833-311-4101
ACCESS CODE: 146 158 8008**

THE CORPORATION OF THE TOWN OF MATTAWA
A G E N D A
DR. S. F. MONESTIME MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO
TELECONFERENCE TOLL FREE # 1-833-311-4101
ACCESS CODE: 146 158 8008
MONDAY, JULY 26TH, 2021 @ 7:00 P.M.

- 1. Call to Order**
- 2. Disclosure of Pecuniary Interest and Nature Thereof**
- 3. Petitions & Delegations**
- 4. Correspondence**
 - 4.1 NBPSDHU– Re: Municipal Leader Meeting Minutes of June 24th, 2021 & July 8th, 2021
Health Services Committee – Clerk
 - 4.2 Township of Strong – Re: Support Resolution for Public Health Funding for 2022
Finance Committee – Treasurer
 - 4.3 Nuclear Waste Management Organization – Re: Booth at Virtual Conference
August 15-18, 2021
Environmental Services Committee – Clerk
 - 4.4 Mr. Lucille Zeus – Re: Proposed Clean Yards By-Law
By-Law/Building Department Committee – Clerk
 - 4.5 MPP Fedeli’s Office - Re: Applications Open for ICIP’s Green Stream 2nd Intake
General Government Committee – Clerk
 - 4.6 AMO – Re: Northern Wildfire Evacuations and Ontario Connects
General Government Committee – Clerk
 - 4.7 FONOM – Re: Inaugural Learning Morning Meeting on August 4,2021
General Government Committee – Clerk
 - 4.8 Ms. Dawn Mucci– Re: Thank You for Your Service Heart of Unity Song
General Government Committee – Clerk
 - 4.9 Town of Parry Sound – Re: Support Resolution for NBPSDHU Funding for 2022
Finance Committee – Treasurer
 - 4.10 AMO – Re: Special Programming Added to AMO Annual Conference
General Government Committee – Clerk

Monday, July 26th, 2021

Correspondence – Cont'd

- 4.11 Northeastern Ontario Municipal Association – Re: Celebrating National Chief Archibald
General Government Committee – Clerk
- 4.12 Ms. Robin Dumas – Re: Thank You Card for Graduation Bursary
General Government Committee – Clerk
- 4.13 Mr. Trenton Perreault – Re: Thank You Card for Graduation Bursary
General Government Committee – Clerk
- 4.14 Municipality of Mattawan – Re: Support Resolution for Mattawa & Area Community Safety
& Well-Being Plan
General Government Committee – Clerk
- 4.15 AMO – Re: Long-Term Care Transformation Advocacy, Expanding Addiction Support
General Government Committee – Clerk
- 4.16 Municipality of Mattawan – Re: Support Resolution for Cassellholme Redevelopment
Planning & Development Committee – Clerk
- 4.17 Solicitor General – Re: Animal Welfare Voluntary Training E-Module for Firefighters
Fire Department Committee – Fire Chief
- 4.18 Ms. Eleanor Humphrey – Re: Resignation from Affordable Senior Housing Committee
Planning & Development Services Committee – Clerk
- 4.19 Municipality of Chatham-Kent – Re: Support Resolution for Licensing of Cannabis
Operations
By-Law Department Committee – By-Law Enforcement Officer
- 4.20 Municipality of Chatham-Kent – Re: Support Resolution for Funding for Maintenance &
Preservation Repair of Abandoned Cemeteries
General Government Committee – Clerk
- 4.21 Municipality of Chatham-Kent – Re: Support Resolution for Anti-Hate Crimes &
Incidents
Protection to Persons & Property Committee – Clerk
- 4.22 Municipality of Chatham-Kent – Re: Support Resolution for OBCM Action on Mental
Health & Addiction Plan
Social & Family Committee – Clerk
- 4.23 Enbridge Gas Inc. - Re: Donation for Non Profit or Charitable Organizations in Municipality
General Government Committee – Clerk

5. Questions/Comments (public & Council) about the Content of the Agenda

6. Municipal Report Number 853

- **Minutes of Previous Meeting (s)**
- **Presentation of By-laws/Resolutions**
- **Adoption of Report**

7. Committee Reports

Information/Action Item Reports

7.1 Amy Leclerc, Clerk/Revenue Services Clerk – Re: Affordable Senior Housing Committee
Vacancy – Report # 2021-86R

Departmental Activity Reports

8. Questions Period

9. New/Old Business

10. 2/3 (Special Resolutions – not previously circulated)

11. In Camera (Closed)

11.1 Personnel Matter

12. Return to Regular Session

13. Adjournment

Monday, July 26th, 2021

Members of Council,

Attached please find Municipal Report Number 853 for consideration by Council.

Respectfully submitted

Amy Leclerc
Clerk

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THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT

CHAIRPERSON: COUNCILLOR D. SARRAZIN

DEPT. HEAD: AMY LECLERC, CLERK/REVENUE SERVICES CLERK

TITLE: ADOPTION OF THE MINUTES

Draft By-Law

Item

Policy Recommendation

Mayor D. Backer and Members of Council:

BE IT RESOLVED THAT the minutes of the Regular Meeting of Monday, July 12th, 2021 and the Closed Meeting of Monday, July 12th, 2021 be adopted as circulated.

