



PRESCOTT TOWN COUNCIL
AGENDA

September 20, 2022

6:00 pm

Council Chambers

360 Dibble St. W.

Prescott, Ontario

Our Mission:

To provide responsible leadership that celebrates our achievements and invests in our future.

Pages

1. **Call to Order**

We will begin this meeting of Council by acknowledging that we are meeting on aboriginal land that has been inhabited by Indigenous peoples.

In particular, we acknowledge the traditional territory of the Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishinabek, and the Oneida and Haudenosaunee Peoples.

2. **Approval of Agenda**

RECOMMENDATION

That the agenda for the Council meeting of Tuesday, September 20, 2022, be approved as presented.

3. **Declarations of Interest**

4. **Presentations**

5. **Delegations**

6. Minutes of the previous Council meetings

6.1. September 6, 2022

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RECOMMENDATION

That the Council minutes dated September 6, 2022, be accepted as presented.

7. Communications & Petitions

8. Consent Reports

All matters listed under Consent Reports are to be considered routine and will be enacted by one motion. Should a member wish an alternative action from the proposed recommendation, the member shall request that the item be moved to the applicable section of the agenda.

RECOMMENDATION

That all items listed under the Consent Reports section of the agenda be accepted as presented.

8.1. Information Package (under separate cover)

8.2. Staff Report 90-2022 - River Route Transit Service Partnership Agreement - Final

13

RECOMMENDATION

That Council direct the Mayor and Clerk of the Corporation of the Town of Prescott to sign the River Route Partnership Agreement.

8.3. Staff Report 91-2022 - Water & Wastewater Operations By-Law

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RECOMMENDATION

That Council provide feedback to Staff on the draft Water and Sewer Operations By-Law as attached in Staff Report 91-2022 law by October 7, 2022; and

That Staff be directed to present the by-law for further review and discussion at the Council meeting of October 17, 2022.

9. Committee Reports

10. Mayor

11. Outside Boards, Committees and Commissions

12. Staff

- 12.1. Staff Report 92-2022 - Municipal Alcohol Policy for Events 63**

RECOMMENDATION

That Council received the draft Municipal Alcohol Policy attached to Staff Report 92-2022 and provide feedback by October 3, 2022; and

That the final Municipal Alcohol Policy be brought back to Council for final consideration and approval.

- 12.2. Staff Report 93-2022 - 2022 Community Grant Recommendations - Intake # 2 75**

RECOMMENDATION

That Council approve the 2022 Community Grant Allocation Recommendations for Intake #2, totaling \$13,750 as outlined in Staff Report 93-2022.

- 12.3. Staff Report 94-2022 - Update on By-law Services Specific to AMPS, VBR, and Property Standards 79**

RECOMMENDATION

For information.

- 12.4. Staff Report 95-2022 - Bill 109 Resolution for Consideration 82**

RECOMMENDATION

That Council direct Staff to bring the resolution concerning Bill 109 as outlined in Staff Report 95-2022 for consideration to the Council meeting of October 3, 2022.

13. Resolutions

14. By-laws

- 14.1. Joint Audit Committee 85**

RECOMMENDATION

That By-Law 40-2022, being a by-law to appoint members to an Election Compliance Audit Committee for the Town of Prescott for the Council term dated November 15, 2022 to November 14, 2026, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

15. New Business

16. Notices of Motion

17. Mayor's Proclamation

17.1. World Alzheimer's Day - September 21, 2022

WHEREAS World Alzheimer's Day takes place annually on September 21st and is a day on which organizations dedicated to fighting Alzheimer's disease and other dementias can raise awareness about this cause; and

WHEREAS people living with dementia in our community are made to feel accepted, and welcomed, throughout the Town of Prescott and that Prescott is an inclusive space for people living with Alzheimer's disease and other dementias, and their care partners and families; and

WHEREAS the Alzheimer Society Lanark Leeds Grenville provides support, education, programs and services to all citizens of Lanark County; and

WHEREAS the well-being of persons living with Alzheimer's disease and other dementias is of value to all in our community and supports our community as a whole.

THEREFORE BE IT RESOLVED, that the Corporation of the Town of Prescott does hereby proclaim September 21, 2022, as "World Alzheimer's Day" in the Town of Prescott.

Dated this 20th day of September 2022.

17.2. National Day of Truth and Reconciliation - September 30, 2022

WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation; and

WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRRC's Calls to Action; and

WHEREAS all Canadians and all orders of government have a role to play in reconciliation; and

WHEREAS the Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal people, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process; and

WHEREAS the Federal Government has announced September 30, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday; and

THEREFORE BE IT RESOLVED, that the Corporation of the Town of Prescott does hereby commit to recognizing September 30, 2022, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.

Dated this 20th day of September 2022.

18. **Period for Media Questions**

19. **Closed Session**

20. **Rise and Report**

21. **Confirming By-Law – 41-2022**

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RECOMMENDATION

That By-Law 41-2022, being a by-law to confirm the proceedings of the Council meeting held on September 20, 2022, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

22. **Adjournment**

RECOMMENDATION

That the meeting be adjourned to Monday, October 3, 2022. (Time: _____ p.m.)



PRESCOTT TOWN COUNCIL

MINUTES

Tuesday, September 6, 2022

6:00 p.m.

Council Chambers

360 Dibble St. W.

Prescott, Ontario

Present	Mayor Brett Todd, Councillor Leanne Burton, Councillor Teresa Jansman, Councillor Lee McConnell, Councillor Ray Young
Staff	Matthew Armstrong, CAO/Treasurer, Nathan Richard, Director of Operations, Lindsey Veltkamp, Director of Administration/Clerk, Dana Valentyne, Economic Development Officer, Kaitlin Mallory, Deputy Clerk, Renny Rayner, Fire Chief
Guests	David Somppi, Chair Planet Youth Lanark County, Elaine Murkin, Manager, Healthy Living and Development Department, Leeds, Grenville & Lanark District Health Unit, Rebecca Kavanagh, Manager Leeds, Grenville & Lanark District Health Unit, and Kevin Clouthier, Co-Chair Lanark County Child and Youth Services.

1. Call to Order

Mayor Todd began the meeting by acknowledging that we are meeting on aboriginal land that has been inhabited by Indigenous peoples.

In particular, we acknowledge the traditional territory of the Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishinabek, and the Oneida and Haudenosaunee Peoples.

He then called the meeting to order at 6:05 p.m.

A moment of silence was observed in recognition of the tragedy that took place in James Smith Cree Nation and Weldon Saskatchewan.

2. Approval of Agenda

Motion 192-2022

Moved By McConnell

Seconded By Young

That the agenda for the Council meeting of September 6, 2022 be approved as presented.

Carried

3. Declarations of Interest

No declarations of interest were expressed.

4. Presentations

4.1 Planet Youth Presentation - David Sompii, Chair Planet Youth Lanark County

David Somppi, Chair of Planet Youth Lanark County, spoke to a PowerPoint presentation. A copy of the presentation is held on file. He referenced the 4 domains of intervention, substance use in youth, and support from external agencies. He spoke to the impact of the COVID-19 pandemic for issuing surveys, and the opportunities for Leeds & Grenville municipalities.

Discussion was held regarding the revival of the Municipal Drug Strategy Committee with the Township of Edwardsburgh Cardinal and Township of Augusta and the potential to discuss the initiative at the upcoming Tri-Council Meeting.

Further discussion was held regarding Municipal Drug Strategy Committee, the data presented, and the importance of local data.

David Sompii, Kevin Clouthier, Rebecca Kavanagh, and Elaine Murkin left the meeting at 6:33 p.m.

5. Delegations

There were no delegations.

6. Minutes of the previous Council meetings

6.1 August 22, 2022

Motion 193-2022

Moved By Young

Seconded By Burton

That the Council minutes dated August 22, 2022, be accepted as presented.

Carried

7. Communications & Petitions

There were no items under communications & petitions.

8. Consent Reports

Motion 194-2022

Moved By Jansman

Seconded By Young

That all items listed under the Consent Reports section of the agenda be accepted as presented.

Carried

Councillor Jansman spoke to Item # 2 - Town of Wasaga Beach resolution - re: Bill 3, Strong Mayors Bill, Building Homes Act.

Staff was directed to bring a report regarding Bill 3 back to a future Council meeting for discussion.

8.1 Information Package (under separate cover)

1. Brockville District Shrine Club Invitation – 100th Anniversary Banquet
2. Town of Wasaga Beach resolution re: Bill 3, Strong Mayors, Building Homes Act

9. Committee Reports

There were no committee reports.

10. Mayor

Mayor Todd thanked the Upper Canada Musicians for their Labour Day Concert held on Monday, September 5 and thanked Al Torrence. He spoke to the work done at the waterfront, beach, parks, and gardens and the draw for tourists.

11. Outside Boards, Committees and Commissions

Councillor Burton welcomed kids back to school, thanked staff and summer students for their work this season and wished them well in their school year. She spoke to Connect Youth's programming taking place at the Leo Boivin

Community Centre, the YMCA fitness programs, pickleball, the Brick Program at the Rotary Pavilion, and Commemorative Tree Program.

Councillor Jansman spoke to her attendance at the Upper Canada Folkfest event that took place on August 27.

Councillor McConnell spoke to the St. Lawrence Shakespeare Festival's season and referenced the positive compliments received regarding the Town.

Councillor Young spoke to his attendance at the St. Lawrence Lodge Committee of Management meeting, the upcoming Toll Road Fundraiser taking place on September 17, and the South Grenville Food Bank's 20th Anniversary Celebration event hosted by Nancy Casselman.

12. Staff

12.1 Staff Report 83-2022 - Joint Compliance Audit Committee Appointments

Motion 195-2022

Moved By McConnell

Seconded By Young

That Council receive Staff Report 83-2022 for information and direct Staff to bring the attached by-law to appoint members to a Joint Leeds & Grenville Election Compliance Audit Committee for the Town of Prescott for the Council term dated November 15, 2022, to November 14, 2026, to the Council meeting of September 19, 2022, for consideration and approval.

Carried

Lindsey Veltkamp, Director of Administration/Clerk, spoke to the report.

12.2 Staff Report 84-2022 - Project Updates - August 2022

Nathan Richard, Director of Operations, spoke to the report. He highlighted the ongoing donations of sand from Ken Miller Excavating for

Kelly's Beach. He spoke to the updates at the arena, the reconstruction of Dibble Street East, and the updates to select intersections in town.

Discussion was held regarding accessible sidewalk access at Edward Street and Water Street, the need for accessible access on the corner of Water Street and Edward Street, and the option to pave the shoulder of the road along Churchill leading to the arena.

Further discussion was held regarding the progress of the arena, the potential scheduled opening for June of 2023, the next major milestones, the potential for a walkthrough for Council, and the condition of the retaining wall by the Wastewater Treatment Facility.

12.3 Staff Report 85-2022 - Purchase Fire Truck

Motion 196-2022

Moved By Young

Seconded By Jansman

That Council direct Staff to proceed with the ordering of a Rosenbauer Rescue Pumper Vehicle as outlined in Staff Report 85-2022 to replace the current 1998 International 4900 Rescue Vehicle.

Carried

Renny Rayner, Fire Chief, spoke to the report. He provided a background on the planning process direction from Council, the retention of the rescue vehicle, the budget approval, the design of the vehicle, and the potential delivery date.

Matthew Armstrong, CAO/Treasurer spoke to the financial aspects of the report. He referenced the donation from the Prescott Fire Association and overview of the debt repayment.

Discussion was held regarding the size of the holding tank, the future standard operating guidelines for response and deployment, and use of the older truck.

Further discussion was held regarding the donation from the Prescott Fire Association, the benefit of factory made, the design of the pumper, the purchase of the past demo truck, and the allocation of the revenue from the vacant building registry.

12.4 Staff Report 86-2022 - Ice Resurfacing Machine Purchase

Motion 197-2022

Moved By Young

Seconded By McConnell

That Council approves the purchase of a new Ice Resurfacing machine for the new recreation complex at a cost of \$110,000 plus HST.

Carried

Nathan Richard, Director of Operations, spoke to the report. He referenced the sale of the old Zamboni to the Township of Edwardsburgh Cardinal and the need for a new ice resurfacing machine.

Mr. Richard spoke to the potential options reviewed by staff and the recommended ice resurfacing machine.

Discussion was held regarding the fundraising advertising on the ice resurfacing machine.

Further discussion was held regarding the use of an electric ice resurfacing machine, the standard lifespan, and the limited information available on the replacement and lifespan of electric ice resurfacing machines.

12.5 Staff Report 87-2022 - Part-Time Administrative Support Position

Motion 198-2022

Moved By Young

Seconded By Burton

That Council direct Staff to proceed with the recruitment of a Part-Time Administrative Support position.

Carried

Matthew Armstrong, CAO/Treasurer, spoke to the report. He referenced the utilization of a summer student during the summer months and the benefit of having a part-time staff member to cover staff vacation and clerical projects from the Deputy Treasurer.

Mr. Armstrong spoke to the salary and wages of a summer student and the ability to offset the cost through the reduction of the legal budget.

Discussion was held regarding the opportunity to allow the CAO/Treasurer and Deputy Treasurer to focus on hire level tasks by hiring a part-time staff member.

12.6 Staff Report 88-2022 - Bill 109 Resolution

Matthew Armstrong, CAO/Treasurer, spoke to the report. He referenced the resolutions from the Township of Puslinch and Township of East Gwillimbury. He provided background on the resolutions, the concerns with site plan application review time period, and the specific impacts for the Town of Prescott.

Discussion was held regarding the creation of a resolution reflecting the concerns of the Council of the Town of Prescott.

Motion 199-2022:

Moved By Burton

Seconded By Young

That Staff be directed to bring back a resolution reflecting the Town of Prescott's concerns with Bill 109, More Homes for Everyone Act, 2022, to the Council meeting of September 19, 2022, for final consideration and approval.

Carried

12.7 Staff Report 89-2022 - Development Charges Study

Motion 200-2022

Moved By Young

Seconded By Jansman

That Council direct Staff to proceed with the Development Charges Study using Calvin Pol of ComP Consultants at a cost of \$19,200 plus HST.

Carried

Matthew Armstrong, CAO/Treasurer, spoke to the report.

Discussion was held regarding the development charges.

Further discussion was held regarding the development charges implemented in neighbouring municipalities, the potential issues surrounding the passing of development charges, and a review of the development charges for the Tri-Council.

13. Resolutions

There were no items under resolutions.

14. By-laws

There were no items under by-laws.

15. New Business

There was nothing under new business.

16. Notices of Motion

There were no items under notices of motion.

17. Mayor's Proclamation

17.1 Rail Safety Week

Mayor Todd proclaimed September 19-25th, 2022 as Rail Safety Week in the Town of Prescott.

18. Period for Media Questions

There were no questions from the media.

Council recessed at 8:22 p.m.

Council resumed at 8:32 p.m.

19. Closed Session

Motion 201-2022

Moved By McConnell

Seconded By Jansman

That Council move into Closed Session at 8:32 p.m. to discuss matters pertaining to:

19.1 Approval of Closed Session Minutes (August 22, 2022)

19.2 Purchase & Sale

- Under Section 239(2)(c) of the *Municipal Act* - a proposed or pending acquisition or disposition of land by the municipality; and

That the CAO, Clerk, Director of Operations, Deputy Clerk, and Economic Development Officer remain in the room.

Carried

Motion 202-2022

Moved By Young
Seconded By McConnell

That Council reconvene in Open Session. (Time: 8:53 p.m.)

Carried

20. Rise and Report

During the Closed Session Council approved Item 19.1 - Approval of the Closed Session Minutes and provided Staff with the following direction under Item 19.2 - Purchase and Sale.

Motion: McConnell, Burton

That Staff be directed to prepare the necessary by-law for the sale of approximately 17 acres of surplus lands located north of the CN Rail, south of Churchill Road, for the purposes of residential development; and

That the by-law be brought back to the meeting of September 19, 2022, for final consideration and approval.

Carried

Motion: Young, Burton

That Staff be directed to prepare the necessary by-law for the sale of 10 acres located north of Development Drive, immediately west of the OPP Station to 778581 Ontario Ltd; and

That the by-law be brought back to the Council meeting of September 19, 2022, for final consideration and approval.

Carried

21. Confirming By-Law – 39-2022

Motion 203-2022

Moved By Jansman
Seconded By McConnell

That By-Law 39-2022, being a by-law to confirm the proceedings of the Council meeting held on September 6, 2022, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

Carried

22. Adjournment

Motion 204-2022

Moved By Young

Seconded By Jansman

That the meeting be adjourned to Monday, September 19, 2022. (Time:8:56 p.m.)

