

**REGULAR MEETING OF COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, TO BE HELD IN THE COUNCIL CHAMBERS, MUNICIPAL ADMINISTRATION COMPLEX, MANITOUWADGE, ONTARIO, ON WEDNESDAY, MAY 8, 2019 AT THE HOUR OF 7:00 P.M.**

**AGENDA**

**01 CALL TO ORDER**

**02 ADDITIONS OR DELETIONS TO AGENDA**

**03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

**04 APPROVAL OF AGENDA**

**05 DELEGATIONS AND PRESENTATIONS**

**01** Deputation from Richard McNeil, owner of McNeil's Valu-Mart regarding a garden center tent.

**02** Deputation from the Manitouwadge Archival and Historical Society regarding outstanding property taxes.

**06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

**01** Minutes of the Special Meeting held April 9, 2019.

**02** Minutes of the Regular Meeting held April 10, 2019.

**07 PETITIONS**

**08 CORRESPONDENCE**

**01** Correspondence from Peter Ruel, Board Chair, Santé Manitouwadge Health regarding the Bed, Golf, and Beyond! Fundraiser, dated April 12, 2019.

**09 REPORTS AND COMMITTEES**

**01** Minutes of Meetings: Manitouwadge Public Library Board held March 18, 2019.

- 02 Minutes of Meetings: Thunder Bay District Board of Health held February 13, 2019. \*Statements available at: <http://www.tbdhu.com/about-us/board-of-health/board-of-health-meetings/>
- 03 Minutes of Meetings: Thunder Bay District Social Services Administration Board held March 21, 2019 (regular), March 21, 2019 (closed). \*Statements available at: <http://www.tbdssab.ca/board/board-minutes/>

10 VERBAL UPDATE BY MAYOR

11 VERBAL UPDATE BY CAO/CLERK-TREASURER

12 BY-LAWS

- 01 **Being a By-law to** Regulate the Installation, Repair, Replacement, Inspection or Alteration of a Water Meter and to Establish a System of Recourse and Penalties for the Purposes of Enforcing the By-law.  
  
Administration Report FBA2019-02 submitted by Owen Cranney, Fire Chief/CBCO regarding Water Meter By-law, dated May 3, 2019.

13 BUSINESS

- 01 Resolution concerning the new Ontario Autism Program.
- 02 Ontario Clean Water Agency (OCWA) Standard of Care training date.
- 03 Administration Report ADM2019-07 submitted by Margaret Hartling, CAO/Clerk-Treasurer regarding Per Diem for CLC Members, dated April 12, 2019.

14 MOTIONS AND NOTICES OF MOTIONS

15 CLOSED SESSIONS

16 BUSINESS ARISING FROM CLOSED SESSION

17 ADJOURNMENT

\*\*\*\*\*

APR 29 2019

Township of Manitowadge  
Request for Delegation Form

THE CORPORATION OF THE  
TOWNSHIP OF MANITOUWADGE

Name of Individual(s): RICHARD MCNEIL

Position/Title: OWNER

Name of Organization: MCNEIL'S VALU-MART

Contact No. 807-826-3323 ext. \_\_\_\_\_ Fax No. 807-826-3077

Name of Individual(s): \_\_\_\_\_

Position/Title: \_\_\_\_\_

Your title of interest in the group? STORE OWNER

Will other representatives be attending?  Yes  No

Have you appeared before Council in the past regarding this issue?  Yes  No

Special Needs? \_\_\_\_\_

Written or Oral Presentation or Both?  Oral  Written

Reason(s) for delegation request (subject matter to be discussed):

GARDEN CENTER TENT ON SIDE OF BUILDING.  
- FROM MAY 21, 2019 TO JULY 06, 2019.  
SIZE 14' W X 36' LONG.

- WILL CREATE 320 TO 400 GARDEN HOLES  
- OFFER RESIDENTS OF MANITOUWADGE A PLACE  
TO BUY THEIR GARDEN/FLOWERING PLANTS/SALES  
- GIVES RESIDENTS OF MANITOUWADGE ANOTHER  
REASON TO SHOP ALL OTHER BUSINESSES IN  
OUR TOWN.

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, HELD IN THE COUNCIL CHAMBERS, TUESDAY, APRIL 9, 2019 AT THE HOUR OF 6:45 P.M.**

**PRESENT:** Mayor John MacEachern  
Councillor Dave Arola  
Councillor Kathy Hudson  
Councillor Jim Moffat  
Councillor Mike Scapinello

**ABSENT:** 0

**STAFF:** Margaret Hartling, CAO/Clerk-Treasurer

**PUBLIC:** 0

**01 CALL TO ORDER**

**RESOLUTION NO. 2019-83**

Moved by: Councillor Hudson

Seconded by: Councillor Moffat

**RESOLVED THAT:** the Special Meeting commence at the hour of 6:45 p.m.

**CARRIED**

**02 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

**03 APPROVAL OF AGENDA**

**RESOLUTION NO. 2019-84**

Moved by: Councillor Moffat

Seconded by: Councillor Hudson

**RESOLVED THAT:** the agenda be approved as circulated.

**CARRIED**

**04 DELEGATIONS AND PRESENTATIONS**

**05 BUSINESS**

**06 CLOSED SESSIONS**

**01** Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;  
And

Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.