Respectfully submitted,

Councillor D. Sarrazin

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the regular meeting of Council held Monday, July 12th, 2021, at 7:00 p.m. in the Dr. S. F. Monestime Municipal Council Chambers. The meeting was also available via teleconference and streamed live via Town of Mattawa Facebook Page.

Council Present:	Mayor D. Backer Councillor D. Sarrazin Councillor L. Ross Councillor R. Jones
Council Absent:	Councillor G. Larose Councillor G. Thibert Councillor L. Mick
Staff Present:	Francine Desormeau, CAO/Treasurer Paul Lafreniere, Interim Fire Chief Renee Paquette, Recreation & Facilities Services Manager Wayne Chaput, Chief Building Official/By-Law Officer Barry Jackson, Public Works Supervisor Amy Leclerc, Clerk/Revenue Services Clerk
Staff Absent:	None

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

1. Meeting Called to Order at 7:00 p.m.
2. Disclosures of Pecuniary Interest and Nature Thereof – None
3. Petitions & Delegations - None
4. Correspondence
5. Questions/Comments about the Content of the Agenda – None
6. Municipal Report Number 852

Page No. 149

BE IT RESOLVED THAT the minutes of the Regular Meeting of Monday, June 28th, 2021, and the Committee of the Whole Minutes of Monday July 5th, 2021 be adopted as circulated.

Carried

Page No. 150

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa adopt By-Law 21-12 which is a second reading to the Clean Yards By-law, being a By-law to provide for the maintenance of land in a clean and clear condition.

Carried

Page No. 151

BE IT RESOLVED THAT Mayor and Council of the Corporation of the Town of Mattawa authorize National Grinding Inc. to proceed with the grinding contract (Project No. 2021-04) in the amount of \$29,500 (plus HST).

Carried

Page No. 152

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa approve the Landfill Site Operations Tender, Project No. 2021-06, and authorizes the Tender to be circulated to local and area contracting companies and the town website with a submission deadline of July 28, 2021.

Carried

Page No. 153

BE IT RESOLVED THAT the disbursements for the month of May 2021 in the amount of \$565,986.98 and for the month of June 2021 in the amount of \$603,657.57 be adopted as submitted.

Carried

Page No. 154

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa approve the hiring of Ms. Chelsey Grant as the Digital & Strategy Media Coordinator and Ms. Allison Maxwell as the Records Management Coordinator for a period of 52 weeks under the NOHFC Internship Program and employment start date is Tuesday September 7, 2021.

Carried

Resolution Number 21-54

Moved by Councillor R. Jones

Seconded by Councillor L. Ross

BE IT RESOLVED THAT the Municipal Report Number 852 be adopted.

Carried

7. Committee Reports

Information/Action Item Reports

7.1 Francine Desormeau, CAO/Treasurer – Re: Landfill Site Participation Agreement – Report # 2021-82R

Departmental Activity Reports

7.2 Francine Desormeau, CAO/Treasurer – Re: Update to Ongoing Activities in General Government Committee & Planning Department Services Committee – Report # 2021-83R

7.3 Wayne Chaput, By-Law Enforcement Officer – Re: Activity Update in Building, By-Law, Property & Animal Control Department – Report # 2021-84R

8. Questions from the Floor - None
9. New/Old Business
10. 2/3 (Special Resolutions – not previously circulated)

10.1 Cassellholme Redevelopment Project
Deferred to a later date

10.2 Tender for Turcotte Park Road Sidewalk Project No. 2021-05

Resolution Number 21-55

Moved by Councillor D. Sarrazin

Seconded by Councillor L. Ross

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa award the tender for Turcotte Park Road Sidewalk, Project No. 2021-05 to William Sons (11425579 Canada Inc.) in the amount of \$269,494.15 plus HST.

Carried

11. In Camera (Closed) Session

11.1 Cassellholme Redevelopment Matter

11.2 Personnel Matter

Resolution Number 21-56

Moved by Councillor L. Ross

Seconded by Councillor R. Jones

BE IT RESOLVED THAT this Committee proceed in Camera in order to address a matter pertaining to:

b) *personal matters about an identifiable individual, including municipal or local board employees; and*

i) *a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.*

Carried

12. Return to Regular Session

Resolution Number 21-57

Moved by Councillor D. Sarrazin

Seconded by Councillor L. Ross

BE IT RESOLVED THAT the regular meeting of council reconvene at 7:45 p.m.

Carried

Mayor Backer stated the In Camera Session was to discuss the Cassellholme Redevelopment Project and that the Personnel Matter was deferred to the regular meeting of Council on Monday, July 26th, 2021.

13. Adjournment

The regular meeting of Council Monday, July 12th, 2021, adjourned at 7:46 p.m.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the Closed Meeting session of Council held Monday, July 12th, 2021, at 7:28 p.m. in Dr. S. F. Monestime Municipal Council Chambers.

Council Present: Mayor D. Backer
Councillors D. Sarrazin, L. Ross, R. Jones

Council Absent: Councillors G. Thibert, G Larose, L. Mick

Staff Present: Francine Desormeau, CAO/Treasurer
Amy Leclerc, Clerk/Revenue Services Clerk

The meeting was held under the Municipal Act, 2001, S.O. 2001, c.25 Section 239 (2)(b)(i).

