



Agenda
The Township of Cavan Monaghan
Regular Council Meeting

Monday, July 6, 2020

1:00 p.m.

The Municipal Office is currently closed to the public, attendance in the Council Chambers will not be permitted. A link to the livestreaming of this meeting will be available through our website at

www.cavanmonaghan.net

Council Members may be participating remotely.

Pages

1. Open Session
2. Call to Order
3. Approval of the Agenda
4. Disclosure of Pecuniary Interest and the General Nature Thereof
5. Closed Session
6. Delegations
 - 6.1 Troy Speck, County of Peterborough CAO & J. Murray Jones, County of Peterborough Warden - County Strategic Plan - 2019 Year End Update and 2020 Objectives
7. Minutes
 - 7.1 Minutes of the Regular Meeting held June 15, 2020 3 - 14
8. Minutes from Committees and Boards
 - 8.1 Minutes of the Millbrook Valley Trails meeting held June 22, 2020 15 - 17
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Minutes
The Township of Cavan Monaghan
Regular Council Meeting

Monday, June 15, 2020
11:30 a.m.
Council Chambers

Those members in attendance were:

Council	Scott McFadden	Mayor
	Matthew Graham	Deputy Mayor
	Tim Belch	Councillor
	Ryan Huntley	Councillor
	Cathy Moore	Councillor
Staff	Yvette Hurley	CAO
	Elana Arthurs	Clerk
	Cindy Page	Deputy Clerk
	Kimberley Pope	Director of Finance/Treasurer
	Karen Ellis	Director of Planning
	Wayne Hancock	Director of Public Works

1. Open Session

2. Call to Order

Mayor McFadden called the meeting to order at 11:30 a.m.

3. Approval of the Agenda

R/15/06/20/01

Moved by: Huntley

Seconded by: Graham

That the agenda for the Regular Council meeting be approved as presented.

Recorded	For	Against
Belch	X	
Huntley	X	
Moore	X	
Graham	X	
McFadden	X	

Results

5

0

Carried

4. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests noted.

5. Closed Session

5.1 Resolution to move into Closed Session

R/15/06/20/02

Moved by: Moore

Seconded by: Graham

That the Council for the Township of Cavan Monaghan move into Closed Session under Section 239(2) of the Municipal Act (2001), as amended, to consider:

personal matters about an identifiable individual, including municipal or local board employees

Recorded

For

Against

Moore

X

Belch

X

Huntley

X

Graham

X

McFadden

X

Results

5

0

Carried

5.2 Minutes of the Closed Session held April 20, 2020

5.3 Report - Corporate Services-2020-10 Committee of Adjustment and Cavan Monaghan Library Board Appointments

Mayor McFadden called for a recess until 1:00 p.m.

6. Report from Closed Session

R/15/06/20/03

Moved by: Belch

Seconded by: Graham

That Council appoint Barbara Allen to the Cavan Monaghan Library Board for the balance of the 2018-2022 term of Council; and

That Staff be directed to bring back a by-law and revised Terms of Reference appointing Dave Grant as a Regular member and Gerry Byrne as an Alternate member to the Committee of Adjustment for the balance of the 2018-2022 term of Council.

Recorded	For	Against
Graham	X	
Moore	X	
Huntley	X	
Belch	X	
McFadden	X	
Results	5	0

Carried

7. Delegations

There were no delegations.

8. Minutes

8.1 Minutes of the Regular Meeting held June 1, 2020

R/15/06/20/04

Moved by: Moore

Seconded by: Graham

That the minutes of the Regular Meeting held June 1, 2020 be approved as presented.

Recorded	For	Against
Huntley	X	
Belch	X	
Graham	X	
Moore	X	
McFadden	X	
Results	5	0

Carried

9. Minutes from Committees and Boards

There were no minutes from Committees and Boards.

10. Reports

10.1 Report - Planning-2020-12 Provincially Significant Wetlands Mapping

R/15/06/20/05

Moved by: Graham

Seconded by: Huntley

That Council express support for a more open and transparent public review of provincially significant wetland evaluations by providing a copy of the resolution to the Premier of Ontario, the Minister of Natural Resources and Forestry, the Ministry of Municipal Affairs and Housing, the Association of Municipalities of Ontario (AMO) and the Rural Ontario Municipal Association (ROMA).

Recorded	For	Against
Belch	X	
Huntley	X	
Moore	X	
Graham	X	
McFadden	X	
Results	5	0

Carried

10.2 Report - Planning-2020-13 Nina Court Extension (Veltri) - Subdivision Pre-Servicing Agreement

R/15/06/20/06

Moved by: Moore

Seconded by: Huntley

That By-law No. 2020-32 be approved to authorize the Mayor and Clerk to sign the Pre-Servicing Agreement between Veltri and Son Limited and the Township of Cavan Monaghan.

Recorded	For	Against
Graham	X	
Belch	X	
Huntley	X	
Moore	X	
McFadden	X	

Results

5

0

Carried

10.3 Report - Planning-2020-14 Policy for Municipal Lands Tree Replacement

R/15/06/20/07

Moved by: Graham

Seconded by: Belch

That the Tree Replacement Policy adopted by motion CW/15/09/08/08 be repealed;

That the Trees on Township Road Allowances policy adopted by motion CW/21/11/05/13 be repealed;

That Council adopt the Policy for Municipal Lands Tree Replacement attached hereto (Attachment No. 2);

That Township Staff and Council continue to educate the public and landowners on the Township's Policy for Municipal Lands Tree Replacement, the Tree Canopy and Natural Vegetation Policy, and the Woodlot, Tree Preservation, Replacement and Enhancement Policies in the Township of Cavan Monaghan Official Plan; and

That Council provide direction to Staff to draft a letter to the Council of the County of Peterborough requesting that the County develop a by-law to regulate tree preservation on parcels of land larger than one (1) hectare by the end of 2020 or delegate the authority to the lower tier government for enforcement.

Recorded

For

Against

Huntley

X

Belch

X

Graham

X

Moore

X

McFadden

X

Results

5

0

Carried

10.4 Report - Finance-2020-13 Property Tax Arrears Update

R/15/06/20/08

Moved by: Graham

Seconded by: Moore

That Council receives for information the annual Property Tax Arrears Update Report.

Recorded	For	Against
Moore	X	
Graham	X	
Belch	X	
Huntley	X	
McFadden	X	
Results	5	0

Carried

10.5 Report - Finance-2020-14 COVID-19, Waiving of Penalty/Interest Charges and loss of Revenues (April 1 to June 30, 2020)

R/15/06/20/09

Moved by: Belch

Seconded by: Huntley

That Council receives this report for information purposes.

Recorded	For	Against
Graham	X	
Belch	X	
Huntley	X	
Moore	X	
McFadden	X	
Results	5	0

Carried

10.6 Report - Finance-2020-15 2021 Capital and Operating Budget Timetable & 2021 Council Meeting Schedule

R/15/06/20/10

Moved by: Moore

Seconded by: Graham

That Council approves the 2021 Capital and Operating Budget Timetable,
and

That Council approves the 2021 Council Meeting Schedule

Recorded	For	Against
Belch	X	
Huntley	X	
Moore	X	
Graham	X	
McFadden	X	
Results	5	0

Carried

10.7 Report - ECD-2020-03 Temporary Closure King St. Between Tupper St. S. & Allen Lane

R/15/06/20/11

Moved by: Graham

Seconded by: Moore

That Council direct Staff not to proceed with the King Street Closure; and

That Council direct Staff to research a comprehensive COVID-19 recovery strategy and report back to Council.

Recorded	For	Against
Moore	X	
Graham	X	
Belch		X
Huntley	X	
McFadden	X	
Results	4	1

Carried

10.8 Report - Corporate Services-2020-11 Cavan Monaghan Policing Services

R/15/06/20/12

Moved by: Huntley

Seconded by: Moore

That Council provide direction to staff to respond to the offer to extend the existing contract for policing services provided by Peterborough Police Service; and

That staff include provision within the contract requiring reporting measures on the deployment of officers outside of the Township of Cavan Monaghan; and

That staff report back to Council with a Terms of Reference for a task force to review policing in the Township of Cavan Monaghan

Recorded	For	Against
Belch	X	
Huntley	X	
Moore	X	
Graham	X	
McFadden	X	
Results	5	0

Carried

10.9 Report - CAO-2020-04 Transfer From Reserves

R/15/06/20/13

Moved by: Graham

Seconded by: Huntley

That Council authorize the transfer of \$18,322.20 from the Parkland Reserve account for Station Trail emergency repair works.

Recorded	For	Against
Moore	X	
Belch	X	
Huntley	X	
Graham	X	
McFadden	X	
Results	5	0

Carried

10.10 Report - CAO-2020 Report and Capital Project Status

R/15/06/20/14

Moved by: Graham

Seconded by: Moore

That Council receive the Council/Committee verbal reports for information.

Recorded	For	Against
Huntley	X	
Belch	X	
Graham	X	
Moore	X	
McFadden	X	
Results	5	0

Carried

10.11 Council/Committee Verbal Reports

Councillor Belch spoke to upcoming Ganaraska Conservation Authority this week.

Councillor Moore spoke to the upcoming Library Board meeting tomorrow.

Deputy Mayor Graham spoke to the COVID-19 testing that occurred at the Cavan Monaghan Community Centre and he noted almost 200 people were tested and how well it was conducted.

R/15/06/20/15

Moved by: Graham

Seconded by: Huntley

That Staff draft a letter to EMS and the Health Unit thanking them for providing a COVID testing centre in Cavan Monaghan for the residents.

Recorded	For	Against
Moore	X	
Graham	X	
Huntley	X	
Belch	X	
McFadden	X	
Results	5	0

Carried

R/15/06/20/16

Moved by: Graham

Seconded by: Huntley

That Council receive the Council/Committee verbal reports for information.

Recorded	For	Against
Graham	X	
Belch	X	
Huntley	X	
Moore	X	
McFadden	X	
Results	5	0

Carried

11. General Business

There was no general business.

12. Correspondence for Information

There was no correspondence for information brought forward.

13. Correspondence for Action

There was no correspondence for action.

14. By-laws

14.1 By-law No. 2020-32 being a by-law to authorize the execution of a Pre-Servicing Agreement between Veltri and Son Limited (Subdivider) and the Township of Cavan Monaghan (Municipality)

R/15/06/20/17

Moved by: Moore

Seconded by: Graham

That By-law No. 2020-32 being a by-law to authorize the execution of a Pre-Servicing Agreement between Veltri and Son Limited and the Township of Cavan Monaghan be read a first, second and third time and passed this 15th day of June, signed by the Mayor and Clerk and the Corporate Seal Attached.

Recorded	For	Against
Huntley	X	
Belch	X	
Moore	X	
Graham	X	
McFadden	X	

Results	5	0
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Carried

15. Unfinished Business

There was no unfinished business.

16. Notice of Motion

There were no notices of motion.

17. Confirming By-law

17.1 By-law No. 2020-33 being a by-law to confirm the proceedings of the meeting held June 15, 2020

R/15/06/20/18

Moved by: Graham

Seconded by: Moore

That By-law No. 2020-33 being a by-law to confirm the proceedings of the meeting held June 15, 2020 be read a first, second and third time and passed this 15th day of June, 2020 signed by the Mayor and Clerk and the Corporate Seal attached.