- Alleged Code of Conduct Violation

**02** Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.

- Operations Plan
- Staffing and Salary Review

**RESOLUTION NO. 2019-85**

Moved by: Councillor Hudson

Seconded by: Councillor Scapinello

**WHEREAS** Section 239(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them, shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

**NOW THEREFORE BE IT RESOLVED THAT:** this meeting is hereby closed to the public as the subject matter being discussed falls under the following section:

- 01** Section 239(2)(e): litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;  
And  
Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.
  - Alleged Code of Conduct Violation
  
- 02** Section 239(2)(b): personal matters about an identifiable individual, including municipal or local board employees.
  - Operations Plan
  - Staffing and Salary Review

**CARRIED**

**RESOLUTION NO. 2019-86**

Moved by: Councillor Moffat

Seconded by: Councillor Scapinello

**RESOLVED THAT:** the meeting is hereby declared to be open to the public at 8:46 p.m.

**CARRIED**

**07 BUSINESS ARISING FROM CLOSED SESSION**

**08 ADJOURNMENT**

**RESOLUTION NO. 2019-87**

Moved by: Councillor Scapinello

Seconded by: Councillor Moffat

**RESOLVED THAT:** the Special Meeting adjourn at the hour of 8:47 p.m.

**CARRIED**

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Mayor John MacEachern

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Margaret Hartling, CAO/Clerk-Treasurer

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE, HELD IN THE COUNCIL CHAMBERS, WEDNESDAY, APRIL 10, 2019 AT THE HOUR OF 7:00 P.M.**

**PRESENT:** Mayor John MacEachern  
Councillor David Arola  
Councillor Kathy Hudson  
Councillor Jim Moffat  
Councillor Mike Scapinello

**ABSENT:** 0

**STAFF:** Margaret Hartling, CAO/Clerk-Treasurer  
Joleen Keough, Deputy Clerk  
Florence MacLean, Economic Development Officer

**PUBLIC:** 5

**01 CALL TO ORDER**

**RESOLUTION NO. 2019-88**

Moved by: Councillor Hudson

Seconded by: Councillor Arola

**RESOLVED THAT:** the Regular Meeting commence at the hour of 7:00 p.m.

**CARRIED**

**02 ADDITIONS OR DELETIONS TO AGENDA**

**03 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

- 01** Declaration of pecuniary interest submitted by Councillor Scapinello for meeting date March 27, 2019 regarding:  
Agenda Item No: 15-01 (open session)

**04 APPROVAL OF AGENDA**

**RESOLUTION NO. 2019-89**

Moved by: Councillor Arola

Seconded by: Councillor Hudson

**RESOLVED THAT:** the agenda be approved as circulated.

**CARRIED**

**05 DELEGATIONS AND PRESENTATIONS**

- 01** Presentation from Stephanie Ash, President and CEO of Firedog Communications Inc., regarding the Aquaculture Feasibility Study – Final Report, dated March 27, 2019.

**RESOLUTION NO. 2019-90**

Moved by: Councillor Hudson

Seconded by: Councillor Scapinello

**RESOLVED THAT:** the presentation provided by Stephanie Ash, President and CEO of Firedog Communications Inc. regarding the Aquaculture Feasibility Study – Final Report, be accepted as received.

**AND BE IT FURTHER RESOLVED THAT:** Council thanks the above noted representative for attending and providing the update to Council.

**CARRIED**

**06 ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

- 01** Minutes of the Regular Meeting held March 27, 2019.

**RESOLUTION NO. 2019-91**

Moved by: Councillor Arola

Seconded by: Councillor Hudson

**RESOLVED THAT:** the Minutes of the Regular Meeting held on March 27, 2019 are adopted as circulated.

**CARRIED**

**07 PETITIONS**

**08 CORRESPONDENCE**

- 01** Correspondence from Patty Hajdu, Member of Parliament, Thunder Bay-Superior North regarding repaving of the Manitouwadge Airport, dated March 18, 2019.

**RESOLUTION NO. 2019-92**

Moved by: Councillor Scapinello

Seconded by: Councillor Arola

**RESOLVED THAT:** correspondence item(s) 08-01 be received and filed.

**CARRIED**

**09 REPORTS AND COMMITTEES**

- 01** Minutes of Meetings: Manitouwadge Public Library Board held February 11, 2019.

**RESOLUTION NO. 2019-93**

Moved by: Councillor Scapinello

Seconded by: Councillor Moffat

**RESOLVED THAT:** the Minutes of Meeting of the Manitouwadge Public Library Board held February 11, 2019, be accepted as received.