Topics for discussion:

1. Under Section 239 (2) of the Municipal Act – b) personal matters about an identifiable individual, including municipal or local board employees.
2. Under Section 239 (2) of the Municipal Act – i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

- See Regular Meeting Resolution: 21-56 and 21-57

In Camera Item 11.2 Personnel Matter was deferred to the regular meeting of Council on Monday, July 26th, 2021.

The closed meeting session adjourned at 7:45 p.m.

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT DEPARTMENT

CHAIRPERSON: COUNCILLOR D. SARRAZIN

DEPT. HEAD: AMY LECLERC, CLERK/REVENUE SERVICES CLERK

TITLE: SUPPORT RESOLUTION FOR CAPITAL GAINS TAX

 Draft By-law

 X Item

 Policy Recommendation

Mayor D. Backer and Members of Council:

At the regular meeting of Monday, July 12th, 2021 Council spoke on the Municipality of Calvin's resolution of support for Capital Gains Tax.

Council felt strongly in supporting the change to residents receiving capital tax gains on their primary residence.

For this reason the following is recommended:

Recommendation:

WHEREAS primary residences are currently exempt from a capital gains tax;

AND WHEREAS currently secondary and additional non-primary properties are subject to capital gains;

AND WHEREAS the Federal Government is currently looking into a primary residence capital gains tax as they have recognized that affordable housing has become a serious issue in Canada;

AND WHEREAS small communities including the Town of Mattawa are seeing unprecedented higher selling prices that are outpacing prices in larger cities;

AND WHEREAS many hard-working Canadians who have only a primary residence with no additional non-primary homes count on their home equity as financial aid to apply to upsizing or downsizing their home depending on their personal situation;

AND WHEREAS a change in taxation to primary residences would be a significant financial blow to Canadians and would create an unfair, two-tiered taxation which could lead to depleted savings, inter-generational disparities, disparities among diverse groups such as seniors who may have a

significant portion of their savings vested in their primary residence, as well as, reducing the ability of home ownership thereby a further, higher need for rentals;

AND WHEREAS the Federal government could look at other means to slow down the rapidly escalating housing costs to improve housing affordability;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Mattawa supports the Corporation of the Town of Fort Erie as they lobby the Federal Government to cease further consideration of eliminating capital gains tax exemptions on primary residences;

AND BE IT FURTHER RESOLVED THAT this resolution be forwarded to the Right Honourable Justin Trudeau, the Honourable Doug Ford, Premier of Ontario and all Ontario Municipalities.

Respectfully submitted,

Councillor D. Sarrazin

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT DEPARTMENT

CHAIRPERSON: COUNCILLOR D. SARRAZIN

DEPT. HEAD: AMY LECLERC, CLERK/REVENUE SERVICES CLERK

TITLE: SUPPORT FOR ADDING MENTAL HEALTH WORKERS TO OPP COMMUNICATIONS CENTRES

 Draft By-law X Item Policy Recommendation

Mayor D. Backer and Members of Council:

At the regular meeting of Monday, July 12th, 2021 Council spoke of the recent announcement from AMO regarding Ontario adding mental health workers to Ontario Provincial Police (OPP) Communications Centres.

This venture is a new OPP Crisis Call Diversion Program being funded by the Province over three years. The new program will include a professional mental health and addictions crisis worker into each OPP Provincial Communications Centre. They will provide assistance with resources and help navigate the mental health related calls. The crisis worker will also provide support and assist in preliminary de-escalation when a call has been assigned to a police officer.

The pilot project began at the OPP London Communications Centre and has been successful with the implementation. The program has now been implemented at a second location in Thunder Bay. There will be additional Communications Centres added later this year.

For these reasons the following is recommended:

Recommendation:

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa support the Ontario Provincial Police (OPP) Crisis Call Division Program by adding Mental Health workers to OPP Communications Centres.

AND BE IT FURTHER RESOLVED THAT this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario, the Honourable Peter Bethlenfalvy, Minister of Finance, and the Association of Municipalities of Ontario.

Respectfully submitted,

Councillor D. Sarrazin

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: GENERAL GOVERNMENT

CHAIRPERSON: COUNCILLOR D. SARRAZIN

DEPT. HEAD: AMY LECLERC, CLERK/REVENUE SERVICES CLERK

TITLE: INTEGRITY COMMISSIONER CONTRACT EXTENSION BY-LAW

21-18 Draft By-Law Item Policy Recommendation

Mayor D. Backer and Members of Council:

At the February 11th, 2019 regular meeting of Council By-law 19-09 was passed appointing Expertise for Municipalities (also known as E4m) as the Town of Mattawa's Integrity Commissioner.

The term of the appointment was from March 1, 2019 until February 28, 2021. Since the ending of the term the Town of Mattawa has been without a formal Integrity Commissioner and Council is mandated by the Municipal Act to obtain the services of an Integrity Commissioner.

Staff has reached out to several organizations in the surrounding area and as far as Southern Ontario in search of an Integrity Commissioner. We have received no replies with the exception of E4M that would provide Council with an extension to the contract to fulfill the role of Integrity Commissioner for the municipality at the same hourly rate of \$100.00.

For these reasons the following is recommended.