Recorded	For	Against
Moore	X	
Graham	X	
Belch	X	
Huntley	X	
McFadden	X	
Results	5	0

Carried

18. Adjournment

R/15/06/20/19

Moved by: Huntley

Seconded by: Belch

That the Regular Council Meeting of the Township of Cavan Monaghan adjourn at 2:25 p.m.

Recorded	For	Against
Graham	X	

Belch	X		
Huntley	X		
Moore	X		
McFadden	X		
Results	5	0	Carried

Scott McFadden
 Mayor

Elana Arthurs
 Clerk

Minutes
The Township of Cavan Monaghan
Millbrook Valley Trails Advisory Committee
Monday, June 22, 2020
2:00 p.m.

Those members in attendance:

Robert Jackson	Chair
Alex Bushell	Vice Chair
Meredith Carter	ORCA
David D'Agostino	
John Frizzle	
Matthew Graham	
Craig Onafrychuk	
Maureen McDonald	

Those members absent:

John Frizzle
Hillary Bradshaw
John Fallis

Staff members in attendance:

Elana Arthurs	Clerk
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1. Open Session

2. Call to Order

Robert Jackson, Chair called the meeting to order at 2:10 p.m.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests noted.

4. Closed Session

There were no closed session items.

5. Minutes

5.1 Minutes of the meeting held May 25, 2020

Moved by: D'Agostino

Seconded by: McDonald

That the minutes of the meeting held May 25, 2020 be approved as presented.

Carried

6. Reports

6.1 Financial Report – Elana Arthurs

Ms. Arthurs spoke to the current expenditures indicating there is approximately \$5,300 still remaining from the \$6,300.00 approved budget for 2020. It was noted that there are some outstanding receipts that will be processed.

6.2 ORCA Update – Meredith Carter

Ms. Carter spoke to the Ash tree that needs to come down, campgrounds opening and the increasing usage on the trails.

6.3 Trail Report

Mr. Onafrychuk spoke to trails noting they are in good shape and how pleased he was with the contractor who repaired Station Trail and how well they conducted the work with little disruption.

The Committee discussed board repairs that are outstanding and the floating boardwalk the needs boards replaced.

Mr. D'Agostino spoke to the maintenance required on the Baxter Creek Trail and the need for some municipal assistance. The Committee discussed other trail maintenance and purchasing a cordless hedge trimmer. Mr. Jackson will look into the purchase. Mr. Jackson spoke to work day challenges during the COVID pandemic. The Committee discussed weeds and the need for weed spraying on the trails.

Moved by: McDonald

Seconded by: D'Agostino

That the Committee approve an upset limit of \$100.00 for weed removal to be conducted by Ironwood Property Maintenance.

7. General Business

7.1 GIS Trail Mapping – Craig Onafrychuk

Mr. Onafrychuk reviewed his presentation providing an overview on some of the mapping tools he has been using for the Millbrook Valley Trails and the ability to record and track data.

7.2 GIS Trail Mapping – Meredith Carter

Ms. Carter spoke to the maps noting that minor changes based on the feedback from the last meeting have now been completed.

7.3 Trail Social Distance Signage Update

Mr. Jackson spoke to the signage noting it is in progress and he will provide an update as soon as he has one.

7.4 Trail Brochure Update

Mr. Jackson spoke to the brochure noting he has a meeting scheduled and will report back to the Committee following that meeting.

7.5 Property Ownership Search

Ms. Arthurs spoke to the ownership search of the additional roll number provided at the last meeting, noting the property is owned by the Township. The Committee discussed walking the area to determine if there is an alternate route that would work.

8. Adjournment

Moved by: D'Agostino

Seconded by: Bushell

That the Millbrook Valley Trails Advisory Committee adjourn at 3:43 p.m.

Carried

Robert Jackson
Chair

Elana Arthurs
Clerk



Regular Council Meeting

To:	Mayor and Council
Date:	July 6, 2020
From:	Kimberley Pope, Finance Department
Report Number:	Finance 2020-16
Subject:	Use of Cannabis Legalization Implementation Funds (OCLIF)

Recommendations:

1. That Council support the hiring of a consultant, utilizing funds from the Ontario Cannabis Legalization (OCLIF) Reserve to review the current Zoning By-law and Official Plan policies and develop the appropriate policy, planning tools and amendments; and
2. That Council support the use of any remaining Ontario Cannabis Legalization (OCLIF) Reserve to promote and market the economic development opportunities in our municipality moving forward; and
3. That Council provide the Clerk direction to draft a letter to the City of Peterborough in response to the correspondence received requesting that a portion of the Ontario Cannabis Legalization Implementation Fund (OCLIF) be provided to the Peterborough Police Service.

Overview:

On November 20, 2018 the Ministry of Finance advised municipalities that the Province was beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

On March 12, 2020 Gary Baldwin from the Peterborough Police Board provided correspondence to the Township requesting that consideration be given to releasing some of the \$15,319.00 in funding that was received for the Ontario Cannabis Legalization Implementation to the Peterborough Police Service to assist with expenses related to the implementation costs of the Cannabis Act.

On May 19, 2020 in the Cavan Monaghan Policing Services Report (Corporate Services 2020-09) the Clerk recommended "that Council provide direction to draft a letter to the City of Peterborough in response to the correspondence received requesting that a portion of the Ontario Cannabis Legalization Implementation Fund (OCLIF) be provided to the Peterborough Police Service."

As per Motion R/19/05/20/09 Council requested that "staff prepare a report to Council on the potential utilization locally of the Ontario Cannabis Legalization Implementation Fund (OCLIF) before responding to the request from the Peterborough Police Service".

The Township of Cavan Monaghan has received a total of \$15,319 through the Ontario Cannabis Legalization Implementation Fund (OCLIF) which is currently held in the OCLIF Reserve. Payments received were received in three installments; \$5,000 (1st payment in January 2019), \$5,319 (2nd payment in February 2019), \$5,000 (3rd payment in August 2019). Funding allocations were based on the number of households multiplied by a set funding amount per 100 households or the minimum \$5,000 funding allocation to municipalities. Lower-tier and upper-tier municipalities received a 50/50 split of the allocations made on a per household basis.

Municipalities must use their OCLIF funding to address the implementation costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include;

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation)
- increased response to public inquiries (e.g. 311 calls, correspondence)
- increased paramedic services
- increased fire services
- by-law / policy development (e.g. police, public health, workplace safety policy)

The Peterborough County Treasurer's Group responded to a survey on the use, or proposed future plans for the use of OCLIF in their municipalities. This summary is attached to this report for your information and comparison.

The Management team and CAO have reviewed the funding permitted costs and are recommending that Council support the hiring of a consultant to review the current Zoning By-law Amendment (ZBA) and Official Plan (OP) policies and develop a comprehensive package of policy, planning tools and amendments to the ZBA and OP to address recreational cannabis in the Township. In addition, once the policies are amended, any remaining fund will be used to promote and market the economic development opportunities in our municipality moving forward. The municipality has received a significant number of inquiries and business interest regarding this market and the potential of future employment opportunities for consideration and support. It is important that these planning policies be amended quickly to respond to private and public interest. Funding may also be used for signage and marketing these opportunities once the planning process is completed.

The management team suggested other potential uses of funding including further by-law/policy development and allocating of funds to offset fire department response costs. It is expected that there will be no remaining funds after the policies are amended for additional projects and/or for release to the Peterborough Police Service.

Financial Impact:

Staff are recommending that the \$15,319 of the Ontario Cannabis Legalization Implementation Fund (OCLIF) which is held in the OCLIF Reserve will be utilized to support the hiring of a consultant to develop a comprehensive package of policy, planning tools and amendments to the existing Zoning By-law Amendment and Official

Plan and any funds remaining in the OCLIF Reserve will be used to promote and market the economic development opportunities in our municipality moving forward.

Respectfully Submitted by,

Reviewed by,

Kimberley Pope
Director of Finance/Treasurer

Yvette Hurley
Chief Administrative Officer

Survey Responses

Use of Cannabis Legalization Implementation Funds (OCLIF)

Asphodel-Norwood

The municipality has spent almost all of the funding on;

- signage (additional to what was received from PPH),
- training for building/by-law/planning/fire,
- consultant to assist with updating planning documents (Site Plan Control By-law and ZBL).

Douro-Dummer

The municipality does not have plans yet as to the use the funds.

Havelock-Belmont-Methune

The municipality has used funding on;

- Planning,
- Advertising for drug awareness for children through a Legion publication
- Possible future use for in school for drug awareness program (prize).

North Kawartha

No major discussions on where these funds will be spent. Initial ideas for training of By-Law Enforcement Officers for handling situations. However, no hard decisions yet.

Otonabee-South Monaghan

The municipality has used part of the funding to;

- Hire a consultant to assist in updating the OP and change to the Zoning By-law.

Selwyn Township

The municipality has used funding on;

- Interim Control By-law as it related to legal Cannabis Cultivation/Growing,
- Hired a consultant to review impacts on planning policies as it related to these activities,
- New policy presented to Council and subsequently adopted, the majority of the funding was spent on the study and the public outreach associated with it,
- A small amount of funding available is expected to be used on additional public education/policy development.

Trent Lakes

The municipality has used funding for;

- Multiple training sessions involving symptom recognition, immediate treatment, mitigation, patient care and Health & Safety-First Responders,
- Emergency response calls for cannabis requiring firefighter response, resources, vehicle time and wages,
- Mental Health Presentation for cannabis in the workplace and a webinar on Cannabis in the workplace for management,
- EMS Drug Presentation, an Emergency Resource Network for Drug use in the area,
- Adjusted policies to include Cannabis in the workplace.

Survey Responses

Use of Cannabis Legalization Implementation Funds (OCLIF)

County of Peterborough

The County has not spent the cannabis funds yet and it remains in a reserve/deferred revenue.

The County received a request from the Peterborough Police Service for consideration of funding from the Cannabis funds. There has been no written request from the OPP.

A recent report to County Council included a request from Peterborough Police for funding from the Cannabis Legalization funds. This request was denied by Council.



Regular Council Meeting

To:	Mayor and Council
Date:	July 6, 2020
From:	Wayne Hancock, Director of Public Works
Report Number:	Public Works 2020-15
Subject:	Contract Extension – Wither's Waste Management

Recommendation:

That Council approve the extension of the Curbside Solid Waste Collection contract with 2337700 Ontario Ltd., o/a Wither's Waste Management for an additional two (2) years as per the original tender for the annual amount of \$201,102.84 plus H.S.T. in the amount of \$26,143.36 for the total amount of \$227,246.20. This total tender amount with the H.S.T. rebate will be \$204, 642.25.