**CARRIED**

- 02** Minutes of Meetings: Thunder Bay District Board of Health held February 13, 2019.

**RESOLUTION NO. 2019-94**

Moved by: Councillor Scapinello

Seconded by: Councillor Arola

**RESOLVED THAT:** the Minutes of Meeting of the Thunder Bay District Board of Health held February 13, 2019, be accepted as received.

**CARRIED**

- 03** Minutes of Meetings: Thunder Bay District Social Services Administration Board held February 20, 2019 (regular), February 20, 2019 (closed) and February 21, 2019 (closed).

**RESOLUTION NO. 2019-95**

Moved by: Councillor Moffat

Seconded by: Councillor Scapinello

**RESOLVED THAT:** the Minutes of Meeting of the Thunder Bay District Social Services Administration Board held February 20, 2019 (regular), February 20, 2019 (closed) and February 21, 2019 (closed), be accepted as received.

**CARRIED**

**10 VERBAL UPDATE BY MAYOR**

- 01 Verbal update provided by Mayor.

**11 VERBAL UPDATE BY CAO/CLERK-TREASURER**

**12 BY-LAWS**

- 01 Being a By-law to Adopt a Code of Conduct for Council Members, Local Boards and Committees.

**RESOLUTION NO. 2019-96**

Moved by: Councillor Hudson

Seconded by: Councillor Scapinello

**Being a By-law to Adopt a Code of Conduct for Council Members, Local Boards and Committees, be read a first and second time.**

**And furthermore, be read a third time, passed and numbered as By-law No. 2019-07**

**CARRIED**

- 02 Being a By-law to Adopt a Council-Staff Relations Policy.

**RESOLUTION NO. 2019-97**

Moved by: Councillor Scapinello

Seconded by: Councillor Hudson

**Being a By-law to Adopt a Council-Staff Relations Policy, be read a first and second time.**

**And furthermore, be read a third time, passed and numbered as By-law No. 2019-08**

**CARRIED**

**13 BUSINESS**

- 01 Cancellation of the Regular Council Meeting of April 24, 2019.

**RESOLUTION NO. 2019-98**

Moved by: Councillor Arola

Seconded by: Councillor Scapinello

**RESOLVED THAT:** Regular Council Meeting dated April 24, 2019 be cancelled.

**CARRIED**

- 02 Administration Report EDO2019-02 submitted by Florence MacLean, Economic Development Officer regarding the Aquaculture Feasibility Study – Final Report, dated March 19, 2019.

**RESOLUTION NO. 2019-99**

Moved by: Councillor Moffat

Seconded by: Councillor Scapinello

**RESOLVED THAT:** Council is in receipt of Administration Report EDO2019-02 submitted by Florence MacLean, Economic Development Officer regarding the Aquaculture Feasibility Study – Final Report.

**AND BE IT FURTHER RESOLVED THAT:** upon conclusion of Council's review and consideration, direct staff as follows:

- 01 Council approves staff to continue working with the regional communities to explore interest and opportunities to create a sustainable Aquaculture industry with our neighbouring municipalities and First Nation communities.

**CARRIED**



**14 MOTIONS AND NOTICES OF MOTIONS**

**15 CLOSED SESSIONS**

- 01** Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board.
  - LUP1525-10011876 & LUP1525-1001997

**RESOLUTION NO. 2019-100**

Moved by: Councillor Scapinello

Seconded by: Councillor Moffat

**WHEREAS** Section 239(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them, shall state by resolution the fact of holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

**NOW THEREFORE BE IT RESOLVED THAT:** this meeting is hereby closed to the public as the subject matter being discussed falls under the following section:

- 01** Section 239(2)(c): a proposed or pending acquisition or disposition of land by the municipality or local board;
  - LUP1525-1001876 & LUP1525-1001997

**CARRIED**

**RESOLUTION NO. 2019-101**

Moved by: Councillor Moffat

Seconded by: Councillor Scapinello

**RESOLVED THAT:** the meeting is hereby declared to be open to the public at 8:25 p.m.

**CARRIED**

**16 BUSINESS ARISING FROM CLOSED SESSION**

**RESOLUTION NO. 2019-102**

Moved by: Councillor Hudson

Seconded by: Councillor Moffat

**RESOLVED THAT:** Council directs staff to proceed with the purchase of LUP1525-1001876 and LUP1525-1001997.

**CARRIED**

**17 ADJOURNMENT**

**RESOLUTION NO. 2019-103**

Moved by: Councillor Moffat

Seconded by: Councillor Hudson

**RESOLVED THAT:** the Regular Meeting adjourn at the hour of 8:28 p.m.

**CARRIED**

\_\_\_\_\_  
Mayor John MacEachern

\_\_\_\_\_  
Margaret Hartling, CAO/Clerk-Treasurer



April 12, 2019

Dear valued member of the Community and Service Partners,

Santé Manitouwadge Health (SMH) will be hosting the *Bed, Golf, and Beyond! Fundraiser*, where all proceeds will go towards the purchase of new, much needed beds in our Long Term Care and Acute Care Units. The event will feature a Golf Tournament, Silent Auction, and a dinner for the participants.