Recommendation:

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa adopt By-law 21-18 to accept an extension contract with Expertise for Municipalities (E4M) as Integrity Commissioner for the Corporation of the Town of Mattawa for a two year term commencing March 1, 2021 until February 28, 2023.

Respectfully submitted,

Councillor D. Sarrazin

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 21-18

BEING A BY-LAW TO APPOINT AN INTEGRITY COMMISSIONER

WHEREAS the Municipal Act 2001, S. O. 2001, c.25, Sections 8 and 9(1), as amended, provides municipalities with the powers of a natural person to enable them to govern their affairs as they consider appropriate under this or any other Act and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 223.2(1) of the Municipal Act 2001, S. O. 2001, c.25, as amended, requires a municipality to establish a code of conduct for members of the council of the municipality;

AND WHEREAS Section 223.3 of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a municipality appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to:

- (a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;
- (b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them;

AND WHEREAS Council of the Corporation of the Town of Mattawa enacted By-law No. 19-08 being the Code of Conduct for Members of Council which outlines the powers, duties and responsibilities of the municipality's Integrity Commissioner;

AND WHEREAS Council enacted By-law No. 19-09 appointing Expertise for Municipalities as the Integrity Commissioner for the Corporation of the Town of Mattawa.

NOW THEREFORE the Council of the Corporation of the Town of Mattawa enacts as follows:

1. **THAT** the appointment of Expertise for Municipalities (E4m) as the Integrity Commissioner for the Corporation of the Town of Mattawa be extended for an additional two (2) year period commencing March 1, 2021 and ending on February 28, 2023.
2. **THAT** the terms of the Agreement in Schedule "A" of By-law 19-09 remain unchanged.
3. **THAT** the Mayor and Clerk are hereby authorized to sign and execute, on behalf of the Municipality, an extension to the Schedule "A" Agreement with E4m.
4. **THAT** Should Council deem it prudent to extend the term of the appointment of E4m beyond February 28, 2023, the extension may be authorized by resolution of Council.

5. **THAT** this By-law shall come into full force and effect on March 1, 2021.

READ A FIRST and SECOND time, this 26th day of July, 2021.

READ A THIRD time and FINALLY PASSED this 26th day of July, 2021.

Mayor

Clerk

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT

CHAIRPERSON: COUNCILLOR L. MICK

DEPT. HEAD: WAYNE CHAPUT, BY-LAW ENFORCEMENT OFFICER

TITLE: CLEAN YARDS BY-LAW FINAL READING

21-12 Draft By-law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

At the regular meeting of Council on Monday, April 26th, 2021 a draft Clean Yards By-law was presented to Council. Council directed that the proposed By-law be adopted by three separate readings.

At the regular meeting of June 24th, 2021, the proposed Clean Yards By-law was added to the agenda for Council approval as a first reading which was adopted.

At the regular meeting of July 12th, 2021, the proposed Clean Yards By-law was included in the agenda for Council approval as a second reading which was adopted.

The proposed Clean Yards By-law is added to tonight’s agenda for Council approval and the final reading to be adopted.

For these reasons the following is recommended.

Recommendation:

BE IT RESOLVED THAT Council of the Corporation of the Town of Mattawa adopt By-Law 21-12 which is a final reading of the Clean Yards By-law, being a By-law to provide for the maintenance of land in a clean and clear condition.

Respectfully submitted,

Councillor L. Mick

**THE CORPORATION OF THE TOWN OF MATTAWA
BY-LAW NO 21-12**

**BEING A BY-LAW OF THE TOWN OF MATTAWA TO PROVIDE FOR THE
MAINTENANCE OF LAND IN A CLEAN AND CLEAR CONDITION.**

WHEREAS subsection 11(2) of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended provides, inter alia, that a municipality may pass by-laws respecting the environmental well-being of the municipality, the health, safety and well being of persons and the protection of persons and property;

AND WHEREAS Section 127 of the *Municipal Act, 2001 S.O. 2001, c 25* as amended, provides that a local municipality may require the owner or occupant of land to clean and clear land, not including buildings, or to clear refuse or debris from the land, not including buildings; regulate when and how cleaning and clearing shall be done; and prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS section 128 of the *Municipal Act, 2001 S.O. 2001, c. 25* as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 131 of the *Municipal Act, 2001, S.O. 2001, c 25* as amended provides that a local municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS section 391 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended provides that a municipality may impose fees or charges on any persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 446 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended authorizes the municipality that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, Section 446(2) provides that a municipality may enter upon land at any reasonable time and Section 446(3) provides that the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS Part XIV of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended provides for the enforcement of municipality by-laws;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF
MATTAWA ENACTS AS FOLLOWS:**