Overview:

In Report-Public Works-2017-13 - T-PW-17-04 Curbside Solid Waste Collection, presented at the June 19, 2017 Regular Council Meeting, Council approved 2337700 Ontario Ltd., o/a Withers Waste Management as the curbside solid waste collection contractor for a period of three years and this tender allowed for two-one-year extensions of this contract. The recommendation before Council is in accordance to the Purchasing of Goods and Services By-law No. 2020-22 section 7.2. Staff have contacted the Contractor and they are willing to continue with this contract as per the tender and associated costs (Attachment Schedule A). As noted, the tender price remains the same for this extension and the contract includes curbside collection of household garbage and organic waste, leaf & year waste in Cavan ward, and bin lifts at the Township Transfer Station. The number of collection stops has increased due to growth specifically in the Millbrook area, and this will be reflected on billings which are summarized by cost per stop.

The three-year contract is complete as of August 2020. In view of the issues around the pandemic and the changes that may be forthcoming, Staff felt it was important to extend the present contract for the two years which should provide more stable times for everyone. If approved, this extension will commence on August 6, 2020 and end on August 6, 2022.

On August 4th, 2020 Staff will be bringing forward a separate detailed report on the Pilot Organic Waste Project, which was reported on August 6, 2019. This report will outline participation, tonnage diverted and costs associated with the pilot program.

The recommended extension to the contract with Wither's for regular garbage collection has no impact on the kitchen waste collection as it is covered under a separate agreement with Withers.

Financial Impact:

In the 2020 budget, the Township included the amount of \$ 156,000.00 for curbside collection, the amount of \$ 8,100.00 for leaf and yard waste collection, and the amount of \$ 20,000.00 for Transfer Station bin pick up. Any increase in the number of stops due to growth, particularly in the Millbrook area, are billed individually and projected to be covered by the overall budget. The approved budget for 2020 amount is \$ 184,100.00. It is expected that the approved budgeted amount will come under the original tender amount. This has been the case over the past three years and the cost savings reflect the cost savings seen through waste management initiatives and the increase revenues received at the Transfer Station.

Attachment:

1. By-law No. 2020-35 being a by-law to extend the waste management agreement between the Township of Cavan Monaghan and 2337700 Ontario Ltd. for curbside collection and disposal services.

Respectfully Submitted by,

Reviewed by,

Wayne Hancock
Director of Public Works

Yvette Hurley
Chief Administrative Officer

The Township of Cavan Monaghan

By-law No. 2020-35

Being a by-law to execute a Waste Management Agreement between the Township of Cavan Monaghan and 2337700 Ontario Ltd., o/a Withers Waste Management, for the curbside collection and disposal services.

Whereas the Municipal Act, 2001, S.O. c.25, s.11(3) as amended, provides that a lower tier and upper tier municipality may pass a by-law authorizing the approval of by-laws regarding matters within the spheres of jurisdiction;

And Whereas the Township of Cavan Monaghan deems it desirable to enter into and execute an Agreement with 2337700 Ontario Ltd., o/a Withers Waste Management, for curbside collection and disposal of waste and yard waste from the Millbrook, Cavan, and North Monaghan Wards and execute an Agreement with 2337700 Ontario Ltd., o/a Withers Waste Management, for the transportation of household (domestic) waste from the Township of Cavan Monaghan Transfer Station;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute the Agreement with Withers Waste Management.
2. That the Agreement is attached as Schedule 'A' to this By-law.

Read a first, second and third time and finally passed this 6th of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

This Agreement made the 6th day of July, 2020

Between:

The Township of Cavan Monaghan

And

**2337700 Ontario Ltd.
Operating as Withers Waste Management**

Cavan Monaghan owns and operates a municipal waste transfer station within its municipal boundaries (hereinafter called “the transfer station”);

Cavan Monaghan wishes to enter into a contract for the collection and transportation of household domestic waste from properties (“curbside collection”) within the Millbrook, Cavan, and North Monaghan Wards of the Township;

Withers carries on the business of waste collection and transportation and was awarded the contract to conduct curbside collection within the Millbrook, Cavan, and North Monaghan Wards of the Township;

Cavan Monaghan has jurisdiction over waste management and collection pursuant to Section 11 of the Municipal Act, 2001;

In consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties agree as follows:

1. Term

1.1. This Agreement shall be for a period commencing on the 6th day of August, 2020 and ending on the 6th day of August, 2022.

1.2. This Agreement may be terminated by either party, without penalty, upon giving notice a minimum of 90 days prior to the proposed date of termination.

2. Services

Withers

2.1. Withers shall collect household (domestic) waste from the properties (“curbside collection”) in the Millbrook, Cavan, and North Monaghan Wards once every week for the term of the agreement.

2.2. Withers shall transport the household (domestic) waste to the Bensfort Landfill Site.

2.3. Withers shall maintain a system of identifying all loads referenced delivered to the Bensfort Landfill Site.

2.4. Withers shall transport the leaf and yard waste (Cavan Ward) to the Woodleigh Farms locate within the Township.

2.5. Withers shall supply and maintain all equipment for curbside collection and disposal to the satisfaction of the Township of Cavan Monaghan.

2.6. Withers shall provide a schedule of collection routes to the Township of Cavan Monaghan for publication. Changes to the curbside collection schedule and routes shall only be made by Withers upon providing 30 days written notice to the Township of Cavan Monaghan.

2.7. Withers shall not mix any waste from any source with waste collected under the terms of this agreement.

3. Ownership and Liability of the Waste

3.1. Upon the commencement by Withers of curbside collection, Withers shall assume full ownership, responsibility and liability for all waste collected and transported to the Bensfort Landfill Site.

3.2. Withers agrees to accept all waste materials, under this Agreement, in an "as is, no warranty" condition.

4. Authorizations and Obligations

Withers

4.1. Withers warrants, and it's a condition precedent to the obligations of the Township of Cavan Monaghan under this Agreement, that it has all authorizations, including any required permits and certificates, to collect, transport and process the recyclable materials obtained at the landfill site and shall provide copies of all permits and certificates.

4.2. Withers officers, employees or agents shall at all times comply with the provisions of the Occupational Health and Safety Act, R.S.O. 1990, c O.1 and regulations as may be amended from time to time, and take every precaution reasonable in the circumstances for the protection of workers.

4.3. At any time during the term of this Agreement Withers shall provide annually at its own expense, proper evidence of compliance with the Workplace Safety and Insurance Act, 1997, S.O. 1997, c 16 Sch. A (including payments thereunder) by Withers or any subsidiary corporation.

Township of Cavan Monaghan

4.4. Township of Cavan Monaghan has jurisdiction to authorize the curbside collection of household domestic waste and has the authority to direct Withers to deliver waste to the Bensfort Landfill Site.

5. Administration and Payment for Services

5.1. Township of Cavan Monaghan agrees to pay Withers in accordance with Schedule 'A', in compliance with the provisions of section 5.2.

5.2. Withers shall submit invoices for services rendered in connection with curbside collection and transportation to and from the transfer station on a bi-weekly.

5.3. Township of Cavan Monaghan shall pay the full amount of invoices within 30 days of receipt.

5.4. Withers shall submit receipts to Township of Cavan Monaghan on a bi-weekly basis, from the Bensfort Landfill Site confirming the delivery of each load of household (domestic) waste.

6. Indemnity

6.1. Withers shall indemnify and hold harmless the Township of Cavan Monaghan, its officers, employees and agents from and against any and all claims, fines, penalties, liabilities, damages, losses and judgements, including costs and expenses against, or be charged to or recoverable from the Township of Cavan Monaghan for any reason arising directly or indirectly out of the entering into of this agreement, or in any way connected with, the furnishing of the services under this Agreement except to the extent they are due to the negligence, fault, or willful act of the Township of Cavan Monaghan or any of its officers, employees or agents.

6.2. Without limiting the generality of paragraph 6.1, Withers shall indemnify and hold harmless the Township of Cavan Monaghan, its officers, employees and agents from and against any and all claims, fines, penalties, liabilities, damages, losses and judgement, including costs and expenses against, or be charged to or recoverable from the Township of Cavan Monaghan for any reason arising out of any injury sustained by Withers' employees while conducting curbside collection or transporting waste to the Bensfort Landfill Site except to the extent that they are due to the negligence, fault, or willful act of Township of Cavan Monaghan or any of its officers, employees or agents.

7. Insurance

7.1. Withers shall lodge with the Township of Cavan Monaghan, confirmation of Public Liability and Property Insurance Damage, insuring for the joint benefit of Withers and the Township of Cavan Monaghan, against any liability that may arise out of any work to be performed pursuant to this Agreement.

7.2. Such policy shall carry limits of liability in the amount to be specified by the Municipality, but in the event shall it be less than \$5,000,000.00 inclusive comprehensive general liability and such policy shall:

1. Contain a cross-liability clause;
2. Include the following names as insureds:
The Township of Cavan Monaghan
3. Contain a provision that the insurance Withers agrees to notify the Township of Cavan Monaghan 15 days prior to any cancellation or expiry of the said insurance policy.

7.3. Any certificate of coverage filed with the Township of Cavan Monaghan shall specifically contain confirmation that the coverage as specified in paragraph 7.2 above is in effect.

7.4. Withers shall, from time to time as required by the Township of Cavan Monaghan provide confirmation that all premiums on such policy or policies of insurance have been paid, and that the insurance is in full force and effect. Withers shall file a copy of the policy with the Municipality.

7.5. The issuance of such policy of insurance shall not be constructed as relieving the Withers form responsibility for other or larger claims, if any, and for which it may be help responsible.

7.6. Withers shall bear the risk and responsibility of any loss, damage or expense to the services provided hereunder or to itself of any nature and kind whatsoever arising from strikes or labour disputes.

8. Deficient Work

8.1. If any services, equipment, materials or workmanship furnished by Withers is defective or any aspect of performance of service is deficient the Township of Cavan Monaghan may in its sole discretion, in writing.

1. Require Withers promptly to remedy the defect or deficiency;
2. Suspend or terminate all or any part of the services effective upon the giving of the notice; or
3. Do both of the foregoing.

8.2. Costs to remedy such defects or deficiencies and any additional costs resulting there from shall be at Withers expense.

9. Suspension and Termination

9.1. The Township of Cavan Monaghan may, at any time, suspend or terminate any part of the service, including all remaining work for any justifiable reason whatsoever effective immediately upon notice to Withers. Withers shall continue to execute any part of the service not suspended or terminated.

9.2. In the event of termination, except for suspension, pursuant to Section 8 Deficient Work, Withers is entitled to full payment for the part of the service provided by it up to the effective date of such termination.

9.3. The Township shall not be liable to Withers for the loss of anticipated profit on the terminated portion or portions of the service.

9.4. If either party is in default of any of its obligations under this Agreement and fails to correct or commence and diligently pursue correction of such default within ten (10) days after having received notice thereof the non-defaulting party shall, in addition to any other rights which it may have at law or equity with respect or such default, be entitled to terminate this Agreement without further notice.

10. Assignment

10.1. Withers may not assign any of its rights or obligations under this Agreement without the prior written consent of the Township of Cavan Monaghan.

11. Entire Agreement

11.1. This Agreement constitutes the entire Agreement between Withers and the Township of Cavan Monaghan with respect to the subject matter hereof. There are no representations, warranties, terms, conditions, undertakings or collateral agreements, expressed, implied or statutory, between the parties other than expressly set forth in the Agreement.