The current beds at Santé Manitouwadge Health are over 23 years old! Most beds are changed every 7-10 years... that means our beds are a bit past their best before date. Studies show that as you age, beds should be changed even sooner and many of our clients are elderly. The need for change is also driven by the new health care standards that improve patient safety with built-in smart monitors to reduce falls and minimize staff back injury.

With the generous support of residents, local and surrounding businesses, community organizations and industry donations, we are able to continue our mission of *Working Together – Keeping you healthy!*

It is because of the incredible support from organizations such as yours that SMH will be able to keep our patients comfortable and safe for years to come. We would greatly appreciate receiving monetary donations of any amount, or prizes to raffle in the Silent Auction.

If you wish to send monetary donations, give prizes to raffle in the Silent Auction or to register your team, please contact our Front Reception at 807-826-3251, extension 0. For any questions regarding the Golf Tournament, you may contact Mrs. Donna Jaunzarins directly at 807-826-1117.

Thank you for your review and consideration as well as for your belief that healthcare is of utmost importance in our community.

Sincerely,

Peter Ruel  
Board Chair  
Santé Manitouwadge Health



Offering opportunities for discovery...

**Manitouwadge Public Library Board  
March 18, 2019, 6:30pm, Meeting Room #1  
Minutes**

Present: Connie Hunter, Helen Goodwin, Lisa Schut, Tara Ruel, Amber Campbell, Holly Hudson, Kathy Hudson (Council Representative), Beth Bierworth (CEO)

- 1) Call to Order at 6:33 pm.
- 2) Declaration of Interest - None
- 3) Motion #7-2019  
That the Manitouwadge Public Library Board accept the Consent Agenda for the March 8, 2019 Board Meeting.  
Moved by: Lisa Schut  
Seconded by: Helen Goodwin  
Passed
- 4) Business arising from the minutes
  - a. Board thanked Reuben for assistance with moving furniture, etc., for the new Maker Space.
- 5) Financial Report
  - a. No Trial Balance available from the Township this month
- 6) Correspondence - none
- 7) CEO's report
  - a. 17 program, 216 participants
  - b. Maker Space launched on February 28<sup>th</sup> and 16 members of our community attended.
- 8) New Business - None
- 9) Business from the floor - none
- 10) Continuing Business
  - a. Long Term Goals – Connie presented information regarding strategic planning.
  - b. Board Development – Tara presented overview of legislation that concerns library boards



Offering opportunities for discovery...

c. Policy Review

- i. Draft Maker Space Policy – discussed changes to draft policy

11) Next Meeting – April 8, 2019 at 6:30pm

12) Notice of adjournment

Motion #8-2019

That the Manitouwadge Public Library Board adjourns at 8:28 pm.

Moved by: Holly Hudson

Seconded by: Lisa Schut


Passed

Connie Hunter  
Board Chair



# THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

## ADMINISTRATION REPORT

<b>SUBJECT:</b> Water Meter By-law		<b>REPORT NUMBER:</b> FBA 2019-02
<b>PREPARED BY:</b> Owen Cranney		<b>PAGE 1 OF 11</b>
<b>DATE:</b> May 3 <sup>rd</sup> 2019	<b>REVISION DATE:</b>	
<b>MANAGER SIGNATURE:</b> 	<b>FOR CONSIDERATION:</b> OPEN SESSION <input checked="" type="checkbox"/> CLOSED SESSION	
<b>CAO/CLERK-TREASURER SIGNATURE:</b>		
<b>REFERRED TO:</b>		
<b>ATTACHMENTS:</b> Draft Water Meter By-Law 2019-xx & Associated Part 1 Set Fine Schedule		

**BACKGROUND:** The Township operates and maintains a system of water meters to record water consumption and invoicing for the amount used. These water meters are municipal property and are installed to administer the utility service of potable water and sewer.

**COMMENTARY:** By-Law 2006-05 is the Township's present by-law to allow for the installation, repair, replacement, inspection and alteration of public utility meters.

The present by-law is difficult to enforce and any enforcement requires the charges to be taken to court as Part 3 offences.

The proposed by-law has addressed the enforcement issues with improved wording and an established system of recourse and penalties for the purposes of enforcing the by-law.

The draft by-law has been sent out for review by the Office Ministry of Attorney General.

Once approved, posting and public information about the new by-law will be done.

**FINANCIAL IMPLICATIONS:** The draft by-law includes current reference to the Municipal Act and has a section of Part 1 set fines. This will help reduce the cost of any required enforcement of the by-law by the township.

**ACCESSIBILITY IMPLICATIONS:**

**IN CONSULTATION WITH:**

Devyani Anandjit, Ministry of the Attorney General, Crown Law Office.

Marcel DeMars, Municipal Law Enforcement Officer, Township of Manitouwadge.

Joleen Keough, Deputy Clerk, Township of Manitouwadge.

**RECOMMENDATION:**

That Council approves the draft By-Law as submitted.

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**

**BY-LAW NO. 2019 - \_\_\_\_**

**Being a By-Law to Regulate the Installation, Repair, Replacement, Inspection or Alteration of a Water Meter and to Establish a System of Recourse and Penalties for the Purposes of Enforcing the By-Law.**

**WHEREAS** Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (the "*Municipal Act*"), provides that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10(1) of the *Municipal Act* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Section 80(1) of the *Municipal Act* provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, install, repair, replace, disconnect or alter a public utility meter;

**AND WHEREAS** Section 80(2) of the *Municipal Act* authorizes a municipality to shut off or reduce the supply of a public utility for the purposes set out in Section 80(1);

**AND WHEREAS** Section 80(3) of the *Municipal Act* provides that if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land, the municipality may enter on the land, to shut off the supply of the public utility, or to remove any property of the municipality, or to determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** Section 81(1) of the *Municipal Act* provides that a municipality may shut off the supply of a public utility by the municipality to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue;

**AND WHEREAS** Section 81(4) of the *Municipal Act* provides that a municipality may recover all fees and charges payable despite shutting off the supply of the public utility;

**AND WHEREAS** Section 83 of the *Municipal Act* provides that a municipality may, as a condition of supplying or continuing to supply a public utility, require security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility;

**AND WHEREAS** Section 91(4) of the *Municipal Act* prohibits the interference with a public utility without the municipality's consent or a court order;

**AND WHEREAS** Section 91(9) of the *Municipal Act* authorizes a municipality to enter upon any land to repair and maintain its public utilities;

**AND WHEREAS** Section 93(1) of the *Municipal Act* provides that no person shall construct, maintain or operate a water public utility without first obtaining the consent of the municipality;

**AND WHEREAS** Section 391(1) of the *Municipal Act* provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of it and for the use of its property including property under its control;

**AND WHEREAS** Section 398(1) of the *Municipal Act* provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

**AND WHEREAS** Section 398(2) of the *Municipal Act* provides that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes;

**AND WHEREAS** Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act* is guilty of an offence;

**AND WHEREAS** Section 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law passed under *Municipal Act*;

**AND WHEREAS** Section 436(1) of the *Municipal Act* provides that a municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with the by-law;

**AND WHEREAS** Section 444(1) of the *Municipal Act* provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under the *Municipal Act* has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** Section 444(3) of the *Municipal Act* provides that any person who contravenes an order under Section 444 (1) of the *Municipal Act* is guilty of an offence;

**AND WHEREAS** Section 446 of the *Municipal Act* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** the *Police Services Act, R.S.O. 1990, c. P.15, Section 15* as amended, authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

**AND WHEREAS** the Council of the Corporation of the Township of Manitouwadge deems it essential and expedient to install public utility water meters on all residential, industrial, commercial and institutional establishments and to allow for the repair, replacement, inspection and alteration of public utility meters located within the Township of Manitouwadge that are connected to a municipal potable water service;

**NOW THEREFORE**, the Council of the Corporation of the Township of Manitouwadge enacts as follows:



**PART 1  
GENERAL PROVISIONS**

**SECTION****1. General Provisions****1.1 Short Title**

This By-law shall be cited as *"The Water Meter By-law"*.

**1.2 Scope**

This By-law applies to all land within the Municipality of the Corporation of the Township of Manitouwadge, where Municipal Water Services is supplied.

**1.3 Enforcement**

The Protective Services Department and the Public Works Department are hereby assigned the responsibility of administering and enforcing this By-law.

**1.3(1) Authorization**

The Corporation may authorize any persons for the purposes of performing the duties prescribed in this By-law. These persons have the authority to carry out the duties assigned to them under this By-law.

**1.3(2) Entry Upon Land**

Any person authorized by the Corporation for the purpose of inquiring into the compliance with the provision of this By-law shall have free access to the premises at all reasonable times. Upon reasonable notice given and request made to the owner/occupant and lands to which municipal water is supplied, no person occupying or in charge or apparently in charge of such buildings or other premises or lands shall refuse access to such authorized person.

**1.4 Obstruction**

No person shall hinder or obstruct, or attempt to obstruct any person exercising a power or performing a duty under this By-law. *Municipal Act 2001, c. 25, s.426(1)*, as amended.

**1.5 Severability / Conflicts**

If any section, subsection, clause, sentence, word, part or parts of this By-law is declared by any court of law to be invalid, illegal or beyond one's legal authority, such section, subsection, clause, sentence, word, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

**1.5(1)** Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial Legislation or any other By-law of the Corporations of the Township of Manitouwadge.