Carried

Mayor

Clerk



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '22
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 90-2022

Date: September 20, 2022

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

RE: River Route Transit Service Partnership Agreement - Final

Recommendation:

That Council direct the Mayor and Clerk of the Corporation of the Town of Prescott to sign the River Route Partnership Agreement.

Background/Analysis:

As the River Route Transit Service has moved past the pilot phase, the need for a formal partnership agreement identifying roles and responsibilities of each municipality is required. The River Route Transit Service Partnership Agreement attached to this Staff Report includes the following:

- Identifies the role of the City of Brockville as the service provider
- Outlines the financial arrangements and cost sharing formula
- Defines the role of the Administrative Lead and the associated responsibilities
- Provides for an Oversight and Operations Committee outlining the role and responsibilities
- Speaks to the bus vehicle and future capital
- Measures success based on continuous improvement
- Provides for a dispute resolution process

The draft agreement was brought forward to the Council meeting of May 16, 2022 and to each partnering municipality for feedback.

Feedback was received and incorporated into the agreement which resulted in no material changes but provides additional clarity to roles and responsibilities for each partner.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '22
Strategic Plan		

Alternatives:

Council could decide not to enter into the agreement at this time however that is not recommended.

Financial Implications:

The table below provides the financial results for the first 10 months to June 30, 2022.

	4 Months Aug 30, 2021 to Dec 31, 2021	3 Months Jan 1, 2022 to Mar 31, 2022	3 Months Apr 1, 2022 to Jun 30, 2022	10 Months Total
Revenue				
Bus Fares	5,231	2,749	5,017	12,997
EOLC Pilot Funding	25,000	-	-	25,000
Augusta	6,667	6,045	6,659	19,371
Edwardsburgh Cardinal	6,667	6,045	6,659	19,371
Prescott	9,251	6,045	6,659	21,955
Provincial Gas Tax	-	15,664	18,744	34,408
Total Revenue	52,816	36,548	43,737	133,101
Expenses				
Salaries	34,292	25,105	29,727	89,125
Fuel	10,669	9,836	11,424	31,929
Maintenance	7,855	1,607	2,585	12,047
Total Expenses	52,816	36,548	43,737	133,101
Rides	951	627	939	2,517
Operating Days	86	64	63	213
Rides per Operating Day	11.1	9.8	14.9	11.82

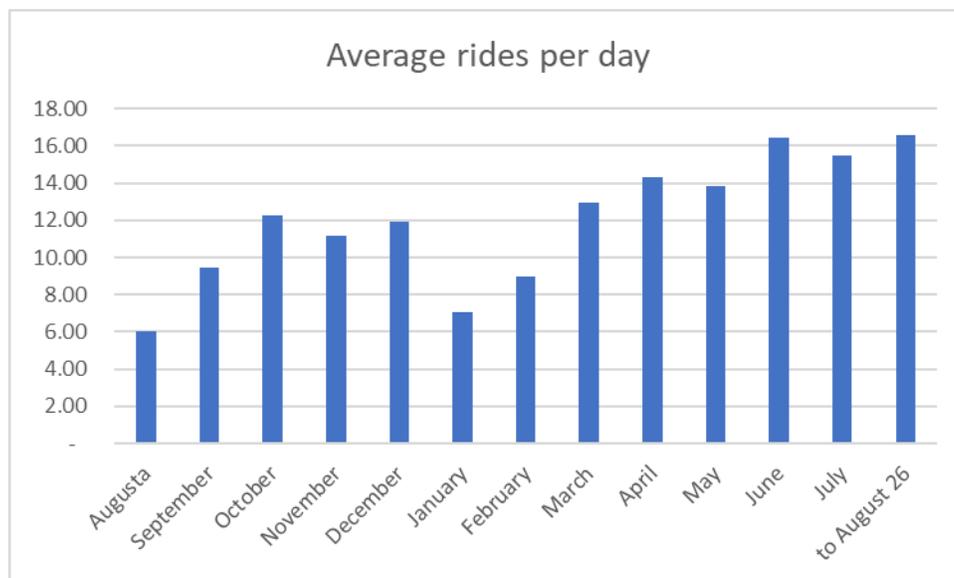


		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '22
Strategic Plan		

The table below provides the ridership information.

Month	Operating Days	Rides	Average rides per day
August 2021	2	12	6.0
September 2021	21	199	9.5
October 2021	20	245	12.3
November 2021	22	245	11.1
December 2021	21	250	11.9
January 2022	20	141	7.1
February 2022	21	188	9.0
March 2022	23	298	13.0
April 2022	20	286	14.3
May 2022	21	291	13.9
June 2022	22	362	16.5
July 2022	20	310	15.5
*to August 26, 2022	19	315	16.6
Total	252	3,142	12.5

The daily high occurred on August 12, 2022 with 33 rides.





		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 '22
Strategic Plan		

Popularity of stops in Augusta, Prescott, and Edwardsburgh Cardinal.

Stop	Rank	Percentage of rides
Maitland	9	1%
Invista	4	10%
King Street - Prescott	1	25%
Prescott Centre Drive	6	7%
Churchill Road - Prescott	3	16%
Newport Drive	7	6%
South Edwardsburgh School	8	6%
Village Square Mall - Cardinal	2	22%
John Street/St. Paul's Church/Ingredion	5	7%

Environmental Implications:

None

Attachments:

- Final - River Route Transit Service Partnership Agreement

Submitted by:

Matthew Armstrong
 Chief Administrative Officer & Treasurer

RIVER ROUTE TRANSIT SERVICE PARTNERSHIP AGREEMENT

THIS AGREEMENT made this day of , 2022.

BETWEEN:

TOWNSHIP OF AUGUSTA

– and –

CITY OF BROCKVILLE

– and –

CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL

– and –

CORPORATION OF THE TOWN OF PRESCOTT

1. Definitions

In this Agreement, the following are defined terms:

“Bus” means a vehicle that is capable of carrying more than nine passengers and meets all federal and provincial requirements to be used as for a municipal public transit service.

“River Route Transit Service” means the public bus service operated by the City of Brockville traversing a route through the Township of Augusta, Township of Edwardsburgh Cardinal and Town of Prescott.

2. Term

The term of this agreement shall run from April 1, 2022 to March 31, 2023 which coincides with the Provincial Gas Tax funding year.

3. Renewal

Each partner shall provide written notice of their intent to renew this agreement for 12 months (April 1st to March 31st) by February 28th of each year.

4. Termination

If a partner wishes to terminate their participation in this agreement, they must provide written notice by February 28th for termination on March 31st.

5. Service Provider

The City of Brockville shall act as the service provider for the River Route Transit Service. These responsibilities include the following;

- Operation of a bus that meets all federal and provincial requirements
- Provide qualified staffing to operate the bus
- Provide fuel for the bus
- Provide the preventative and remedial maintenance on the bus
- Provide adequate vehicle and liability insurance for the operation of the bus
- Track all incremental revenue and expenses related to the River Route Transit
- Track daily ridership data by stop and provide on a weekly basis
- Provide monthly financial data on the revenues and expenses of the River Route Transit by the 21st calendar day of each month for the month prior
- Provide the information necessary to complete the reporting requirements for the Provincial Gas Tax Funding Program
- Invoice the Town of Prescott for the net expense of the River Route Transit Service

6. Financial Arrangements

As the Service Provider, the City of Brockville will be reimbursed for all incremental expenses to operate the River Route Transit Service, including the following:

- Qualified staffing to operate the bus
- Fuel for the bus
- Preventative and remedial maintenance on the bus

The Township of Augusta, The Corporation of the Township of Edwardsburgh Cardinal, and the Town of Prescott shall share equally in the cost net expense to operate the River Route Transit Service. The net expense to operate the River Route Transit Service will be calculated as follows:

- Plus User Fees Collected for the River Route Transit Service
- Plus Provincial Gas Tax Funding received by the Corporation of the Town of Prescott on behalf of the Township of Augusta, the

Corporation of the Township of Edwardsburgh Cardinal, and the Corporation of the Town of Prescott – April 1st to March 31st

Less: Incremental expenses of the City of Brockville to operate the River Route Transit Service

Equals Net Expense to operate the River Route Transit Service

The Oversight and Operating Committee will be responsible for preparing and agreeing on the annual operating budget by January 15th of each year and this draft budget will be forwarded to each municipality for presentation to Council for review and consideration.

7. Staff

The City of Brockville will be responsible for all staffing and contractors related to the operation of the River Route Transit Service.

These staff and contractors will have employment and/or contractual arrangements with the City of Brockville and not with the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, or the Corporation of the Town of Prescott.

All issues or disputes between the City of Brockville and their employees and/or contractors is specifically to exclude the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, or Corporation of the Town of Prescott as nothing in this agreement shall be construed or understood to create a contractual obligation between the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, or the Corporation of the Town of Prescott and employees and/or contractors working for the City of Brockville to operate the River Route Transit Service.

8. Administrative Lead

The Corporation of the Town of Prescott agrees to act as the administrative lead for the River Route Transit Service, responsible for the following:

- Applying for, receiving, and reporting to Provincial Gas Tax Funding Program on behalf The Township of Augusta, The Corporation of the Township of Edwardsburgh Cardinal, and the Corporation of the Town of Prescott.
- Invoicing the Township of Augusta and the Corporation of the Township of Edwardsburgh Cardinal on a quarterly basis for their financial contribution to the River Route Transit Service
- Payment to the City of Brockville for the monthly invoice for incremental expenses to operate the River Route Transit Service
- For receiving and assembling the ridership and financial data to be reported to the Township of Augusta and Corporation of the Township of Edwardsburgh Cardinal formally on a quarterly basis and on an as needed basis as requested

- The Chief Administrative Officer for the Corporation of the Town of Prescott will act as the Chair the Oversight and Operations Committee but will not have a vote when determining consensus to avoid creating an unbalance the representation between the partners.

9. Oversight and Operations Committee

Each party to the agreement shall appoint two staff members to an Oversight and Operating Committee. The Committee will be responsible for reviewing and deciding on the following in relation to the River Route Transit Service:

- Hours of operation
- Route travelled
- Stop locations
- User Fees
- Annual operating budget
- Marketing and promotions

Decisions of the Committee will be based on consensus and with the agreement of the City of Brockville that they can be reasonably implemented. Any decision that would increase the net cost of the River Route Transit Service above the budgeted yearly contribution, will be brought to each individual Council for contemplation.

The Oversight and Operations Committee will meet at least quarterly and on an as needed basis at the request of any member of the Committee. Semi-annual updates on Committee activities will be provided at the Tri-Council meeting.

10. Bus Vehicle

The City of Brockville is currently in the process of replacing their fleet of buses over the next several years. The River Route Transit Service will use the buses that are slated for replacement until it is no longer feasible to do so.

The Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, and the Corporation of the Town of Prescott will be responsible for purchasing a replacement bus on or before the date at which it is no longer feasible for the City of Brockville to provide a bus that has been slated for replacement due to age, maintenance, repairs, or operating costs. It is estimated that a replacement will need to be purchased in 2025 or 2026 based on the current bus replacement plan. Approval of the capital contributions and the decision to purchase a bus will require Council approval from the applicable municipalities.

The Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, and the Corporation of the Town of Prescott will seek out any and all Federal and Provincial funding programs to offset the cost of a new bus. The net cost of a new bus which shall be calculated by the cost of a new bus less any funding received for the new bus shall be shared equally between The Township of Augusta, Corporation

of the Township of Edwardsburgh Cardinal, and the Corporation of the Town of Prescott.

11. Continuous Improvement

The success of the River Route Transit Service will be measured based on continuous improvement in decreasing the cost per ride. Cost per rider will be calculated by taking the total operating expenses of the River Route Transit Service and dividing by the number of rides provided for the applicable period of time.

12. Dispute Resolution

The Chief Administrative Officer or designate of each partner will act as the dispute resolution body.

13. Mutual Indemnity

Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, and Corporation of the Town of Prescott agree to and shall indemnify and hold harmless the City of Brockville for any legal fees, disbursements, damages, or other related or associated expenses arising out of any action against the City of Brockville relating to the operation of the River Route Transit Service.

This indemnity clause shall not apply if the City of Brockville or its staff is determined to be negligent by a court of competent jurisdiction.

The City of Brockville agrees to and shall indemnify and hold harmless the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, and Corporation of the Town of Prescott for any legal fees, disbursements, damages, or other related or associated expenses arising out of any action against the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, or Corporation of the Town of Prescott relating to the operation of the River Route Transit Service.

This indemnity clause shall not apply if the Township of Augusta, Corporation of the Township of Edwardsburgh Cardinal, or Corporation of the Town of Prescott or its staff is determined to be negligent by a court of competent jurisdiction.

14. Compliance with Laws

All parties agree that itself, its employees, representatives and agents shall at all times comply with any and all applicable federal, provincial and municipal laws, by-laws, statutes, rules, regulations and orders in respect of the performance of this Agreement.

15. Time

Time shall be of the essence of this Agreement.

16. Non-Assignability

A party shall not assign any of its rights or obligations under this Agreement, without the written consent of the other parties, and such consent shall not be unreasonably withheld.

17. No Waiver

No waiver of any breach of any term or condition of this Agreement shall be construed to waive any subsequent breach of the same or any other term or condition of this Agreement.

18. Notices

Any notice, request, demand, consent, approval, correspondence, report or other communication required pursuant to or permitted under this Agreement must be in writing and must be given by personal delivery, or transmitted by fax, email or other electronic medium that provides a hard copy, or be sent by first class mail, postage or charges prepaid, and addressed to the parties to whom it is intended at its address as set out below:

Township of Augusta
3560 County Road 26
Prescott, ON, K0E 1T0
Phone: 613 925-4231

City of Brockville
1 King Street West
P.O. Box 5000
Brockville, ON, K6V 7A5
Phone: 613 342-8772
Fax: 613 342-8780

Township of Edwardsburgh/Cardinal
18 Centre Street
P.O. Box 129
Spencerville, ON, K0E 1X0
Phone: 613 658-3055
Fax: 613 658-3445

Town of Prescott
360 Dibble St W,
Prescott, ON, K0E 1T0
Phone: 613 925-2812
Fax: 613 925-4381

19. Severability

If any provision of this agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

20. Governing Law

This agreement shall be governed by the laws of the Province of Ontario.

21. Authority

Each Party has full power and authority to enter into and perform this contract, and the person signing this contract on behalf of the respective Party has been properly authorized and empowered to enter into this contract. Each Party further acknowledges that it has read this agreement, understands it, and agrees to be bound by it.

22. Substitution and Changes

Substitution or changes may be made in writing to this Agreement, by mutual consent of the parties.

23. Headings not Controlling

Headings and titles used in this Agreement are for reference purposes only and shall not be deemed a part of this Agreement.

24. Entire Agreement

This Agreement contains the entire understanding of the Parties hereto and neither it nor the rights and obligations hereunder may be changed, modified or waived except by an instrument in writing signed by the parties hereto.

25. Binding Effect

This Agreement will endure to the benefit of, and be binding upon, the Parties and their respective successors, administrators and assigns.

In witness whereof the Parties have caused this Agreement, which shall inure to the benefit of and be binding upon the successors of the respective Parties, to be signed and entered as of the date first mentioned above.

SIGNED, SEALED AND DELIVERED

in the presence of:

Township of Augusta

Per:

Mayor

Clerk

We have authority to bind the Corporation.

City of Brockville

Per:

Mayor

Clerk

We have authority to bind the Corporation.

**Corporation of the Township of
Edwardsburgh Cardinal**

Per:

Mayor

Clerk

We have authority to bind the Corporation.

Corporation of the Town of Prescott

Per:

Mayor

Clerk

We have authority to bind the Corporation.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20' 22
Strategic Plan		

REPORT TO COUNCIL

Date: September 20, 2022 **Report No. 91-2022**
From: Matthew Armstrong, Chief Administrative Officer & Treasurer
RE: Water and Sewer Operations By-law

Recommendation:

That Council provide feedback to Staff on the draft Water and Sewer Operations By-Law as attached in Staff Report 91-2022 law by October 7, 2022; and

That Staff be directed to present the by-law for further review and discussion at the Council meeting of October 17, 2022.

Background/Analysis:

By-law 03-2006 was created to enact rules and regulation for the operation of the water supply system, water treatment system, water works distribution system, and the wastewater treatment system. This by-law included the rates for water and wastewater services. The rates have been amended several times since 2006 most recently in 2022 however the remainder of the by-law remains unchanged.

In an attempt to clarify several aspects of the current by-law and to alleviate issues that have arisen over the past 16 years, there has been a substantial overhaul of the by-law, which is attached to this report.

The changes include the following:

- Updated and more robust definitions section
- Defined sections to help with readability and interpretation
 - o Water Service Connection
 - o Water Service Charges
 - o Sewer Service Charges
 - o Other Fees and Charges
 - o Billing, Payment, and Security Deposits
 - o Exemptions
 - o Conditions on Water Supply
 - o Water Efficiencies



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20' 22
Strategic Plan		

- Fire Protection
- Fire Hydrants and Curb Service Valves
- Water Meters
- Enforcement
- Offences and Penalties
- New Schedules A through F

Any comments, questions, or suggestions can be submitted to Staff by October 7, 2022 and the by-law can be brought back to Council on October 19, 2022 for a detailed discussion and review.

Alternatives

Council could decide to not consider changes to the Water and Sewer Operations By-law at this time.

Financial Implications:

None

Environmental Implications:

None

Attachments:

- Draft – Water and Wastewater Operation By-law

Submitted by:

Matthew Armstrong
 Chief Administrative Officer & Treasurer

PRESCOTT
EST 1784
THE FORT TOWN

**The Corporation of the Town of Prescott
Water & Sewer Operations By-law xx-2022**

DRAFT

WATER & SEWER BY-LAW xx-202x
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DRAFT

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. xx-2022

**A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE OPERATION OF A
WATER SUPPLY SYSTEM, WATER WORKS DISTRIBUTION SYSTEM,
WASTEWATER COLLECTION SYSTEM AND A WASTEWATER TREATMENT
SYSTEM IN THE TOWN OF PRESCOTT AND THE ESTABLISHMENT OF RATES
FOR WATER AND WASTEWATER SERVICES RELATED TO THE OPERATION OF
THE SYSTEM**

Being a by-law to enact rules and regulations for the operation of a water supply system, water works distribution system, wastewater collection system and a wastewater treatment system in the Town of Prescott and the establishment of rates for water and wastewater services related to the operation of the systems.

WHEREAS Sections 10(1) and 391 of the *Municipal Act, 2001*, c. 25 and amendments thereto, authorizes the Town to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of and for capital costs payable by the Town water and sewage services; and

WHEREAS The Corporation of the Town of Prescott has constructed, operates, and maintains a water supply system, a water works distribution system, a wastewater collection system, and a wastewater treatment system; and

WHEREAS Council of the Corporation of the Town of Prescott deems it expedient to make certain rules and regulations for the operation of said systems and to establish water and wastewater rates and charges; and

AND WHEREAS this by-law is to further provide for the regulation of the ownership, installation, connection, operation, repair, maintenance and replacement and access to the water works system and water metering equipment and appurtenances thereto, and for the recovery of the costs thereof for the proper operation of the Town's Water Works and Sewage Works

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Prescott hereby enacts as follows:

1. DEFINITIONS.

- 1.1. "Additional Residential Unit" means a self-contained dwelling created through the conversion of part of or the addition on to a Residential Dwelling.

- 1.2. "Approved" means the approval of the Council of the Corporation of the Town of Prescott.
- 1.3. "Billing Date" means the date on which a bill for a Water Service Charge and/or a Sewer Service Charge is rendered.
- 1.4. "Building" or "Buildings" means any building or structure, or equipment supplied with, serviced by, or connected or required to be connected to the Town's Water Works or Sewage Works in the Serviced Areas.
- 1.5. "Commercial User" means the applicant for water supply, the Owner or Occupant of any Premises or Property in which water is supplied and used directly or indirectly for or in connection with any business, trade or commercial undertaking.
- 1.6. "Commercial Unit" means any space or commercial unit within a Building or Property that is supplied with water and is occupied, leased, rented or otherwise available for use by any business, trade or commercial undertaking.
- 1.7. "Community Facilities" means all municipally owned arenas, libraries and community centres.
- 1.8. "Corporation" or "Town" means the Corporation of the Town of Prescott.
- 1.9. "Council" shall mean the municipal Council of the Corporation of the Town of Prescott.
- 1.10. "Curb Service Valve" means a valve located on the Water Service Connection, which enables the Town to turn on or off the water supply through a service line to a water User's Property or Premises.
- 1.11. "Customer" means the owner, tenant, or occupant of premises to which water is supplied in the Town.
- 1.12. "Department" shall mean Department of Operations
- 1.13. "Due Date" means the date that is 20 days after the Billing Date.
- 1.14. "Duplex" means a building that is divided into two (2) dwelling units, each of which has an independent entrance.
- 1.15. "Dwelling Unit" means any part of a Building or Property with one or more habitable rooms designed or intended to be used as a domestic establishment in which one or more persons may sleep and in which sanitary facilities and a separate kitchen is included in the dwelling unit for the occupant's exclusive use.

- 1.16. "Fire Supply Charge" means the charge for sprinkler connections to the Water Works in order to ensure that in the event of a fire there will be adequate water flow as set out in Schedule "C".
- 1.17. "Master Control Valve" means the water valve located within the Water Customer's Building, at the point where the water supply pipe enters the building, which when closed does not allow the flow of water into the Building.
- 1.18. "Multi-Unit Residential Building" means a single building or series of buildings containing two or more single family units, including apartment buildings, which are serviced by, connected to, and receive water from the Water Works, excluding a Retirement or Care Facility.
- 1.19. "Non-Residential and Commercial Buildings" means all commercial, institutional, or industrial facilities and Buildings, all commercial condominium units in a condominium corporation created pursuant to the *Condominium Act* and other Properties receiving water from the Water Works or using the Sewage Works, other than a Single-Family Residential Dwelling, a Residential Apartment and Multi-Level Residential Condominium Buildings, Schools, Community Facilities or a Retirement or Care Facility.
- 1.20. "Occupant" means any lessee, tenant, Owner, agent of a lessee, tenant, or any person or persons other than the Owner who occupies or is in possession of the Property, and any reference in this By-law to an occupant in the singular shall be deemed to include the plural, where applicable.
- 1.21. "Owner" means the registered owner or owners of a property or Premises and any reference in this By-law to an owner in the singular shall be deemed to include the plural, where applicable.
- 1.22. "Person" means an individual, association, partnership, corporation, municipality, Provincial or Federal agency, or any agent or employee thereof.
- 1.23. "Private Main" means a water main located on private property
- 1.24. "Property" or "Properties" or "Premises" means the property(ies) or premises being supplied or to be supplied with water and includes the portion of a multiple occupancy premises separately supplied.
- 1.25. "Remote Meter Reading System": means a device installed at a separate location from the water meter and used to record the consumption reading of the meter

- 1.26. “Residential Apartment Building” or “Multi-Level Residential Condominium Building” means two or more residential dwelling units in a single building or series of buildings containing more than two (2) single family units, and/or residential condominium units in a multi-level low or high-rise condominium corporation created pursuant to the *Condominium Act* which is serviced by and received water from the Town’s Water Works.
- 1.27. “Retirement or Care Facilities” means a building or buildings containing Dwelling Units and/or Rooms such as residential retirement or nursing homes for the aged, providing assisted care and living services, but excluding hospitals.
- 1.28. “Road Allowance” means land dedicated to The Corporation of the Town of Prescott or to the Province of Ontario for a public highway
- 1.29. “Room” means any part of a Building or Property with one or more habitable rooms designed or intended to be used as a domestic establishment in which one or more persons may sleep and in which sanitary facilities for their exclusive use may or may not be provided and does not contain a kitchen.
- 1.30. “Schools” means all elementary, secondary, and educational facilities operating and meeting the legal requirements of a private or a public school under the *Education Act*, R.S.O., 1990 E.2.
- 1.31. “Serviced Areas” means an area where a waterworks and sewage system has been provided by or for the municipality, including but not limited to Properties within and outside the Town of Prescott.
- 1.32. “Sewage Works” means all sewage works in the Town, including pumping stations, sanitary sewers, force mains, plant machinery, conduits, intakes, outlets, installations and other works designed for the drainage, treatment, distribution and storage of sewage and includes land appropriate for such purposes by the Town.
- 1.33. “Sewage Service Charges” means Sewer Service Rates and such other charges for services provided by the Town that relate to the Sewage Works, as may be charged pursuant to Schedule “D” or as otherwise provided in this By-law.
- 1.34. “Sewage Service Rates” means those rates or charges imposed and levied by Council for the provision of sewage services to those connected to the Sewage Works as set out in Schedule “B”.
- 1.35. “Sewer Services” means wastewater pipes which connect premises to the Town’s wastewater collection system

- 1.36. “Residential Dwelling” shall mean a single-family dwelling, a semi-detached dwelling, duplex, a townhouse, row dwelling and includes home offices, semi-detached or townhouse condominium units in a condominium corporation created pursuant to the *Condominium Act* which is serviced by and receives water from the Town’s Water Works.
- 1.37. “Street Line” means a boundary of a property adjoining the road allowance
- 1.38. “Tax Collection Officer” means the Tax Collection Officer of the Corporation of the Town of Prescott.
- 1.39. “Treasurer” means the Treasurer of the Corporation of the Town of Prescott.
- 1.40. “Temporary Water Supply Connection” means a water supply pipe which is installed for a specific short-term purpose
- 1.41. “Town” means the Corporation of the Town of Prescott
- 1.42. “Triplex” means a building on a single foundation divided into three (3) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- 1.43. “User” shall include the applicant for water supply, the Owner or Occupant of, or the person to whom invoices are sent for the water supplied to a premise
- 1.44. “Wastewater Collection System: means the sanitary sewer mains and service laterals from the sewer mains to the street line
- 1.45. “Water” means potable water that is fit for human consumption
- 1.46. “Municipal Consent Permit Water Feedermain” means the high-pressure water feedermain system constructed and owned by the Corporation of the Town of Prescott and includes, without limitation, that portion of the water feedermain system owned by the Town and located within the geographical boundaries of the Town.
- 1.47. “Water Service” means the pipes and fixtures used for the purposes of supplying any Premises in the Town with water from the Water Works established by the Corporation and situated between the watermain and the limit of the street or highway on which the Premises so abut up to and including the Curb Service Valve.
- 1.48. “Water Service Charges” means Water Service Rates and other such charges for services provided by the Town and related to the Water

Works, as may be charged pursuant to Schedule “D” or as otherwise provided in this By-law.

- 1.49. “Water Service Connection” means a water pipe, which connects a water customer’s Property or Building to the Water Works, including the service pipe from the interior face of the outer wall of a Building or from the water meter if one is installed inside the Building, including any valves, the Curb Service Valve, stopcocks and Water Meters to:
 - i. the adjoining street or highway where a service line has been installed from the watermain on the street or highway; or
 - ii. the watermain where a service line has not been so installed
- 1.50. “Water Service Rates” means those fixed base rates and consumption rates specified in Schedule “A” to this By-law applicable to Owners or Occupants of Properties within the Serviced Areas.
- 1.51. “Water Service Pipe” means the water pipes which conduct water from water service connections to water meters
- 1.52. “Water Meter” or “Water Meters” means any electro-mechanical device of appropriate size and make, approved by the Town, installed in a water pipe to constantly measure and record the volume of water passing through the pipe location where the water meter is installed together with all appurtenances thereto, including, but not limited to, any electronic communication register, touch pad, and any new requirement or technology replacing the same.
- 1.53. “Water Works” means buildings, structures, plants, machinery, equipment and appurtenances, devices, conduits, pipes, watermains, intakes, outlets, underground construction, installations and other works designed for the production, treatment, distribution and storage of water and includes land appropriated for such purposes and uses; and includes, but is not limited to, the Water Feedermain, and a loop waterman system in the Town.
- 1.54. “Water Works Distribution System” means the water mains and appurtenances, the works, and the equipment under the jurisdiction of the Town for the supply and distribution of water or any part of such system.
- 1.55. “Wastewater Collection System” means the sanitary sewer mains and service laterals from the sewer mains to the street line
- 1.56. “Works” for the purpose of this By-law shall mean “Water Works” and/or “Sewage Works”.

2. AUTHORITY

- 2.1. The administration of the water supply system, the water works distribution system, the wastewater collection system and the wastewater treatment system shall be under the jurisdiction of the Town but may be delegated to such other entities as Council may from time to time direct.
- 2.2. The administration of the water works, and wastewater, accounting, servicing and meter reading shall be under the jurisdiction of the Town but may be delegated to such other entities as Council may from time to time.
- 2.3. Council shall be responsible for establishing by-laws for the operation of the water and wastewater systems and the setting of fees and charges.

3. WATER SERVICE CONNECTION

- 3.1. Every Owner of a Building or Property within the Town of Prescott shall connect the building to the municipal Water Works with the exception of property located north of Highway 401.
- 3.2. Notwithstanding section 3.1, no notice to connect shall be at variance with any written requirement, order or approval by a Medical Officer of Health or Public Health Inspector or pursuant to the *Environmental Protection Act*, R.S.O. 1990, Chapter E- 19.
- 3.3. All water connections to the Water Works must be approved by the Town and comply with all by-laws and applicable laws and regulations. No person shall cause or permit to be made any connection to the Water Works or Sewage Works without obtaining permits and the required Approvals from the Town.
- 3.4. No person shall connect any faucet, tap hydrant or appliance of any kind whatsoever to the Water Works or any water service or private water service without the consent of the Town.
- 3.5. There shall be no connection between the Water Works or private water services and any cisterns, wells, privies, privy vaults or cesspools.
- 3.6. The Owner shall be responsible for all costs associated with the installation of a new water service from the watermain to the water meter (public & private property). The same rules will apply in the event a water service requires an upgrade due to re-zoning/re-classification of property” “same policy applies to sanitary lateral installs/replacements

- 3.7. The Town shall determine the size of the pipes and fittings to be connected to a watermain, upon such terms and conditions as the Town may deem necessary. All new water services shall be at least two point one metre (2.1m) below the finished grade of the street in which such services are installed and are to be properly protected from freezing.
- 3.8. All private watermains and private water services shall comply with any specifications of the Town for public water services installed on or on behalf of the Town to the property line, unless otherwise approved by the Town. All private water services shall be comprised of materials that are compatible to the water service to which such water service is connected, and as determined to be acceptable to the Town, and the pipes and fittings used for private water services shall be constructed of a material which complies with the Ontario Building Code, 1992, S.O. C. 23, as may be amended from time to time. Sufficient space shall be allowed for the installation of Water Meters.
- 3.9. Private water services shall be installed by the Owners of the Property for which such private water services are required, subject to the provisions of the Ontario Building Code, 1992, S.O. 1992, C. 23, as may be amended from time to time. It shall be the duty of the installer employed by the Owner to protect and guarantee from damage by frost all work related to the installation of the private water services.
- 3.10. No cross-connections between any facet of the water system and any private water supply or drain or sewer shall be permitted.
- 3.11. The Owner shall have the ongoing obligation of maintaining any private water services and their fixtures and appurtenances.
- 3.12. Any connection required to be made by an Owner under this By-law shall be made:
- i. within (9) nine months after the municipality has sent a written notice to the Owner by registered mail to the Owner's last known address requiring the connection to be made, or during any capital project when watermains are being installed and notices are given by a representative of the Town of Prescott;
 - i. in accordance with the requirements of the notice and any by-law, regulation or statutes governing such connection.
 - ii. in accordance with a permit obtained prior to any installation, or repair approved by the Town and performed by the Town or contractors approved by the Town.
- 3.13. Any notice to connect pursuant to this By-law shall:

- i. require the Owner of a Property within a Serviced Area of the Town to make the connection within a prescribed time limit set out in the notice;
 - ii. state that if the Owner fails to make the connection within the prescribed time limit, that the Town has the right to make the connection at the Owner's expense and for this purpose has the right to enter in and upon the Property of the Owner and to recover the expense by action or in like manner as municipal taxes;
- 3.14. If the Owner fails to make a connection; required by a notice given pursuant to section 3.12 within the nine (9) months period or as prescribed in the notice, the Town may make the connection at the Owner's expense and for this purpose may enter in and upon the Property of the Owner.
- 3.15. The cost of making such connection shall be a lien or charge as municipal taxes upon the Property in respect of which the connection was made and shall be added to the Collector's Tax Roll by the Treasurer of the municipality and shall be collected in the same manner as taxes in arrears and shall bear interest from the date the first demand for payment is made at the same rate as taxes in arrears.
- 3.16. Extensions of and connections to the Town's Water Works shall only be permitted when they have been approved by the Town.
- 3.17. All construction on Town property will be conducted by Town Employees and/or a contractor approved by the Town.

4. WATER SERVICE CHARGES

- 4.1. Every Owner and Occupant of each separately assessed Property to which the Town supplies water services from the Water Works shall be jointly and severally responsible for payment of a Water Service Charge for the Property consisting of a flat rate and a consumption rate payable monthly and determined in accordance with this By-law.
- 4.2. All property Owners within the Town of Prescott are subject to a mandatory monthly infrastructure rehabilitation and replacement fee. These fees will be designated as per the classification of property. For example. A single dwelling will be designated one (1) flat rate fee, a duplex will be designated two (2) flat rate fees, a triplex will be designated three (3) flat rate fees etc. For greater clarity, the mandatory monthly infrastructure charge is charged is multiplied by the number of units that is on record with the Municipal Property Assessment Corporation (MPAC) regardless of the number of meters

there are and still applies even if the water has been shut off to the property but the connection exists.

- 4.3. Additional Residential Units within a Dwelling or on a property will be charged as a separate unit in accordance with Schedule "A" regardless of whether they are separately metered.
- 4.4. Where a Property includes more than one use or a mixture of uses in various units in the Building, the Water Rates shall be assessed separately against each unit based on such uses.
- 4.5. In the event that Commercial Users of Non-Residential Buildings are not metered separately, the Owners of Non-Residential Buildings shall pay the rates as set out in Schedule "A" to this By-law based on the number of Commercial Users in the Non-Residential Buildings.
- 4.6. The consumption rate component of the Water Charge for a Property shall be calculated by multiplying the metered amount of Water in cubic meters by the consumption rate in Schedule "A" to this By-law
- 4.7. The Council of the Town may change any or all Water Service Rates or Sewage Service Charges without notice to any person.

5. SEWER SERVICE CHARGES

- 5.1. Every Owner and Occupant of each separately assessed Property to which the Town supplies sanitary sewage services from the Sewage Works shall be jointly and severally responsible for payment of a Sewage Service Charge for the Property consisting of a flat rate and a consumption rate payable monthly and determined in accordance with this By-law.
- 5.2. All property Owners within the Town of Prescott are subject to a mandatory monthly infrastructure rehabilitation and replacement fee. These fees will be designated as per the classification of property. For example. A single dwelling will be designated one (1) flat rate fee, a duplex will be designated two (2) flat rate fees, a triplex will be designated three (3) flat rate fees etc. For greater clarity, the mandatory monthly infrastructure charge is charged is multiplied by the number of units that is on record with the Municipal Property Assessment Corporation (MPAC) regardless of the number of meters there are and still applies even if the water has been shut off to the property but the connection exists.
- 5.3. Additional Residential Units within a Dwelling or on a property will be charged as a separate unit in accordance with Schedule "B" regardless of whether they are separately metered.

- 5.4. Where a Property includes more than one use or a mixture of uses in various units in the Building, the Wastewater Rates shall be assessed separately against each unit based on such uses.
- 5.5. In the event that Commercial Users of Non-Residential Buildings are not metered separately, the Owners of Non-Residential Buildings shall pay the rates as set out in Schedule "B" to this By-law based on the number of Commercial Users in the Non-Residential Buildings.
- 5.6. The consumption rate component of the Sewage Service Charge for a Property shall be calculated by multiplying the metered amount of Water in cubic meters by the consumption rate in Schedule "B" to this By-law.
- 5.7. The Owner or Occupant of each separately assessed Property who receives sewage service but does not receive water supply services from the Town, shall pay a Sewage Service Charge as indicated in Schedule "B" to this By-law.
- 5.8. Charges for other sewage services are set out in Schedule "D".
- 5.9. The Council of the Town may change any or all Sewage Service Rates or Sewage Service Charges without notice to any person.

6. OTHER FEES AND CHARGES

- 6.1. Other and miscellaneous fees and charges associated with the provision of services related to the Water Works and Sewage Works are set out in Schedule "D" to this By-law. The Council of the Town may change any or all fees and charges set out in Schedule "D" or pursuant to this By-law, without notice to any person or corporation.
- 6.2. Any person may request, upon payment of a charge set out in Schedule "D" a Water Arrears Certificate from the Tax Collection Officer certifying any charges against the property that are fully paid and listing any charges unpaid and outstanding.
- 6.3. The Town may grant permission to an employee of the Town or a contractor retained by the Town for municipal purposes, upon obtaining a written request from an Owner, to flood any outside community skating, curling or hockey rink or to fill any community swimming pool, reservoir or tank when water is to be supplied from a hydrant at rates as determined by the Town, at their discretion.
- 6.4. Builders requiring the temporary use of water for construction purposes, shall submit a separate application for a permit for the use of water for each Building to be erected and shall furnish the Town, with all information required by him and shall pay to the Town such

special water rates or fees for the temporary use of water as set out in Schedule "D" or as may from time to time be fixed by the Council.

- 6.5. Equipment installed solely for the automatic suppression of fires in Buildings may, with the approval of the Chief Building Official, be attached to watermains provided that a written request, on a form approved by the Town, has been submitted and approved. Such equipment is to be entirely disconnected from water pipes used for any other purpose, and Water supplied through such equipment is used solely for the purpose of fire extinction. All such equipment must be provided with a suitable valve outside the building and under the exclusive control of the Town. A valve shall be placed at each hose opening in the standpipe and all such valves shall be sealed by the Town. The Town may require a specific meter to be provided, installed and maintained by the Owner. In case of any violation of this By-law, the Town may shut the control valves and refer the matter to Council.
- 6.6. The Town not responsible for clearing obstructions from sanitary laterals. In the event of a sanitary lateral blockage the following steps shall be taken by the property owner. Owners are to have lateral cleared by a licensed plumber
 - i. Town staff will camera the lateral for visual deficiencies that may have contributed to the blockage
 - ii. If the deficiencies are located on Town property and are suspected of causing the blockage, the Owner will be refunded for the plumbing service call to clear the sanitary line and the Town will schedule a repair or replacement of the damaged portion of the lateral on Town property
 - iii. If there are no deficiencies identified on Town property during the camera session, the Owner will be responsible for all costs associated with the lateral clearing.

7. BILLING, PAYMENT, AND SECURITY DEPOSITS

- 7.1. All accounts for water and sewer charges shall be based on meter readings for the Property and billed to the Owner of the Property on a monthly basis, or at intervals determined by Council, at the Owner's address as shown on the last revised assessment roll and shall be deemed to have been received on the seventh (7th) day after the date on which the bill was mailed.
- 7.2. If, for any reason, meters are not read, an estimated consumption will be used.

- 7.3. All amounts owing on account of a Water Service Charge or Sewage Service Charge shall be paid to on the Due Date to Rideau St. Lawrence Utilities or at such other place or method as may be set out on the bill.
- 7.4. If the new owner or occupant does not have a history of good standing with Rideau St. Lawrence Utilities or a letter of the same from a previous utility company, then a deposit of \$150.00 dollars for water and sewer charges is required. This deposit is held for one (1) year to establish a good credit history and then the deposit is credited to the account with interest. If the Town has shuts off the supply of water to a Property, or if Rideau St. Lawrence Utilities has reasonable grounds to believe based on past payment history that an Owner or Occupant of a Property may be unable to pay or continue to pay a Water Service Charge or Sewage Service Charge when due, the Utility may, as a condition of the Town supplying or continuing to supply water to the Property, require the Owner or Occupant, as the case may be, to post security for payment of future Water Service Charges or Sewage Service Charges, or both. The amount of security that the Utility may request be posted in accordance with this section shall be the greater of:
- i. \$150.00, or;
 - ii. the amount of the Water Service Charge and Sewage Service Charge for monthly billings for the Property as estimated based on previous levels of consumption on the Property as reflected by recent past account history for each year.
- 7.5. The Town requires a security (deposit) in the form of cash or any other type of negotiable security suitable to the Town for a new account and or change of ownership.

8. EXEMPTIONS

- 8.1. The Treasurer shall have the discretion to grant exemptions to the service charges set out in Schedule "D" for requests for which are related to fundraising or charitable activities.

9. CONDITIONS ON WATER SUPPLY

- 9.1. The Town shall use reasonable diligence in providing a regular supply and quality of water but does not guarantee that the water supplied will be free of colour or turbidity at all times or that there will be a constant service, or unvaried pressure or quality, or supply of water and is not liable for damages to the Owner or Occupant caused by any breakage of the Water Works or Water Services, Water Service Connections or for the shutting off of water to repair, maintain or to connect watermains

or if the Town interrupts any water supply or service. The Town shall at no time be held liable for reason of inadequate supply of water or by reason of the Town restricting the supply of Water or for refusing the supply of water.

- 9.2. In case of repairs, maintenance, safety, health issues or emergencies, the Town may shut off Water Services or the Water Works without notice to any customer, and keep it shut off as long as may be necessary and the Town shall not be liable for any damage arising therefrom. Where planned work on the Water Works is contemplated by the Town, the Town will make reasonable effort to provide notice of the intention to shut off the water.
- 9.3. The Town shall have the right to shut off the supply of water to any Property if, in the opinion of the Town, the Water Service Connection located on the Property is not being properly maintained, develops a significant leak, or in any way compromises the integrity of the Town's Water Works, and the Town shall not be required to restore service until such condition has been rectified to the satisfaction of the Town.

10. WATER EFFICIENCIES

- 10.1. The Town may suspend any or all use of water through a hose or other attachment, for the use of street, lawn, garden sprinkling, or outdoor use whenever public exigency requiring restrictions on the use of water outside of any building are effective within the areas of the Town serviced by the Water Works.
- 10.2. No person shall contravene any water restrictions imposed by the Town or cause/permit external watering contrary to such water restrictions, upon notice being published in a newspaper having general circulation in the area, Social Media platforms, the Radio, and the Town's website.
- 10.3. The Town may impose restrictions or designation days and times allowed for lawn or garden or external watering, including, but not limited to, washing of vehicles, driveways, sidewalks, or the filling of swimming pools; or suspending any or all lawn, garden or external watering.
- 10.4. No person shall install any air conditioning equipment that requires the use of water without the approval of the Town.
- 10.5. No air conditioning equipment of over 5 tons per hour total rated capacity shall be installed unless equipped with an evaporative condenser, evaporative cooler and condenser, water cooling tower, spray pond or other water-cooling equipment so that all the water from the watermains is used for make-up purposes only. The equipment

shall be adjusted so that the average rate of make-up water under full load will not exceed 0.1 gallons per minute per ton of capacity.

- 10.6. The Town may impose additional restrictions on the use of water during various periods, including use restrictions. The Town shall have the right to not only limit the hours of external water use on specified days but also to ban completely the external use of water at any time. Notice shall be given by published in a newspaper having general circulation in the area,; Social Media platforms, the Radio, and the Town's website.

11. FIRE PROTECTION

- 11.1. Fire protection will be charged to all sprinkler properties that use municipal water supply from the Water Works. The Fire Supply Charge will be set by Council as set out in Schedule "C" using a flat rate charge
- 11.2. The Fire Supply Charge shall be paid in monthly installments, or as otherwise directed by Council, and will be adjusted as necessary by Council from time to time.
- 11.3. The Flow Rate of a water supply measured at a minimum of 20 psi (138 Kpa) residual pressure is available for fire fighting as per NFPA Standards.

12. FIRE HYDRANTS AND CURB SERVICE VALVES

- 12.1. No person, except for an employee of the Town authorized under the *Safe Drinking Water Act, 2002, c. 32* is permitted to operate a fire hydrant, street valve or Curb Service Valve. A written request for water from a municipal fire hydrant shall be approved by the Town. A fee for such service shall be payable in accordance with Schedule "D" attached to this By-law.
- 12.2. Any hydrant situated within the road allowance or Curb Service Valve is the property of the Town and shall be maintained by it. Town-owned hydrants located on private property shall also be maintained by the Town.
- 12.3. No person shall paint fire hydrants or in any manner, tamper with the colour scheme of fire hydrants as per the Ontario Fire Code.
- 12.4. No person shall obstruct the free access to any fire hydrant or Curb Service Valve or plant or place, or cause to permit to be planted or placed, vegetation or other objects within a 3-metre corridor between the hydrant and the curb or road allowance nor within a 1.5 metre radius beside or behind a hydrant except with the prior written authorization of the Town.

- 12.5. Except for water used for fire fighting and those operations authorized by the Town, any other use of a Town's fire hydrant or Curb Service Valve for water supply is prohibited.
- 12.6. Privately-owned hydrants shall be maintained and accessible at all times and in good operating order as per the Ontario Fire Code by and at the expense of the Owner. Unmetered water from privately-owned hydrants shall not be taken for other than fire fighting purposes.
- 12.7. Property Owner's must be able to provide proof of hydrant maintenance, testing and inspections (Ontario Fire Code 6.6.1.5 (3)) upon request of any Town Employee.
- 12.8. Property Owner's must provide proof of maintenance, testing, and inspections of internal and external fire protection equipment (Ontario Fire Code 6.6.1.5) to the Town on a yearly basis.

13. WATER METERS

- 13.1. All water supplied by the Town through a Water Service Connection shall pass through a Water Meter, unless otherwise permitted by the Town, and both new and existing Buildings shall have water meters installed in accordance with this By-law.
- 13.2. It is required by this By-law that all Owners of existing Buildings supplied with water by the Town shall have installed a Water Meter of a size, make, and configuration approved by the Town of Prescott.
- 13.3. The Water Meter shall be installed by persons authorized by the Town and the Town may enter into agreements with others to provide for the installation of Water Meters in any manner satisfactory to the Town.
- 13.4. Water Meters shall be installed in the following types of existing Properties:
 - i. Residential Dwellings shall have a minimum of one Water Meter installed.
 - ii. Multi-Unit Residential Building: All Multi-Family Residential units in rental properties shall have a single Water Meter installed within the building on the incoming Water Service Connection. The Owner of the Building will be responsible for the recovery of Water Service Charges from tenants within the rent structure as determined by the Owner.
 - iii. Multi Residential Condominium Units and Commercial Condominium Units: The Town shall inspect the configuration of the plumbing system, in each existing condominium building.

If the configuration of the existing plumbing system facilitates the easy installation of a separate Water Meter for each condominium unit, then Water Meters shall be so installed, along with a separate Water Meter used by all Owners for irrigation, car washing, building cleaning, or other water uses of common benefit to all unit Owners, to ensure that 100% of water entering the Building is metered. If the installation of separate Water Meters for each condominium unit requires modifications to the existing plumbing system then the condominium corporation shall be given the choice of two options:

- a. Option 1: The condominium corporation may make the necessary modifications to the existing plumbing system to facilitate individual unit metering entirely at its own cost, provided that where existing plumbing configurations, in the opinion of the Town, permit easy installation without extra costs, a separate Meter can be installed for each condominium unit; or
 - b. Option 2: A single Water Meter will be installed at the point of entry of the incoming Water Service to the Building, and the condominium corporation will distribute the total water costs to individual unit Owners, on the basis of a cost sharing formula derived by the condominium corporation Board of Directors and its Owners.
- iv. Institutional Buildings: All Institutional Buildings shall have a single Water Meter of appropriate size installed, as determined by the Town.
 - v. Commercial Buildings: All Commercial Buildings shall have a minimum of one Meter installed in the incoming service line. Where existing plumbing configurations, in the opinion of the Town, permit easy installation a separate Water Meter can be installed for each commercial unit, otherwise a single Water Meter will be installed for the entire Commercial Building and the Owner of the commercial Building will be responsible for the payment of water charges and the distribution of costs to the individual commercial units.
 - vi. The Town will install Water Meters in all existing Buildings and Facilities and all Buildings for which a building permit is issued.