1 DEFINITIONS

1.1 "By-Law" means this Clean Yards By-Law

- 1.2 **“Costs”** means all monetary expenses for work carried out by the Town during and throughout the process of any remedial work, including interest at a rate of 15% per annum or such lower rate as determined by the Town commencing on the day the Town incurs the costs and ending on the day the costs, including interest, are paid in full, and may include an administrative surcharge amount as determined by the Town.
- 1.3 **“Council”** means the Council of the Corporation of the Town of Mattawa.
- 1.4 **“Domestic Waste”** means any debris, rubbish, refuse, sewage, effluent, discard or garbage of any type arising from a residence, belonging to or associated with a dwelling unit or use of a dwelling unit or residential property, including, but not limited to, garbage, discarded material or things, broken or dismantled things, and including materials or things exposed to the elements deteriorating or decaying on a property due to exposure of the weather.
- 1.5 **“Dwelling Unit”** means a room or rooms in which a kitchen, living quarters and sanitary conveniences are provided for exclusive use of the residents and with a private entrance from the outside of the building or from a common hallway or stairway inside.
- 1.6 **“Excavation”** shall mean an area where soil has been removed thereby leaving a depression or hole within the surrounding land, and includes, without limiting the generality of the foregoing, uncovered wells and cisterns.
- 1.7 **“Industrial Waste”** means any debris, rubbish, refuse, sewage, effluent, discard or garbage of any type arising from industrial or commercial operation or belonging to or associated with industry or commerce or industrial or commercial property including but not limited to, garbage, discarded material or things, broken or dismantled things, and including materials or things exposed to the elements deteriorating or decaying on a property due to exposure of the weather.
- 1.8 **“Infestation”** means the overrunning of a property by vermin, rodents and insects.
- 1.9 **“Inoperative Motor Vehicle”** shall mean a motor vehicle as defined by the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, as amended, having missing, deteriorated or damaged components or parts which prevents its mechanical function. It also includes a vehicle that does not display a vehicle permit license plate issued under the Highway Traffic Act, R.S.O. 1990, c. 8, as amended and a vehicle with a vehicle permit license plate with a validation sticker that has been expired for more than one year.
- 1.10 **“Litter”** means any material left or abandoned in any place other than a receptacle or place it is intended or approved for such material.
- 1.11 **“Motor Vehicle”** means an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled

implement of husbandry or road building machine within the meaning of the *Highway Traffic Act, R.S.O. 1990, c H.8* as amended.

- 1.12 **“Natural Area”** means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape;
- 1.13 **“Officer”** means a municipal law enforcement officer, property standards officer, police officer or other person designated for the enforcement of this by-law.
- 1.14 **“Owner”** means the registered owner of land or the occupant, tenant, lessee or the person for the time being managing or receiving the rent of the property, whether on its own account or on account of an agent or trustee of any other person or any one of the aforesaid.
- 1.15 **“Person”** means an individual human being, a corporation, firm, partnership, unincorporated association or organization, their heirs, executors, assigns, administrators, agents, trustees or other legal representatives of a person with or without share capital, any association, firm, partnership or private club of a person to whom context can apply accordingly.
- 1.16 **“Peace Officer”** means a municipal law enforcement officer, property standards officer, police officer or other person designated for the enforcement of this by-law and as deemed under the provisions of the Police Services Act R.S.O. 1990, c P15 and the criminal Code of Canada R.S.C., 1985, c C-46.
- 1.17 **“Property”** means any and all land within the Town of Mattawa including buildings and structures, yards and vacant lots.
- 1.18 **“Refuse” and or “Debris”** means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes rubbish, inoperative or derelict vehicles, unlicensed or inoperative boats, inoperative mechanical equipment, automobile or mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or rock fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, stoves or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard.
- 1.19 **“Remedial Work”** means all work necessary for the correction or elimination of a contravention of this By-Law as cited in any Order issued under this By-Law, including any such condition or health hazard, actual or potential, that the contravention may pose;
- 1.20 **“Standing or Stagnant Water”** means non-flowing, motionless or stale water that has remained in location for a period exceeding four days as observed and recorded by an officer;

- 1.21 “**Structure**” means any building or accessory building or any property, or any part thereof, or any part or whole or any structure or building not actually used as a dwelling;
- 1.22 “**Town**” means the Corporation of the Town of Mattawa.
- 1.23 “**Turf Grass**” means ground cover comprised of one or more species of growing grass, with or without trees, shrubbery or maintained planting beds or other vegetation;
- 1.24 “**Weed**” means a noxious weed designated by or under the *Weed Control Act, R.S.O., 1990, c W.5*;
- 1.25 “**Yard**” means the land other than publicly owned land around appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

2 PROPERTY MAINTENANCE

2.1 Every *owner* shall:

- a) keep his or her land free and clear of all *refuse, debris, domestic waste or industrial waste* of any kind, and from any objects or conditions that may create a health, fire or accident hazard;
- b) ensure that his or her land is free from infestation;
- c) trim or cut *weeds or turf grass* on his or her land that are more than 20.32 centimeters (8 inches) in height;
- d) ensure that any natural area on his or her lands are maintained so that the cutting of vegetation other than trees or shrubbery is maintained below 20.32 centimeters (8 inches) in height within a one meter wide strip immediately adjacent to the lot line and a two (2) meter wide strip where the lot line adjoins any sidewalk or roadway.
- e) ensure that vegetation on his or her lands, other than weeds or turf grass shall be kept trimmed and kept from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public;
- f) keep his or her land free from any *standing or stagnant water*, holes or excavations that may create health or accident hazards;
- g) keep his or her land free from dead, diseased, decayed or damaged trees or other natural growth and including the branches or limbs thereof which create an unsafe condition in relation to their environment;
- h) keep his or her land free from overhanging hedges or trees adjacent to a public sidewalk, walkway or roadway so as to allow safe unhindered passage.