12. Amendments and Waivers

12.1. No amendment to the Agreement will be valid or binding unless it is in writing and duly executed by the parties hereto. No waiver of any breach of any provision of this Agreement will be effective or binding unless it is in writing and signed by the party purporting to give such waiver and, unless otherwise provided, will be limited to the specific breach waived.

13. Further Assurances

13.1. The parties will, from time to time, execute and deliver all such further documents and instruments and do all acts and things as the other party may reasonable require to effectively carry out the provisions of the Agreement.

14. Governing Law

14.1. This Agreement is governed by and will be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

15. Notices

15.1. Any notice or other communication which may be given by either of the parties to the Agreement to the other shall be deemed to have been given and received three (3) business days after such notice or communication is mailed by registered addressed in the in the case of:

Withers, to it at; P.O. Box 1667, Peterborough, ON K9J 7S4

Township of Cavan Monaghan, to it at; Municipal Office,
988 County Rd 10
Millbrook, ON L0A 1G0

15.2. The parties may change the above addresses by notice in writing in the manner hereinbefore provided. Any notice or other communication may also be given by delivery at the above addresses and shall be deemed to have been given and received at the time or such delivery.

In Witness Whereof each of the parties has duly executed this Agreement under the hands of its authorized signing officers.

Dated at _____ this ____ of _____, 2020.

2337700 Ontario Ltd. o/a
Withers Waste Management

Dated at _____ this ____ of _____, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

1. For Residential Pickup - 2 bags maximum per household

Item	Estimated Number of Stops	Estimated Route Distance (Total)	Unit Price per Stop	Number of Collections per year	Total Annual Cost (Excluding HST)
Millbrook Ward	580	17 km	\$1.25	52	\$37,700.00
North Monaghan Ward	380	65 km	\$1.31	52	\$25,885.60
Cavan Ward	1350	335 km	\$1.12	52	\$80,371.20

2. For Commercial/Business Pickup – 4 bags maximum per business

Item	Estimated Number of Stops	Estimated Route Distance (Total)	Unit Price per Stop	Number of Collections per year	Total Annual Cost (Excluding HST)
Millbrook Ward	43	17 km	\$1.39	52	\$3,108.04
North Monaghan Ward	56	65 km	\$1.50	52	\$4,368.00

3. For Collection of Leaf and Yard Waste 6 times per year in Cavan Ward only (2 weeks in spring and 4 weeks in fall with dates to be established each year)

Item	Estimated Number of Stops	Estimated Route Distance (Total)	Unit Price per Stop	Number of Collections per year	Total Annual Cost (Excluding HST)
Cavan Ward	1350	100 km	\$1.00	6	\$8,100.00

4. For Bins at Transfer Station

Size of Bin	Number of Bins Required	Price per lift and haul 40km total trip distance (2 pickups/week)	Total Annual Cost (Excluding HST)
40 Yard	8	\$100.00	\$41,600.00

Total Annual Cost for Services: Items 1-4

	Subtotal Cost	HST	Total Annual Cost
Year 1	\$201,102.84	\$26,143.36	227,246.20
Year 2	\$201,102.84	\$26,143.36	227,246.20
Year 3	\$201,102.84	\$26,143.36	227,246.20
Year 4*	\$201,102.84	\$26,143.36	227,246.20
Year 5*	\$201,102.84	\$26,143.36	227,246.20

* This is a provisional item in the event that the contract is extended for up to two (2) years subject to Township approval. Year 4 and 5 pricing must be honoured by the contractor at the completion of the first three years, failure to honour the pricing provided herein, upon the request of the Township, will constitute an incomplete contract and result in all or a portion of the Tender Deposit to be surrendered to the Township. The deposit amount surrendered will equal any amounts paid by the Township to have the services continued for years 4 and 5 above the costs provided herein for years 4 and 5.

Subtotal Cost for Years 1-3: \$603,308.52

HST for Years 1-3: \$78,430.10

Total Cost for Years 1-3: \$681,738.62



Regular Council Meeting

To:	Mayor and Council
Date:	July 6, 2020
From:	Elana Arthurs, Clerk
Report Number:	Corporate Services 2020-12
Subject:	Cavan Monaghan Committee of Adjustment Appointments

Recommendation:

That the Cavan Monaghan Committee of Adjustment Terms of Reference and By-law No. 2020-34 being a by-law to appoint members to a Committee of Adjustment be approved.

Overview:

In December of 2018 an ad was placed in the Millbrook Times and on our Township website seeking applications for three (3) members of the public to fill our Committee of Adjustment compliment and replace the structure with residents instead of Council Members as in previous years. Only two (2) applicants were received and therefore the Committee of Adjustment was comprised of two (2) residents and one (1) Council Member, being Councillor Huntley.

In early 2020 staff recommended that Council consider including an alternate member in the event that quorum couldn't be fulfilled. Council directed staff to move forward with seeking an alternate as well as a member to replace Councillor Huntley to allow for three (3) regular citizen members as originally intended in December 2018.

Staff placed an ad in the Millbrook Times and on the Township website requesting interested applicants for an alternate member and in addition the advertisement also included a request for applicants for another regular resident member to replace the Council Member that was appointed due to the lack of applicants in 2018.

Council reviewed the three applications received and directed staff to bring back a by-law and revised Terms of Reference at the next Council meeting.

Attachments:

1. By-law No. 2020-34 being a by-law to appoint members to a Committee of Adjustment
2. Committee of Adjustment Terms of Reference

Respectfully submitted by,

Elana Arthurs
Clerk

Reviewed by,

Yvette Hurley
Chief Administrative Officer

The Township of Cavan Monaghan

By-law No. 2020-34

Being a by-law to appoint members to a Committee of Adjustment

Whereas Section 44(1) of the Planning Act, R.S.O., 1990, c. P.13, as amended provides that the Council of the Municipality may by by-law constitute and appoint a Committee of Adjustment for the municipality composed of such persons, not fewer than three, as the Council considers advisable;

And Whereas Section 44(3) provides that the members of the Committee who are members of a Municipal Council shall be appointed annually;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the following regular members be appointed to the Committee of Adjustment:
Michael Semple
Aaron Glover
Dave Grant
2. That the following alternate member be appointed to the Committee of Adjustment:
Gerry Byrne
3. That By-law No. 2018-68 and By-law No. 2020-13 be repealed.
4. That this By-law shall become effective on the day of passing.

Read a first, second and third time and passed this 6th day of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

Committee of Adjustment Terms of Reference

Purpose

The Committee of Adjustment is an independent decision-making body with specific authority, appointed by Council under the authority granted by the Province of Ontario in the Planning Act.

The Committee of Adjustment shall consider and make decisions on applications for Minor Variances in respect of the land, building or structure or the use thereof from the provisions of the Township of Cavan Monaghan Zoning By-law; and shall consider and make decisions on applications, which deal with the enlargement or extension of a building or structure that is legally non-conforming, a change in non-conforming use or uses defined in general terms.

Operation

The Committee of Adjustment and its application processes are governed by the Planning Act.

All Committee meetings are open to the Public.

Role of the Committee

Duties of the Chair

It shall be the duty of the Chair to carry out the following responsibilities:

- a) to open the Meeting of the Committee of Adjustment by taking the Chair and calling the Committee of Adjustment to order;
- b) to announce the business before the Committee of Adjustment in the order in which it is to be acted on;
- c) to recognize any Member who wishes to speak and to determine the order of the speakers;
- d) to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
- e) to participate as an active and voting member, encouraging active participation by all Members;
- f) to enforce on all occasions, the observance of order and decorum among the Members;
- g) to call by name, any Member refusing to comply with these Terms of Reference and to order the Member to vacate the place of meeting;

- h) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting;
- i) to authenticate, by signature, all Meeting minutes;
- j) to rule on any points of order raised by Members; and,
- k) to adjourn the Meeting when the business is concluded.

Duties of the Regular Members of the Committee of Adjustment

It shall be the duty of the Regular Members of the Committee of Adjustment to carry out the following responsibilities:

- a) to understand their role and expectations, including all applicable Township By-laws and Policies;
- b) to apply and respect the rules of procedure;
- c) to attend scheduled Regular Committee of Adjustment Meetings, sending regrets otherwise;
- d) to follow the agenda and stay focused on the topic at hand;
- e) to respect confidential information;
- f) vote on business except when not permitted to by law;

Following the application by the owner or representative of the owner, for any land, building or structure located within the Township of Cavan Monaghan, but prior to the Meeting where the application will be considered by the Committee of Adjustment, the Members may conduct individual site visits.

During site visits Members shall not discuss with the applicant or other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee of Adjustment.

Duties of the Alternate Member of the Committee of Adjustment

It shall be the duty of the Alternate Member of the Committee of Adjustment to carry out the responsibilities as set out above when required and shall only be necessary when quorum cannot be achieved for a Committee of Adjustment Meeting among the Regular Members.

Duties of the Secretary-Treasurer of the Committee of Adjustment

It shall be the duty of the Secretary-Treasurer to carry out the following responsibilities:

- a) to provide notice of a Committee meeting in accordance with these Terms of Reference;

- b) to prepare and distribute agendas to Members before regularly scheduled meetings;
- c) to record when the meeting started and adjourned;
- d) to record the Members present and absent;
- e) to take minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- f) to finalize minutes for distribution; and,
- g) to act as a resource to the Committee of Adjustment and to provide legislative interpretation where required.

The Secretary-Treasurer shall have no voting privileges.

Role of Municipal Staff

The Township of Cavan Monaghan Clerk or designate will act as the Secretary-Treasurer of the Committee of Adjustment.

The Township of Cavan Monaghan Director of Planning or designate shall provide a report to the Committee with a recommendation on the application and be available to provide input, discuss with the general public, community representatives, applicants, and authorized agents matters related to application submission.

It is not the role or responsibility of staff to make a decision on an application as this is the role and responsibility of the Committee.

Composition

The Committee of Adjustment members shall consist of three (3) members established by by-law as follows:

- Three (3) Regular Members
- One (1) Alternate Member

The members will be established for the Term of Council although a by-law is required to formally appoint the members each year.

A Chair shall be established at the first meeting of each new term to oversee the business and insure smooth and effective operation of the Committee of Adjustment.

Quorum

A majority of members, being two (2), will constitute a quorum for the transaction of business.

Notice of Public Meeting

Notice of an application to be considered at a meeting shall be given by the Secretary-Treasurer in a manner prescribed by the Planning Act, and any regulations passed there under, and may include one or more of the following:

- a) A notice posted on the property subject to the application;
- b) A notice circulated to surrounding property owners;
- c) A notice posted on the Township's website.

Minutes and Reporting

Minutes of each meeting will be recorded by the Secretary-Treasurer and drafted for approval by the Committee at the next Committee of Adjustment meeting.

Meeting Times and Locations

The Committee of Adjustment will meet as required. Meeting dates and times will be established in consultation with member availability during regular business hours, Monday to Friday 8:30 a.m. – 4:30 p.m.

Agendas and minutes from the previous meeting will be sent (via email) to Committee members forty-eight (48) hours prior to the next meeting and will be posted on the Municipal website.