**1.5(2)** Where a provision of this By-law conflicts with a provision of another By-law in force in the Municipality or any Provincial or Federal Legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

**1.5(3)** The Clerk of the Corporation of the Township of Manitouwadge is authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedules after the passage of this By-law where such modifications or corrections do not alter the intent of the By-law.

**1.6 Interpretation**

In this By-law;

- 1.6(1)** Unless specifically modified or changed herein, words or expressions used by this By-law have the same meaning as given or used in the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended;
- 1.6(2)** “may” shall be construed as permissive;
- 1.6(3)** “shall” shall be construed as imperative;
- 1.6(4)** “Includes”: the words – “include – includes – including and included” are not to be interpreted as restricting or modifying the words or phrases which precede them;
- 1.6(5)** The term “used” when referring to land, building or structures is interpreted as including “intended to be used”;
- 1.6(6)** Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances;
- 1.6(7)** References to items in the plural include the singular, as applicable;
- 1.6(8)** The captions, article and section names and numbers appearing in this By-law are convenience of reference only and have no effect on its interpretation;
- 1.6(9)** Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done;
- 1.6(10)** Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing;
- 1.6(11)** Reference to a building, structure, yard or land includes that building, structure, yard or land in whole or in part;
- 1.6(12)** Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario at the time the By-law was enacted, as they are amended or replaced from time to time.

## **PART 2 DEFINITIONS**

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meaning which are commonly assigned to them in the context in which they are used in this By-law. The words, phrases and terms used in this section have the following meaning for the purpose of this By-law;

### **SECTION**

#### **2. Definitions**

- 2.1** “Alter” and Alteration” shall mean and includes adding, modifying, repairing, extending, or removing;
- 2.2** “Bypass” shall mean plumbing that is installed around a Water Meter for the purpose of allowing the water to flow to the Property without passing through the Water Meter;

- 2.3 “**Consumer**” shall mean the Owner or Occupant of Property which is serviced by, connected to, and takes water from the Corporation’s water supply;
- 2.4 “**Corporation**” shall mean the Corporation of the Township of Manitouwadge;
- 2.5 “**Meter**” shall mean the Water Meter, register and remote readout unit installed and owned by the Corporation to measure the quantity of water used by the Consumer;
- 2.6 “**Municipality**” shall have the same meaning as in the *Municipal Act*. A reference to its geographical area or to the municipal corporation, as the context requires;
- 2.7 “**Person**” shall mean an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial, crown agents, school boards to whom the context can apply, but specifically excludes the Corporation and agents acting on behalf of the Corporation;
- 2.8 “**Premises**” shall mean the Property being supplied or to be supplied with water;
- 2.9 “**Private Water Service**” shall mean the pipes and fixtures situated from the property line to the Water Meter, which are used for the purpose of supplying a Property with water from the Watermain;
- 2.10 “**Property Owner**” shall mean and includes, Owner, Occupant, Resident or anyone who has control over a Premise that has water supplied by the Corporation;
- 2.11 “**Township**” shall mean the same as Corporation;
- 2.12 “**Water Service Connection**” shall mean the pipes and fixtures used for the purpose of supplying any Premises in the Municipality with water from the Corporation’s Watermain;
- 2.13 “**Watermain**” shall mean the principal pipe in a system of pipes used to convey water throughout the Municipality.

### PART 3 REGULATION - WATER METER

#### SECTION

#### 3. Water Meter

- 3.1 Each Property Owner within the Municipality shall grant the Corporation or its authorized representative access, upon reasonable notice of the request, for the purpose of installing a Water Meter which will measure water consumption for that Property;
- 3.2 All water supplied by the Corporation through a Water Service Connection to the Private Water Service, shall pass through a Water Meter supplied by the Corporation for use upon such Premises, and the water rate charged shall be that fixed from time to time by the Corporation;
- 3.3 All Water Meters and related appurtenances shall be supplied and installed by persons authorized by the Corporation for that purpose;
- 3.4 The Corporation’s cost of supplying, relocating and installing Water Meters and related appurtenances shall be recovered as follows:

**3.4.1** There is no charge for the Water Meter or the Water Meter installation for the Property Owners in the Municipality of the Corporation of the Township of Manitouwadge;

**3.4.2** If the Water Meter is mechanically defective, the cost of repairs shall be paid by the Corporation, but if the Water Meter is damaged by the carelessness or neglect of any Person other than an employee or agent of the Corporation, the Owner of the Premises shall pay to the Corporation the cost of making the necessary repair to such Water Meter;

**3.5** If any Water Meter is found by the Township to not be working properly for any reason, then, the amount to be charged to the Property Owner for water service for the period when the Water Meter was not working will be charged at a rate of the average reading from the last quarterly billing in which the Water Meter was working properly.

Bills will be calculated based on the actual usage to the day of the event and/or the day the event ends if it occurs before the end of a quarter. The period the Water Meter was not working will be average based on a daily rate from the last quarterly billing;

**3.6** All water passing through a Water Meter will be charged for, whether used or wasted;

**3.7** The Township may shut off or restrict the supply of water to Premises, upon 14 days notice, if the Township or its authorized representative deems it necessary to install, replace, repair, inspect or alter a Water Meter thereon;

**3.8** The Township may shut off or restrict the supply of water to Premises, upon 14 days notice, if it or its authorized representative, is refused entry to a Property or dwelling thereon to install, replace, repair, inspect or alter a Water Meter;

**3.9** The Township shall make reasonable efforts to contact the Property Owner to arrange for access to their Property for installation, replacement, repair, alteration or inspection of a Water Meter, but should it not gain access for any of these purposes within a reasonable time of personal service being affected in this regard, the Township may shut off or restrict the supply of water to the Premises;

**3.10** The Township shall restore the supply of water to a Property that has had its water service restricted or shut off as soon as practical after gaining access to the Property to install, replace, repair, alter or inspect the Water Meter, as required, and all costs associated therewith, as determine by the Township, have been paid by the Property Owner;

**3.11** A Water Meter, once installed to the specifications of the Township, shall not be tampered with, altered, Bypassed or moved in any manner whatsoever except with the express written consent of the Township;

**3.12** Any leaks that may develop as a result of the presence of the Water Meter or its coupling must be reported immediately to the Corporation. The Corporation shall not be held responsible for any damages resulting from such leaks. Access must be granted to the Township or its authorized representative by the Property Owner to the Property or dwelling to allow for prompt repair of such leaks;

- 3.13** Only a Person expressly authorized by the Township for a specified purpose shall be permitted to open or in any way whatsoever tamper, alter, Bypass or move a Water Meter or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such Water Meter and should any Person tamper or otherwise interfere with a Water Meter in any way whatsoever, the Township may shut off the supply of water to the Premises, upon 14 days notice to the Property Owner, and the water service shall not be reinstated without the express written consent of the Township;
- 3.14** If, in the sole opinion of the Township, the condition of the Property Owner's water service pipe or the valves or piping of their plumbing system is such that the Water Meter cannot be safely removed for the purpose of testing, replacing, repairing, inspecting or altering the Water Meter, the Township may require the Property Owner to make such alterations or repairs as may be deemed necessary to facilitate the necessary work on the Water Meter. If, upon 14 days notice, the Property Owner does not comply with the Township's request, the water supply to the premises may be turned off, and will remain shut off until the Township authorizes it being reconnected;
- 3.15** Routine maintenance of Water Meter shall be the responsibility of the Township, but related costs incurred in relation to matters within the control of the Property Owner shall be the responsibility thereof and the failure to pay such costs may result in the supply of water to the Premises being shut off;
- 3.16** The Owner of Premises to be supplied with water agrees to provide convenient and safe space, free of charge or rent, for the Corporation's Water Meter, pipes and other appurtenances on said premises, and further agrees that no one who is not a servant or agent of the Corporation or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Corporation's said equipment;
- 3.17** The Owner of the Premises to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the Water Meter.

#### **PART 4 OFFENCES**

##### **SECTION**

##### **4. Offences**

- 4.1** No Person shall tamper with, alter, Bypass or move or cause to be tampered with, altered, Bypassed or moved in any manner whatsoever, a Water Meter installed to the specifications of the Township, except with the express written consent of the Township;
- 4.2** No Person other than Person expressly authorized by the Township for a specified purpose, shall open or in any way whatsoever tamper with, alter, Bypass or move a Water Meter or do any manner of thing which may interfere with, the proper registration of the quantity of water passing through such Water Meter;
- 4.3** No Person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the Corporation's water supply, or in any way obtain or use the water without the consent of the Corporation;
- 4.4** No Person except a Person authorized by the Township shall turn the water supply to a Property on or off.

**PART 5  
PENALTIES**

**SECTION**

**5. Penalties**

- 5.1 Any Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O 1990, c. P.33*, as amended;
- 5.2 Should the Township be satisfied that a contravention of this By-law has occurred, the Township may make an order requiring the Person who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the contravening activity;
- 5.3 Should the Township, upon refusal by a Property Owner to have any of the matters required to be done by this By-law, take action to do the required things, it will do so at the Property Owner's expense and the costs of doing such things shall be charged to the Property Owner's and recovered by action or in the same manner as property taxes.
- 5.4 In addition to other sanctions and remedies provided in this By-law, the Township may turn off or restrict the supply of water to any Consumer where such Consumer has violated any of the provisions of this By-law, and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Corporation will not be liable for any damage to the property or injury to person by reason of shut off of water supply.

**PART 6  
REPEALS**

**SECTION**

**6. Repeals**

Be it further enacted that the following By-laws and all amendments to the said By-laws hereinafter set forth are hereby repealed:  
By-law No. 2015-05 and By-law No. 2006-05.