2.2 No *person* shall cause or permit an unsafe or hazardous condition by:

- a) causing or permitting an unfenced or unprotected pit, excavation or hole without a temporary barrier at least 1.2 metres (4 feet) in height;
- b) keeping a swimming pool, hot tub, wading pool or artificial pond unless it is maintained in good repair and working;
- c) throwing, placing or depositing any *refuse or debris* on any *Town* or public *property* without the consent of the municipality. .
- d) throwing, placing or depositing any *refuse or debris* on any *property* without the consent of the owner.

3 **EXEMPTIONS**

3.1 Section 2 of this by-law shall not apply to land or *structures* designated by or operated by the Town of Mattawa for the purpose of dumping or disposing of *refuse or debris*.

3.2 Subsection 2.1(c) of this by-law does not apply to natural areas

3.3 Subsection 2.1(f) of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools

3.4 Subsection 2.2 (a) of this by-law does not apply to land on which construction is proceeding under a valid building permit.

3.5 Subsection 2.2 (c) of this by-law shall not apply to garbage placed out for collection in accordance with the Town of Mattawa By-Laws respecting garbage collection.

4 **COMPOSTING**

4.1 No *person* shall compost or permit composting of any kind other than in accordance with Section 4.2 of this By-law.

4.2 Every person composting shall:

- a) compost only at the rear of a *dwelling unit*;
- b) compost only in a container, pile or digester located on land on which a *dwelling unit* is located;
- c) ensure that any compost container or digester used for composting is kept covered tightly at all times, except when emptied or filled;
- d) ensure composting is done in such a manner as to preclude infestation;

- e) ensure composting is kept in a pile no larger than one square metre and 1.2 metres in height which shall be enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting;
- f) ensure no more than two (2) compost containers, piles or digesters used for composting are kept on each parcel of land on which a dwelling unit is located, for a total composting capacity on the land of not more than two (2) cubic metres;
- g) ensure that no animal excrement is placed in a compost container, pile or digester used for composting;
- h) ensure that no offensive odour emanates from the compost container, pile or digester used for composting;
- i) ensure that any organic material placed in a compost container is kept covered with yard waste, soil or humus;
- j) ensure that any compost container, pile or digester used for composting is set back at least 1 metre (3.28 feet) from any lot line.

5 INOPERATIVE MOTOR VEHICLES

5.1 No *person* shall use any *property* for the storage of:

- a) an inoperable *motor vehicle* or motor vehicle that is unfit to be operated on a highway due to damage or poor repair;
- b) a *motor vehicle* that is not currently licensed for operation pursuant to the provisions of the *Highway Traffic Act*;
- c) *motor vehicle* parts or components unless otherwise expressly permitted
- d) wrecked, dismantled, discarded, *inoperable* or abandoned machinery, trailers or boats.

5.2 Section 5.1 of this By-Law does not apply to lands that comply with all applicable land use criteria which permits the retail, wholesale, repair or wrecking of *motor vehicles* or a competition; or hobby vehicle located in a fully enclosed building or recreational vehicle parking in compliance with the *Town's Zoning By-Law*.

6 GENERAL PROVISIONS

6.1 An *officer* may issue an order upon the *owner* of a *property* that is not maintained pursuant to the requirements of this By-law which directs that the *owner* remedy or rectify the contravention within a specified period of time from the time of the delivery of the Order.

- 6.2** Only one (1) Order per calendar year under Section 2.1 (c) is required. If after an Order has been served in accordance with this By-law, the officer, determines that a subsequent violation has occurred, the municipality may proceed with the remedy set forth in Section 6.7 without further notice. In addition the municipality shall publish annual notice once in a local newspaper of general circulation advising residents of the requirements of Section 2.1 (c).
- 6.3** Any Order given under this By-law may be given by personal delivery or by Registered mail. Delivery by registered mail shall be deemed to have been affected five (5) calendar days from the date of mailing.
- 6.4** Every Order sent by an *officer* shall identify the land or structure which is the subject of the Order.
- 6.5** Every Order to an *owner* shall be sent to the address shown on the last revised assessment roll or to the last known address of the *owner*.
- 6.6** The *Town*, its employees or authorized agents shall be entitled to remove any items in order to remedy or rectify any contravention of this By-law and any such items that are removed in accordance with Section 6.3 may be disposed of immediately in the sole and absolute discretion of the *Town*, its employees or authorized agents, which decision shall be final.
- 6.7** Where an *owner*, having been served with an Order, fails to comply with the Order within the time specified, an *officer* or the *Town's* employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the *property* at a reasonable time and carry out any or all of the work described in the Order at the expense of the owner.
- 6.8** If the *costs* for work pursuant to the provisions of this By-law are not paid to the *Town* within thirty (30) days of written demand therefor, the Treasurer may add the *costs*, including interest, to the tax roll for the lot and collect the *costs* in the same manner as taxes pursuant to Section 446 (3) of the Municipal Act S.O 2001, c.25, as amended. The *Town* has the option to apply a reasonable Administration fee to this process should it be necessary.
- 6.9** The *Town* shall not be liable for any damage to *property* or personal injury resulting from any *remedial work* undertaken as a result of a default of the *owner* or any *person* in complying with this By-Law.
- 6.10** With the exception of matters which pose an immediate risk to public health and safety, which determination shall be made in the sole and absolute discretion of the *officer* issuing the Order and whose decision is final, an Order shall provide for not less than three (3) calendar days from the date of service of the Order for the remediation or rectification of the contravention as set out in the Order.
- 6.11** Notwithstanding Section 6.9 of this By-law, when there is an immediate risk to public health and safety, which determination shall be made in the sole and absolute

discretion of the *officer* issuing the Order and whose decision is final, the Order may require immediate action or other remediation or rectification.