Meetings may be held in the Township of Cavan Monaghan Municipal Office located at 988 County Rd. 10, Millbrook when possible

The Committee of Adjustment may hold all or part of a Meeting in the form of an Electronic Meeting as defined in the Township of Cavan Monaghan Procedural By-law.

Remuneration

Citizen appointments remuneration is \$75.00 per meeting, mileage is included in this rate (mileage for site visits will not be compensated).



Regular Council Meeting

To:	Mayor and Council
Date:	July 6, 2020
From:	Elana Arthurs, Clerk
Report Number:	Corporate Services 2020-13
Subject:	Dog Control By-law Update

Recommendation:

That Council adopt By-law No. 2020-36 being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs.

Overview:

The current Dog Control By-law was adopted in 2013 and since then there have been a variety of occurrences that staff felt should be addressed within the Township's By-law.

Staff have drafted a new Dog Control By-law for Council's consideration with minor provisions to address the following:

- The ability for the Clerk to provide flexibility around the number of allowable dogs permitted by one property. This will often occur when someone moves into the municipality owning more than the allowable number of dogs;
- Restricting the number of dogs on properties that have more than one dwelling unit to two (2) per unit instead of three (3); and
- Providing the Dog Control Officer the ability to lay charges for a wider variety of offences which are identified in the Set Fines attached to this report and included within the By-law.

The By-law also contains a process, and an associated fee, for appealing a muzzle order or order to restrain as required by the Municipal Act, which contains the following wording:

Muzzling of dogs

105 (1) If a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement. 2002, c. 17, Sched. A, s. 22 (1).

Conditions

(2) An exemption may be granted subject to such conditions as council considers appropriate. 2001, c. 25, s. 105 (2).

When a Muzzle Order / Order to Restrain is issued, a request for an appeal can be made to the Clerk along with a \$100.00 fee and a Hearing would be conducted whereby Council would rule on the Order. Since 2012, we have only had one verbal request for a hearing, the dog owner was requested to put something formally in writing although nothing has been received to date.

The fees that require approval from the Provincial Offences are identified in the By-law and will be sent to the Province for approval. Fees that do not require Provincial approval, including fees for dog tags and an application fee for a hearing will be established in the User Fees and Charges By-law.

Attachment:

By-law No. 2020-36 being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs

Respectfully submitted by,

Reviewed by,

Elana Arthurs
Clerk

Yvette Hurley
Chief Administrative Officer

The Township of Cavan Monaghan

By-law No. 2020-36

Being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs

Whereas the Municipal Act, 2001, S.O. c. 25, Sections 11, 103 & 105 provide that Municipalities may pass By-laws to regulate animals; and authority in respect to the seizure and impounding of dogs found running at large and the muzzling of dogs;

And Whereas the Council of the Township of Cavan Monaghan deems it advisable to pass a By-law for the licencing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the Township;

And Whereas Subsection 391 (1) of the Municipal Act 2001, S.O. c. 25, authorizes a municipality to impose fees or charges on persons for services or activities provided or done on behalf of it;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Definitions: For the purpose of this By-law:

Dangerous Dog – means a dog that:

- (a) has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (b) has significantly injured a domestic or farm animal; or
- (c) has shown the disposition or tendency to be threatening or aggressive to persons or animals.

Dog – means a male or female dog whether neutered or spayed that is over 12 weeks of age.

Dog Control Officer – includes any person employed by the Township of Cavan Monaghan to enforce the provisions of this By-law.

Minor – is a person who has not achieved the age of majority as defined by applicable provincial law.

Owner of Dog – includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for custody of the minor.

Possession or Harbours – of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property or the premises which he/she owns or occupies or which is habitually kept on such property.

Service Dog – means a dog trained and actively used to work or perform tasks for persons with disabilities and that are registered with an accredited “Service Animal” organization.

Township – means the Township of Cavan Monaghan.

Township Clerk – means the person within the Township’s administration who fulfills the function of the Clerk as required by the Municipal Act, 2001 or his or her designate.

2. Requirements for a Licence

- 2.1** Every person who owns a dog which is kept in the Township shall obtain a licence for such dog and shall pay the licence fee for such dog as prescribed in Schedule ‘A’ to this By-law.
- 2.2** The requirement to obtain a licence as prescribed in Section 2(1) shall occur when a person:
 - (a) becomes the owner of the dog, and is kept within the Township; or
 - (b) when the dog is possessed or harboured in the Township for a period of more than fourteen (14) days.
- 2.3** All annual licences issued under this By-law shall expire on the 31st day of December in each year and the owner shall be required to renew the licence prior to March 31st of the current year.
- 2.4** Registration and licencing of a dog under the age of six (6) months is not required by this By-law.
- 2.5** Annual licencing fees are set out in the Township of Cavan Monaghan’s current User Fees and Charges By-law.

3. Identification of Dog(s) and Issuance of Tags

- 3.1** Every person who is issued a licence pursuant to Section 2(1) shall be given a lifetime tag for such dog, and such tag shall indicate an identification serial number thereon for such tag, and the same shall be provided to the person.
- 3.2** Every person who is provided with a tag pursuant to Section 3(1) shall ensure that the tag is affixed to the collar of the dog, in such a manner that the tag can identify such dog to any person at all times and the same shall be secured on the dog until the tag is renewed or replaced.
- 3.3** Section 3(2) does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting in the bush.

- 3.4** A record shall be kept by the Township, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3(1).
- 3.5** Tags which are lost may be replaced by providing sufficient proof that the dog possessed a licence for the current year and paying to the Township the sum set out in the User Fees and Charges By-law.

4. Service Dog

Sections 2 and 3 of this By-law shall not apply to any person who is disabled and owns a dog (or dogs) for his or her assistance as a service dog.

5. Dogs at Large

- 5.1** No person shall permit a dog owned by him or her to run at large in the Township, and running at large shall be deemed to occur when the dog is found in any place other than the property or premises of the owner, and not under the control of any person, and held securely in or on a leash to prevent the possibility of any person or other animal (including another dog) from being attacked or bitten by such dog.
- 5.2** Section 5(1) shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.
- 5.3** The Dog Control Officer may seize and impound any dog found running at large and deliver same to the Peterborough Humane Society.
- 5.4** Any person may restrain, at their own risk, any dog found at large on their property, or at large on a public property, and surrender the dog to the custody of the Dog Control Officer.
- 5.5** Where a dog seized under this By-law is injured, or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the dog may be euthanized in a humane manner at the Dog Control Officer's discretion and no damages or compensation shall be recovered by the Owner of the dog for such action.
- 5.6** Where a dog is captured or taken into the custody, including by order of a court, or under the direction of the local police services, the Owner shall pay to the Township all applicable fees and charges, including the cost of the services of a veterinarian, whether the animal is alive, dies or is euthanized.
- 5.7** Where an injured dog is impounded or otherwise detained and requires the immediate attention of a Veterinarian, the Dog Control Officer may deliver the injured dog to a Veterinarian for treatment or euthanization and the Owner, if

known, shall be responsible for all costs incurred. No damages or compensation shall be recoverable by the Owner or any other person.

6. Restricting the Number of Dogs

No person shall have, retain, harbor or have possession of:

- (a) More than three (3) dogs within or about any single detached dwelling; or
- (b) More than two (2) dogs within or about any dwelling unit for properties with two (2) or more dwelling units regardless of whether that person is the owner of the dogs;
- (c) Sections (a) and (b) shall not apply to a property which is zoned Agricultural, a property possessing a valid kennel license, an approved business and/or veterinary offices.
- (d) The Clerk of the Township of Cavan Monaghan may authorize, in unique circumstances, additional dogs to be kept for a specified period of time.

7. Seizure and Impounding of Dogs

7.1 The Officer responsible for the enforcement of this By-law may:

- (a) Seize and impound any dog(s) found running at large within the Township and impose fees as attached in Schedule 'A'.
- (b) Where it is impossible to identify the owner of the dog(s), the Officer shall deliver the dog(s) to the Peterborough Humane Society.
- (c) Where, in the opinion of the Officer responsible for the enforcement of this By-law, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Officer may destroy the dog(s) as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog.
- (d) Where the Officer responsible for the enforcement of this By-law finds a dog(s) running at large contrary to the provisions of this By-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or another animal, he/she may destroy the dog(s).
- (e) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Officer responsible for the enforcement of this By-law.

- ### **7.2**
- (a) Any dog, impounded pursuant to Section 7.1 may be kept at the Peterborough Humane Society, a secure place, and a fee charged to the owner as set out in the set fines payable to the Township and any fees charged by the Peterborough Humane Society for all costs of the distrainted.
 - (b) When a dog is so impounded and kept pursuant to this Section and is kept at the Peterborough Humane Society, the dog shall be dealt with after the minimum redemption period has expired as established by the current Provincial Legislation.

8. Dog Owners Liability Act

It is the declared intention of Council that the Dog Owners' Liability Act shall be enforced under the Provincial jurisdiction, and further that the Dog Control Officer are recognized as Officers under the authority of the Dog Owners' Liability Act to ensure the expedient and efficient application of this Act.

9. Guard Dogs

Any person who owns/harbours a dog trained for the purpose of attack or guard shall so notify the Clerk in writing. The premises where such a dog is normally kept shall be securely fenced and posted in order that such a dog can be restricted. If it is necessary for such a dog to leave the owner's premises, the dog shall be on a short leash and shall be muzzled.

10. Dangerous Dogs

- 10.1** All Owners shall exercise all reasonable precautions to prevent their dog from:
- (a) Biting or attacking a person or domestic animal;
 - (b) Behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.
- 10.2** Every Owner of a dangerous dog that has bitten a person or domestic animal shall ensure that said dog is muzzled and leashed while on any property in the Township.
- 10.3** Every Owner of a dangerous dog shall keep it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. Dangerous dogs shall not be confined only by a chain or tether.
- 10.4** The Dog Control Officer may seize a dog in a public place if the Officer believes on reasonable grounds that:
- (a) The dog has on one or more occasions bitten or attacked a person or domestic animal;
 - (b) The dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals;
 - (c) An Owner has on one or more occasions failed to exercise reasonable precautions from carrying out sections (a) or (b) as described above.
 - (d) The dog is a restricted pit bull and the Owner has on one or more occasions failed to comply with the requirements of the legislation or regulations respecting pit bulls;
 - (e) There is reason to believe that the dog may cause harm to a person or domestic animal.

- 10.5** Where the Owner objects to the muzzling or leashing requirements set forth above, the Owner may request and is entitled to a Hearing by the Council of the Township of Cavan Monaghan.