**PART 7  
IMPLEMENTATION**

**SECTION**

- 7. THAT this By-law shall come into force on the date of its final passing.

**READ A 1<sup>st</sup> AND 2<sup>nd</sup> TIME** this     day of                     , 2019 and  
**READ A 3<sup>rd</sup> TIME AND FINALLY** enacted this                     day of                     , 2019.

\_\_\_\_\_  
Mayor John MacEachern

\_\_\_\_\_  
Margaret Hartling, CAO/Clerk-Treasurer

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**

**Part 1  
PROVINCIAL OFFENCES ACT  
SET FINE SCHEDULE**

**By-law # 2019- xx**

**Being a By-law to Regulate the Installation, Repair, Replacement, Inspection or Alteration of a Water Meter and to Establish a System of Recourse and Penalties for the Purposes of Enforcing the By-law**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1</b>	Attempt to obstruct /hinder a person performing a duty under this By-law	Section 1.4	\$300.00
<b>2</b>	Unlawfully tampered with (altered) (moved) a water meter	Section 4.1	\$250.00
<b>3</b>	Unlawfully cause to be tampered with (altered) (moved) a water meter	Section 4.1	\$250.00
<b>4</b>	Unauthorized person tampered with (altered) (moved) a water meter	Section 4.2	\$250.00
<b>5</b>	Unauthorized person turning (on) (off) the water supply.	Section 4.4	\$250.00

**NOTE: The general penalty provision for the offences listed above is Section 5.1 of By-law No. 2019-xx a certified copy of which has been filed.**

**deputyclerk@manitouwadge.ca**

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**From:** Margaret Hartling <mhartling@manitouwadge.ca>  
**Sent:** Thursday, May 02, 2019 9:46 AM  
**To:** Joleen Keough  
**Subject:** Fwd: May 27 standard of care in Manitouwadge

Please put this on the agenda under new business

Sent from my iPhone  
Margaret Hartling  
CAO/Clerk-Treasurer  
Township of Manitouwadge

Begin forwarded message:

**From:** Johanna Kirkbride <[JKirkbride@ocwa.com](mailto:JKirkbride@ocwa.com)>  
**Date:** May 1, 2019 at 11:56:35 AM CDT  
**To:** "mhartling@manitouwadge.ca" <mhartling@manitouwadge.ca>  
**Subject:** May 27 standard of care in Manitouwadge

Hi Margaret, would Monday May 27 work for you for standard of care? The trainer from Walkerton is available and I need to confirm back with them that it's a go as soon as possible. Please advise, thanks.

Johanna Kirkbride  
Business Development Manager


574B Memorial Avenue, Thunder Bay P7B 3Z2  
Ontario Clean Water Agency [www.ocwa.com](http://www.ocwa.com)  
Office [\(807\)622-2493](tel:8076222493)  
Cell [\(807\)252-8233](tel:8072528233)  
[jkirkbride@ocwa.com](mailto:jkirkbride@ocwa.com)





**THE CORPORATION OF THE  
TOWNSHIP OF MANITOUWADGE**

**ADMINISTRATION REPORT**

<b>SUBJECT:</b> Per Diem for CLC members		<b>REPORT NUMBER:</b> ADM2019-07
<b>PREPARED BY:</b> Margaret Hartling		<b>PAGE 1 OF 1</b>
<b>DATE:</b> April 12 2019	<b>REVISION DATE:</b>	
<b>MANAGER SIGNATURE:</b>	<b>FOR CONSIDERATION:</b> OPEN SESSION    X    CLOSED SESSION	
<b>CAO/CLERK-TREASURER SIGNATURE:</b> 		
<b>REFERRED TO:</b>		
<b>ATTACHMENTS:</b>		

**BACKGROUND:**

The CLC is a committee of Council and the functions are fully recoverable through funding from NWMO.

**COMMENTARY:**

At a recent CLC meeting the topic of per diems was discussed when travelling for CLC business (tours, workshops etc.). Like Council, many of the members of the committee hold full time jobs and are required to take vacation days or time without pay in order to participate in various NWMO out of town training opportunities.

Currently, there is no provision for anyone other than Council to be reimbursed for lost wages when travelling. The CLC committee has requested that Council consider a per diem for members when they do travel for NWMO business.

**FINANCIAL IMPLICATIONS:**

There would be no direct financial implication to the Township as this is fully funded by NWMO. The only impact would be less funds available for other activities. To date, the annual funding allocation has not been fully expended.

**ACCESSIBILITY IMPLICATIONS:**

N/A

**IN CONSULTATION WITH:**

**RECOMMENDATION:**

There are several options for Council to consider:

1. Council not approve per diem for CLC members
2. Council approve per diem for all members as per Township Policy
3. Council approve per diem for CLC members for lost wages up to the maximum approved for Council members upon documentation supporting that lost wage to the Clerk.
  - This option would provide per diem only for those members who have a wage loss.