- vii. Failure to have a Water Meter installed in any existing Building shall be justification for the Town to enter in and upon the Building or Facility upon reasonable notice to the Owner or Occupant, to install the necessary Water Meter(s) and invoice the Owner for all costs incurred. Where failure to provide reasonable access to a Water Meter or to an appropriate Water Meter location is not provided by an Owner or Occupant within thirty (30) days of notification in writing from the Town that access is required, both the Owner and the Occupant shall be subject to the enforcement procedures pursuant to this By-law or fees associated as per schedule "D"
- 13.5. All new construction of Buildings and Properties pursuant to a building permit issued on or after January 1, 2009, to be connected to the Town's Water Works, shall have Water Meters of a size, make, and configuration as approved and designated by the Town. The Water Meters shall be installed during construction by a qualified licensed plumber in the Province of Ontario and they shall certify to the Town that the Water Meter has been installed in accordance with applicable Ontario building and plumbing codes prior to occupancy of any Building or Property. All required Water Meters shall be operational and readable at the time of occupancy. Water Meter installation shall follow the procedure in Schedule "E" of this By-law. No building permit for a new building will be issued until the applicant signs an agreement as defined in Schedule "F" of this By-law.
- 13.6. All new or proposed Residential Dwellings shall have at least one Water Meter.
- 13.7. All new or proposed Retirement and Care Facilities shall have one Water Meter on the incoming service with the water charges billed to the Owner of the Building.
- 13.8. All new or proposed Residential Multi-Unit Condominium Buildings and all commercial condominium units in a condominium corporation created pursuant to the Condominium Act, shall have specially configured internal plumbing systems satisfactory to the Town, to allow easy installation of a separate Water Meter for each residential or commercial condominium unit. An additional separate Meter shall be installed if necessary to meter water used for the common purposes of all condominium units (landscape irrigation, car washing, building cleaning and other common uses). The water charges for common use shall be distributed to Condominium Owners in accordance with a by-law to be passed by the Board of Directors of the Condominium Corporation and/or its owners.

- 13.9. All new or proposed Non-Residential and Commercial Buildings (other than commercial condominiums), shall have at least one Water Meter and shall have specially configured plumbing completed by the Owner at the Owner's cost and to the satisfaction of the Town, and where required by the Town, shall allow for individual Water Meters to be installed for each separate use or occupancy within the commercial, institutional or industrial or non-residential development.
- 13.10. All institutional, government Buildings and all Community Facilities shall have at least Water Meter.
- 13.11. All Water Meters shall be of a make, size, and configuration satisfactory to the Town to accurately measure and record the quantity of water used within the Building or Property.
- 13.12. Water Meters shall be installed in the incoming Water Service Connection line as close as possible to the master control valve within the Building or Property being supplied with Town water.
- 13.13. No Person shall by-pass the flow around a Water Meter, or tamper with a Water Meter or automated reading device, in any way that corrupts or distorts the Water Meter's accurate measurement and recording of the quantity of water being used in the Building or Property. No person, institution or corporation shall remove or re-locate a water meter within the premises without written permission from the Town.
- 13.14. All Owners and Occupants of Buildings or Properties shall provide reasonable access to the Works and Water Meter for manual reading, servicing or meter replacement.
- 13.15. Any Owner or Occupant provided with a notification of internal water leakage within the Building or Property served must take appropriate action within 30 days of notification to correct the conditions causing leakage.
- 13.16. If there is a discrepancy between internal and external meters, the internal meter readings will be used.
- 13.17. While the cost of Water Meters is the responsibility of the water customer, the Water Meters remain the property of the Town of Prescott and will be serviced and/or replaced when necessary, by the Town of Prescott. Replacement due to neglect or damage shall be at the Owner's expense.
- 13.18. The type, model and size of Water Meters and installations, including location of their installation, shall be to the satisfaction and approval of the Town. The Chief Building Official shall be provided with certification from a qualified licensed plumber that the Water Meter has been

properly installed and is operational in accordance with all applicable building and plumbing codes and legislation for the Province of Ontario.

- 13.19. Fire Service connections, configured so that they cannot be used for any other purpose, shall not be required to flow through a Water Meter.
- 13.20. If a Water Meter is damaged, removed, or stolen, the Owner of the premises shall pay the full cost of replacing the Water Meter including installation. Every Owner shall take all reasonable steps to protect the Water Meter, appurtenances, valves and pipes from freezing, frost damage, excessive heat or any condition that could cause external or internal damage of any kind to the Water Meter or affect its accuracy and reliability.
- 13.21. Every Owner shall provide reasonable access to the Property and Building(s) served if necessary to test the functioning of a Water Meter and the accuracy of its readings.
- 13.22. Every Owner may, upon written request to the Town, have a Water Meter tested for accuracy and the cost of such test shall be at the cost of the Town if the Water Meter is found to be inaccurate in excess of 5% of actual flow and such test shall be at the water customers expense if the Water Meter is found to be accurate to less than 5% of actual flow.
- 13.23. If for any reason, any Water Meter shall be found to be not working properly, then the amount of the consumption rate for the Water Service Charge shall be based on the average charge for the previous six months.
- 13.24. Where the Water Meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the Water Meter itself and the reading on the read-out device, the Town will consider the reading at the Water Meter to be correct and will adjust and correct the water account accordingly.

14. ENFORCEMENT

- 14.1. All Water Service Rates and other water charges pursuant to this By-law shall be a lien and charge upon the land of the Owner through the municipal property tax account.
- 14.2. All Sewage Service Rates and other sewage charges pursuant to this By-law shall be deemed to be a lien and charge upon the land of the Owner through the municipal property tax account.

- 14.3. If an amount owing on account of a Water Service Charge or Sewage Service Charge is not paid on or before the Due Date, then a late charge at the rate of one point five percent (1.5%) of the amount owing shall be added to the amount owing and shall be payable to Rideau St. Lawrence Utilities and added and compounded to the amounts outstanding or overdue on each subsequent Billing Date.
- 14.4. A Water Service Charge or Sewage Service Charge payable by the Owner or Occupant of a Property, constitutes a joint and several debt of the Owner and Occupant to the Town.
- 14.5. If a Water Service Charge or Sewage Service Charge or any other charge invoiced to the Owner or Occupant as provided in this By-law as determined by the Town, is not paid within 60 days from the Due Date, the Treasurer may, in addition to any other remedies available to the Town or other methods of collecting such amounts, add the amount owing to the municipal property tax account to which the utility was supplied and the Town may proceed to collect in the same manner as municipal taxes in arrears.
- 14.6. Any amount owing on account of a Water Service Charge or a Sewage Service Charge may be added to the municipal property tax account of a Property and shall bear interest at the rate of 1.25% per month compounded monthly (15% per annum) from the first day of the month after the date on which the amount is added to the tax roll to the date of payment or at the same rate as municipal taxes in arrears shall bear interest.
- 14.7. If an Owner or Occupant fails to pay a Water Service Charge or Sewage Service Charge when due, or does not have an Approved operational Water Meter installed, or refuses access to the Property to install, repair, calibrate, read, replace or inspect the location of any Water Meter, Water Works or Sewage Works; the Town may, in addition or in combination to any other remedies available to it, do any of the following:
- i. levy a monthly water and a sewage charge consumption rate in addition to the fixed monthly infrastructure rate to the Property until the by-law violation is remedied as follows:
 - Residential Dwelling - \$100.00 per month per unit
 - Retirement or Care Facilities - \$200.00 per month
 - Multi-Unit Residential Building; and Multi-Level Residential Condominium Building - \$300.00 per month per unit

Non-Residential and Commercial Buildings - \$500.00 per month per unit

Such other amount as the Treasurer considers necessary, in the Treasurer's sole discretion to cover all costs of the Town providing water and sewer service to such Property

- ii. Where the Owner or Occupant denies entry to a building for the purposes of installing, repairing, calibrating, reading, replacing or inspection a Water Meter, to install an external meter in the incoming service enclosed in an insulated chamber and invoice the Owner for the full cost thereof.
- 14.8. The Town shall not shut off or restrict the supply of water for non-payment or a breach of this By-law.
- 14.9. No person, other than persons authorized by the Town for that purpose, shall operate or close a water valve in the Water Works, or remove, tamper with or in any way interfere or damage any Curb Service Valve, Water Meter, Water Service Connection or the Water Works. In the event that there are any unauthorized connections to the watermain discovered, the Town shall be entitled to disconnect such connections.
- 14.10. Water shut-off valves (curb stops) are used for isolating water service during maintenance and emergency situations. The Town is not responsible for isolating water services for seasonal purposes (vacation). The Town is also not responsible for isolating water service to unheated properties. Residences are required to be heated.

15. OFFENCES AND PENALTIES

- 15.1. In addition to any other provision of this By-law or other remedies or recoveries available at law, any person who contravenes any provision of this By-law is guilty of an offense and on conviction is liable to a fine of the maximum allowable fine under Administrative Monetary Penalty System of the Town.
- 15.2. Every person, corporation or institution that damages or causes or permits to be damaged any Water Service Connection, Water Works or Sewage Works or who contravenes or causes or permits any contravention of any of the provisions of this By-law or who hinders, interrupts or causes or procures to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workman in the performance of its obligations or rights under this By-law or the Municipal Act, 2001, S.O. c. 25, is guilty of an offence and on conviction is liable to a fine Administrative Monetary Penalty System

of the Town. Each day that a separate breach of this By-law occurs, shall constitute a separate offence under this By-law.

16. VALIDITY AND SEVERABILITY

16.1. In the event that any Part or Parts of this By-law, or sections thereof, that may be found by any court of law to be invalid or illegal or beyond the power of the Town to enact, such Part or Parts or sections thereof shall be deemed to be severable from this By-law and all other Parts or sections of this By-law shall be treated as separate and independent from the offending section or Part and shall remain in full force and effect.

17. BY-LAW REPEALED

17.1. By-Law 03-2006 and By-Law 07-2008 are hereby repealed.

18. EFFECTIVE DATE

18.1. This By-law shall be in force and take effect on the ^{XX} day of XXXXX, 2022.

READ AND PASSED, SIGNED AND SEALED THE XXth DAY OF XXX, 2022.

Mayor

Clerk

SCHEDULE “A”

SCHEDULE OF WATER SERVICE RATES

Categories	Base Rate Water	Consumption rate (Per Cubic Meter)
Residential Dwellings (includes single family homes, semi-detached, townhouses and duplexes) Section 1.30	\$26.27 per month/per unit	\$0.552
Accessory Apartment in Single Family Residential Dwellings Section 1.1	\$26.27 per month/per unit	\$0.552
Residential Apartment Buildings and Residential Multi-Level Condominium Buildings (includes low rise and high rise residential condominium units) Section 1.22	\$26.27 per month/per unit	\$0.552
Non-Residential and Commercial Buildings (includes all commercial, industrial and institutional uses and commercial condominiums) Section 1.17	\$26.27 per month/per unit	\$0.552
Non-Residential and Commercial Buildings (includes, commercial, industrial and institutional uses and commercial condominiums) Section 1.17	\$26.27 per month/per unit	\$0.552
Retirement or Care Facilities (with kitchen-Sections.1.23 and 1.13)	\$26.27 per month/per unit	\$0.552
Retirement or Care Facilities (without kitchen- Sections 1.23 and 1.24)	\$26.27 per month/per building	\$0.552
Community Facilities (includes arenas, libraries, parks, community centres and museums owned by the Town) Sections 1.7 and 8.1	\$26.27 per month/per unit	\$0.552
Schools (s. 1.25)	\$26.27 per month/per unit	\$0.552

***For buildings with multiple units the charges shall be as follows:**

- the base monthly rate is multiplied by the number of units

- for clarity the number of water meters is not used in the calculation as several units may be attached to one water meter. Each unit within a building is charged a based rate.

Existing Outdoor garden taps

The fee for garden taps that do not pass through the meter will be charged \$13.14 / month for every garden tap located on the property for the entire twelve months of the year. Outdoor garden taps that do not pass through a water meter are not permitted on new construction.

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SCHEDULE "B"
SCHEDULE OF SEWAGE SERVICE RATES

Categories	Base Rate Water	Consumption rate (Per Cubic Meter of water consumed)
Residential Dwellings (includes single family homes, semi-detached, townhouses and duplexes) Section 1.30	\$45.96. per month/per unit	\$0.553
Accessory Apartment in Single Family Residential Dwellings Section 1.1	\$45.96 per month/per unit	\$0.553
Residential Apartment Buildings and Residential Multi-Level Condominium Buildings (includes low rise and high rise residential condominium units) Section 1.22	\$45.96 per month/per unit	\$0.553
Non-Residential and Commercial Buildings with water meter (includes all commercial, industrial and institutional uses and commercial condominiums) Section 1.17	\$45.96 per month/ per unit	\$0.553
Non-Residential and Commercial Buildings with water meter (includes, commercial, industrial and institutional uses and commercial condominiums) Section 1.17	\$45.96 per month/per unit	\$0.553
Retirement or Care Facilities (with kitchen-Sections.1.23 and 1.13)	\$45.96 per month/per unit	\$0.553
Retirement or Care Facilities (without kitchen- Sections 1.23 and 1.24	\$43.75 per month/per building	\$0.553
Community Facilities (includes arenas, libraries, parks, community centres and museums owned by the Town) Sections 1.7 and 8.1	\$45.96 per month/per unit	\$0.553
Schools (s. 1.25)	\$45.96 per month/per unit	\$0.553

***For buildings with multiple units the charges shall be as follows:**

- the base monthly rate is multiplied by the number of units
- for clarity the number of water meters is not used in the calculation as several units may be attached to one water meter. Each unit within a building is charged a based rate.

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**SCHEDULE "C"
FIRE SUPPLY CHARGE**

The sum of \$0.08 per sprinkler head payable monthly by the Owner of every property assessed for municipal tax purposes in the Town.

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SCHEDULE "D"
MISCELLANEOUS CHARGES

Water Service Charges

MISCELLANEOUS CHARGES:

6.1	Change of ownership charge	\$15.30
6.2	Late payment charge	Compound monthly interest charged at 1.5%
6.3	N.S.F. cheques	\$30.00 + bank charges
6.4	Collection charges	\$30.60 per trip
6.5	Reconnection/Disconnection: Per trip during regular hours Per trip during non-regular hours	\$ 61.20 \$122.40
6.6	Water arrears certificate per property:	\$30.60
6.7	Meter check at customer's request: Up to 1" 1" and larger	\$306.00 Time and materials
6.8	Install remote water meter register	Time and materials
6.9	Repair damaged meter $\frac{3}{4}$ " and $\frac{5}{8}$ " 1" and larger	\$158.10 Time and materials
6.10	Any temporary hydrant/other connection/ temporary connections for construction Includes: Flat fee Refundable deposit Water cost	\$112.20 plus \$150.00 as per Schedule A
6.11	Flat Rate Charge for non-metered accounts (a) Where the Town has determined a meter cannot be installed, (b) Where the customer refuses to allow the town to install or read a water meter,	\$1,323.76 per year the charge specified in 14.7 (i) and (ii).
6.12	Customer Deposits	\$150.00

6.13	Equipment Rentals	Based on cost recovery plus 25%. Deposit required for the cost to replace the rented equipment.
6.14	Bulk Water rates	\$100.00 per hour during normal business hours \$150.00 per hour after business hours.
6.15	Water connection permit	\$50.00
6.16	Water connection inspection	\$50.00

Sewage Service Charges

Sewage Service Permit	\$50.00
Sewage Service Inspection	\$50.00
Other Sewage Services	\$100.00 per hour \$200.00 per hour (after business hours) plus cost of any materials

SCHEDULE "E"
WATER METER PURCHASE AND INSTALLATION PROCEDURES

- A.1 Issuance of a building permit for new construction shall be conditional on the applicant signing an agreement to purchase and install a Water Meter from the Town or the Town's designated meter supplier. A temporary connection to the Town water supply may be made to provide water during construction, but the new Building may not be occupied until the Water Meter is installed and operational.
- A.2 The Water Meter shall be of a size compatible with the size of the incoming Water Service Connection and shall be purchased from the Town or the Town's approved distributor. Upon provision of a Water Meter to the Property, the Town or the Town's meter supplier shall immediately provide to the Treasurer or designated agent, duplicate copies of the following information by electronic mail or written documentation:
- Water Meter serial number
 - Water Meter electronic Communication ID number
 - Water Meter installation Location (municipal address and/or property description)
 - Name and billing address of the Property Owner
- A.3 The required Water Meter shall not be installed until the plumbing contract has been completed and the internal water lines thoroughly flushed with clean municipal water to remove any debris from the plumbing system.
- A.4 All Water Meter connections to the plumbing system shall be tamper proofed and sealed by the installation of a lead seal to prevent disconnection or removal of the Water Meter. This work will be done by the plumbing inspector for the Town before an occupancy permit is issued.
- A.5 Any Water Meter that is rendered inoperable or inaccurate by blockage or debris in the plumbing system shall be replaced by the Property Owner at the Property Owner's expense.
- A.6 The Chief Building Official shall verify the installation of an approved operating Water Meter prior to permitting occupancy of the Premises and shall confirm the meter serial number, electronic ID number and the date of occupancy in writing to the Treasurer for the Town or designated agent.

SCHEDULE "F"
AGREEMENT TO PURCHASE AND INSTALL A WATER METER

It is understood that the By-laws of the Town of Prescott requires the installation of Water Meters in all new construction. I/We have reviewed this by-law and understand its requirements.

I/We agree to purchase and install a Water Meter from the Town or from the meter distributor as designated by the Town of Prescott and will abide by any installation procedures as specified by the Town.

I/We further agree and understand that no occupancy permit for the premises will be issued and the premises will not be occupied until such time as the Chief Building Official confirms to the Town Treasurer that an operating Water Meter has been installed. The relevant meter information for reading and billing must be provided to the Treasurer by the meter distributor before occupancy.

It is further agreed that the premises will not be occupied until the initial reading of the Water Meter has been recorded by the Town Utility and reported to the Treasurer for the Town.

Signed by

Owner or Authorized Agent of the Owner
Official

Office of the Chief Building



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20 ' 22
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 92-2022

Date: September 20, 2022

From: Samantha Joudoin-Miller, Manager of Community Services

Re: Municipal Alcohol Policy for Events

Recommendation:

That Council received the draft Municipal Alcohol Policy attached to Staff Report 92-2022 and provide feedback by October 3, 2022; and

That the final Municipal Alcohol Policy be brought back to Council for final consideration and approval.

Background / Analysis:

The proposed Town of Prescott Municipal Alcohol Policy provides for responsible management practices at functions or events held at municipally owned facilities, parks, or areas where alcohol is available under the authority of a Special Occasion Permit (SOP) or Caterer's Endorsement. The intention is for all events held on municipally owned properties meet comply with the provincial *Liquor Licence Act* and this proposed policy.

The Town of Prescott has developed this proposed policy as a means of enhancing and promoting the social enjoyment and physical safety of everyone who uses these facilities and areas, while at the same time mitigating risks to public safety and the public interest.

Alternatives:

Council could choose to make adjustments to the proposed Municipal Alcohol Policy or request a longer timeline to review and provide feedback regarding the proposed Municipal Alcohol Policy.



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Financial Implications:

None

Environmental Implications:

None

Attachments:

- None

Submitted by:

Samantha Joudoin-Miller
Manager of Community Services

Town of Prescott

Municipal Alcohol Policy

Policy Statement

The Town of Prescott Municipal Alcohol Policy provides for responsible management practices at functions or events held at municipally owned facilities, parks, or areas where alcohol is available under the authority of a Special Occasion Permit (SOP) or Caterer's Endorsement.

The Town of Prescott has developed this policy as a means of enhancing and promoting the social enjoyment and physical safety of everyone who uses these facilities and areas, while at the same time mitigating risks to public safety and the public interest.

1. Objectives

- 1.1. To ensure proper operation and supervision of SOP or Caterer's Endorsement events by providing education in prevention and intervention techniques and in effective management procedures. This will lower the risk of liability to event organizers, participants, volunteers, the Town of Prescott and its staff.
- 1.2. To reinforce responsible drinking practices for consumers through appropriate operational procedures, controls, training and education.
- 1.3. To honour the decision of abstainers not to drink alcohol and to encourage their participation by providing alternative non-alcoholic beverages.
- 1.4. To designate municipally owned facilities which are and are not suitable for SOP or Caterer's Endorsement events.
- 1.5. To provide a balance of licensed and non-licensed programs to ensure that consumers, abstainers, adults, youth and families will be adequately serviced and protected.
- 1.6. To provide a balanced use of alcohol through SOP so that alcohol becomes a responsible part of a social function rather than the reason for it.
- 1.7. To comply with the provincial *Liquor Licence Act* and other applicable legislation.

2. Terms of Reference

- 2.1. "**Alcohol**" means spirits, wine, beer and any combination thereof and includes any product or fermentation or distillation in a form appropriate for human consumption as a beverage, alone or in combination with another matter.
- 2.2. "**AGCO**" means the Alcohol and Gaming Commission of Ontario.
- 2.3. "**Caterer's Endorsement**" A liquor sales licence authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales licence applies.
- 2.4. "**Low Alcohol Beverages**" means any alcohol beverage with:
 - a) less than 4.6% alcohol beer (lite);
 - b) less than 40% alcohol spirits;

c) less than 11% alcohol wine.

2.5. “MAP” means the Municipal Alcohol Policy of the Town of Prescott where alcohol is available under the authority of a Special Occasion Permit or a Caterer’s Endorsement.

2.6. “Municipal Facility” means all municipally-owned or municipally-leased facilities.

2.7. “Renter/Event Organizer” means an individual, a group of individuals or an organization seeking to hold events in municipal facilities which may involve the serving and consumption of alcohol.

2.8. “SOP” means the Special Occasion Permit issued by the Alcohol and Gaming Commission of Ontario.

2.9. “Town” means the Corporation of the Town of Prescott.

3. Municipally run or sponsored events

3.1. Events involving alcohol which are run by the Town or are sponsored by the Town are permitted to take place at any municipally owned or leased facilities and within specific areas and under specific conditions are designated eligible to be considered for SOP or Caterer’s Endorsement events

4. All Other Eligible Events

4.1. In order to be eligible for an SOP, events which are not conducted by a registered charity or not for profit entity must be designated as an event of municipal significance by the Town of Prescott.

4.2. The sale, consumption or service of alcohol at Town-owned facilities is prohibited without a permit issued by the Alcohol and Gaming Commission of Ontario and the Town of Prescott Facility User Agreement.

5. Event Approval

5.1. The request for use of any municipal public area (definition follows) for the purpose of holding a licensed event must be received, in writing, by the Manager of Community Services or designate for approval a minimum of 60 days prior to the event date.

5.2. The Town of Prescott reserves the right to reject the application of a SOP in a municipally owned facility of any user.

5.3. Consumption of alcohol at Town of Prescott events, or events sponsored by the Town of Prescott can occur at municipally owned properties.

6. Public/Private Events at Town of Prescott Facilities Involving Alcohol Eligible for SOP Events

6.1. The following municipally owned or leased facilities and within specific areas and under specific conditions have been designated eligible to be considered for SOP or Caterer’s Endorsement events:

Public Events	Private Events
- Kinsmen Amphitheatre	- Fire Hall
- Fire Hall	- Town Hall
- Town Hall	- Leo Boivin Community Centre
- Leo Boivin Community Centre	- Seymour Recreation Complex
- Seymour Recreation Complex	
- Clock Tower Parking Lot	

6.2. The holder of the licence shall not sell, serve, or allow for the possession of liquor in the tiered seating section of any municipal facility.

7. Youth Admission to Special Occasion Permit Events

Each permit holder will be responsible to select a strategy on allowing youth to their event. In all cases the following guidelines must be adhered to:

7.1. Anyone who appears to be under the age of 25 years will be required to show photo I.D. before they are allowed into the licensed area for event/facility. As per the AGCO, acceptable forms of photo identification include:

7.1.1. Ontario Driver's Licence with a photo of the person to whom the licence is issued

7.1.2. A Canadian Passport

7.1.3. Canadian Citizenship Card with a photo of the person to whom the card is issued

7.1.4. Canadian Armed Forces Identification Card

7.1.5. A photo card issued by the Liquor Control Board of Ontario (LCBO), entitled Bring Your ID (BYID)

7.1.6. A Secure Indian Status Card issued by the Government of Canada

7.1.7. A Permanent Resident Card issued by the Government of Canada

7.1.8. A photo card issued under the *Photo Card Act, 2008*

7.2. Individuals under 19 years of age will not be allowed to consume alcoholic beverages. Anyone serving individuals under 19 years of age will be required to leave the event.

7.3. Events allowing youth to attend will be required to identify those persons 19 years of age or over. Sponsors shall choose either stamps or wristbands to identify persons age 19 years or over.

8. Signage

The following signs shall be prominently displayed in designated facility where alcohol is served.

The following statement will appear on signs measuring a minimum of twenty four (24) by

thirty six (36) inches and be located in the bar areas:

1. Statement of Intoxication

All servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication.

2. Identification

You must be 19 years of age or older to attend a special occasion permit event. The only acceptable proof of age is photo identification.

3. Warning sign — fetal alcohol spectrum disorder

A prescribed sign warning of the dangers of fetal alcohol spectrum disorder is displayed in accordance with the regulations.

Signs shall be provided by the Town to Renter/Event Organizers for display by them in the bar area of the licensed function. The Special Occasions Permit or licence must be displayed in a prominent manner. Signs stating “no alcohol beyond this point” must be display at all exits of the licensed area.

9. Server Training

It is required that at least one “Smart Serve” trained bartender be behind the bar at all times during any event involving a bar. In order to be eligible to rent a municipal facility, the Renter/Event Organizer must demonstrate to the satisfaction of the Town of Prescott that the event servers have successfully completed a municipally recognized and approved server training course.

It is also recommended that trained personnel be required to take refresher courses to remain current with the rules and regulation of the *Ontario Liquor Licence Act*. The municipality’s maximum requirements concerning the number of trained personnel is set at the following minimum and may be adjusted at the discretion of the Manager of Community Services. Self-serve bar events are not permitted.

Requirements

1. All personnel must be clearly identifiable (i.e. Name tags, t-shirts, ball cap, etc.)

Smart Serve Trained Staff	
Criteria	# of staff required
0-100 Expected patrons	2
200 Expected patrons	3
400 Expected patrons	4
600 Expected patrons	6

This is a general guide. If more exits exist than do supervisors the number of supervisors must increase to match the number of exits.

Security Door and Floor Supervisors	
Criteria	# of staff required
0-100 Expected patrons	Minimum of 1
200 Expected patrons	2
400 Expected patrons	3
600 Expected patrons	5

This is a general guide. If

more exits exist than do supervisors the number of supervisors must increase to match the number of exits.

10. Controls

In order to be eligible to rent a municipal facility for a Special Occasion Permit event, the Renter/Event Organizer must demonstrate to the satisfaction of the Town of Prescott that the Municipal Alcohol Policy is understood, that the Regulations will be strictly observed, and that sufficient controls are in place which will assist in ensuring compliance to the Policy.

- 10.1.** The Renter/Event Organizer must obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO) and show proof to the Manager of Community Services or designate at least fourteen (14) days prior to the event.
- 10.2.** The Renter/Event Organizer must comply with the *Liquor Licence Act* and this policy.
- 10.3.** In order to be eligible to rent a municipal facility, the Renter/Event Organizer must demonstrate to the satisfaction of the Town of Prescott that low-alcohol (i.e. 2.4%, 4%) and non-alcohol drinks will be available during the entire event. Non-alcohol drinks must be available at no charge or at a cost significantly lower than that of drinks containing alcohol. In addition, prepared foods must be available throughout the event.
- 10.4.** All drinks to be served in plastic or paper cups and all bottles to be retained in the bar area. Alcoholic and Non-Alcoholic drinks are to be served in different coloured cups.
- 10.5.** Permit Holders shall ensure that the price of liquor or a drink containing liquor is the same during all hours of operation of the event.
- 10.6.** Permit Holders shall not require a person to purchase a minimum number of drinks in order to gain entry to, or remain on, the premises to which the licence or permit applies.
- 10.7.** Permit Holders shall not permit contests on the premises to which the permit applies that involve the purchase or consumption of liquor.
- 10.8.** Permit Holders shall not permit free liquor to be offered or given as a prize in a contest.
- 10.9.** The person who signs the Special Occasion Permit and Rental Agreement must attend the event and be responsible for making decisions regarding the operation of the event.
- 10.10.** The Renter/Event Organizer is responsible for the event and therefore must refrain from consuming alcohol while the event is in progress.
- 10.11.** All event workers must refrain from consuming alcohol prior to and while on duty at the event.

- 10.12. The municipality must ensure the physical setting is safe for drinkers and non-drinkers.
- 10.13. The Renter/Event Organizer and the municipality will ensure that patrons do not engage in activities that could harm themselves or others.
- 10.14. All exits must be supervised. This is the responsibility of the Renter/Event Organizer.
- 10.15. Tickets for alcohol must be purchased from designated ticket sellers and must be redeemed at the bar. When tickets are sold for alcoholic beverages, there will be a limit of four (4) per person sold at one time until 11:00 p.m. Maximum of two (2) sold per person at one time after 11:00 p.m. Ticket sales must stop at 12:45 p.m. Discounts will not be offered for volume purchase of tickets.
- 10.16. Refunds for drink tickets should be available while the bar is open and 30 minutes after closing. Signage advising of the above shall be visibly posted at each sales location.
- 10.17. When tickets are not being sold, each person will be limited to four drinks served at a time until 11:00 p.m. Maximum two drinks per person after 11:00 p.m.
- 10.18. All bar areas must close at 1:00 a.m. regardless of if there are persons waiting to be served. There will be no "last call" All patrons will vacate the premises by 1:30 a.m.
 - 10.18.1. Note: the only exception to this rule shall be New Year's Eve where all time shall be extended one hour.
- 10.19. A requirement of all SOP and Caterer's Endorsement events is that an adequate supply of food must be served/available to persons attending the event. Snacks are not acceptable as food under the AGCO. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication.
- 10.20. The organizer must complete and submit Appendix 'A' (Checklist for Liquor Licensed Renter/Event Organizers) and Appendix 'B' (Agreement Form for Special Occasion Permit (SOP) Holder) and submit to the Manager of Community Services or designate at least two (2) weeks prior to the event.

11. Alcohol Marketing Practices

- 11.1. Marketing practices such as oversized drinks, double shots or spirits, drinking contests, volume discounts and unlimited free alcohol which encourages increased consumption, are not permitted.
- 11.2. As indicated in the *Liquor Licence Act*, advertising and posters which promote the use of alcohol are prohibited in all municipal facilities, except in the case of a specific event sponsored by a Brewery/Winery/Distillery.
- 11.3. Advertising and posters which promote the use of alcohol are prohibited in any and all youth events. Youth being any person under the legal drinking age.

12. Accountability

- 12.1. It is mandatory that the person signing the application for the SOP or Caterer's Endorsement be present for the duration of the event.
- 12.2. The Town of Prescott reserves the right to have a municipal representative

attend any and all events held on Town owned property to protect the best interest of the Corporation. This person will have complete authority to close any event not complying with the *Liquor Licence Act*, the Town of Prescott Municipal Alcohol Policy, and/or Facility Permit Terms and Conditions.

- 12.3. The Town of Prescott reserves the right to request security or police paid duties to the satisfaction of the Town to be present at any event with costs for same being borne by event organizers.

13. Insurance & Indemnification

- 13.1. All events/activities on municipal property which will involve the consumption of alcohol must obtain a SOP or have a Caterer's Endorsement issued by the Alcohol and Gaming Commission of Ontario and ensure that all conditions associated with the issuance of that permit are met throughout the term of that activity.

- 13.2. In addition, the permit holder must provide proof, at **least fourteen (14) days prior** to the event, that the following forms of coverage have been bound for the full term of the activity:

- 13.2.1. Public liability and property damage insurance with an insurer satisfactory to the Town in an amount not less than **two million dollars (\$2,000,000.00)**. This insurance shall name the Town of Prescott as an additional insured and shall also state that coverage will respond to all claims relating to the A.G.C.O. licensed activities held on the premises and shall not exclude participants. The Town of Prescott reserves the right to request higher limits of insurance.

- 13.2.2. The permit holder agrees to indemnify and save the Town of Prescott, its elected officials, public officials, and employees, harmless from all claims, damages, losses and expenses which might arise as a result of this event taking place.

- 13.2.3. The insurance certificate shall include cross liability and severability of interest clauses.

- 13.2.4. Documentation confirming that required security or police paid duties are arranged and in place.

14. Safe Transportation

The Town of Prescott supports the "No Drinking & Driving" philosophy. The permit holder will be responsible for promoting safe transportation options for all the drinking participants and ensure that details of these options are made available to the events patrons (i.e., signs, announcements). These options can include driving intoxicated participants home, calling a friend, relative or taxi to assist the intoxicated participant, and/or having a designated driver provided by the sponsoring group.

15. Consequences for Failure to Comply

- 15.1. **First Infraction** – A registered letter from the Manager of Community Services or designate outlining the breach and its unacceptability.

- 15.2. **Second Infraction** – No further rentals for a period of 12-months for the

individual and/or applicable group.

- 15.3. **Third Infraction** – No further rental to be permitted until proof of compliance can be given to the satisfaction of the Manager of Community Services.
- 15.4. **Appeal** – A first, second or third infraction consequence may be appealed in writing to the Manager of Community Services. The appeal will be heard within two weeks of notification with a decision being made immediately.

16. Unauthorized Alcohol Consumption

Alcohol consumption without a SOP or Caterers Endorsement is prohibited at any municipally owned facility. Any persons under the legal drinking age are found to have consumed or to be consuming alcohol at SOP and Caterer's Endorsement events and non-SOP events, will be turned over to the police. The individual could be banned from attending any public function held in any municipal facility for a period of up to one year. A registered letter will be sent to parents/guardians.

In addition, any persons found in possession or bringing alcohol in an unlicensed area will be required to leave the premises immediately. The individual or group will be subject to the Consequences for Failure to Comply (see above) and/or may be subject to charges under the *Liquor Licence Act* or *Trespass to Property Act*.

In addition, if someone is intoxicated and disorderly, the problem should be reported to the permit holder. The permit holder should safety remove this person from the premises and must supply transportation for them. If a person refuses to leave the premises, security and/or police paid duties will be informed by the permit holder.

17. Policy Monitoring & Revisions

- 17.1. The Municipal Alcohol Policy shall be reviewed annually by the Town Clerk based on updated legislative changes.

18. Implementation of Municipal Alcohol Policy

- 18.1. The Town of Prescott will be implementing the Policy immediately, following Council approval.
- 18.2. The Town of Prescott Municipal Alcohol Policy will:
 - 18.2.1. Be made available at the Manager of Community Services Office, the Clerk, and online
 - 18.2.2. All Special Event Permit Holders will be given a copy upon signing their facility agreement
 - 18.2.3. Be given to the local Ontario Provincial Police
 - 18.2.4. Be given to the LCBO retail outlet in the Town of Prescott
 - 18.2.5. Be given to all organizations/individuals making bookings for use of the Town's recreational facilities

APPENDIX "A"

CHECKLIST FOR LIQUOR LICENSED EVENT ORGANIZERS

1. Name of Special Occasion Permit Holder: _____
2. Location of SOP Event: _____
3. Will persons under 19 years of age be attending this event? _____
4. How will event workers be identified? _____
5. Copy of Smart Serve Certificate provided no less 14 days prior to the event.
6. Proof of Insurance (as detailed under Insurance section of this Policy)
7. The safe transportation strategy(s) that will be used at this function are:

8. I have provided a sketch with dimensions of the licensed area of the event facility and copies of notification letters to police, fire, health unit, Manager of Community Services.
9. I understand all of the Policy requirements and will adhere to them.
10. I have been advised that if there is something that I do not understand with respect to this Policy, I will contact the Manager of Community Services.
11. Security and/or police paid duties have been agreed to in consultation with the Chief of Police and the Manager of Community Services.

I, _____, certify the above information is true, I understand my legal obligation as a permit holder and I have attained 19 years of age.

Signature SOP Permit Holder

Signature of Manager of Community Services or Delegate

Date

The personal information on this form is collected under the authority of the Municipal Freedom and Protection of Privacy Act, as amended. The information is used for the purpose of processing the application. Questions regarding the collection of this information should be directed to the Town Clerk at 613-925-2812.

APPENDIX "B"
CHECKLIST FOR LIQUOR LICENSED PRIVATE EVENT ORGANIZERS

1. Name of Special Occasion Permit holder:
2. Location of SOP Event:
3. Will persons under 19 years of age be attending this event? _____
4. Copy of Smart Serve Certificate provided no less 14 days prior to the event.
5. Proof of Insurance (as detailed on Page 6 of this Policy)
6. The safe transportation strategy(s) that will be used at this function are:

7. I understand all of the Policy requirements and will adhere to them.
8. I have been advised that if there is something that I do not understand with respect to this Policy, I will contact the Manager of Community Services.

Signature SOP Permit Holder

Signature of Manager of Community Services or Delegate

Date

The personal information on this form is collected under the authority of the Municipal Freedom and Protection of Privacy Act, as amended. The information is used for the purpose of processing the application. Questions regarding the collection of this information should be directed to the Town Clerk at 613-925-2812.



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STAFF REPORT TO COUNCIL

Report No. 93-2022

Date: September 20, 2022

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

Re: 2022 Community Grant Recommendations – Intake #2

Recommendation:

That Council approve the 2022 Community Grant Allocation Recommendations for Intake #2, totaling \$13,750 as outlined in Staff Report 93-2022.

Background / Analysis:

The first intake of the 2022 Community Grant applications was received in January. Council approved an initial allocation of \$41,600 from the applications submitted as part of Intake #1.

Three new applications were received as part of Intake #2 which were from past recipients including King’s Kitchen, Prescott and District Soccer Associations and the Food Bank. These applications were reviewed by the working group on September 13 and recommended for approval.

There were several applications from Intake #1 that were to be reviewed as part of the 2nd Intake.

- The Fort Wellington Branch 97 Royal Canadian Legion submitted an application for capital improvements including roof repairs, HVAC replacement, parking lot repaving, and sidewalk repairs for \$105,052.09. Upon review this request does not fit within the parameters of the Community Grant Program. A Trillium grant under the capital stream may be better suited for this project.
- The Door.... Dare to Dream submitted an application for capital improvements to install an emergency exit and wheelchair ramp at their facility. Upon review this request does not fit within the parameters of the Community Grant Program. A Trillium grant under the capital stream may be better suited for this project.

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- Loaves and Fishes submitted an application for the initial setup costs of a Mobile Kitchen Project that would serve surrounding communities. The total project cost is \$75,000 of which Prescott is being asked for \$15,000. Further information was received and reviewed as part of Intake #2. It is not being recommended at this time, as the guidelines stipulate that the Community Grant cannot be the sole source of funding for the project and partnerships with the Food Bank and King's Kitchen should be established as there may be overlap in the target populations.
- The YMCA of Eastern Ontario submitted an application for \$6,900 to provide weekly busing from Prescott to the Brockville YMCA for a teen night in a safe and secure environment. The request was reduced to \$3,000 as the program did not run in the spring and is now focused on this fall. The working group recommends that 4 weeks be approved at a time and if there is an average of between 15 and 20 youth being transported to the teen night, then another 4 weeks will be approved until a total of \$3,000 is used. If the numbers fail to reach the target, then funding would be discontinued after the first four weeks.
- Girls Inc. originally requested \$1,250 as part of their application for Intake #1. \$1,000 was approved. As part of the Intake #2 review, it is being recommended that the remaining \$250 be approved for payment.
- The Volunteer Bureau of St. Lawrence-Rideau requested \$1,500 as part of their application for Intake #1. \$1,000 was approved. As part of the Intake #2 review, it is not being recommended that the remaining \$500 as they are unable to identify the number of tax returns conducted for Prescott residents versus the number that are outside of the municipality.

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Organization	2022 Intake #2 Rec	2022 Intake #1 Approved	2022 Request	2021 Approved
Food For All Food Bank	3,000	-	3,000	7,500
South Grenville Minor Hockey	-	4,800	4,800	4,800
King's Kitchen	2,500	-	2,500	2,500
Prescott and District Soccer	5,000	-	5,000	2,300
Prescott Figure Skating Club	-	6,800	6,800	6,800
Girls Incorporated	250	1,000	1,250	1,000
Connect Youth Inc.	-	-	-	4,000
Volunteer Centre of St. Lawrence-Rideau	-	1,000	1,500	-
Grenville Historical Society	-	500	500	500
St. Lawrence Shakespeare	-	18,000	18,000	18,000
Fire Department Santa Parade	-	1,000	1,000	-
Spirit of Giving	-	1,000	1,000	1,500
Rural FASD Support Network	-	-	-	1,000
Folk Fest	-	7,500	10,000	7,500
Fort Wellington Branch 97 Royal Canadian Legion	-	-	105,052.09	-
The Door... Dare to Dream	-	-	15,000	-
Loaves and Fishes	-	-	15,000	-
YMCA of Eastern Ontario	3,000	-	6,900	-
Subtotal	13,750	41,600	194,802.09	57,400
Total Allocated	55,350			
Total Budget	58,000			
Total Unallocated	2,650			

Alternatives:

Council may wish to allocate the Community Grants differently from the recommendations.



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Financial Implications:

The 2022 Budget includes an allocation of \$58,000 for Community Grants, of which \$2,650 will not remain unallocated for any remaining applications, if the above recommendations are accepted.

Environmental Implications:

None

Attachments:

None

Submitted by:

Matthew Armstrong
Chief Administrative Office & Treasurer



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STAFF REPORT TO COUNCIL

Report No. 94-2022

Date: September 20, 2022

From: Shawn Merriman Manager of Building and Bylaw Services

RE: Update on By-law Services specific to AMPS, VBR and Property Standards

Recommendation:

For information.

Background/Analysis:

The following bylaws came into effect on January 1, 2022.

- 46-2021 known as the Vacant Building Registry
- 47-2021 known as the Property Standards
- 48-2021 known as the Administrative Monetary Penalty System

The Vacant Building Registry (46-2021) has received most of the department's attention due to the fact, that as the program rolls out a great deal of cooperation and time is involved with not only By-law staff but Fire Department staff as well. To date time has been spent on creating operating policies and processes, educating individuals and corporations and working on a FAQ section for the website. In late June, a first educational letter (forty-one letters were sent out to all known or suspected locations of a vacant building). It resulted in eight phone calls or emails and to date ten units have been inspected or reviewed by both the fire and building/bylaw department. Forms are in the process of being completed that will be used for those locations that need to be registered and our software system CGIS has created a module to help track and remind staff of upcoming requirements. In addition, staff are creating inspection reports to make sure that all three standards are being considered including but not limited to fire prevention, fire safety, property standards, heritage considerations and economic redevelopment.

The following is scheduled for the next few months.

- Forms and reports to be finalized by the end of September



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- Start registering buildings in October
- Second letter given a direction or mandating that the owners arrange an inspection prior to the end of October.
- End of November those properties that have failed to arrange an inspection be presented to AMPS for clarification to proceed with enforcement of said directions.
- End of December have the majority of vacant buildings registered so that review and renewal can continue in a timely fashion.

The second By-law is Property Standards (47-2021). This by-law was not new but was an update to a by-law that was 20 years old. The new by-law was more specific and encompassing from the previous by-law and with the new software system CGIS it has made it much easier to track concerns but confirming that concerns were addressed and allowing staff when necessary to deem a property a habitual area of concern so that the process can be sped up so that just because one situation was resolved that a second different situation does not restart the process in which most of the time delays are experienced. To date several situations have been resolved and where necessary expenses incurred have been added to a property tax account.

The following is scheduled to be completed before the end of the year or early in the new year.

- In order to make sure that items are addressed in a timely fashion the software will automatically generate a report that will be sent and reviewed by staff when there is a period of non-action. Goal is to review the files after 45 days of non-action to determine if it is a situation of concern being resolved and file needs update, property was deemed to a habitual concern and it should be confirmed to still be in compliance, and the final situation where be where a property is still in the process of enforcement procedures.
- Goal is to review and bring forward any suggested amendments to the by-law so that it kept current and appropriate to changes occurring in the community.
- To bring forward to Council any suggestions on charges to operating policy. Currently a passive system but consideration should be given to a more active system.

The third by-law the Administrative Monetary Penalty System (48-2021) is at this point not been used by the Town but that will be changing during the next three months. At this point educational materials including FAQ for the website has been created, the



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parking ticket books have been amended and submitted to the supplier to generate and a base form has been created for all the other times AMPS maybe used for other by-laws including Property Standards and Vacant Building Registry as examples.

The following will be completed and implemented in the next three months.

- Education pages and FAQ to be added to the website.
- Parking to be switched over once new booklets received current expectation is within the next two weeks.
- Senior staff outside the building and by-law department will act as screening officers and these screening meetings will be conducted electronically.

Alternatives:

Staff would recommend allowing the process to play out, however scheduling can be increased or decreased as needed.

Financial Implications

None

Environmental Implications:

Positive in that situation will be addressed in general prior to becoming a much larger issues especially as it relates to material being sent to land fills or leading to other issues that environmental in nature.

Attachments:

None

Submitted by:

Shawn Merriman
 Manager of Building & Bylaw



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REPORT TO COUNCIL

Date: September 20, 2022 **Report No. 95-2022**
From: Matthew Armstrong, Chief Administrative Officer & Treasurer
RE: Bill 109 Resolution for Consideration

Recommendation:

That Council direct Staff to bring the resolution concerning Bill 109 as outlined in Staff Report 95-2022 for consideration to the Council meeting of October 3, 2022.

Background:

At the Council meeting of August 22, 2022, a resolution regarding Bill 109 from Township of Puslinch included in the Information Package was to be forwarded to the next meeting for discussion. On September 6, 2022, both the Puslinch resolution and the Town of East Gwillimbury resolutions were reviewed with the direction to bring a possible resolution back from.

Analysis:

Bill 109 has a refund provision for planning applications if they are not completed within a specified period of time.

Planning Application	No Refund	50% Refund	75% Refund	100% Refund
Rezoning	1-90 Days	91-150 Days	151-210 Days	+210 Days
Combined Official Plan Amendment and Rezoning	1-120 Days	121-180 Days	181-240 Days	+240 Days
Site Plan Applications	1-60 Days	61-90 Days	91-120 Days	+120 Days

While Rezoning and Combined Official Plan Amendments and Rezoning Applications are often completed within the No Refund period the Site Plan Applications are considerably different.



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20' 22
Strategic Plan		

The back and forth that occurs during the peer review for the engineering studies can be a lengthy process often requiring 2 to 5 revisions of the plans with several weeks between submissions and reviews.

Suggested Resolution for Consideration

WHEREAS the Town of Prescott is in receipt of the resolution from the Township of Puslinch and the Town of East Gwillimbury, requesting the Government of Ontario to revisit the provisions of Bill 109 and work with all stakeholders, including municipalities represented by the Association of Municipalities of Ontario to deliver legislation that allows municipalities to plan, grow and deliver communities that adhere to local, provincially-approved Official Plans, rather than strict statutory timelines; and

WHEREAS the municipality agrees that the setting of timelines for planning applications to be processed and brought forward to the appropriate approval authority for consideration and decision will help to shorten the process to get developments started sooner; and

WHEREAS the Town of Prescott aims to have Rezoning and Combined Official Plan Amendment and Rezoning Applications decided on by the appropriate Committee within 45 days and to Council within 60 days; and

WHEREAS Site Plan Applications and Plans of Subdivision under the Provincial Policy Statement require a broad list of plans and studies; and

WHEREAS the plans and studies are peer reviewed by the municipality which often requires several versions to be resubmitted before the comments, questions, and concerns are resolved; and

WHEREAS the municipality has no control over how long an applicant takes to resubmit their plans and studies for further review; and

WHEREAS the municipality may not always be the review authority for some plans and studies that require Provincial or Regional Body approval which the municipality has not control over the time it takes for review;

THEREFORE BE IT RESOLVED THAT the Council of the Town of Prescott requests that Government of Ontario revisit the provisions of Bill 109 and work with all stakeholders, including municipalities represented by the Association of Municipalities of Ontario to deliver legislation that does not hold a municipality



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 20' 22
Strategic Plan		

responsible for delays in the planning application review process for actions that are beyond their control; and

THAT a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, Honourable MPP Steve Clark, the Minister of Municipal Affairs and Housing, Association of Municipalities of Ontario (AMO), and all municipalities in Leeds and Grenville.

Alternatives

Council could decide to modify or not proceed with the resolution.

Financial Implications:

None

Environmental Implications:

None

Attachments:

None

Submitted by:

Matthew Armstrong
 Chief Administrative Officer & Treasurer

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 40-2022

**A BY-LAW TO APPOINT MEMBERS TO AN ELECTION COMPLIANCE AUDIT
COMMITTEE FOR THE TOWN OF PRESCOTT FOR THE COUNCIL TERM DATED
NOVEMBER 15, 2022 TO NOVEMBER 14, 2026**

**Being a by-law to appoint members to an Election Compliance Audit Committee for the
Town of Prescott for the council term dated November 15, 2022 to November 14, 2026**

WHEREAS the *Municipal Elections Act*, requires that a municipal council must appoint an election compliance audit committee; and

WHEREAS the Town of Prescott has worked with other municipalities in the United Counties of Leeds and Grenville to provide for a Joint Election Compliance Audit Committee;

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

1. The Council of the Town of Prescott hereby approves the Terms of Reference for the Joint Leeds and Grenville Election Compliance Audit Committee, attached as Schedule "A".
2. The following individuals are hereby appointed to serve as a member of the Elections Compliance Audit Committee:

MEMBERS: Andy Brown
John Dickson
Mel Campbell
Dianne Merkley
Anthony Vachon
Nigel White

3. The term of the Committee shall be for the term of Council dated November 15, 2022 to November 14, 2026.
4. Schedule "A", attached, constitutes part of this by-law.
5. That this by-law shall take effect on the date of final passing thereof;
6. That should any other existing by-laws, resolutions, or actions of the Corporation of the Town of Prescott be deemed to be inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**READ AND PASSED, SIGNED AND SEALED THIS 19th DAY OF
SEPTEMBER, 2022.**

Mayor

Clerk

**Joint Leeds & Grenville Election Compliance Audit Committee
Terms of Reference**

Participating Municipalities

The name of the Committee is the “Joint Leeds & Grenville Election Compliance Audit Committee”. The participating municipalities are as follows:

- Township of Athens
- Township of Augusta
- City of Brockville
- Township of Edwardsburgh Cardinal
- Township of Elizabethtown-Kitley
- Township of Front of Yonge
- Town of Gananoque
- Township of Leeds and the Thousand Islands
- Village of Merrickville-Wolford
- Municipality of North Grenville
- Town of Prescott
- Township of Rideau Lakes
- Village of Westport

The Clerk of the United Counties of Leeds and Grenville will provide administrative support and act as Secretary to the Compliance Audit Committee. The clerks of the participating municipalities have delegated the authority of administering the duties related to the Compliance Audit Committee to the County Clerk.

Duration

The term of office is from November 15, 2022 to November 14, 2026 to deal with compliance audit applications and participating clerk’s reports arising from the 2022 Municipal Election and any by-election during this term.

Mandate

The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996*, as amended (included as Appendix “A”). The Committee shall have the authority to:

- a) Grant or reject a compliance audit application received from an eligible elector with respect to apparent election campaign finance contraventions;
- b) Grant or reject a report received from the Clerk with respect to apparent contribution contraventions;
- c) Appoint an auditor to conduct an audit where the application is granted and to receive the results; and
- d) Commence legal proceedings against the candidate or contributor for any apparent contravention.

Membership

The Committee shall be composed of not less than three (3) and not more than seven (7) members. Upon receipt of a compliance audit application or participating clerk's report, the County Clerk, at their discretion, will select three (3) members who will be voting members to consider the complaint. The remaining members will be alternate members. The County Clerk will confirm the committee membership for each compliance audit application or clerk's report received. An alternate member may be used in the following circumstances at the discretion of the County Clerk:

1. A committee member is an eligible elector in the municipality requiring the audit; and/or
2. A committee member is unavailable.

Membership will be comprised of individuals with legal, election administration, public administration, auditing and/or accounting experience, professionals who are required to adhere to codes of standards of their profession and those with in-depth knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*, as amended, and regulations made thereunder.

Pursuant to subsection 88.37(2) of the *Municipal Elections Act, 1996*, as amended, Committee members shall not include:

- (a) employees or officers of the municipality or local board;
- (b) members of the council or local board;
- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third parties in the municipality in the election for which the committee is established.

Any person who has committed to providing professional accounting advice to any person running for office in any of the participating municipalities shall not be eligible to be appointed to the Committee.

Members will be required to take training, including Accessible Customer Service training, by the Counties as a condition of appointment.

Membership Selection

Notice of recruitment of individuals for the Committee will be posted on the participating municipalities' websites and on the Counties' website. Notice will also be provided in local newspapers. Clerks of the participating municipalities and the County Clerk may also contact and solicit individuals with experience. Applications received after the specified deadline will not be considered.

All applicants will be required to complete an application form outlining their qualifications and experience. The County Clerk and clerks of the participating

municipalities may interview eligible applicants who meet the selection criteria. A list of recommended candidates will be submitted to the council of each participating municipality for consideration.

The selection process will be based upon the following criteria:

- eligibility under the Municipal Elections Act, 1996, as amended;
- demonstrated knowledge and understanding of municipal election campaign financing rules;
- proven analytical and decision-making skills;
- experience working on a committee, task force or similar setting;
- availability and willingness to attend meetings; and
- possession of excellent oral and written communication skills.

Conflict of Interest

The principles of the *Municipal Conflict of Interest Act* apply to this Committee. Should a member of the Committee discover a real or potential conflict of interest exists at any time during the Committee's term of office, the member shall disclose the interest to the County Clerk immediately and shall not proceed to carry out duties related to the Committee where a conflict exists. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Compensation

Voting and Alternate Members will be provided with an annual retainer of \$100.00 at the end of each year of the term. The County Clerk will issue payment to each member in good standing on behalf of participating municipalities. Costs will be divided evenly amongst the participating municipalities.

Members may receive additional compensation (ex. per diem, mileage) depending on compensation by-laws of the participating municipalities.

Chairperson

The Committee will select a chairperson from amongst its members at its first meeting upon receipt of each compliance audit application or Clerk's report.

The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.

The Chair shall enforce the observance of order and decorum among the Committee members and those present at all meetings.

When the Chair is absent, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

Funding

The participating municipality requiring the services of the Committee shall be responsible for all associated expenses, in addition to a portion of the annual retainer fee.

Meetings Open to the Public

While meetings of the Committee will be open to the public, Sections 88.33 (5.1), 88.34 (9.1) and 88.36 (6.1) of the *Municipal Elections Act, 1996*, as amended, state the Committee may choose to deliberate in private.

Timing of Meetings

The Clerk of the municipality where the audit is being requested shall forward the application to the County Clerk immediately upon receipt, noting the date and time the application was received. The application shall be provided to the Committee within ten (10) days of its receipt at the local municipality in accordance with Section 88.33 (4) of the *Municipal Elections Act, 1996*, as amended. Upon receipt of an application, the County Clerk will determine the date and time of the first meeting in consultation with the members. Subsequent meetings will be held at the call of the Chair in consultation with the County Clerk.

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits received. The frequency and duration of meetings will be determined by the Committee in consultation with the County Clerk.

Meeting Location

The Committee shall meet at the location determined by the County Clerk.

Meeting Notices, Agendas & Minutes

Reasonable notice of Committee meetings shall be given to the candidate, applicant, contributor and/or registered third party, the Clerk of the municipality where the application was requested, and the public.

The County Clerk shall cause notice of the meeting(s) to be provided a minimum of two (2) business days prior to the date of each meeting. The agendas and minutes of Committee meetings shall be posted on the municipal website of the United Counties of Leeds and Grenville and on the website of the municipality requesting the services of the Compliance Audit Committee.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations.

The Committee must provide brief written reasons for decisions made regarding acceptance or rejection of the application, and whether legal proceedings will be commenced following receipt of an auditor's report.

These written reasons must be provided to the candidate, County Clerk, Clerk for the municipality where the candidate filed their nomination, applicant, and contributor and/or registered third party.

Quorum

Quorum for meetings shall consist of a simple majority of the members of the Committee selected by the County Clerk upon receipt of the compliance audit application or participating clerk's report.

If no quorum is present thirty (30) minutes after the meeting is scheduled to commence, the County Clerk shall record the names of members present and the meeting shall stand adjourned until the date of the next meeting, as determined by the County Clerk or the Chair, if appointed.

Meeting Attendance

Any member of the Committee who is absent from two (2) consecutive meetings without excusal by the Committee may be removed from the Committee at the discretion of the County Clerk in consultation with the clerks of the participating municipalities.

Motions & Voting

A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes.

Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

In the case of a tie vote, the motion shall be considered to have been defeated.

The manner of determining the vote on a motion shall be by show of hands.

The Chair shall announce the result of every vote.

Administrative Practices and Procedures

The Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference

shall be in accordance with Section 88.33 to 88.37 of the *Municipal Elections Act*, 1996, as amended.

Appendix “A” – Sections 88.33 to 88.37 of the *Municipal Elections Act*, 1996, as amended
Compliance Audits and Reviews of Contributions

Compliance audit of candidates’ campaign finances

Application by elector

88.33 (1) 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, even if the candidate has not filed a financial statement under section 88.25. 2016, c. 15, s. 63.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality or the secretary of the local board for which the candidate was nominated for office, and it shall be in writing and shall set out the reasons for the elector’s belief. 2016, c. 15, s. 63.

Deadline for applications

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The candidate’s supplementary filing date, if any, under section 88.30.
4. The date on which the candidate’s extension, if any, under subsection 88.23 (6) expires. 2016, c. 15, s. 63.

Compliance audit committee

(4) 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. 2016, c. 15, s. 63.

Notice of meetings

(5) Reasonable notice of the meetings of the committee under this section shall be given to the candidate, the applicant and the public. 2017, c. 20, Sched. 10, s. 1.

Open meetings

(5.1) The meetings of the committee under this section shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 1.

Same

(6) Subsection (5.1) applies despite sections 207 and 208.1 of the *Education Act*. 2017, c. 20, Sched. 10, s. 1.

Decision of committee

(7) 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. 2016, c. 15, s. 63.

Same

(8) The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Appeal

(9) The decision of the committee under subsection (7) may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the committee could have made. 2016, c. 15, s. 63.

Appointment of auditor

(10) If the committee decides under subsection (7) to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. 2016, c. 15, s. 63.

Same

(11) Only auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection (10). 2016, c. 15, s. 63.

Duty of auditor

(12) The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate. 2016, c. 15, s. 63.

Who receives report

(13) The auditor shall submit the report to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Report to be forwarded to committee

(14) Within 10 days after receiving the report, the clerk of the municipality or the secretary of the local board shall forward the report to the compliance audit committee. 2016, c. 15, s. 63.

Powers of auditor

(15) For the purpose of the audit, the auditor,
(a) is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality or local board; and

(b) has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit. 2016, c. 15, s. 63.

Costs

(16) The municipality or local board shall pay the auditor's costs of performing the audit. 2016, c. 15, s. 63.

Decision

(17) The committee shall consider the report within 30 days after receiving it and, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate for the apparent contravention. 2016, c. 15, s. 63.

Notice of decision, reasons

(18) The decision of the committee under subsection (17), and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant. 2016, c. 15, s. 63.

Immunity

(19) No action or other proceeding for damages shall be instituted against an auditor appointed under subsection (10) for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith. 2016, c. 15, s. 63.

Saving provision

(20) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances. 2016, c. 15, s. 63.

Section Amendments with date in force (d/m/y)

Review of contributions to candidates

88.34 (1) The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Report, contributions to candidates for council

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and, (a) if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and

(b) if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council. 2016, c. 15, s. 64.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 64.

Report, contributions to candidates for a local board

(5) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and, (a) if the contributor's total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and (b) if the contributor's total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board. 2016, c. 15, s. 64.

Same

(6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9. 2016, c. 15, s. 64.

Same

(7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee. 2016, c. 15, s. 64.

Decision of compliance audit committee

(8) Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 64.

Notice of meetings

(9) Reasonable notice of the meetings of the committee under subsection (8) shall be given to the contributor, the applicable candidate and the public. 2017, c. 20, Sched. 10, s. 2.

Open meetings

(9.1) The meetings of the committee under subsection (8) shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 2.

Same

(10) Subsection (9.1) applies despite sections 207 and 208.1 of the *Education Act*. 2017, c. 20, Sched. 10, s. 2.

Notice of decision, reasons

(11) The decision of the committee under subsection (8), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality or the secretary of the local board, as the case may be. 2016, c. 15, s. 64.

Saving provision

(12) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 64.

Section Amendments with date in force (d/m/y)

Compliance audit of registered third parties

Application by elector

88.35 (1) An elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29. 2016, c. 15, s. 65.

Requirements

(2) An application for a compliance audit shall be made to the clerk of the municipality in which the registered third party was registered, and it shall be made in writing and shall set out the reasons for the elector's belief. 2016, c. 15, s. 65.

Deadline

(3) The application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30.
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30.
3. The supplementary filing date, if any, for the registered third party under section 88.30.

4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires. 2016, c. 15, s. 65.

Application of s. 88.33 (4) to (20)

(4) Subsections 88.33 (4) to (20) apply to a compliance audit under this section, with the following modifications:

1. A reference to a candidate shall be read as a reference to the registered third party.
2. A reference to the clerk with whom the candidate filed his or her nomination shall be read as a reference to the clerk of the municipality in which the registered third party is registered.
3. A reference to election campaign finances shall be read as a reference to the campaign finances of the registered third party in relation to third party advertisements that appear during an election in the municipality. 2016, c. 15, s. 65.

Section Amendments with date in force (d/m/y)

Review of contributions to registered third parties

88.36 (1) The clerk shall review the contributions reported on the financial statements submitted by a registered third party under section 88.29 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

Report by the clerk

(2) As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30 for a registered third party, the clerk shall prepare a report identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under section 88.13 and,

- (a) if the contributor's total contributions to a registered third party that is registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to the registered third party in relation to third party advertisements; and
- (b) if the contributor's total contributions to two or more registered third parties that are registered in the municipality appear to exceed the limit under section 88.13, the report shall set out the contributions made by that contributor to all registered third parties in the municipality in relation to third party advertisements. 2016, c. 15, s. 65.

Same

(3) The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.13. 2016, c. 15, s. 65.

Same

(4) The clerk shall forward each report prepared under subsection (2) to the compliance audit committee. 2016, c. 15, s. 65.

Decision of compliance audit committee

(5) Within 30 days after receiving a report under subsection (4), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention. 2016, c. 15, s. 65.

Notice of meetings

(6) Reasonable notice of the meetings of the committee under subsection (5) shall be given to the contributor, the registered third party and the public. 2017, c. 20, Sched. 10, s. 3.

Open meetings

(6.1) The meetings of the committee under subsection (5) shall be open to the public, but the committee may deliberate in private. 2017, c. 20, Sched. 10, s. 3.

Notice of decision, reasons

(7) The decision of the committee under subsection (5), and brief written reasons for the decision, shall be given to the contributor and to the clerk of the municipality. 2016, c. 15, s. 65.

Saving provision

(8) This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to contribution limits. 2016, c. 15, s. 65.

Section Amendments with date in force (d/m/y)

Compliance audit committee

88.37 (1) 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.

Composition

(2) The committee shall be composed of not fewer than three and not more than seven members and shall not include,

(a) employees or officers of the municipality or local board;

(b) members of the council or local board;

(c) any persons who are candidates in the election for which the committee is established; or

(d) any persons who are registered third parties in the municipality in the election for which the committee is established. 2016, c. 15, s. 66.

Eligibility for appointment

(3) A person who has such qualifications and satisfies such eligibility requirements as may be prescribed is eligible for appointment to the committee. 2016, c. 15, s. 66.

Same

(4) In appointing persons to the committee, the council or local board shall have regard to the prescribed eligibility criteria. 2016, c. 15, s. 66.

Term of office

(5) The term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed. 2016, c. 15, s. 66.

Role of clerk or secretary

(6) The clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this Act to implement the committee's decisions. 2016, c. 15, s. 66.

Costs

(7) The council or local board, as the case may be, shall pay all costs in relation to the committee's operation and activities. 2016, c. 15, s. 66.

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 41-2022

**A BY-LAW TO ADOPT THE PROCEEDINGS OF THE COUNCIL
MEETING HELD ON SEPTEMBER 20, 2022**

WHEREAS, Section 5(3) of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that Council's powers shall be exercised by by-law; and

WHEREAS certain actions of Council do not require the enactment of a specific by-law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Town of Prescott enacts as follows:

1. Subject to Paragraph 3 of this by-law, the proceedings of the above-referenced Council meeting, including all Resolutions, By-laws, Recommendations, Adoptions of Committee Reports, and all other motions and matters decided in the said Council Meeting are hereby adopted and confirmed, and shall have the same force and effect, as if such proceedings were expressly embodied in this by-law.
2. The Mayor and Clerk are hereby authorized to execute all such documents, and to direct other officials of the Town to take all other action, that may be required to give effect to the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law.
3. Nothing in this by-law has the effect of conferring the status of a by-law upon any of the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who complied with the provisions of Section 5 of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50 respecting the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law shall be deemed to have complied with said provisions in respect of this by-law.

READ AND PASSED, SIGNED AND SEALED THE 20th DAY OF SEPTEMBER, 2022.

Mayor

Clerk