11. Muzzle Order/Order to Restrain

- 11.1** Where the Officer is satisfied on the balance of probabilities and in the absence of any mitigating factor, that a dog has placed a person or domestic animal at risk of physical harm or behaved in a manner that poses a menace to the safety of persons or domestic animals the Officer may issue Muzzle Order/Order to Restrain to the Owner as set out in Schedule 'A' of this By-law. Every person shall comply with such an Order.
- 11.2** A Muzzle Order/Order to Restrain shall be served upon the dog's Owner by pre-paid registered mail, to the Owner or to an inhabitant of the Owner's usual place of residence who appears to be at least 18 years of age.
- 11.3** Notwithstanding other Sections of this By-law, when a Muzzle Order/Order to Restrain has been served on the Owner, and at the discretion of the Officer the Owner shall as indicated on the Order:
- (a) Keep the dog, when on the Owner's premises, confined within the dwelling and under the effective control of an adult, or in a secured yard, that prevents the dog from escaping over or under the fence or by any other means, or enclosed in a pen constructed with secure sides so as to prevent escape of the dog and prevent entry therein by the public;
 - (b) When not confined in accordance with section (a) above, to keep the dog under the effective control of an adult person and on a leash of not more than 1.8 metres (6 feet) in length;
 - (c) Ensure that the dog is muzzled at all times when it is not confined as set out above;
 - (d) Notify the Dog Control Officer or the Township Clerk within five (5) working days of moving the dog, selling the dog, giving the dog away or death of the dog;
 - (e) Immediately advise the Dog Control Officer if the dog is at large, or has bitten or attacked any person or domestic animal;
 - (f) If not already licensed, licence and register the dog with Municipality seven (7) days of receipt of the Order;
 - (g) Not contravene any other conditions imposed in the Order.
- 11.4** The Dog Control Officer shall maintain a record of all Orders and shall notify and supply a copy to the Township Clerk of the issuance of the Order.
- 11.5** Any Owner that fails to comply with the requirements of the Order shall pay the set fine or permanently surrender the dog to the Dog Control Officer.
- 11.6** No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee of the Municipality and/or agent in the lawful exercise of a power or duty under this By-law.

12. Muzzle Order/Order to Restrain – Appeal

- 12.1** Any Owner to who a Muzzle Order/Order to Restrain has been issued shall inform the Township Clerk in writing that they intend to appeal the Order and request a Hearing within fourteen (14) days of being served notice.
- 12.2** Upon payment of a Hearing Fee as set out in this By-law, the Owner may request and is entitled to a hearing by the Council of the Township of Cavan Monaghan.
- 12.3** Upon determination of a hearing date, the Clerk shall give notice in writing to the Owner that:
- (a) Includes a statement of the time, date, place and purpose of the hearing; and
 - (b) Includes a statement that if the Owner does not attend the hearing, Council may proceed in the absence of the Owner and the Owner will not be entitled to any further notice.
- 12.4** The notice of hearing shall be served upon the dog's Owner by pre-paid registered mail, to the Owner or to an inhabitant of the Owner's usual place of residence who appears to be at least 18 years of age. When service is made by registered mail, the service shall be deemed to be made on the fifth (5) day after mailing.
- 12.5** Council shall hold a hearing in accordance with the provisions of this By-law at the time, date and place set out in the notice and Council may:
- (a) Exempt the Owner from muzzling and/or leashing requirements;
 - (b) Confirm muzzling and/or leashing requirements;
 - (c) Vary muzzling and/or leashing requirements and other requirements of the Order, or
 - (d) Combine any exemption confirmation or variance as it sees fit.
- 12.6** The decision of the Board shall be final and binding.
- 12.7** An application made by the Owner for a hearing under this By-law does not act as a stay of the Order which shall take effect on the day it is served or deemed serviced, and shall continue to be effective until Council renders a decision indicating otherwise.

13. Stoop and Scoop

Every person who owns, retains, possesses, harbours, keeps or is in control of a dog shall immediately remove any excrement or waste left by the dog on any property in the municipality, and shall dispose of excrement or waste in an appropriate sanitary manner.

14. Penalties

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as such penalties as provided in the Provincial Offences Act or the Dog Owners Liabilities Act and identified in the set fine schedule.

15. Severability of Provisions

If any section or sections of this By-law, or parts thereof, are to be found by any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable, and all other sections or parts thereof of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

16. Repeal of Previous By-laws

By-law No. 2013-71 is hereby repealed in its entirety.

17. This By-law comes into force and effect on the 6th day of July 2020.

Read a first, second and third time this 6th day of July, 2020

Scott McFadden
Mayor

Elana Arthurs
Clerk

**The Township of Cavan Monaghan
Schedule 'A' to By-law No. 2020-36
Muzzle Order/Order to Restrain**

To (Name of Owner): _____

Address: _____

Telephone: _____

I, _____, an Officer appointed by the Township of Cavan Monaghan, have reasonable grounds to believe that the dog

described as Breed: _____ Colour: _____

Age: _____ Name: _____ Microchip: _____

and residing at _____ has bitten or attacked a person or another domestic animal; placed a person or domestic animal at risk of physical harm; or behaved in a manner that poses a menace to the safety of persons or domestic animals, as per the provisions of the By-law No. 2020-36.

You are hereby ordered as indicated below:

- ☐ To keep the dog, when on the Owner's premises, confined within the dwelling and under the effective control of an adult, contained by a fence, electric or otherwise, or enclosed in a pen constructed with a secure sides.
- ☐ To keep the dog under effective control of an adult and on a leash of not more than 1.8 metres (6 feet) in length when it is not confined as noted above. Flexi leads are not permitted.
- ☐ To securely attach a muzzle to the dog at all times when it is not confined as noted above.
- ☐ Notify the Dog Control Officer or the Township Clerk within five (5) working days of moving the dog, selling the dog, giving the dog away or death of the dog.

- ☐ Immediately advise the Dog Control Officer if the dog is at large, or has bitten or attacked any person or domestic animal.
- ☐ Licence and register the dog with the Municipality within seven (7) days of receipt of the Order.

This **Order** takes effect immediately.

If you wish to **Appeal** this Order to Restrain you must apply to the Township Clerk of the within fourteen (14) days from the date this Order is received by you setting out your request for a hearing in front of the Council of the Township of Cavan Monaghan which shall include the reasons for appealing this Order, and the payment of the hearing fee in the amount of \$100.00, failing which this Order is final and binding.

Please be advised that notwithstanding that you may apply for a hearing regarding this Order, this Order takes effect immediately upon its receipt by you and remains in effect for so long as the dog shall live unless a decision on an appeal to rescind this Order, in which case this Order remains in effect until the date a decision is issued by Council.

A full copy of By-law No. 2020-36, being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs in enclosed to ensure you are fully aware of your rights and obligations in this matter and the basis for the issuing of this Order.

Dated at the _____ this _____ day of _____, 20____.

Dog Control Officer (Signature)

Name of Dog Control Officer (print)

Township Clerk or Designate (Signature)

The Township of Cavan Monaghan
Part 1 Provincial Offences Act
Set Fine Schedule
By-law No. 2020-36: Dog Control

The licencing and registration of dogs, and for
prohibiting or regulating the running at large of dogs
Within the Township of Cavan Monaghan

Item	Column 1 Short form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Failure to obtain a license	Section 2	\$100.00
2.	Failure to affix dog tag	Section 3	\$100.00
3.	Failure to keep more than permitted number of dogs	Section 6	\$200.00
4.	Failure to Clean Up Excrement	Section 13	\$100.00
5.	Failure to muzzle or leash a dangerous dog	Section 11	\$250.00
6.	Failure to comply with Muzzle Order/Order to Restrain first offence	Section 11	\$350.00
7.	Failure to comply with Muzzle Order/Order to Restrain second offence	Section 11	\$500.00
8.	Animal at large	Section 5	\$150.00
9.	Failure to restrain a dog in public	Section 5	\$150.00

Note: The general penalty provision for the offences listed above is Section 14 of By-law No. 2020-36, a certified copy of which has been filed, and s. 61 of the Provincial Offences Act, R.S.O. c.P.33

Township of Cavan Monaghan

Report and Capital Project Status

- Directed by Council and/or CAO
- Directed by the Province/legislation
- Directed by an Agency
- Priority Projects and Reports

Report Status

Name	Date Requested	Directed By	Resolution/Direction	Est. Report Date
Y. Hurley	April 1, 2019	Council	Millbrook Arena Feasibility Study	June 2020 September 2020
E. Arthurs	September 17, 2019	Council	Off Road Vehicle Route from the Victoria Rail Trail to the Ganaraska Report	April 2020 July 2020 September 2020
Y. Hurley	February 19, 2019	Council	Design for the remaining lands at the new Community Center	June 2020 September 2020
Y. Hurley E. Arthurs K. Pope	N/A	Council	Cavan Monaghan Police Contract	August 2020
K. Ellis	April 1, 2019	Council	Township OPA & ZBA to consider changes to employment lands (opportunities to permit recreational uses)	December 2020
E. Arthurs	March 2, 2020	Council	Signs/Artwork on Township Property	June 2020 August 2020
K. Pope	April 20, 2020	Council	Asset Management Training Session	July 2020 September 2020
K. Pope	May 19, 2020	Council	Cannabis Legalization Implementation Fund	July 2020
K. Ellis	June 1, 2020	Council	Zoning By-law Amendment to address 2 outdoor parking spots	August 2020

B. Ayotte	February 18, 2020	Council	Municipal Modernization RFP (\$25,000 Grant) Website and IT Modernization Plan	November 2020
E. Arthurs	June 15, 2020	Council	Policing Review Task Force	September 2020
Team	June 15, 2020	Council	COVID Recovery Plan	September 2020
J. Connolly	June 30, 2020	CAO	Peterborough Airport Noise Exposure Forecast	December 2020

Capital Project Status

Department	Capital Project List 2019	Status
Finance	Asset Management Policy and Reporting	July 2019 (Policy) – ongoing
Information Technology/Clerk	Filehold Management Software	Ongoing
Information Technology/Clerk	TOMRMS Records Management System	Ongoing
Fire	Fire Hall #1 Preliminary Design	Ongoing
Fire	Master Fire Plan	Ongoing
Fire	Diesel Generator Municipal Office	Transferred to Reserves
Public Works	County Road 10 Widening	Ongoing

Public Works	Sidewalk – Brookside to Municipal Office	Ongoing
Public Works	Cavan Works Depot Preliminary Design	Ongoing
Planning	Baxter Creek – Floodplain Mapping	Funding Rec'd – March 2020
Planning	Jackson Creek-Floodplain Mapping	Funding Rec'd – March 2020
Planning	Employment Land Strategy	Completed – May 2020
ECD	Website & IT Modernization	Grant received February - ongoing
CAO/Public Works	Millbrook Correctional Facility – Contamination Update	Legal letter sent - waiting on meeting with MOE
CAO	Future Municipal Building Plans – Assigned by Council Nov. 6, 2017	Ongoing
Planning/Public Works/CAO	Towerhill North Development	Ongoing

This list does not include the day to day operations, including ongoing research and compliance requirements with provincial and federal legislation and other Council directed initiatives.

Shaughnessy McBride

From: Franciszkiewicz, Kasper <KFranciszkiewicz@ptbocounty.ca>
Sent: Friday, June 26, 2020 2:48 PM

Subject: RE: Blue Box Transition - Letter of Support for Municipalities under 5000

Hi Everyone,

Quick correction to the ministry email provided. Please send your resolution letter to AMO (amo@amo.on.ca), and the Minister of the Environment, Conservation and Parks (Minister.mecp@ontario.ca) at your earliest convenience.