7 ENTRY ONTO LAND AND INSPECTIONS

7.1 An *officer* appointed for the purpose of enforcing this By-Law,

(a) has the power to enter upon and examine any lands, yards, vacant lots, grounds at any reasonable time or times, and

(b) may be accompanied by such other *person* or persons as they deem necessary to properly carry out their duties under this By-Law.

7.2 Notwithstanding Section 7.1, no *person*, including an *officer*, shall exercise a power of entry under this By-Law to enter a place or part of a place that is actually being used as a dwelling unless:

(a) the occupier of the *dwelling*, having been informed that the right of entry may be refused, consents to the entry: or

(b) if the occupier refuses to consent, an order is issued pursuant to section 438 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended or a warrant is issued pursuant to section 439 of the *Municipal Act, 2001, S.O. 2001, c 25*, as amended or a warrant issued under the *Provincial Offences Act, R.S.O. 1990, c. P.33* as amended.

7.3 A *person* exercising a power of entry on behalf of the *Town*, under this By-Law must on request, display or produce proper identification.

7.4 No *person* shall hinder, interfere with or otherwise obstruct, either directly or indirectly, any *officer* including any *person* who may be accompanying such persons, in the lawful exercise of any powers or duties under this By-Law.

8 ENFORCEMENT

8.1 This By-Law shall be enforced by an *officer* appointed by the *Town* of Mattawa for the purposes of enforcing this By-Law.

9 SERVICE FEES

9.1. The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the *Town's Fees and Charges By-law* and any revisions thereto.

9.2. Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an *officer*.

10 RECOVERY OF COSTS

10.1. Where the *Town*, its employees or authorized agents have performed the work

required to bring the *property* into compliance with the By-law, all expenses incurred by the *Town* in doing the *remedial work* as well as any related fees, shall be deemed to be taxes and may be collected by action or the costs may be added to the tax roll for the *property* and collected in the same manner as taxes.

11 OFFENCES AND PENALTIES

- 11.1** Every *person* who contravenes any of the provisions of this by-law, including an order issued under this By-Law, is guilty of an offence.
- 11.2** Every *person* who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine (the amount as set out in Schedule "A" of this By-law) as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, and further as provided for under Part XIV of the Municipal Act, 2001, S.O. 2001, c. 25 as amended which provides for the enforcement of municipal by-laws.

12 VALIDITY AND SEVERABILITY

- 12.1** Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an Order to the contrary.

13 SHORT TITLE

- 13.1** This By-Law may be referred to as the "**CLEAN YARDS BY-LAW**".

14 FORCE AND EFFECT

- 14.1** This by-law shall come into force and take effect on the date of final passing.

READ A FIRST time, this 28th day of June, 2021.

READ A SECOND time, this 12th day of July, 2021.

READ A THIRD time and FINALLY PASSED this 26th day of July, 2021.

Mayor

Clerk

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES
PART 1 – PROVINCIAL OFFENCES ACT

A By-Law to provide for the maintenance of land in a clean and clear condition.

ITEM #	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Fail to keep land clear of refuse	2.1(a)	\$110
2.	Fail to keep land clear of debris	2.1(a)	\$110
3.	Fail to keep land clear of domestic waste	2.1(a)	\$110
4.	Fail to keep land clear of industrial waste	2.1(a)	\$250
5.	Fail to keep land clear of objects potentially creating a health hazard	2.1(a)	\$300
6.	Fail to keep land clear of conditions potentially creating a health hazard	2.1(a)	\$300
7.	Fail to keep land clear of objects potentially creating a fire hazard	2.1(a)	\$300
8.	Fail to keep land clear of conditions potentially creating a fire hazard	2.1(a)	\$300
9.	Fail to keep land clear of objects potentially creating an accident hazard	2.1(a)	\$300
10.	Fail to keep land clear of conditions potentially creating an accident hazard	2.1(a)	\$300
11.	Fail to keep land clear of infestation	2.1(b)	\$110
12.	Fail to trim or cut turf grass more than 20.32 cm in height	2.1(c)	\$110
13.	Fail to trim or cut weeds more than 20.32 cm in height	2.1(c)	\$110
14.	Fail to cut vegetation more than 20.32 cm in height in a natural area within a one meter strip of lot line	2.1(d)	\$110
15.	Fail to cut vegetation more than 20.32 cm in height in a natural area within a two meter strip of a sidewalk	2.1(d)	\$110
16.	Fail to trim or cut vegetation	2.1(e)	\$110
17.	Fail to keep land free from standing water	2.1(f)	\$110
18.	Fail to keep land free from stagnant water	2.1(f)	\$110
19.	Fail to keep land free from holes	2.1(f)	\$110
20.	Fail to keep land free excavations	2.1(f)	\$110
21.	Fail to keep land free from dead trees	2.1(g)	\$110

NOTE: the general penalty provision for the offenses listed above is section 11 of the By-law 21-12 a certified copy of which has been filed

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES
PART 1 – PROVINCIAL OFFENCES ACT

A By-Law to provide for the maintenance of land in a clean and clear condition.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
22.	Fail to keep land free from diseased trees	2.1(g)	\$110
23.	Fail to keep land free from decayed trees	2.1(g)	\$110
24.	Fail to keep land free from damaged trees	2.1(g)	\$110
25.	Fail to keep land free from overhanging hedges adjacent to public walkway	2.1(h)	\$110
26.	Fail to keep land free from overhanging trees adjacent to public roadway	2.1(h)	\$110
27.	Fail to keep land free from overhanging hedges adjacent to public roadway	2.1(h)	\$110
28.	Cause an unfenced pit without a temporary barrier at least 1.2 metres in height	2.2(a)	\$200
29.	Permit an unfenced pit without a temporary barrier at least 1.2 metres in height	2.2(a)	\$200
30.	Cause an unfenced excavation without a temporary barrier of 1.2 metres in height	2.2(a)	\$200
31.	Permit an unfenced excavation without a temporary barrier of 1.2 metres in height	2.2(a)	\$200
32.	Cause an unfenced hole without a temporary barrier of 1.2 metres in height	2.2(a)	\$200
33.	Permit an unfenced hole without a temporary barrier of 1.2 metres in height	2.2(a)	\$200
34.	Fail to keep a swimming pool in good repair	2.1(b)	\$200
35.	Fail to keep a swimming pool in working condition	2.1(b)	\$200
36.	Fail to keep a hot tub in good repair	2.1(b)	\$200
37.	Fail to keep a hot tub in working condition	2.1(b)	\$200
38.	Fail to keep an artificial pond in good repair	2.1(b)	\$200
39.	Fail to keep an artificial pond in working condition	2.1(b)	\$200
40.	Throw refuse on Town property	2.2(c)	\$300
41.	Throw debris on Town property	2.2(c)	\$300

NOTE: the general penalty provision for the offenses listed above is section 11 of the By-law 21-12 a certified copy of which has been filed.

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES
PART 1 – PROVINCIAL OFFENCES ACT

A By-Law to provide for the maintenance of land in a clean and clear condition.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
42.	Place refuse on Town property	2.2(c)	\$300
43.	Place debris on Town property	2.2(c)	\$300
44.	Deposit refuse on Town property	2.2(c)	\$300
45.	Deposit debris on Town property	2.2(c)	\$300
46.	Throw refuse on any property	2.2(d)	\$300
47.	Throw debris on any property	2.2(d)	\$300
48.	Place refuse on any property	2.2(d)	\$300
49.	Place debris on any property	2.2(d)	\$300
50.	Deposit refuse on any property	2.2(d)	\$300
51.	Deposit debris on any property	2.2(d)	\$300
52.	Permit composting other than allowed	4.1	\$110
53.	Store inoperative motor vehicles	5.1(a)	\$110
54.	Store unlicensed motor vehicles	5.1(b)	\$110
55.	Store vehicle parts	5.1(c)	\$110
56.	Store vehicle components	5.1(c)	\$110
57.	Store wrecked machinery	5.1(d)	\$110
58.	Store dismantled machinery	5.1(d)	\$110
59.	Store discarded machinery	5.1(d)	\$110
60.	Store inoperative machinery	5.1(d)	\$110
61.	Store abandoned machinery	5.1(d)	\$110

NOTE: the general penalty provision for the offenses listed above is section 11 of the By-law 21-12 a certified copy of which has been filed.

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES
PART 1 – PROVINCIAL OFFENCES ACT

A By-Law to provide for the maintenance of land in a clean and clear condition.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
62.	Store wrecked trailers	5.1(d)	\$110
63.	Store dismantled trailers	5.1(d)	\$110
64.	Store discarded trailers	5.1(d)	\$110
65.	Store inoperative trailers	5.1(d)	\$110
66.	Store wrecked boats	5.1(d)	\$110
67.	Store dismantled boats	5.1(d)	\$110
68.	Store discarded boats	5.1(d)	\$110
69.	Store inoperative boats	5.1(d)	\$110
70.	Store abandoned boats	5.1(d)	\$110
71.	Obstruct an officer in lawful exercise of powers	7.4	\$300
72.	Obstruct an officer in lawful exercise of duties	7.4	\$300
73.	Obstruct an agent in lawful exercise of powers	7.4	\$300
74.	Obstruct an agent in lawful exercise of duties	7.4	\$300
75.	Hinder an officer in lawful exercise of powers	7.4	\$300
76.	Hinder an officer in lawful exercise of duties	7.4	\$300
77.	Hinder an agent in lawful exercise of powers	7.4	\$300
78.	Hinder an agent in lawful exercise of duties	7.4	\$300
79.	Interfere with an officer in lawful exercise of powers	7.4	\$300
80.	Interfere with an officer in lawful exercise of duties	7.4	\$300
81.	Interfere with an agent in lawful exercise of powers	7.4	\$300
82.	Interfere with an agent in lawful exercise of duties	7.4	\$300

NOTE: the general penalty provision for the offenses listed above is section 11 of the By-law 21-12, a certified copy of which has been filed.