From: Franciszkiewicz, Kasper
Sent: June 25, 2020 1:16 PM

Hi Everyone,

Thank you for attending the Blue Box transition info session on Tuesday. As promised, I have attached a memo template for you to bring to township Council asking to pass a resolution and forward it to both AMO and the Ministry of Environment, Conservation, and Parks advocating for the inclusion of municipalities with populations under 5000 in the future "Producer-run" Blue Box program.

Please feel free to adjust the wording in the memo and resolutions to best suit your township and position.

Please let us know if you have any questions or need any help.

Warmest regards,

Kasper Franciszkiewicz
Manager - Waste Management
County of Peterborough
705 775 2737 ext 3300

*** Please be advised our offices are closed to the public as recommended by public health officials. Staff are still available between the hours of 8:30 and 4:30 Monday to Friday, and can be reached via phone or email. Updates regarding closure will be provided on our website at www.ptbocounty.ca. ***

The Corporation of the Township of CAVAN MONAGHAN
Regular Meeting of Council
July 6, 2020

Memo– Transition of Blue Box to Full Producer Responsibility

On June 9th, the Association of Municipalities of Ontario (AMO) hosted a webinar for municipalities regarding the transition of the Blue Box program to full producer responsibility. As per the direction of special advisor David Lindsay, this transition will occur across the province starting on January 1st 2023 with all municipalities transitioned by December 31st 2025. One third of the municipalities will transition each year and official direction has been given to Stewardship Ontario to publish a wind-up plan for the current Blue Box program by August 31st, 2020. Further direction was given to the Ministry of Environment, Conservation, and Parks (MECP) to provide a draft regulation by December 31st, 2020. No draft regulation or wind-up plan for the current program has been issued at this time, however the webinar on June 9th presented a troubling proposal by the MECP. The proposal states that **only municipalities with populations over 5000 continue to receive blue box services.**

The County of Peterborough thoroughly discussed this proposal's impact on the three County townships that would be impacted (Asphodel-Norwood, Havelock-Belmont-Methuen, North Kawartha) with AMO and no clarification was provided at this time. At the direction of AMO, municipalities across the province have been sending resolution letters to the Ministry with the following resolutions to support the continuation of service in the future Blue Box program for these municipalities.

We ask that Council pass the following resolutions to advocate for the affected municipalities in the province:

Be it resolved that Council for the Township of CAVAN MONAGHAN acknowledges receipt of Memo; and

That Council for the Township of CAVAN MONAGHAN is concerned about a recent proposal by the Ministry of Environment, Conservation and Parks that could jeopardize over 135 small rural, remote, and Northern community Blue Box programs across the Province as well as servicing to schools and public spaces; and

That Council for the Township of CAVAN MONAGHAN strongly advocates for language to be included in the regulation that ensures municipalities under 5,000 continue to receive Blue Box servicing as was agreed as part of the Provincial government's Blue Box mediation as well as schools and public spaces; and

Further that Council directs Staff to forward this resolution to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

Certified True Copy
Township of CAVAN MONAGHAN

[Signature]

Elana Arthurs
Municipal Clerk

Please send your resolution letter to AMO (amo@amo.on.ca), and the Minister of the Environment, Conservation and Parks (Minister.mecp@ontario.ca) at your earliest convenience.

The Township of Cavan Monaghan

By-law No. 2020-34

Being a by-law to appoint members to a Committee of Adjustment

Whereas Section 44(1) of the Planning Act, R.S.O., 1990, c. P.13, as amended provides that the Council of the Municipality may by by-law constitute and appoint a Committee of Adjustment for the municipality composed of such persons, not fewer than three, as the Council considers advisable;

And Whereas Section 44(3) provides that the members of the Committee who are members of a Municipal Council shall be appointed annually;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the following regular members be appointed to the Committee of Adjustment:
Michael Semple
Aaron Glover
Dave Grant
2. That the following alternate member be appointed to the Committee of Adjustment:
Gerry Byrne
3. That By-law No. 2018-68 and By-law No. 2020-13 be repealed.
4. That this By-law shall become effective on the day of passing.

Read a first, second and third time and passed this 6th day of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

The Township of Cavan Monaghan

By-law No. 2020-35

Being a by-law to execute a Waste Management Agreement between the Township of Cavan Monaghan and 2337700 Ontario Ltd., o/a Withers Waste Management, for the curbside collection and disposal services.

Whereas the Municipal Act, 2001, S.O. c.25, s.11(3) as amended, provides that a lower tier and upper tier municipality may pass a by-law authorizing the approval of by-laws regarding matters within the spheres of jurisdiction;

And Whereas the Township of Cavan Monaghan deems it desirable to enter into and execute an Agreement with 2337700 Ontario Ltd., o/a Withers Waste Management, for curbside collection and disposal of waste and yard waste from the Millbrook, Cavan, and North Monaghan Wards and execute an Agreement with 2337700 Ontario Ltd., o/a Withers Waste Management, for the transportation of household (domestic) waste from the Township of Cavan Monaghan Transfer Station;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute the Agreement with Withers Waste Management.
2. That the Agreement is attached as Schedule 'A' to this By-law.

Read a first, second and third time and finally passed this 6th of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

The Township of Cavan Monaghan

By-law No. 2020-36

Being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs

Whereas the Municipal Act, 2001, S.O. c. 25, Sections 11, 103 & 105 provide that Municipalities may pass By-laws to regulate animals; and authority in respect to the seizure and impounding of dogs found running at large and the muzzling of dogs;

And Whereas the Council of the Township of Cavan Monaghan deems it advisable to pass a By-law for the licencing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the Township;

And Whereas Subsection 391 (1) of the Municipal Act 2001, S.O. c. 25, authorizes a municipality to impose fees or charges on persons for services or activities provided or done on behalf of it;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Definitions: For the purpose of this By-law:

Dangerous Dog – means a dog that:

- (a) has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (b) has significantly injured a domestic or farm animal; or
- (c) has shown the disposition or tendency to be threatening or aggressive to persons or animals.

Dog – means a male or female dog whether neutered or spayed that is over 12 weeks of age.

Dog Control Officer – includes any person employed by the Township of Cavan Monaghan to enforce the provisions of this By-law.

Minor – is a person who has not achieved the age of majority as defined by applicable provincial law.

Owner of Dog – includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for custody of the minor.

Possession or Harbours – of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property or the premises which he/she owns or occupies or which is habitually kept on such property.

Service Dog – means a dog trained and actively used to work or perform tasks for persons with disabilities and that are registered with an accredited “Service Animal” organization.

Township – means the Township of Cavan Monaghan.

Township Clerk – means the person within the Township’s administration who fulfills the function of the Clerk as required by the Municipal Act, 2001 or his or her designate.

2. Requirements for a Licence

- 2.1** Every person who owns a dog which is kept in the Township shall obtain a licence for such dog and shall pay the licence fee for such dog as prescribed in Schedule ‘A’ to this By-law.
- 2.2** The requirement to obtain a licence as prescribed in Section 2(1) shall occur when a person:
 - (a) becomes the owner of the dog, and is kept within the Township; or
 - (b) when the dog is possessed or harboured in the Township for a period of more than fourteen (14) days.
- 2.3** All annual licences issued under this By-law shall expire on the 31st day of December in each year and the owner shall be required to renew the licence prior to March 31st of the current year.
- 2.4** Registration and licencing of a dog under the age of six (6) months is not required by this By-law.
- 2.5** Annual licencing fees are set out in the Township of Cavan Monaghan’s current User Fees and Charges By-law.

3. Identification of Dog(s) and Issuance of Tags

- 3.1** Every person who is issued a licence pursuant to Section 2(1) shall be given a lifetime tag for such dog, and such tag shall indicate an identification serial number thereon for such tag, and the same shall be provided to the person.
- 3.2** Every person who is provided with a tag pursuant to Section 3(1) shall ensure that the tag is affixed to the collar of the dog, in such a manner that the tag can identify such dog to any person at all times and the same shall be secured on the dog until the tag is renewed or replaced.
- 3.3** Section 3(2) does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting in the bush.

- 3.4** A record shall be kept by the Township, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3(1).
- 3.5** Tags which are lost may be replaced by providing sufficient proof that the dog possessed a licence for the current year and paying to the Township the sum set out in the User Fees and Charges By-law.

4. Service Dog

Sections 2 and 3 of this By-law shall not apply to any person who is disabled and owns a dog (or dogs) for his or her assistance as a service dog.

5. Dogs at Large

- 5.1** No person shall permit a dog owned by him or her to run at large in the Township, and running at large shall be deemed to occur when the dog is found in any place other than the property or premises of the owner, and not under the control of any person, and held securely in or on a leash to prevent the possibility of any person or other animal (including another dog) from being attacked or bitten by such dog.
- 5.2** Section 5(1) shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.
- 5.3** The Dog Control Officer may seize and impound any dog found running at large and deliver same to the Peterborough Humane Society.
- 5.4** Any person may restrain, at their own risk, any dog found at large on their property, or at large on a public property, and surrender the dog to the custody of the Dog Control Officer.
- 5.5** Where a dog seized under this By-law is injured, or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the dog may be euthanized in a humane manner at the Dog Control Officer's discretion and no damages or compensation shall be recovered by the Owner of the dog for such action.
- 5.6** Where a dog is captured or taken into the custody, including by order of a court, or under the direction of the local police services, the Owner shall pay to the Township all applicable fees and charges, including the cost of the services of a veterinarian, whether the animal is alive, dies or is euthanized.
- 5.7** Where an injured dog is impounded or otherwise detained and requires the immediate attention of a Veterinarian, the Dog Control Officer may deliver the injured dog to a Veterinarian for treatment or euthanization and the Owner, if

known, shall be responsible for all costs incurred. No damages or compensation shall be recoverable by the Owner or any other person.

6. Restricting the Number of Dogs

No person shall have, retain, harbor or have possession of:

- (a) More than three (3) dogs within or about any single detached dwelling; or
- (b) More than two (2) dogs within or about any dwelling unit for properties with two (2) or more dwelling units regardless of whether that person is the owner of the dogs;
- (c) Sections (a) and (b) shall not apply to a property which is zoned Agricultural, a property possessing a valid kennel license, an approved business and/or veterinary offices.
- (d) The Clerk of the Township of Cavan Monaghan may authorize, in unique circumstances, additional dogs to be kept for a specified period of time.

7. Seizure and Impounding of Dogs

7.1 The Officer responsible for the enforcement of this By-law may:

- (a) Seize and impound any dog(s) found running at large within the Township and impose fees as attached in Schedule 'A'.
- (b) Where it is impossible to identify the owner of the dog(s), the Officer shall deliver the dog(s) to the Peterborough Humane Society.
- (c) Where, in the opinion of the Officer responsible for the enforcement of this By-law, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Officer may destroy the dog(s) as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog.
- (d) Where the Officer responsible for the enforcement of this By-law finds a dog(s) running at large contrary to the provisions of this By-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or another animal, he/she may destroy the dog(s).
- (e) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Officer responsible for the enforcement of this By-law.

- ### **7.2**
- (a) Any dog, impounded pursuant to Section 7.1 may be kept at the Peterborough Humane Society, a secure place, and a fee charged to the owner as set out in the set fines payable to the Township and any fees charged by the Peterborough Humane Society for all costs of the distrainted.
 - (b) When a dog is so impounded and kept pursuant to this Section and is kept at the Peterborough Humane Society, the dog shall be dealt with after the minimum redemption period has expired as established by the current Provincial Legislation.

8. Dog Owners Liability Act

It is the declared intention of Council that the Dog Owners' Liability Act shall be enforced under the Provincial jurisdiction, and further that the Dog Control Officer are recognized as Officers under the authority of the Dog Owners' Liability Act to ensure the expedient and efficient application of this Act.

9. Guard Dogs

Any person who owns/harbours a dog trained for the purpose of attack or guard shall so notify the Clerk in writing. The premises where such a dog is normally kept shall be securely fenced and posted in order that such a dog can be restricted. If it is necessary for such a dog to leave the owner's premises, the dog shall be on a short leash and shall be muzzled.

10. Dangerous Dogs

- 10.1** All Owners shall exercise all reasonable precautions to prevent their dog from:
- (a) Biting or attacking a person or domestic animal;
 - (b) Behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.
- 10.2** Every Owner of a dangerous dog that has bitten a person or domestic animal shall ensure that said dog is muzzled and leashed while on any property in the Township.
- 10.3** Every Owner of a dangerous dog shall keep it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. Dangerous dogs shall not be confined only by a chain or tether.
- 10.4** The Dog Control Officer may seize a dog in a public place if the Officer believes on reasonable grounds that:
- (a) The dog has on one or more occasions bitten or attacked a person or domestic animal;
 - (b) The dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals;
 - (c) An Owner has on one or more occasions failed to exercise reasonable precautions from carrying out sections (a) or (b) as described above.
 - (d) The dog is a restricted pit bull and the Owner has on one or more occasions failed to comply with the requirements of the legislation or regulations respecting pit bulls;
 - (e) There is reason to believe that the dog may cause harm to a person or domestic animal.

- 10.5** Where the Owner objects to the muzzling or leashing requirements set forth above, the Owner may request and is entitled to a Hearing by the Council of the Township of Cavan Monaghan.

11. Muzzle Order/Order to Restrain

- 11.1** Where the Officer is satisfied on the balance of probabilities and in the absence of any mitigating factor, that a dog has placed a person or domestic animal at risk of physical harm or behaved in a manner that poses a menace to the safety of persons or domestic animals the Officer may issue Muzzle Order/Order to Restrain to the Owner as set out in Schedule 'A' of this By-law. Every person shall comply with such an Order.
- 11.2** A Muzzle Order/Order to Restrain shall be served upon the dog's Owner by pre-paid registered mail, to the Owner or to an inhabitant of the Owner's usual place of residence who appears to be at least 18 years of age.
- 11.3** Notwithstanding other Sections of this By-law, when a Muzzle Order/Order to Restrain has been served on the Owner, and at the discretion of the Officer the Owner shall as indicated on the Order:
- (a) Keep the dog, when on the Owner's premises, confined within the dwelling and under the effective control of an adult, or in a secured yard, that prevents the dog from escaping over or under the fence or by any other means, or enclosed in a pen constructed with secure sides so as to prevent escape of the dog and prevent entry therein by the public;
 - (b) When not confined in accordance with section (a) above, to keep the dog under the effective control of an adult person and on a leash of not more than 1.8 metres (6 feet) in length;
 - (c) Ensure that the dog is muzzled at all times when it is not confined as set out above;
 - (d) Notify the Dog Control Officer or the Township Clerk within five (5) working days of moving the dog, selling the dog, giving the dog away or death of the dog;
 - (e) Immediately advise the Dog Control Officer if the dog is at large, or has bitten or attacked any person or domestic animal;
 - (f) If not already licensed, licence and register the dog with Municipality seven (7) days of receipt of the Order;
 - (g) Not contravene any other conditions imposed in the Order.
- 11.4** The Dog Control Officer shall maintain a record of all Orders and shall notify and supply a copy to the Township Clerk of the issuance of the Order.
- 11.5** Any Owner that fails to comply with the requirements of the Order shall pay the set fine or permanently surrender the dog to the Dog Control Officer.
- 11.6** No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee of the Municipality and/or agent in the lawful exercise of a power or duty under this By-law.

12. Muzzle Order/Order to Restrain – Appeal

- 12.1** Any Owner to who a Muzzle Order/Order to Restrain has been issued shall inform the Township Clerk in writing that they intend to appeal the Order and request a Hearing within fourteen (14) days of being served notice.
- 12.2** Upon payment of a Hearing Fee as set out in this By-law, the Owner may request and is entitled to a hearing by the Council of the Township of Cavan Monaghan.
- 12.3** Upon determination of a hearing date, the Clerk shall give notice in writing to the Owner that:
- (a) Includes a statement of the time, date, place and purpose of the hearing; and
 - (b) Includes a statement that if the Owner does not attend the hearing, Council may proceed in the absence of the Owner and the Owner will not be entitled to any further notice.
- 12.4** The notice of hearing shall be served upon the dog's Owner by pre-paid registered mail, to the Owner or to an inhabitant of the Owner's usual place of residence who appears to be at least 18 years of age. When service is made by registered mail, the service shall be deemed to be made on the fifth (5) day after mailing.
- 12.5** Council shall hold a hearing in accordance with the provisions of this By-law at the time, date and place set out in the notice and Council may:
- (a) Exempt the Owner from muzzling and/or leashing requirements;
 - (b) Confirm muzzling and/or leashing requirements;
 - (c) Vary muzzling and/or leashing requirements and other requirements of the Order, or
 - (d) Combine any exemption confirmation or variance as it sees fit.
- 12.6** The decision of the Board shall be final and binding.
- 12.7** An application made by the Owner for a hearing under this By-law does not act as a stay of the Order which shall take effect on the day it is served or deemed serviced, and shall continue to be effective until Council renders a decision indicating otherwise.

13. Stoop and Scoop

Every person who owns, retains, possesses, harbours, keeps or is in control of a dog shall immediately remove any excrement or waste left by the dog on any property in the municipality, and shall dispose of excrement or waste in an appropriate sanitary manner.

14. Penalties

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as such penalties as provided in the Provincial Offences Act or the Dog Owners Liabilities Act and identified in the set fine schedule.

15. Severability of Provisions

If any section or sections of this By-law, or parts thereof, are to be found by any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable, and all other sections or parts thereof of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

16. Repeal of Previous By-laws

By-law No. 2013-71 is hereby repealed in its entirety.

17. This By-law comes into force and effect on the 6th day of July 2020.

Read a first, second and third time this 6th day of July, 2020

Scott McFadden
Mayor

Elana Arthurs
Clerk

**The Township of Cavan Monaghan
Schedule 'A' to By-law No. 2020-36
Muzzle Order/Order to Restrain**

To (Name of Owner): _____

Address: _____

Telephone: _____

I, _____, an Officer appointed by the Township of Cavan Monaghan, have reasonable grounds to believe that the dog

described as Breed: _____ Colour: _____

Age: _____ Name: _____ Microchip: _____

and residing at _____ has bitten or attacked a person or another domestic animal; placed a person or domestic animal at risk of physical harm; or behaved in a manner that poses a menace to the safety of persons or domestic animals, as per the provisions of the By-law No. 2020-36.

You are hereby ordered as indicated below:

- ☐ To keep the dog, when on the Owner's premises, confined within the dwelling and under the effective control of an adult, contained by a fence, electric or otherwise, or enclosed in a pen constructed with a secure sides.
- ☐ To keep the dog under effective control of an adult and on a leash of not more than 1.8 metres (6 feet) in length when it is not confined as noted above. Flexi leads are not permitted.
- ☐ To securely attach a muzzle to the dog at all times when it is not confined as noted above.
- ☐ Notify the Dog Control Officer or the Township Clerk within five (5) working days of moving the dog, selling the dog, giving the dog away or death of the dog.

- ☐ Immediately advise the Dog Control Officer if the dog is at large, or has bitten or attacked any person or domestic animal.
- ☐ Licence and register the dog with the Municipality within seven (7) days of receipt of the Order.

This **Order** takes effect immediately.

If you wish to **Appeal** this Order to Restrain you must apply to the Township Clerk of the within fourteen (14) days from the date this Order is received by you setting out your request for a hearing in front of the Council of the Township of Cavan Monaghan which shall include the reasons for appealing this Order, and the payment of the hearing fee in the amount of \$100.00, failing which this Order is final and binding.

Please be advised that notwithstanding that you may apply for a hearing regarding this Order, this Order takes effect immediately upon its receipt by you and remains in effect for so long as the dog shall live unless a decision on an appeal to rescind this Order, in which case this Order remains in effect until the date a decision is issued by Council.

A full copy of By-law No. 2020-36, being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs in enclosed to ensure you are fully aware of your rights and obligations in this matter and the basis for the issuing of this Order.

Dated at the _____ this _____ day of _____, 20____.

Dog Control Officer (Signature)

Name of Dog Control Officer (print)

Township Clerk or Designate (Signature)

The Township of Cavan Monaghan
Part 1 Provincial Offences Act
Set Fine Schedule
By-law No. 2020-36: Dog Control

The licencing and registration of dogs, and for
prohibiting or regulating the running at large of dogs
Within the Township of Cavan Monaghan

Item	Column 1 Short form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Failure to obtain a license	Section 2	\$100.00
2.	Failure to affix dog tag	Section 3	\$100.00
3.	Failure to keep more than permitted number of dogs	Section 6	\$200.00
4.	Failure to Clean Up Excrement	Section 13	\$100.00
5.	Failure to muzzle or leash a dangerous dog	Section 11	\$250.00
6.	Failure to comply with Muzzle Order/Order to Restrain first offence	Section 11	\$350.00
7.	Failure to comply with Muzzle Order/Order to Restrain second offence	Section 11	\$500.00
8.	Animal at large	Section 5	\$150.00
9.	Failure to restrain a dog in public	Section 5	\$150.00

Note: The general penalty provision for the offences listed above is Section 14 of By-law No. 2020-36, a certified copy of which has been filed, and s. 61 of the Provincial Offences Act, R.S.O. c.P.33

The Township of Cavan Monaghan

By-law No. 2020-37

Being a by-law to confirm the proceedings of the meeting of the Council of the Township of Cavan Monaghan held on the 6th day of July, 2020

Whereas the Municipal Act, 2001, S.O., 2001, c.25, S.5, S. 8 and S. 11 authorizes Council to pass by-laws;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the actions of the Council at its regular meeting held on the 6th day of July, 2020 in respect to each recommendation and action by the Council at its said meetings except where prior approval of the Local Planning Appeal Tribunal, or other statutory authority is required are hereby adopted ratified and confirmed.
2. That the Mayor and Clerk of the Township of Cavan Monaghan are hereby authorized and directed to do all things necessary to give effect to the said actions or obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

Read a first, second and third time and passed this 6th day of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk