

Meeting #: 2020-14
Date: Monday, June 8, 2020, 7:00 PM
Location: Cornwall Civic Complex, 100 Water Street East, Cornwall, Ontario, K6H 6G4, Salon B, Lower Level
Chair: Bernadette Clement, Mayor
Prepared By: Debbie Caskenette, Deputy Clerk

Pages

In-Camera Session / Rise and Report from the In-Camera Meeting of Monday, June 8, 2020.

Motion to move into a Closed Meeting at 5:30 p.m. to address matters pertaining to Section 239(2) and (3.1) of the Municipal Act, 2001.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

Item #1, Report 2020-305-Infrastructure and Municipal Works, Sale of Land

c) a proposed or pending acquisition or disposition of land by the municipality or local board

Item #2, Report 2020-30-Infrastructure and Municipal Works, Property Acquisition

c) a proposed or pending acquisition or disposition of land by the municipality or local board

Item #3, Report 2020-298-Financial Services, Sale of Land

c) a proposed or pending acquisition or disposition of land by the municipality or local board

Item #4, Report 2020-299-Financial Services

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

k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Moment of Personal Reflection

Réflexion personnelle

National Anthem

Hymne national

Acting Mayor

The Acting Mayor for this month is Councillor Claude E. McIntosh.

Opening

Ouverture

We acknowledge that we are gathering on the traditional territory of the Mohawk people of Akwesasne.

Roll Call

Appel nominal

Additions, Deletions or Amendments

Ajouts, retraits ou modifications

All matters listed under General Consent, save and except “Delegations” are considered to be routine and will be enacted by one motion. Should a Council Member wish an alternative action from the proposed recommendation, the Council Member shall request that this matter be moved to “Communications” at this time.

Adoption of Agenda

Ratification de l'Ordre du jour

The following Agenda is being presented for adoption as presented / amended.

Disclosures of Interest

Déclarations d'intérêts pécuniaires

Committee of the Whole

Séance de commission étendue à la chambre entire

We will now go into Committee of the Whole and that all Minutes, Presentations, Delegations, Consent/Correspondence, Resolutions, Reports and By-laws shall be considered and referred to that Committee.

Adoption of Minutes

Ratification des procès-verbaux

The following Minutes are being presented for adoption:
Monday, May 25, 2020

11.1 Regular Minutes of May 25, 2020

1

Presentations

Présentations

Delegations

Délégations

Consent and Correspondence

Consentement et correspondance

14.1 Petition for Sunday Transit Service, 2020-280-Corporate Services

12

Action Recommended

That Council refer this on-line Petition to Administration for a Report.

14.2 *Ribfest 2020 Use of Parking Lot at Cornwall Civic Complex, 2020-294-Corporate Services*

18

Action Recommended

That Council refer this request to Administration for a report.

Resolutions

Résolutions

15.1 Limit on New Business Motions, 2020-293-Corporate Services

21

Whereas, currently, there is no limit on the number of Notices of Motions and New Business Motions for submitting at a Regular Meeting of Council by a Councillor and no deadline; and

Now therefore be it resolved that each Councillor be limited to a maximum of two Notices of Motions and New Business Motions, combined, presented at a Regular Meeting of Council; and

Now therefore be it further resolved that each Notice of Motion and

New Business Motion shall have a seconder prior to submitting it to the Clerk; and

Now therefore be it further resolved that Notices of Motions and New Business Motions shall be delivered to the Clerk no later than 12:00 noon on the Tuesday preceding the date of the intended regularly scheduled Council Meeting, so that it may be included as part of the Agenda package and so that proper notice can be given to the public.

Unfinished Business Reports

Rapports des affaires incompletes

16.1 Business Parking – COVID-19, 2020-307-Planning, Development and Recreation 23

Action Recommended

That given the impact of COVID-19, Council approve the following:

- a. Continue to provide complimentary parking at all city spaces until Monday, June 22, 2020; and,
- b. Provide first hour complimentary parking at all metered curbside and pay-by-plate parking spaces from June 22, 2020 until August 31, 2020; and
- c. Continue the City's current parking program starting September 1, 2020.

16.2 Home-Based Businesses – COVID-19, 2020-313-Planning, Development and Recreation 42

Action Recommended

- a. That Council receive this report; and
- b. That Council maintain its current `Home Occupation` standards.

16.3 Update – Cornwall Small Business Emergency Support Loan, 2020-318-Planning, Development and Recreation 61

Action Recommended

That Council receive this report and authorize the extension of the program to accommodate up to 115 participants.

16.4 Residential Rental Licensing, 2020-221-Fire Services

64

Action Recommended

That Council receive this report regarding residential licensing and approve the public consultation plan.

Communication Reports

Communications et rapports

Tenders and Requests for Proposals

Soumissions et demandes de propositions

18.1 Joint Tender for the Supply and Delivery of Winter Highway Coarse Salt, 2020-297-Financial Services

84

Action Recommended

That the joint tender for the supply and delivery of winter highway coarse salt be awarded for a two-year period with an option to renew for two additional one year periods to Compass Minerals Canada Corporation from Mississauga, Ontario, at the total bid price of \$1,770,574.40 (net cost to the Corporation - \$1,594,457.09), being the best bid meeting the tender specifications.

18.2 Tender 20-T24 Reconstruction of York Street from Seventh Street West to Ninth Street West, 2020-295-Financial Services

87

Action Recommended

That Tender 20-T24 be awarded to Cornwall Gravel Company Limited, from Cornwall, Ontario, at the total bid price of \$1,554,846.10 (net cost to the Corporation - \$1,400,187.07) being the best bid meeting the tender specifications.

18.3 Tender 20-T25 EMS Roof Replacement, 2020-296-Financial Services

90

Action Recommended

That Tender 20-T25 be awarded to Perras DiStefano Construction and Design Services Incorporated, from Cornwall, Ontario, at the total bid price of \$948,543.47 (net cost to the Corporation - \$854,192.77) being the best bid meeting the tender specifications.

New Business

Nouvelles affaires

Passing of By-laws

Adoption des règlements municipaux

By-laws 2020-077 to 2020-080 inclusive, listed on the Agenda, are being presented to Council for adoption.

| | | |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 20.1 | By-law 2020-077 - Yard Maintenance Housekeeping Amendments, 2020-312-Planning, Development and Recreation, 2020-315-Planning, Development and Recreation | 93 |
| 20.2 | By-law 2020-078 – Service Agreement with the Municipality of South Stormont, 2020-306-Infrastructure and Municipal Works, 2020-307-Infrastructure and Municipal Works | 100 |
| 20.3 | By-law 2020-079 – Service Agreement with Municipality of South Dundas, 2020-297-Infrastructure and Municipal Works, 2020-298-Infrastructure and Municipal Works | 105 |
| 20.4 | By-law 2020-080 - Sewer Use and to repeal By-law 103-2003, 2020-308-Infrastructure and Municipal Works, 2020-309-Infrastructure and Municipal Works | 110 |

Reports from Committees of Council

Rapports des comités du Conseil

Notices of Motion

Avis de motion

| | | |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 22.1 | A By-law to prohibit open-air burning of solid fuels within the boundaries of the municipality and to repeal By-law # 2014-063, 2020-13-Council Members | 174 |
| 22.2 | Memorandum of Understanding with Beyond 21, 2020-14-Council Members | 184 |
| | Whereas Beyond 21 offers a valuable service for residents of Cornwall who have specific needs; and | |
| | Whereas Beyond 21 relies predominantly on fundraising as its principal source of revenue; and | |
| | Whereas the services provided are not offered by The Corporation of the City of Cornwall; and | |
| | Whereas a more consistent revenue stream would allow Beyond | |

21 to offer a more comprehensive service for its membership.

Now therefore be it resolve that the City of Cornwall enter into discussions with the Board of Beyond 21 with the objective to create an MOU between the City of Cornwall and Beyond 21; and

Now therefore be it further resolved that Administration report the results of these discussions prior to Budget deliberations of 2021.

Pending Business Listing

Liste des dossiers incomplets

The Pending Business Listing for Monday, June 8, 2020, is being presented to Council to receive.

23.1 Unfinished Business Listing for June 8, 2020, 2020-291-Corporate Services 185

Action Recommended

That Council receive the Unfinished Business Listing for June 8, 2020.

Confirming By-law

Règlement municipal de ratification

By-law 2020-081, being a By-law to confirm the proceedings of the Council of The Corporation of the City of Cornwall at its meetings held on Monday, June 8, 2020, is being presented to Council for adoption.

24.1 Confirming By-law for the Meeting of June 8, 2020, 2020-292-Corporate Services 188

Adjournment

Ajournement

The next regular public meeting of Council will be held on Monday, June 22, 2020.



Minutes

Cornwall City Council

Meeting #: 2020-13
Date: Monday, May 25, 2020, 7:00 PM
Location: Cornwall Civic Complex, 100 Water Street East, Cornwall, Ontario, K6H 6G4, Salon B, Lower Level
Chair: Bernadette Clement, Mayor
Prepared By: Debbie Caskenette, Deputy Clerk

| | | |
|------------|--------------------------------|-----------------------------|
| Attendance | Bernadette Clement, Mayor | Carilyne Hébert, Councillor |
| Committee | Claude E. McIntosh, Councillor | Maurice Dupelle, Councillor |
| Members: | Elaine MacDonald, Councillor | (via teleconference) |
| | Syd Gardiner, Councillor | Glen Grant, Councillor |
| | Dean Hollingsworth, Councillor | Todd Bennett, Councillor |
| | | Eric Bergeron, Councillor |
| | | (via teleconference) |

Absent: Justin Towndale, Councillor

| | | |
|-----------------|-----------------------------------|----------------------------------|
| Attendance | Maureen Adams, CAO | Tracey Bailey, General Manager, |
| Administration: | Manon L. Levesque, City Clerk | Financial Services |
| | Debbie Caskenette, Deputy Clerk | Bill Lister, EMS Chief |
| | Bill de Wit, Acting General | Michael Fawthrop, Division |
| | Manager, Infrastructure and | Manager, Infrastructure Planning |
| | Municipal Works | Len Tapp, Division Manager, |
| | Geoffrey Clarke, General Manager, | Transit |
| | Corporate Services | Emma Meldrum, Public |
| | Mark A. Boileau, General Manager, | Information Coordinator |
| | Planning, Development and | |
| | Recreation | |

1. In-Camera Session / Rise and Report from the In-Camera Meeting of Monday, May 25, 2020

Item #1, Report 2020-289-Infrastructure and Municipal Works, Brookdale Ave. North - Sanitary Sewer Extension - Update

e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Action Taken: Council received the report and provided direction to Administration.

2. Moment of Personal Reflection

3. National Anthem

4. Acting Mayor

The Acting Mayor for this month is Councillor Elaine MacDonald.

5. Opening

The Mayor acknowledged that we gather on the traditional territory of the Mohawk people of Akwesasne.

6. Roll Call

7. Additions, Deletions or Amendments

1. Consent Item 14.1, Proclamation of Paramedic Services Week, was moved to Communication Item 17.3 for discussion.

8. Adoption of Agenda

Moved By: Claude E. McIntosh, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to adopt the Agenda as amended.

Motion Carried

9. Disclosures of Interest

1. Todd Bennett, Councillor - Disclosure of Interest

Councillor Todd Bennett declared a conflict of interest on By-law 2020-075, Sale of extended Margeurite d'Youville and extended Easton Avenue to 764694 Ontario Ltd., as his personal residence backs onto the subject property and did not participate on the vote of the By-law.

10. Committee of the Whole

Moved By: Elaine MacDonald, Councillor

Seconded By: Glen Grant, Councillor

Motion to move into Committee of the Whole.

Motion Carried

11. Adoption of Minutes

Moved By: Elaine MacDonald, Councillor

Seconded By: Todd Bennett, Councillor

Motion to adopt the Minutes of May 11, 2020 as presented.

Motion Carried

12. Presentations

There were no Presentations.

13. Delegations

There were no Delegations.

14. Consent and Correspondence

Moved By: Todd Bennett, Councillor

Seconded By: Dean Hollingsworth, Councillor

Motion to approve the recommendations for Items 2 to 4 contained in the Consent portion of the Agenda of Monday, May 25, 2020.

Motion Carried

1. Proclamation of Paramedic Services Week 2020, 2020-209-Cornwall SDG Paramedic Services

This item was moved to Communication as Item 17.3 for discussion.

2. Ontario Regulation 284/09 - Budget Matter Expenses, 2020-292-Financial Services

That Council receive Report 2020-292-Financial Services as required by the Municipal Act, 2001, Ontario Regulation 284/09.

3. COVID-19 Temporary Pandemic Wage Subsidy, 2020-290-Corporate Services

That Council receive Report 2020-290-Corporate Services.

4. RFP Terms of Reference for the Supply and Maintenance of Multi-Function Devices, 2020-257-Financial Services

That Council receive Report 2020-257-Financial Services

15. Resolutions

There were no Resolutions.

16. Unfinished Business Reports

1. Closing of Pitt Street – COVID 19, 2020-306-Planning, Development and Recreation

Moved By: Eric Bergeron, Councillor

Seconded By: Maurice Dupelle, Councillor

Motion to receive Report 2020-306-Planing, Development and Recreation.

Motion Carried

17. Communication Reports

1. Tax Write-Offs / Adjustments, 2020-291-Financial Services

Moved By: Glen Grant, Councillor

Seconded By: Carilyne Hébert, Councillor

Motion to approve the tax write-offs/adjustments/vacancies under Sections 357 and 364 of the *Municipal Act, 2001*.

Motion Carried

2. April CPPEG 165 Montreal, 145 Pitt, 134 Montreal, 711 Pitt, 2020-304-Planning, Development and Recreation

Moved By: Maurice Dupelle, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to approve the following items:

a. 2642200 Ontario Inc at 165 Montreal Rd for

Program 2–Building Restoration & Improvement in the amount of \$3,635

Program 5-Municipal Planning/Development Fees Grant based on actual costs

Program 6-Discretionary Municipal Tipping Fees Grant based on actual costs

Program 7-Parking and Landscape Enhancement Program in the amount of \$25,000 as an interest free loan

a. Elizabeth and Chris Nurse at 145 Pitt St for

Program 2 – Building Restoration & Improvement in the amount of \$3,490 as an interest free loan

Program 4 – Façade Improvement and Sign Grant in the amount of \$8,500

Program 5-Municipal Planning/Development Fees Grant based on actual costs

Program 6-Discretionary Municipal Tipping Fees Grant based on actual costs

Conditional to reviewing the design for the new sign.

a. 1943217 Ontario Inc at 134 Montreal Rd for

Program 2 – Building Restoration & Improvement in the amount of \$30,000

Program 4–Façade Improvement Grant in the amount of \$10,000

Program 5-Municipal Planning/Development Fees Grant based on actual costs

Program 6-Discretionary Municipal Tipping Fees Grant based on actual costs

a. 1271450 Ontario Ltd at 115 Sydney St Addendum for Brownfield

Program 2–Environmental Site Assessment Grant in the amount of \$4,521

Program 4-Municipal Planning/Development fees grant based on actual costs

Program 5-Discretionary Municipal Tipping fees grant of \$81,529 remaining from previous approval in June and November of 2011

Motion Carried

3. Proclamation of Paramedic Services Week 2020, 2020-209-Cornwall SDG Paramedic Services

This item was moved from Consent Item 14.1 for discussion.

Moved By: Elaine MacDonald, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to proclaim the week of May 24, 2020, as "Paramedic Services Week 2020" in the City of Cornwall.

Motion Carried

18. Tenders and Requests for Proposals

1. Tender 20-T23 Maintenance of Traffic Control Signals and Flasher Systems, 2020-282-Financial Services

Moved By: Glen Grant, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to award Tender 20-T23 for a five year period effective August 1, 2020, with an option to extend the contract for an additional two years, to Black & McDonald Limited from Ottawa,

Ontario, at the total bid price of \$2,160,673.00 (net cost to the Corporation - \$1,945,752.96), including provisional items, being the best bid meeting the tender specifications.

Motion Carried

2. Purchase of Transit Buses Through the Transit Procurement Initiative, 2020-293-Financial Services

Moved By: Elaine MacDonald, Councillor

Seconded By: Todd Bennett, Councillor

Motion to approve the purchase of two (2) conventional buses from Nova Bus through the Metrolinx Transit Procurement Initiative process.

Motion Carried

19. New Business

Moved By: Claude E. McIntosh, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to give the CAO, Senior Team, all municipal employees and Unions a vote of confidence for their leadership and guidance in the handling of the COVID-19 pandemic.

Motion Carried

20. Passing of By-laws

Moved By: Glen Grant, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to adopt By-laws 2020-066 to 2020-074 inclusive, listed on the Agenda.

Motion Carried

Moved By: Elaine MacDonald, Councillor
Seconded By: Claude E. McIntosh, Councillor

Motion to adopt By-law 2020-075, Sale of extended Marguerite d'Youville and extended Easton Avenue to 764694 Ontario Ltd.

Motion Carried

1. **By-law 2020-066 - Renewed Lease Agreement with the Cornwall BMX Club, 2020-299-Planning, Development and Recreation, 2020-299-Planning, Development and Recreation, 2020-301-Planning, Development and Recreation**
2. **By-law 2020-067 - Renaissance, 423-425 Victoria, 221-223 Belmont, 2020-302-Planning, Development and Recreation, 2020-302-Planning, Development and Recreation, 2020-303-Planning, Development and Recreation**
3. **By-Law 2020-068 - Temporarily Close Various City Streets for Capital Projects, 2020-299-Infrastructure and Municipal Works, 2020-303-Infrastructure and Municipal Works**
4. **By-law 2020-069 - Tax Capping Options and Parameters for Properties in the Multi-Residential, Commercial and Industrial property classes for the year 2020, 2020-283-Financial Services, 2020-287-Financial Services**
5. **By-law 2020-070 - 2020 Tax Capping Decrease Limits, 2020-285-Financial Services, 2020-286-Financial Services**
6. **By-law 2020-071 - Tax Ratios for the Year 2020, 2020-288-Financial Services, 2020-288-Financial Services, 2020-289-Financial Services**
7. **By-law 2020-072 - To repeal and replace Schedule A of By-law 2019-067 to set the 2020 Tax Rates and to levy taxes for the year 2020, 2020-290-Financial Services, 2020-290-Financial Services, 2020-284-Financial Services**

8. **By-law 2020-073 – Renewal of Lease Agreement 64-0671 with St. Lawrence Seaway Authority Management Corporation, 2020-295-Planning, Development and Recreation, 2020-308-Planning, Development and Recreation**
9. **By-law 2020-074 – Renewal of Lease Agreement (64-0672) with the St. Lawrence Seaway Management Corporation, 2020-294-Planning, Development and Recreation, 2020-309-Planning, Development and Recreation**

Councillor Todd Bennett declared a conflict on this item.

10. **By-law 2020-075 - By-law to authorize the sale of extended Marguerite D'Youville and extended Easton Avenue (generally described as property north of GSDL) to 764694 Ontario Ltd (Grant Marion), 2020-294-Financial Services**

21. Reports from Committees of Council

1. Councillor Syd Gardiner inquired on the number of applications received under the Small Business Emergency Support Loan Program in response to COVID-19. Mark Boileau, General Manager of Planning, Development and Recreation indicated that 106 applications were received. Eighty applications have been reviewed and approved for payment. Five were deemed ineligible as three were from out-of-town businesses and two from not-for-profit organizations along with one withdrawal.
2. Councillor Carilyne Hébert provided an update on the delivery of the food hampers to vulnerable residents and extended a “thank you” to the municipal staff and volunteers for their support and assistance with this initiative on behalf of the Emergency Regional Response Council and its partners.
3. Councillor Elaine MacDonald applauded the staff at Cornwall and Area Housing Corporation for remaining open for service to their housing tenants. Cornwall and Area Housing manages 1,400 apartments and townhouses.

4. Councillor Glen Grant, on behalf of the Board of Directors for the Glen Stor Dun Lodge, expressed his gratitude for the services, commitment and efficiency of the Lodge staff to the health and well-being of the residents and the redeployment of other municipal staff to the Lodge.

5. Councillor Eric Bergeron requested that the deadline for businesses to submit an application under the loan program be extended.

Moved By: Eric Bergeron, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to extend the deadline to allow businesses to submit an application under the Small Business Emergency Support Loan Program in response to COVID-19 to Friday, May 29, 2020.

Motion Carried

22. Notices of Motion

1. Limit on New Business Motions, 2020-12-Council Members

Moved By: Claude E. McIntosh, Councillor

Seconded By: Syd Gardiner, Councillor

Whereas, currently, there is no limit on the number of Notices of Motions and New Business Motions for submitting at a Regular Meeting of Council by a Councillor and no deadline.

Therefore, be it resolved that each Councillor be limited to a maximum of two Notices of Motions and New Business Motions, combined, presented at a Regular Meeting of Council; and

Therefore, be it further resolved that each Notice of Motion and New Business Motion shall have a seconder prior to submitting it to the Clerk; and

Therefore be it further resolved that Notices or Motion and New Business Motions shall be delivered to the Clerk no later than 12:00 noon on the Tuesday preceding the date of the intended regularly scheduled Council Meeting, so that it may be included as part of the Agenda package and so that proper notice can be given to the public.

23. Pending Business Listing

1. Unfinished Business Listing for May 25, 2020, 2020-288-Corporate Services

Moved By: Todd Bennett, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to receive the Unfinished Business Listing for May 25, 2020.

Motion Carried

24. Confirming By-law

1. Confirming By-law for the Meeting of May 25, 2020, 2020-289-Corporate Services

Moved By: Todd Bennett, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to endorse By-law 2020-076, being a By-law to confirm the proceedings of the Council of The Corporation of the City of Cornwall at its meetings of Monday, May 25, 2020.

Motion Carried

25. Adjournment

The next regular public meeting of Council will be held on Monday, June 8, 2020.

Moved By: Carilyne Hébert, Councillor

Seconded By: Glen Grant, Councillor

Motion to adjourn the Meeting of Monday, May 25, 2020 at 8:45 p.m.

Motion Carried

Manon L. Levesque, City Clerk

Bernadette Clement, Mayor

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-280-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 8, 2020
Subject: Petition for Sunday Transit Service

Purpose

To present Council with a Petition received for Sunday Transit Service.

Recommendation

That Council refer this on-line Petition to Administration for a Report.

Background

An On-line Petition for Sunday Bus service in Cornwall has been remitted to the Clerk's Office.

The current Procedural By-law does not outline the requirements for submitting a Petition, however, it is common practice for municipalities to accept Petitions that contain information that is verifiable.

Supporters of this Petition did not provide their addresses nor valid e-mail addresses and thus the information contained in the Petition cannot be verified.

It would appear that some Petitioners live outside the City of Cornwall including such places as France, Africa, Israel, Vancouver and many areas in the United States.

In light of the fact that the City's Procedural By-law is silent on the requirements for submitting a Petition, the same process that is usually followed will be respected.

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Petition for Sunday Transit Service - 2020-280-Corporate Services.docx |
| Attachments: | <ul style="list-style-type: none"> - Petition - Sunday Bus Service In Cornwall - Change.org.pdf - Petition for Sunday Transit.pdf - Petition for Sunday Transit Comments.pdf |
| Final Approval Date: | May 29, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Manon L. Levesque - May 27, 2020 - 12:09 PM

Geoffrey Clarke - May 27, 2020 - 12:16 PM

Maureen Adams - May 29, 2020 - 2:54 PM



Sunday Bus Service In Cornwall



704 have signed. Let's get to 1,000!



Ginette Guy started this petition to Cornwall City Council

Presently the City of Cornwall does not offer any public transit on Sundays, no handi-transit, no bus service of any kind. This is discriminatory against people who do not own or have access to a car or people who cannot drive.

The impact of not having any public transit on Sundays is two-fold; it limits the mobility of the individuals and impacts the local economy. Non-drivers of all physical ability, age, and socio-economic levels cannot carry out the same level of activities on a Sunday as drivers can and this through no fault of their own. This has a direct impact on the local economy as this segment of non-drivers cannot shop,

dine out, go to the movies, attend events, and other entertainment on Sundays. Workers with no transportation must depend on family and friends to get a ride to work!

The City of Cornwall prides itself on being environmentally conscious but yet would sooner have more cars on the road than offering public transit on Sundays. In this day and age where many services are now accessible 24/7, it would seem timely for Cornwall to be progressive where it currently lags behind and update its transit services.

Start a petition of your own

Start a petition of your own

This petition starter stood up and took action. Will you do the same?

Start a petition

Updates

Petition Update

Hi,

7 days ago I started a petition for Sunday transit services in Cornwall. At t...

Petition Update

Hi,

7 days ago I started a petition for Sunday transit services in Cornwall. At the time I emailed the mayor and all city councilors.

The petition now has 528 signatures and today I emailed city council again to let them know of the results. People need the buses to run on Sunday for two reasons; get to work and break the isolation. I will update everyone if anyone from the city responds.

Thanks,

Ginette



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-294-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 8, 2020
Subject: Ribfest 2020 Use of Parking Lot at Cornwall Civic Complex

Purpose

To request permission for the use of the east parking lot at the Cornwall Civic Complex for a drive-through Ribfest event.

Recommendation

That Council refer this request to Administration for a report.

Background / Discussion

Optimist Club of Cornwall is requesting permission to use the east parking lot at the Cornwall Civic Complex for a drive-through Ribfest event from Friday, July 24 to 26, 2020. Setup would occur on July 23, 2020.

| | |
|----------------------|-------------------------------------------------------------------------------------|
| Document Title: | Ribfest 2020 Use of Parking Lot at Civic Complex - 2020-294-Corporate Services.docx |
| Attachments: | - Letter to City Clerk Ribfest 2020.docx |
| Final Approval Date: | Jun 5, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 4, 2020 - 4:14 PM

Maureen Adams - Jun 5, 2020 - 11:09 AM

OPTIMIST CLUB OF CORNWALL
P.O. BOX 794
CORNWALL, ON K6H 5N7

June 4, 2020

Ms. Manon Levesque

Office of the City Clerk

340 Pitt Street

Cornwall, ON K6H 5T7

Re: Optimist Club of Cornwall Ribfest 2020

Dear Ms. Levesque

The Optimist Club of Cornwall has developed a drive through style Ribfest for 2020 in an order to provide something to the residents in the area at this time when almost all events, festivals and gatherings have been cancelled. We feel that providing a portion of Ribfest will be better for the community and our organization than simply closing for the year. Our plan has been submitted to the EOHU and we are awaiting approval of the restaurant style setup. All efforts will be directed towards creating and maintaining a safe and responsible event for the public in these unprecedented times. We have taken steps to respect social distancing by having a setup that does not encourage the patron to exit their vehicle. Walk up traffic will be handled by having volunteers deliver the purchases to them.

The concept is based on a majority of orders being made online where there will be different options for payment to avoid the use of cash as much as possible. It is also our plan to try schedule pickups in an attempt to prevent significant traffic issues. The concept would involve using the east parking lot at the Civic Complex to arrange a drive up service booth where the order would be identified, then proceeding to the appropriate lane by the ribbers where the food would be handed to them in their vehicle. They would then proceed through a roadway marked off by traffic cones to the other areas where the remaining part of their orders can be fulfilled while at no time being required to exit their vehicle. They would then have to exit on to Water Street with no provision for parking.

We therefore request the use of the East parking lot at the Civic Complex along with using the north parking lots for traffic control by having entrance only from Water Street eastbound lane at the west entrance and exit only by the aquatic center.

We plan to set up on location at the Civic Complex beginning Thursday July 23, 2020 to ensure all equipment is operative and safe in conducting business from Friday July 24th to Sunday July 26, 2020.

Thanking you for your time in this matter.

Respectfully,

Terry Muir

President

Optimist Club of Cornwall

The Corporation of the City of Cornwall

Regular Meeting of Council

Resolution

Department: Corporate Services
Division: Clerk's Division
Resolution Number: 2020-02
Report Number: 2020-293-Corporate Services
Meeting Date: June 8, 2020
Subject: Limit on New Business Motions

Whereas, currently, there is no limit on the number of Notices of Motions and New Business Motions for submitting at a Regular Meeting of Council by a Councillor and no deadline; and

Now therefore be it resolved that each Councillor be limited to a maximum of two Notices of Motions and New Business Motions, combined, presented at a Regular Meeting of Council; and

Now therefore be it further resolved that each Notice of Motion and New Business Motion shall have a seconder prior to submitting it to the Clerk; and

Now therefore be it further resolved that Notices of Motions and New Business Motions shall be delivered to the Clerk no later than 12:00 noon on the Tuesday preceding the date of the intended regularly scheduled Council Meeting, so that it may be included as part of the Agenda package and so that proper notice can be given to the public.

Report Approval Details

| | |
|----------------------|------------------------------------------------------------------|
| Document Title: | Limit on New Business Motions - 2020-293-Corporate Services.docx |
| Attachments: | |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Manon L. Levesque - May 28, 2020 - 4:03 PM

Geoffrey Clarke - Jun 2, 2020 - 1:59 PM

Maureen Adams - Jun 2, 2020 - 3:17 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Building and By-law
Report Number: 2020-307-Planning, Development and Recreation
Prepared By: Mark A. Boileau, General Manager
Meeting Date: June 8, 2020
Subject: Business Parking – COVID-19

Purpose

To provide Council with information regarding Business Parking during COVID-19 as outlined in the New Business Motion approved May 11, 2020.

Recommendation

That given the impact of COVID-19, Council approve the following:

1. Continue to provide complimentary parking at all city spaces until Monday, June 22, 2020; and,
2. Provide first hour complimentary parking at all metered curbside and pay-by-plate parking spaces from June 22, 2020 until August 31, 2020; and,
3. Continue the City's current parking program starting September 1, 2020.

Financial Implications

The attached Parking Revenue document provides information on the historical collections (2018 and 2019), which would assist in determining the impact of providing complimentary parking, whether at meters or at Pay-by-Plate machines. Any revenue reduction is of concern if Cornwall's parking program is to remain self-financing and not dependent on the general taxation base.

Strategic Priority Implications

This item meets the City's strategy for reducing the number of vacant commercial spaces, as well as its mission of providing a financially sustainable community.

Background / Discussion

At the Regular Council Meeting of May 11, 2020, the following New Business Motion was approved:

Now therefore be it resolved that Council request Administration to prepare a report on parking rule changes for the remainder of 2020 including and not limited to:

- ending paid parking within city limits
- relaxing parking By-Laws to allow for curbside pickup
- allowing businesses to claim a parking spot in front of their business for expanded shopping space
- to identify spaces for expanded pedestrian access (for social distancing) and for possible expansion of bike lanes throughout the city

Now therefore be it further resolved that this report be presented to Council at its next Regular Meeting of Council of Monday, May 25, 2020.

The goal of the report would be to provide a series of suggestions on which rules would impact the local business community the most and at what cost to the city.

Cornwall's Parking Program:

The parking program, among other features, provides for paid public parking facilities on-street and in municipal parking lots. It is composed of 270 parking meters, 12 pay-by-plate machines, and 10 parking lots. Most are located in the two BIA Districts; those that produce the highest demand.

As well, over 200 monthly parking passes are available to the public for reserved municipal lot parking. Except for the Si Miller and Lally-Blanchard lots, all lots are located in the two BIA Districts. There is currently a waiting list for parking passes.

Enforcement is a component of the parking program and is administered by By-Law Enforcement Services. It ensures among other things compliance with Traffic and Parking By-Law 069-1989 regulations which require payment for the

use of convenient City owned parking facilities. Enforcement also protects public welfare and right-of-way maintenance regulations in favour of fire hydrant access, clear fire routes, property and emergency accessibility, barrier-free parking, school zone safety, garbage and snow removal, together with street cleaning.

Paid public parking facilities promote parking space use turnover and limits monopolization of available parking. This benefits commercial activity, particularly for retail and service establishments.

Public parking is considered a necessity in a city's commercial core where private parking is most often not available. In Cornwall, revenue from paid parking and from Parking By-Law Enforcement is programmed to offset parking program administration, enforcement and upgrading expenditures, as well as partially offsetting infrastructure maintenance and replacement.

Payment parking is enforced between 9:00 am and 6:00 pm Monday to Friday. Use of City parking facilities is otherwise complimentary. Public welfare and right-of-way maintenance regulations are enforced 24/7 and cannot be exempted from enforcement actions. Cornwall Police Service provides enforcement after hours, on weekends and statutory holidays.

Where private parking is provided for example in suburban shopping mall lots, similar maintenance costs as well as initial land purchase and municipal tax costs are factored into the merchandise pricing. No parking, be it public or private is "free".

Ending paid parking within city limits:

Parking revenues for the last couple of years were \$588,859.38 in 2018, and \$533,810.75 in 2019 (see attached spreadsheet); therefore, on average, the monthly revenue is approximately \$50,000 (\$46,777 over 2018 and 2019). These totals include parking permits, meter collections, machine collections, and violations. It is estimated that the financial impact of removing payments for the balance of 2020 (June to December) would be \$325,000.

The parking program is self-financed (user-pay cost recovery model), in that any equipment or capital improvement costs, annual licensing fees and salaries dedicated to parking enforcement are paid for from the above revenues. In recent years, By-Law Enforcement Services has purchased approximately \$120,000 in pay-by-plate machines, which are situated both street side and in interior municipal downtown lots.

The requirement for payment of parking not only contributes to the parking program, but also controls parking at the subject locations. For example, the requirement for payment in front of businesses ensures turnover, which is beneficial to the business and to the customer. Similarly, the requirement for payment in the interior lots ensures that parking spaces are available for permit holders (typically business owners and employees). It would be difficult for example, to ensure that parking spaces are available to customers, versus local residents and at times merchants themselves parking in curbside or interior lots, if parking were complimentary. Our experience in the past week or so is that cars are remaining in place for extended periods of time, and we have received complaints from some store owners as a result.

It should be noted that Cornwall's general rate of \$1 per hour is similar to most other municipalities in Eastern Ontario, and our monthly permit costs are lower than all compared. (See Municipal Information Comparison Table attached).

Complimentary parking for limited timeframes (1 or 2 hours, for example) requires more labour-intensive enforcement at meters; we have received confirmation that the pay-by-plate machines can be programmed to allow first hour complimentary parking, however it will take 10-14 days to be programmed by the contractor, and will have a cost of approximately \$750-\$1,000 to implement. At meters, it requires the Officer to attend initially and after the timeframe, can be more confrontational and more difficult to enforce and defend. It would also result in more complaints on contraventions to By-Law Enforcement Services. More enforcement time by the City's By-Law Enforcement Officers on parking reduces the amount of time spent on other matters such as property standards, yard maintenance, noise complaints, animal control, general By-Law contraventions, etc.

As outlined above, the Pay-by Plate machines can be programmed to have varying rates per hour. This would allow the user to benefit for the first hour, and the balance would return to the normal \$1/hour rate. The program will also be accessible using the ``Way-to-Park`` APP feature, which will soon be available. As these machines are not available throughout the business community, particularly in Le Village, the more traditional oversight will be required outside the downtown.

As a general comment, some form of complimentary parking during the Emergency Period resulting from COVID-19 is of significant assistance to the community's efforts to revitalize business activity and is recommended. However,

as outlined herein, the financial burden of extending the relief more permanently simply transfers the costs for parking provisions onto the general taxpayer. It should be noted that any business providing complimentary on-site parking, whether downtown or abroad, would be paying not only for its associated costs (land, improvements, maintenance, etc.), but would also be subsidizing the community's complimentary parking. It is not uncommon for a business which cannot meet the parking requirements of the Zoning By-Law to be charged a fee (cash-in-lieu amount assigned by the Committee of Adjustment through an application for relief) of \$1,500/space locally, plus the C. of A. \$2,250 application fee. This cost is in fact considerably below actual costs per parking space, and below many other comparable fees for same (ex. Kingston \$2,080, Ottawa \$5,000, London \$7,000, Kitchener \$35,000).

Relaxing parking By-Laws to allow for curbside pickup:

Following the Province's announcement that retailers would be permitted to provide curbside pickup services as of May 11, 2020, the City installed free curbside parking at various locations in the two BIA's. As of Tuesday, May 19, 2020 resulting from the Province's allowance for retailers to sell within their premises using COVID-19 guidelines, there is a diminished need for curbside parking. However, in order to meet the needs of some retailers which have not yet set up public access, the curbside parking is being maintained until no longer required. Staff will continue to monitor this feature.

Allowing businesses to claim a parking spot in front of their business for expanded shopping space:

As per the City's Encroachment Agreement updated in 2016, staff would encourage businesses to apply where they see a good fit for use of additional outdoor space. This may be on the existing bump-outs on Pitt Street from Third to First, or in other pedestrian areas, or in parking spaces once well protected and defined. Staff have had preliminary conversations with a couple of downtown merchants regarding this matter, at the time of writing this report. As some businesses do not have a parking spot in front of their store, this opportunity would not be available to all businesses.

To identify spaces for expanded pedestrian access (for social distancing) and for possible expansion of bike lanes throughout the city:

As per staff's report of May 25, 2020, social distancing in most of the downtown is not problematic. For bike lane commentary, please refer to the Transportation section comments following.

Comments from other Departments/Agencies:

By-Law Division: By-Law Enforcement Services

Parking Management

The City of Cornwall By-Law Enforcement Services monitors, regulates, and enforces parking activity in the city through the administration of the City of Cornwall's Parking By-Law which details restrictions on where and when parking is permitted on all city streets.

Parking Management Objectives

Parking choices are predicated on accessibility, affordability, and safety. The objective is to always provide sufficient parking that is strategically located, appropriately priced and is safe.

It is the City's goal to continue to:

1. Provide and maintain an appropriate supply of affordable, secure, accessible and convenient public parking (*customer focus*).
2. Provide and promote affordable short-term parking services, with fair and consistent enforcement services, that support local businesses and tourism (*economic development focus*).
3. Ensure the revenues generated by the Municipal Parking Program are sufficient to fully recover all related operating and life-cycle maintenance expenditures (*financial sustainability focus*).
4. To work towards residential de-escalation of parking problems (residential housing which is within close surroundings of the downtown core).
5. Work towards improving the efficiency and effectiveness of current and future resources dedicated to parking.
6. Maintain a constant progressive parking infrastructure (meters, machines, APP).
7. Promote a mix of programs to address parking pressures while encouraging activity downtown as well as ensuring convenience for people to shop and do business downtown.
 - a. Free 15-minute parking along some areas on Pitt Street.
 - b. Paid parking in the adjacent blocks.
 - c. Paid parking lots.

Parking Management Importance

Recognizing that public parking is a community asset, the management policies and procedures play an important role in supporting controlled order downtown during regular workdays as well as during activities and events.

1. The parking management process strives to achieve efficient and effective parking management while supporting business vitality and sustainability.
2. Residents pay a fee to park in a place because there is a premium on space.
3. Paid parking revenues could be committed to the economic vitality of the downtown core to ensure that the downtown continues to be vibrant and progressive. This would mean that additional revenue can be injected into local projects and amenities.
4. The current parking infrastructure is financially self-sufficient and sustainable. The parking system will continue to pay for itself (will operate under a user-pay cost recovery model) including funding for new infrastructure, maintenance, equipment, enforcement, upgrades, customer service APPs, replacement of existing infrastructure and management.
5. Downtown parking promotes a safe and inviting downtown parking environment.
6. Focus on customer service, friendliness and fairness in parking practices by providing options, technologies and information.
7. Parking enforcement is an important tool for managing and maximizing the downtown parking supply and has city-wide implications.
8. Downtown businesses purchase parking permits as a benefit to their staff to ensure parking space is available for them. Employees are a valuable user group in the downtown core. Implementation of any different source of parking must be such that downtown employees remain a valuable economic and social component of the downtown.

Impact of No Parking Fees

1. The parking enforcement for both the Downtown BIA and Le Village BIA is conducted by By-Law Enforcement Officers first “on-foot” and “vehicle” patrol, and secondly by responding to complaints.

If the parking fees are waived for any period (short or long-term), the “on-foot” and “vehicle” patrolling will not be conducted regularly due to the fact that revenues generated from the parking enforcement assist the department with all By-Law Enforcement Service expenses (i.e. staffing, vehicles, etc.).

2. Parking enforcement is considered to be the main deterrent of illegal parking, as drivers are less likely to exhibit illegal parking behavior if they perceive a higher chance of getting ticketed by a By-Law Enforcement Officer. Illegal parking often arises as a result of insufficient enforcement. Less enforcement may encourage more illegal parking.
3. If/When individuals choose to park in a parking stall for a lengthy period of time causing low parking turnover rate, whether it be on street or in parking lots, this type of violation will go unnoticed and will not be resolved quickly.

Financial Services:

The Municipal Act requires a connection between the user fees collected and the cost of a service. The current funding model for the City's parking program is that revenues from parking fees stay within the Parking Program service.

The parking program is not designed as a profit center nor does it perform as one. Revenue is used primarily to offset operating expenditures, including salaries, equipment, maintenance, lease agreements, snow removal, and property taxes. For instance, the City leases three parking lots, and rent is paid by the City with parking revenues.

Revenue is sourced from parking meters, pay and display machines, and monthly passes, as remuneration to the City for the use of its parking facilities. Parking tickets issued for non-payment add to revenues as do public welfare and right-of-way maintenance related violation tickets for parking in front of a fire hydrant, in a fire lane, too close to an intersection, in a barrier-free space without a provincially issued accessible parking permit, restricting snow removal and similar.

Annual parking revenues collected in excess of parking-related costs are contributed to the Parking Reserve Fund. The Parking Reserve Fund is used to offset any operating revenue shortfalls and for funding parking-related capital works; such as, paving of parking lots, fencing.

The dollar (\$1.00) per hour parking rate and violation rates were last set in 2007. Due to inflation and the expansion of the parking program, the Parking Reserve Fund was used to offset revenue shortfalls in three of the last five years to balance operating expenditures to the public to zero.

At this time, any revenue reduction is of concern if Cornwall's parking program is to remain self-financing and not dependent on the general taxation base.

Municipal Works: Infrastructure Planning

Ending Paid Parking Within City Limits

If paid parking was eliminated within City limits, it would greatly discourage vehicle turnover adjacent to local businesses. On-street parking turnover within business areas is very important as it discourages vehicles from parking in a spot for prolonged periods and opens up new spaces for additional shoppers. The best way to self-control and encourage parking turnover is with metered paid parking.

If paid parking was eliminated in an effort to support local businesses, it would likely render the opposite result as it would significantly limit the vehicle turnover adjacent to local businesses thus lowering the number of potential customers. Eliminating paid parking would allow and may encourage guests/clients of residents and non-retail businesses to park in the on-street parking spaces for prolonged periods thus reducing the amount of available on-street parking spots for customers visiting retail businesses.

If complimentary parking for limited time frames (1 or 2 hour timeframe) was implemented, it would be extremely difficult to enforce as noted above. A recent example of the difficulty of enforcing maximum time parking, is York Street in front of the St. Joseph's Villa. Vehicles would park on the road for the entire day and would simply move the vehicle occasionally throughout the day in order to avoid fines. After several months of enforcement efforts, the issue was only resolved with the implementation of metered parking. If complimentary parking for limited timeframes was provided, a similar issue could arise thus limiting vehicle turnover and decreasing the number of potential shoppers.

In addition, if free parking is implemented in paid parking lots, it may hurt other types of business located in the downtown which rely on longer stay short term parking (up to 2 hours). Similar to on-street parking, a parking time limit and vehicle turnover is better controlled with paid parking in the parking lots. The elimination of paid parking in the City owned parking lots would result in vehicles parking for prolonged periods thus eliminating potential parking spots for shoppers as well as for the clients of other businesses located in the downtown. People would likely park at the lots for long periods of time if paid parking is removed at the parking lots, which will be detrimental to parking turnover. There are also areas in the parking lots dedicated to monthly permit holders. The City already has sold permits to those monthly pass users. Making parking free at the parking lots, would be unfair for those who have already paid for a monthly permit.

City owned parking lots require operational and capital investments both in the short and long term. The capital works and operational maintenance of the parking lots is funded using the revenue generated from the metered parking program. The capital expenditures necessary to maintain the parking lots include asphalt resurfacing, concrete curb replacement, fence replacement, etc. The ongoing operational maintenance costs of the parking lots include snow clearing, pavement markings, etc. If paid parking was eliminated, the revenue necessary to fund the capital and operational expenses of the parking lots would be eliminated and would need to be funded directly from the tax base. Additionally, the City currently leases three of the parking lots and the rent is paid by the City with the parking revenues.

Relaxing Parking By-Laws To Allow For Curbside Pickup

As previously noted, the City has installed free curbside parking locations in the two BIA's. The Traffic and Parking By-Law does allow for the vehicles to park temporarily for the purposes of loading or unloading of merchandise. Please refer to Section 1 (27) below:

"Sec. 1 (27) "park" or "parking" when prohibited means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purposes of and while actually engaged in loading or unloading merchandise or passengers."

The Traffic and Parking By-Law could be amended to designate areas as curbside pickup only; however, it would not be required. Since retailers have been permitted to re-open using COVID-19 guidelines, the need for curbside pickup parking has been reduced as noted above.

Allowing Businesses To Claim A Parking Spot In Front Of Their Business For Expanded Shopping Space

If parking spaces were to be designated as expanded shopping space for businesses, it would limit the number of available spaces for vehicles. Currently, there are often not enough open on-street parking spaces to support the needs of the retailers/businesses in the downtown.

If parking spaces are designated for other purposes, it would likely be detrimental to the businesses as it would limit the number of available parking spaces directly adjacent to the store thus possibly reducing the number of customers. Additionally, this could be detrimental to the current curbside pickup arrangement. There are generally not sufficient spaces currently for each business. As noted above, there is a significant amount of pedestrian space that could alternatively be used as expanded shopping space.

To Identify Spaces For Expanded Pedestrian Access (For Social Distancing) And For Possible Expansion Of Bike Lanes Throughout The City

As noted in the Council Report from May 25, 2020, social distancing in the downtown area is not problematic due to the amount of available pedestrian space. Pitt Street, Second Street as well as Montreal Road offer ample sidewalks, varying from 3 to 6 meters in width within the downtown areas and Le Village.

Where space is available, and if rules allow for certain business operations, such as outdoor restaurants, etc., business operators could seek specific encroachment permits that would support their operations on the sidewalk, where possible, on a case-by-case basis.

In terms of bicycle infrastructure, the City has been and continues to expand the bicycle lanes throughout the City with a comprehensive network which provides sufficient connectivity to the downtown areas. At this point, cyclists can access the downtown and Le Village areas safely and conveniently utilizing the existing bicycle infrastructure.

| | |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Business Parking - COVID 19 - 2020-307-PDR.docx |
| Attachments: | <ul style="list-style-type: none"> - Municipal Parking Comparison Review As of May 29, 2020.pdf - 2018-2019 PARKING REVENUE.pdf - DBIA_Parking_Map 8.5x11.pdf - Village_Parking_Map 8.5x11.pdf - DBIA Parking Feedback, May 28, 2020.pdf - Chamber Letter on Parking, May 28, 2020.pdf - Le Village BIA - Business Parking COVID-19, May 18, 2020.pdf |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Tracey Bailey - Jun 2, 2020 - 2:19 PM

Maureen Adams - Jun 2, 2020 - 4:40 PM

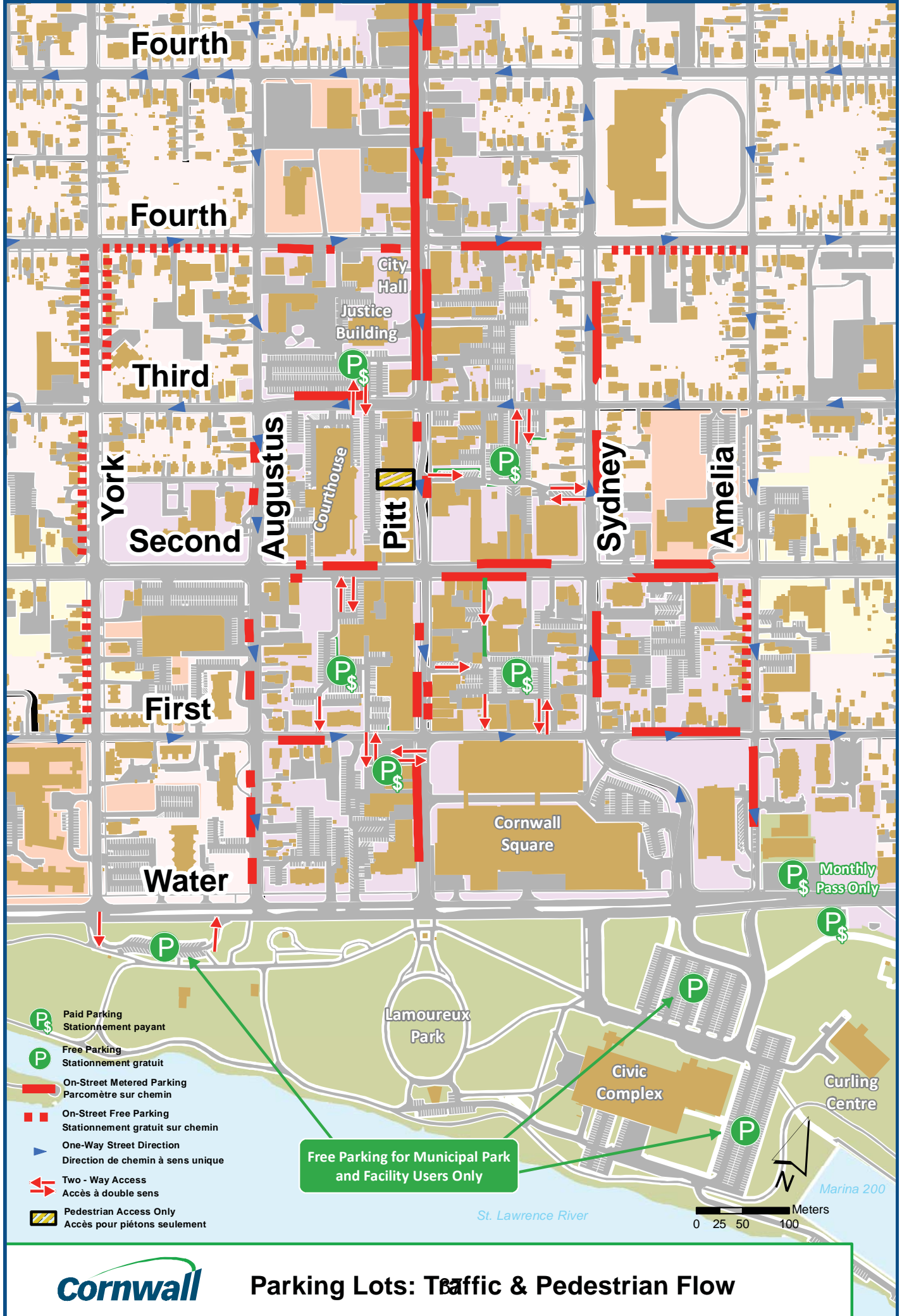
Municipal Parking Comparison Review – As of May 29, 2020

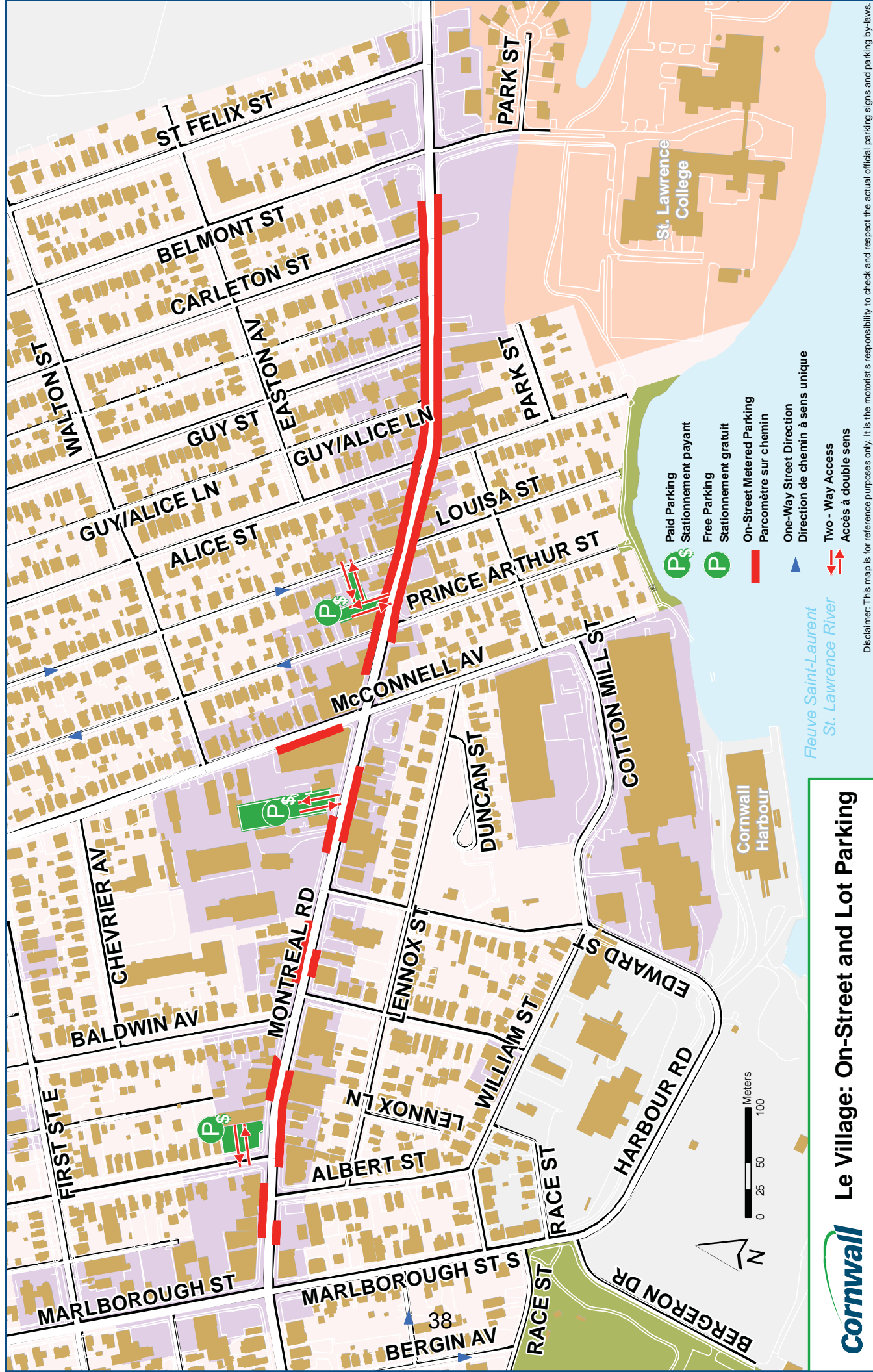
| ITEM | BROCKVILLE | KINGSTON | BELLEVILLE | QUINTE WEST | CORNWALL |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking Spaces | <ul style="list-style-type: none"> – 7 Municipal Lots – Parking Meters Only (accept quarters, loonies and toonies only). | <ul style="list-style-type: none"> – 4,000 parking spaces – 1,400 On-Street Pay & Display or Metered Parking Spots | <ul style="list-style-type: none"> – 1,000 parking spaces – 100 on-Street spaces on Front Street – 11 Parking Lots | <ul style="list-style-type: none"> – 425 parking spaces – Includes 148 On-Street metered spaces – 5 Municipal Parking Lots – Meters – Pay and Display | <ul style="list-style-type: none"> – 10 Municipal Lots – 284 Parking Spots (not including streets) – Pay-by-Plate Machines – Parking Meters – APP (ready for operation) – No need to display permits and/or tickets anymore – Permits |
| Complimentary Parking | 2 Hours (on designated streets – Main and a couple of side streets) | N/A | 1 Hour (on one small portion of Front Street) | N/A | N/A |
| Paid Parking | <ul style="list-style-type: none"> – Parking Lots Available – 3 Hour Maximum On-Street Parking – Fines \$20.00 | <ul style="list-style-type: none"> – Parking Lots Available – Parking Time Limits varies Between 2-3 Hours Only | <ul style="list-style-type: none"> – Parking Lots Available – 2 Hour Maximum On-Street Parking @ meters | <ul style="list-style-type: none"> – Parking Lots Available | <ul style="list-style-type: none"> – Parking Lots Available – No Time Limits – On-Street – Fines \$25.00 |
| Cost Per Hour | \$1.00 | \$1.50 – 2.00 per hour (depending where) | \$1.00 | \$0.50 | \$1.00 |
| Monthly Permit Costs | N/A | \$80.00 to \$137 Waiting Lists. | \$45.00 to \$65.00 | \$56.00 | \$35.00 to \$50.00 Some Waiting Lists |
| Other | <ul style="list-style-type: none"> – After the 2 hour complimentary parking, individuals must use the parking lots and not the free on-street parking as parking over 2 hours is subject to a \$20.00 fine. – all other streets in Brockville are subject to 3 hour parking only. – Parking Enforcement 9-5 | Offers a variety of On-Street Permits. Limited amount of permits available. Many streets have day time restrictions prohibiting | | <ul style="list-style-type: none"> – If you require a longer stay than that indicated on the meter, you are encouraged to park your vehicle in a municipal lot. | <ul style="list-style-type: none"> – Unlimited time for parking. – Parking Enforcement 9-6 |

PARKING REVENUE
JANUARY-DECEMBER 2018 and 2019

| | PERMITS | | METERS/PAY MACHINES | | VIOLATIONS | |
|---------------------|----------------------|---------------------|----------------------|----------------------|----------------------|----------------------|
| | 2018 | 2019 | 2018 | 2019 | 2018 | 2019 |
| JANUARY | \$ 11,193.93 | \$ 3,522.27 | \$ 12,749.84 | \$ 12,254.61 | \$ 20,215.00 | \$ 13,694.35 |
| FEBRUARY | \$ 1,283.24 | \$ 1,881.77 | \$ 20,837.99 | \$ 16,084.14 | \$ 12,310.25 | \$ 17,483.80 |
| MARCH | \$ 3,401.75 | \$ 29,854.94 | \$ 23,468.53 | \$ 24,747.64 | \$ 24,452.25 | \$ 20,402.15 |
| APRIL | \$ 31,270.91 | \$ 4,296.22 | \$ 22,529.93 | \$ 24,733.55 | \$ 22,352.00 | \$ 11,814.79 |
| MAY | \$ 18,933.40 | \$ 15,917.38 | \$ 14,997.13 | \$ 26,048.65 | \$ 19,116.72 | \$ 19,076.44 |
| JUNE | \$ 2,459.84 | \$ 3,679.93 | \$ 27,043.76 | \$ 19,732.56 | \$ 11,812.25 | \$ 7,585.52 |
| JULY | \$ 9,771.58 | \$ 10,708.48 | \$ 26,865.53 | \$ 22,662.15 | \$ 16,973.45 | \$ 25,300.30 |
| AUGUST | \$ 684.71 | \$ 456.92 | \$ 22,980.47 | \$ 1,672.49 | \$ 14,492.05 | \$ 13,331.48 |
| SEPTEMBER | \$ 2,991.59 | \$ 6,345.96 | \$ 18,643.10 | \$ 4,953.56 | \$ 17,613.25 | \$ 8,819.23 |
| OCTOBER | \$ 12,564.50 | \$ 11,503.26 | \$ 27,154.64 | \$ 61,751.36 | \$ 25,204.93 | \$ 16,065.74 |
| NOVEMBER | \$ 3,806.30 | \$ 4,894.70 | \$ 23,609.56 | \$ 24,045.46 | \$ 10,527.85 | \$ 10,487.37 |
| DECEMBER | \$ 8,266.11 | \$ 1,177.59 | \$ 24,471.26 | \$ 22,681.49 | \$ 21,809.78 | \$ 14,142.50 |
| TOTALS: | \$ 106,627.86 | \$ 94,239.42 | \$ 265,351.74 | \$ 261,367.66 | \$ 216,879.78 | \$ 178,203.67 |
| | | | | | | |
| 2018 TOTALS: | \$ 588,859.38 | | | | | |
| 2019 TOTALS: | \$ 533,810.75 | | | | | |

Note: The coin machine was broken at the Tax Office during August and September 2019. Coin was deposited in October 2019.





Disclaimer: This map is for reference purposes only. It is the motorist's responsibility to check and respect the actual official parking signs and parking by-laws.



May 28, 2020

To: Cornwall City Council
Cc: City Clerk Manon Levesque
Re: Response on Business Parking - COVID-19

On request from the office of the General Manager, Planning, Development and Recreation, the Cornwall Downtown Business Improvement Area asked to prepare a response to the motion presented to council by counsellor Eric Bergeron at the council meeting on May 11th regarding "Business Parking - COVID-19".

Parking in the downtown has been an issue that the DBIA has encouraged the City to address for some time. The DBIA continues to be in favour of:

- 1) Enforced 1-hour complimentary on-street parking
and
- 2) Enforced 2-hour complimentary parking in the area municipal parking lots

It is recommended that these measures remain in place in parallel with the Eastern Ontario Health Unit COVID-19 related safety measures and restrictions on retail and food service businesses.

In offering complementary parking as noted above, it would not only limit the touching of common area's such as pay meters, it would send a powerful message to DBIA merchants and to the community that downtown businesses are open to safely serve customers again.

Prior to the pandemic, the implementation of the new parking meters resulted in a harmful impact on DBIA members. A survey conducted between March 4th and March 10th, 2020 by the Chamber of Commerce, in association with the DBIA, illustrates that of the 32 respondents, there was:

- A DECLINE IN SALES: An average decline in sales of -15% with some respondents experiencing up to 50% drop in sales
- A NEGATIVE IMPACT ON BUSINESS: 53% reported a negative impacted on their business
- A LOSS IN CUSTOMER BASE: 50% of the respondents lost customers, with 0% claiming an increase in customers

The negative impact of changes to parking before the pandemic, coupled with the disastrous effect of the emergency orders in response to the pandemic, has created a daunting challenge for members of the DBIA. The City can provide the members with some relief by immediately instituting the recommendations in this letter. If the parking changes demonstrate a positive impact on members, the DBIA further encourages the City to extend the free parking in perpetuity.

The DBIA appreciates the opportunity to provide feedback to Council and is eager to work with administration on a winning resolution to the matter.

Thank You,

Martha Woods,
Chairperson,
Downtown Business Improvement Area
martha@eotb-cfeo.on.ca

May 28, 2020

To: Cornwall City Council
Cc: City Clerk Manon Levesque
Re: Response on Business Parking - COVID-19

On request from the office of the General Manager, Planning, Development and Recreation, the Cornwall & Area Chamber of Commerce was asked to prepare a response to the motion presented to council by counsellor Eric Bergeron at the council meeting on May 11th regarding "Business Parking - COVID-19".

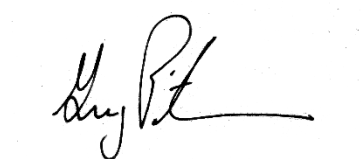
The Chamber supports the Downtown Business Improvement Area (DBIA) position that there be 1-hour complimentary on street parking and 2-hour complementary parking in the area municipal lots. We further recommend strict enforcement of these measures. We trust that this will also be extended to Le Village.

It is our expectation that the City ensure that amidst and post pandemic, parking not become an obstacle, but rather an attractant to shoppers. Ease of access for shoppers, specifically shoppers with mobility issues, is paramount in the age of online shopping.

Downtowns are the heart of cities and an illustration of community economic health. It is of the utmost importance that we listen and respond to the request of our BIA's. Working together, we can revitalize, re-grow, and reinvent the BIA's amidst this pandemic.

The Chamber commits to making itself available for further discussion and looks forward to working with City administration and counsel on a resolution which benefits all parties.

Sincerely,



Greg Pietersma,
Executive Director,
Cornwall & Area Chamber of Commerce
pietersma@cornwallchamber.com

Le Village BIA
c/o Dr. Michel Dubuc
10 Montreal Rd
Cornwall, Ontario,
K6H 1B1

Attn: Mark Boileau, MCIP, RPP
General Manager
Department of Planning, Development and Recreation
100 Water Street East
Cornwall, Ontario, K6H 6G4
613 930 2787, ext. 2599
613 551 7057 (cell)

RE: Business Parking-Covid-19

May 18, 2020

Dear M. Boileau,

Le Village supports the following statements:

- 1) Ending paid parking within city limits.
- 2) Relaxing parking By-law to allow curbside pick up
- 3) Allowing businesses to claim a parking spot in front of their business
- 4) To identify spaces for expanded pedestrian access (for social distancing)

Le Village does not support expansion of bike lanes throughout the city because of the potential extraordinary cost involved in this expansion during these unprecedented times. For safety reasons, (speed and the flow of traffic along Montreal Rd.) Le Village does not wish to support to have businesses expanding their businesses on the street.

Feel free to contact me if you need further clarification.

Sincerely,



Dr. Michel Dubuc
Chair, Président
Le Village BIA
10 Montreal Rd
Cornwall, Ontario,
K6H 1B1
613-330-2847

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2020-313-Planning, Development and Recreation
Prepared By: Mark A. Boileau, General Manager
Meeting Date: June 8, 2020
Subject: Home-Based Businesses – COVID-19

Purpose

To provide Council with information regarding the establishment of home-based businesses during the COVID 19 pandemic, generally covered under the City's Zoning Bylaw Standards for Home Occupations, resulting from a New Business Motion of Council approved May 11, 2020.

Recommendation

1. That Council receive this report; and
2. That Council maintain its current `Home Occupation` standards.

Should Council wish to amend any of the provisions in the Home Occupation standards, it is recommended that examples outlined in this report, including standards found in other municipalities, be reviewed during the Zoning Bylaw Review currently underway, and that required Public Notice be included in the process.

There is no immediate impact resulting from changes to the Home Occupation standards, however the permanent establishment or migration of businesses to residential zones could result in higher commercial vacancy rates, and therefore loss in commercial assessment.

Strategic Priority Implications

The following priorities are relevant to the subject matter:

- Enable a financially sustainable community (Mission)
- Focus on reducing the number of vacant commercial spaces (Economic Development).

Background / Discussion

At the Regular Council Meeting of May 11, 2020, the following New Business Motion was approved:

Now therefore be it resolved that Council request Administration to prepare a report on which By-laws and zoning rules need to be reviewed in order to encourage more people to setup and work from home.

Now therefore be it further resolved that this report be presented to Council at its next Regular Meeting of Council of Monday, June 8, 2020.

The goal of the report would be to give Council a few options on which By-laws, licensing fees and zoning rules can be changed / relaxed in order to allow people trying to establish a home-based business (including retail sales, auto repair, pet grooming, and any other home based business which might be necessary during this pandemic / social distancing era), to operate within the proper rules and By-laws of our City.

Zoning: Home Occupation

Zoning Standards are put in place to protect the land use and predictability of impact in a neighbourhood, and to institute various regulatory/technical standards which serve to protect and preserve the basic planning concepts, guidelines, land use compatibility and character of the varied areas, as set out in the City's Official Plan.

Typically, home occupations are considered as an opportunity for a start-up or incubator of small-scale occupant or resident operated activities in residential areas. Ultimately such businesses should relocate into commercially zoned areas

of the City, if they expand to a larger scale. This serves to protect the viability and character of residential areas and neighbourhoods, while offering some flexibility in regulatory control for such modestly sized operations. Striking a land use compatibility balance between residential development and a home occupation would be challenging in the absence of the following criteria. They are typically applied to activities of a structured nature such as arts and crafts and personal service-based uses (hairstylist, consultant, etc.).

The following are the City's regulations for home occupations:

Cornwall By-law Provisions for Home Occupations:

" Home Occupation" shall mean an occupation carried on entirely within a dwelling unit by the occupant thereof, provided that the following criteria are observed:

- a) The home occupation is clearly secondary to the use of the dwelling unit, as a residence;
- b) The home occupation does not change the character of the dwelling unit;
- c) The home occupation does not become a nuisance by reason of noise, traffic or parking, or affect the amenities of the neighbourhood;
- d) The home occupation does not occupy more than 25% of the total floor area of the dwelling unit;
- e) There is no display or visible indication from the exterior of the unit or building that such use is conducted, therein, however, a sign bearing the name of the resident may be erected on the property, provided no reference is made to the home occupation. The sign must not exceed 6" X 18";
- f) No more than one home occupation is conducted in the dwelling unit;
- g) No person, other than residents of the dwelling shall be employed in the operation of the home occupation.
- h) No stock-in-trade is sold or kept for sale upon the premises unless such items were created by the resident or are very limited to quantity and deemed necessary and ancillary to the use.
- i) A home occupation shall provide on-site parking at the general commercial rate of 1 space per 300 square feet or part thereof of area used or intended for the home occupation use, in addition to the required residential space(s). However, those Home Occupations specified as Home Based Offices, (excluding medical

profession offices) may utilize one (1) tandem parking spot that being, one vehicle parked behind the other, the additional parking spaces being accommodated in the legal front yard. For those Home Occupations specified as home-based service shops, (shall include but not limited to Hair Salons) tandem parking is permitted, however, this parking is not permitted in the required front yard setback. No Home Occupation which, as part of its operation, required more than one Business Vehicle will be permitted in a residential zone. This vehicle must be parked on site and beyond the required property line setback with any personal vehicle in tandem position.

j) Home Occupations are permitted to establish in singles and semi-detached units only. (It should be noted that there are no provisions for accessory building use under this category).

Notwithstanding anything in this Bylaw, the Home Occupation criteria are not intended to prohibit lemonade stands, bake sales, yard sales (maximum 2 per year as per the City of Cornwall; licensing Bylaw No 200-2005) or similar temporary or infrequent activities on one's private property.

History and Review:

The premise of the home occupation has been included in the City's Zoning By-law with its regulations since 1981. In 2015, an issue developed in which a seasonal or temporary small business activity occurred in a residential zone, including sales external from the main dwelling unit, and numerous freestanding signs on site. Planning Staff researched the provisions of the City's "Home Occupation" in relation to the standards of other municipalities (Attachment 1). A summary of the significant differences includes the following:

Prescott:

- Provide list of specific permitted uses (could result in more Zoning Amendments or Minor Variances)
- Allows 2 businesses per dwelling unit
- Allow use in accessory building
- Allow 1 non-resident employee

Kingston:

- Allow 1 non-resident employee

Brockville:

- No additional parking required

South Dundas:

- Provide list of specific permitted uses
- Allow 2 non-resident employees
- No mechanical or electrical equipment

South Stormont:

- Allow 2 non-resident employees
- Parking for employees required, but maximum 2 vehicles

South Glengarry:

- Allow 1 non-resident employee
- Require employee parking
- Specifies `training, breeding, selling, keeping of animals prohibited`

Guelph:

- 1 or more home occupations permitted in a unit
- Allow 1 non-resident employee
- Parking for employee required
- General description of uses (manufacturing, sales, repairs, medical. Does not mention personal services, consulting or general office, etc.)
- No signs permitted

Renfrew:

- Allow 1 non-resident employee
- Extensive list of permitted uses
- Shall not require additional off-street parking
- Shall not generate additional traffic.

Staff reviewed all of the pertinent information, and the following options were outlined to the Planning Advisory Committee:

a) That the Planning Advisory Committee (PAC) recommends to City Council at least one of the Options, as described below, concerning Seasonal / Temporary land use activity under the Zoning Bylaw;

Option 1 - Status Quo - No proposed changes to the existing Home Occupation Standards;

Option 2 - Create a sub-category to be called "Seasonal / Temporary" Home Occupation Classification (see criteria in Attachment 2 of this report); or

Option 3 - Introduce an exemption clause to the Home Occupation criteria, to be listed in the General Section (02-1-8) of the Comprehensive Zoning Bylaw, as

follows:

"Notwithstanding anything else in this Bylaw, the Home Occupation criteria are not intended to prohibit lemonade stands, bake sales, yard sales, or similar temporary and infrequent activities on one's private property"

Generally, the 'Seasonal/Temporary Home Occupation' standards would differ by: allowing the use to be on the premises, not entirely within the dwelling unit, and; for a term of up to 4 months.

The Planning Advisory Committee (and later Council) chose to remain with the status quo option, and to add option 3 regarding the clarification of minor activities such as lemonade stands, bake sales, yard sales, etc. (see By-law 2015-147 Attachment 3). It was felt at that time that each of the conditions presently included in the Home Occupation definition were worthy of maintaining, as a change would have impact on the integrity of residential neighborhoods.

Regarding the request within the Council Motion to specifically allow retail sales, auto repair and pet grooming, staff would comment that these are the types of uses (particularly automotive repair and commercial retail sales) which do not belong in residential neighbourhoods as they prove to be intrusive and bothersome to the neighbourhood from a noise/odour and parking perspective.

Planning will typically also provide the following advice to a homeowner prior to submitting a formalized application. Aside from applicable Zoning standards, staff request that they determine all other additional costs and implications prior to proceeding.

- Live Work Unit permit application from the Building Division (typically a minor renovation permit)
- Review of how establishing the use would impact the current residential assessment (obtain average increase to property assessment)
- Discuss with their insurance provider regarding potential increased costs
- Costs associated with a Committee of Adjustment application, if applicable. Typically, an application is received for front yard parking.
- Costs associated with a driveway expansion, etc.

Other considerations:

As referenced by the Downtown and Le Village BIAs in their respective letters, the establishment of small business in home settings can have an impact on established commercial districts. For instance, we are seeing numerous examples of employment from the home setting in various cities, and its current and expected impacts on office and commercial vacancy rates. This

phenomenon is not one which will be short-lived, as some employers have seen benefits in such arrangements. Clearly there are advantages in cost savings on rent for the business, and there are in fact some businesses which are reporting increased productivity from remote work settings. On the other hand, employees who are working from home have seen benefits, but over time prefer a return to the traditional work setting, with its social and professional interaction.

The review of other municipal standards for home occupations has revealed a few options for Cornwall. For instance: whether the City would allow employees other than residents of the subject dwelling; whether the City would want to list permitted uses; etc. Should Council wish to consider these or any other suggested provisions, a Zoning Amendment with proper public notice would be required. Given that the City is currently completing a Comprehensive Zoning By-law review, it is recommended that these be considered within that process.

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Home-Based Businesses - COVID-19 - 2020-313-PDR.docx |
| Attachments: | <ul style="list-style-type: none"> - Municipal Comparison of Home Occupation By-Law 2015.pdf - Seasonal Temporary Home Occupation Standards.pdf - By-Law 2015-147 Home Occupation Standards.pdf - Chamber Letter on Homebased Business.pdf - DBIA Leter Home Based Business.pdf - Le Village BIA - Home-Based Business COVID-19, May 18, 2020.pdf |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Maureen Adams - Jun 2, 2020 - 4:54 PM

General Provisions for Home Occupation By-laws

Cornwall

"Home Occupation" shall mean an occupation carried on entirely within a dwelling unit by the occupant thereof, provided that the following criteria are observed:

- Home occupation is clearly secondary to the residential use of the dwelling unit.
- The home occupation does not change the character of the dwelling unit.
- Maximum of 1 home based business in a dwelling.
- The home occupation does not become a nuisance to the neighborhood (ex: noise, traffic, parking, etc.)
- No more than 25% of the total floor area to be used for home occupation.
- Permitted in singles and semi detached units only.
- Only residents of the dwelling may be employed.
- Only items created by residents may be sold, other items may be sold in very limited quantities.
- No outdoor display or visible indication except a sign bearing the name of the resident provided no reference is made to the home occupation and the sign does not exceed 6" x 18".
- Onsite parking will be provided according to the guidelines of the By-law.

No provisions for accessory building use.

Prescott

"Home Occupation" shall mean a privately operated legal occupation, enterprise or business which is carried out as a use clearly accessory to a dwelling unit for pursuits conducted entirely therein by the occupant thereof and compatible with a domestic household.

- Permitted home occupation uses:
 - Professional and consulting services, instructional services, home craft businesses, private daycare, distribution/mail order sales, offices for contractors, repair services, high technology uses, catering, and personal care services.
- Maximum of 2 home based businesses in 1 dwelling.
- No more than 35% of the gross floor area to be used for home based businesses, up to a maximum of 69.68 m² [750 ft²].
- Permitted in accessory buildings provided that not more than 20% of the main building floor area is also used for the home occupation.
- Business must be operated by a resident of the dwelling.
 - No more than 1 other employee on site.
- No outdoor storage or display other than an unlit sign not more than 0.5 m² in size attached to the dwelling.

- No storage of hazardous materials.
- Must obtain proper permits and licensing.
- The use does not become a public nuisance (ex: traffic, noise, parking, etc.).

Kingston

"Home Occupation" means an occupation except for the keeping of boarders or roomers, which, subject to Section 5.20(v) shall be conducted solely and entirely by a member or members of the family resident within the place of residence.

- No more than 25% of the total floor area is to be used for a home occupation.
- Not more than one person who is not a resident may be employed by the home occupation.
- There is no external displays save for a personal identification sign no greater than 0.18 m² in area.
- No external storage of materials or goods, including animal enclosures.
- Accessory building use is prohibited.
- The use does not become a public nuisance (ex: noise, traffic, parking, etc.).

Brockville

"Home Occupation" means a business or professional activity conducted as a secondary use to the residential use within any dwelling unit which is the primary residence of the person or persons conducting the business or professional activity.

- No more than 25% of the gross floor area or 28 m² is to be used for a home occupation.
- No non resident employees to be engaged in the home occupation.
- Accessory buildings used only for the storage of goods, materials or equipment.
- No use of any type of advertising media.
- No exterior alterations to the dwelling unit by virtue of the home occupation.
- No more than 2 clients or customers on the premises at any one time.
- The use does not become a public nuisance (ex: noise, traffic, parking, etc.).
- Only the sale of goods or materials produced on site as part of the home occupation is allowed.
- Must operate with proper permits and licensing.
- No additional parking shall be required resulting from the home occupation use.

South Dundas

"Home Occupation" shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of the dwelling.

- Permitted home occupation uses:
 - Instructional services, trades and contractors, catering, small repair, professional offices, bed and breakfast.
- No more than 25% or 40 m² of the total floor area of the dwelling is to be used for the home occupation.
- The business must be conducted by a resident of the dwelling and may have no more than 2 persons other than residents engaged in the business.
- An accessory structure not more than 20 m² in floor area may be used as storage.
- No external display or advertising other than a legal sign no more than 0.5 m² in area and located on the dwelling or no closer than 5 m from the front lot line.
- The use does not become a public nuisance (ex: noise, traffic, parking, etc.).
- Only the sale of goods and materials produced on site are allowed.
- One parking space for every 20 m² of floor area used for the home occupation as well as one parking space for an employee is required in addition to the parking required for the residential use.
- No more than 5 pupils at a time for instructional services.
- No mechanical or electrical equipment to be used unless it is reasonably consistent with the use of the dwelling.

South Stormont

Home-Based Business shall mean an occupation, trade, business, profession or craft carried on as an accessory use within part of a dwelling unit for pursuits conducted by the occupants thereof provided that the use is clearly secondary to the use of the dwelling unit as a private residence.

- No more than 25% or 40 m² of the floor area of the dwelling is to be used for home occupation.
- Retail sales shall not occupy more than 10 m²; products and goods must be produced on site.
- The business must be conducted by a resident of the dwelling with no more than 2 persons other than permanent residents engaged in the business.
- No external display or advertising other than an unlit sign, not to exceed 0.5 m².
- No open storage of materials is permitted.
- No more than 6 pupils in attendance for instructional services.
- The use does not become a public nuisance (ex: noise, traffic, parking, etc.).
- No more than 2 vehicles used for the home occupation are permitted on the premises.
- Parking shall be provided for additional employees.

No provisions for accessory building use.

South Glengarry

Home occupation means any occupation or enterprise which is carried out as a use accessory to the permitted residential use of a property and, subject to other relevant provisions of this by-law, is owned and operated by a person or persons residing on the property.

- A maximum of one home based occupation is permitted per dwelling.
- The home occupation is clearly secondary and of a type and scale compatible with a residential neighborhood (i.e. not to exceed the regular noise, odours, outdoor displays, traffic, parking, dust, etc. which normally result from a dwelling).
- No more than 25% of the gross floor area of the dwelling unit is to be used for home occupation.
- A maximum of one non resident employee may be permitted to be engaged in the business.
- The home occupation shall not use any part of an accessory building.
- No exterior alterations or changes in residential character resulting from the home occupation.
- No more than 5 pupils in attendance for instructional services.
- An unlit sign of less than 0.5 m² [5.33 ft²] total area is permitted.
- Parking requirements shall be met on the same lot, including additional parking for employees.
- No goods or products shall be sold that are not produced on site.
- Professional offices are permitted provided no more than 1 such professional operates on site.
- Training, breeding, selling, keeping of animals is prohibited.

Guelph

"Home Occupation" means an occupation, business, trade or craft conducted, for gain or profit, as an Accessory Use carried out within a residential Dwelling Unit by a person who is a permanent resident of such Dwelling Unit;

- One or more home occupations are permitted within a dwelling unit.
- No more than 33 m² of the total floor area is permitted for home occupation or a maximum of 10% of the floor area of the dwelling unit if the home occupation has a non-resident employee.
- The home occupation shall be conducted entirely within the dwelling unit, no accessory building use.
- Only 1 non resident employee may be employed.
- Parking requirements must be met as per Zoning Bylaw conditions.
- Permitted uses:
 - Small scale manufacturing and production of goods, sales of goods produced on site, small scale repair services, medical related offices.
- No outdoor display, storage, or sales area is permitted.
- The residential character of the building must be maintained.
- All required permits and licenses must be obtained.
- No sign identifying the home occupation is permitted.

Home occupation means any occupation for gain or support, which is carried on as an accessory use within a dwelling unit by person(s) permanently residing in the dwelling unit. One employee, other than a permanent resident of the dwelling will be permitted to be employed. Such home occupation uses may include, but are not limited to a service or repair shop; a personal service shop; the office or consulting room of a doctor, dentist, chiropractor, drug-less practitioner, lawyer, real estate agent, insurance agent, engineer, planner, architect, photographer; an art, dance, music instructor or teacher limited to two pupils at any one time; a tradesman or contractor including but not limited to a builder, carpenter, electrician, general handyman, mason, plumber, roofer, etc., all without any storage of equipment and materials outside of the dwelling; but does not include a clinic, a hospital, a nursing home, a tea room, kennel, a taxi business or a small internal combustion engine repair shop.

- Only 1 employee other than a resident is permitted to be employed.
- No external display and advertising other than an unlit sign no more than 0.3 m² in area.
- No more than 25% of the total floor area of the dwelling unit is to be used for the home occupation.
- No outdoor alterations, storage or visible evidence of a home occupation in the dwelling is permitted.
- The use shall not require additional off street parking.
- The use shall not generate additional traffic.
- The use does not become a public nuisance (ex: noise, dust, parking, etc.).
- No more than 6 pupils for instructional services.
- A private garage shall not be used for a home occupation.

- Create a sub-category to be called Seasonal/Temporary Home Occupation Classification.

We have applied this new category against the existing criteria of the Home Occupation and have tried to identify those standards that will be changed, altered or added to.

" 01-2-18 a) Seasonal/Temporary Home Occupation Standards:

(new) "Seasonal/Temporary Home Occupation" shall mean, an occupation carried out entirely within the Dwelling unit or at a specified identifiable single location on the property, provided that the following criteria are observed:

(altered) a) The Seasonal/Temporary Home Occupation is clearly secondary to the use of the dwelling unit or property, as a residence or residential parcel;

(altered) b) The Seasonal/Temporary Home Occupation does not change the character of the dwelling unit or property;

(similar) c) The Seasonal/Temporary Home Occupation does not become a nuisance by reason of noise, traffic or parking, or affect amenities of the neighbourhood;

(new) d) The Seasonal/Temporary Home Occupation (when sited on the residential property, exterior to a dwelling unit) does not occupy more than 5% of the total lot area or a maximum of 250 square feet, whichever is less and being at one specified identifiable location. Such use may occupy a portion of a detached garage, as an alternate to one small on-site temporary vending structure/booth;

(new) e) One temporary exterior identification sign shall be permitted at the specified / identified location of the Seasonal/Temporary Home Occupation measuring no more than 0.19 square metres (12" x 24" or 2 square feet). The sign shall only be displayed during the Seasonal/Temporary Home Occupation activity period, and may be on the booth/structure (i.e. Fascia type) or location of the activity (i.e. Freestanding type). (Requires a Parallel amendment for the City Signs By law);

(new) f) No Seasonal/Temporary Home Occupation activity related signage or structure/booth location shall cause a danger to Traffic site lines or Pedestrian (sidewalk) activity;

(new/alterd) g) A Seasonal/Temporary Home Occupation shall only operate during a maximum of up to 4 *four months* on a Contiguous basis per annum(s) and is permitted in addition to a regular Home Occupation. In addition, no person other than occupants/residents of the dwelling shall be employed in the operation of the Seasonal/Temporary Home Occupations:

(alterd) h) Any stock - in trade to be sold under a Seasonal/Temporary Home Occupation must be produced, created, derived by the occupant/resident or shall be at a modest scale/volume and deemed necessary for this activity:

(alterd) i) A Seasonal/Temporary Home Occupation must supply one (1) additional parking space to its' required residential space and may be of a tandem nature, the additional space may be accommodated (as necessary) in the legal front yard setback.

(similar) j) Seasonal/Temporary Home Occupations are permitted to establish in singles and semi-detached units only.

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2015-147

A By-law to further amend By-law 751-1969, the Zoning By-law, as amended of The Corporation of the City of Cornwall, being a By-law respecting the use of land and the use and location of buildings.

Whereas, the Council of the Corporation of the City of Cornwall is desirous of amending Bylaw No. 751-1969, as hereinafter provided; and

Whereas, a review of the City's Comprehensive Zoning Bylaw's standards for Home Occupations has been conducted by Planning Division Staff;

Now therefore be it resolved that the Council of the Corporation of the City of Cornwall enacts as follows:

1. In subsection 01-2-18 General - Home Occupation Standards, add the following:

"Notwithstanding anything else in this Bylaw, the Home Occupation criteria are not intended to prohibit lemonade stands, bake sales, yard sales (maximum 2 per year as per the City of Cornwall's Licensing Bylaw No. 200-2005), or similar temporary and infrequent activities on one's private property."

2. That there is no Map Schedule accompanying this By-law, since the amendment is textual in nature only.
3. That this Bylaw shall take effect on the date thereof subject to section 34(21) of the Planning Act, 1990, if no objections are received, or subject to receiving the approval of the Ontario Municipal Board if any objections are received, as per the Planning Act.

Read, signed and sealed in Open Council this 13th day of October, 2015.


Helen Finn
City Clerk


Leslie O'Shaughnessy
Mayor

May 28, 2020

To: Cornwall City Council
Cc: City Clerk Manon Levesque
Re: Response on Home-Based Businesses - COVID-19

On request from the office of the General Manager, Planning, Development and Recreation, the Cornwall & Area Chamber of Commerce was requested on May 26th to prepare a response to the motion presented to council by counsellor Eric Bergeron at the council meeting on May 11th regarding "Home-Based Businesses - COVID-19".

The Chamber is dedicated to supporting a fertile entrepreneurial ecosystem in the City of Cornwall & surrounding Area. With that in mind, we are in favour of strategies which encourage the creation of new businesses whether they have a work from home model or not. We have received no reports from members or non-members that state that there are currently barriers to starting a business from home (that are within the City's purview).

We are supportive of the City's efforts to attract remote workers and recognize the opportunity to expand these efforts post COVID-19. With more companies making the move to permanently shift operations from bricks & mortar locations, and more workers freed up from the restrictions that come with maintaining proximity to an office, we believe the Cornwall area is positioned to capitalize.

The Cornwall & Area Chamber of Commerce is always willing to work with the City to find helpful solutions for area businesses. We look forward to continuing the conversation.

Sincerely,



Greg Pietersma,
Executive Director,
Cornwall & Area Chamber of Commerce
pietersma@cornwallchamber.com



May 28, 2020

To: Cornwall City Council
Cc: City Clerk Manon Levesque
Re: Response on Home-Based Businesses - COVID-19

On request from the office of the General Manager, Planning, Development and Recreation, the Cornwall Downtown Business Improvement Area (DBIA) was requested on May 26th to prepare a response to the motion presented to council by counsellor Eric Bergeron at the council meeting on May 11th regarding "Home-Based Businesses - COVID-19". *It is important to note that, within the timelines given, the DBIA did not have sufficient time to solicit formal feedback on this subject from members.*

In general, DBIA members support the concept of creating an attractive entrepreneurial environment in the City which would serve to attract more remote workers and encourage individuals to start up new companies from home.

However, it is important to note that members are very concerned about the vacating of office buildings in favour of the "work from home" model that the pandemic has encouraged. Many of our retail and food establishment members rely on the hundreds of people that work in offices in the downtown area to patronize their establishments. If this becomes a trend there will be a significant negative impact to many downtown businesses and may in fact result in closures.

The DBIA supports the creation of simplified processes to start businesses located anywhere in the City, however, the DBIA recommends that any bylaw or zoning changes do not undermine or undervalue the importance of a strong, well populated, Downtown Core.

The DBIA appreciates the opportunity to provide feedback to Council.

Thank You,

Martha Woods,
Chairperson,
Downtown Business Improvement Area
martha@eotb-cfeo.on.ca

Le Village BIA
c/o Dr. Michel Dubuc
10 Montreal Rd
Cornwall, Ontario,
K6H 1B1

Attn: Mark Boileau, MCIP, RPP
General Manager
Department of Planning, Development and Recreation
100 Water Street East
Cornwall, Ontario, K6H 6G4
613 930 2787, ext. 2599
613 551 7057 (cell)

RE: Home-Based Businesses-Covid-19

May 18, 2020

Dear M. Boileau,

Le Village does not understand the logic behind and does not support this initiative for the following reasons.

- 1) The commercial tax rate is 2.5X that of the residential tax rate which creates an unfair advantage adding to the existing deterioration of our downtown BIA.
Exception: if city council and staff wish to equalize the tax rates then Le Village will support it.
- 2) I am not sure residents would appreciate auto repair shop setting up next door.
- 3) If this is allowed it should be limited for one year then they need to settle in a commercial space.

Le Village does not support this initiative.

Feel free to contact me if you need further clarification.

Sincerely,



Dr. Michel Dubuc
Chair, Président
Le Village BIA
10 Montreal Rd
Cornwall, Ontario,
K6H 1B1
613-330-2847

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Economic Development
Report Number: 2020-318-Planning, Development and Recreation
Prepared By: Bob Peters, Division Manager
Meeting Date: June 8, 2020
Subject: Update – Cornwall Small Business Emergency Support Loan

Purpose

To provide Council with an update on the Cornwall Small Business Emergency Support Loan Program.

Recommendation

That Council receive this report and authorize the extension of the program to accommodate up to 115 participants.

Financial Implications

Funding for the Small Business Emergency Support Loan would be provided under the Community Improvement Program, with total program funding capped at \$500,000. Funds are available in the Brownfields Reserve and as loans are paid back the Reserve would be replenished. If fully subscribed and if all applicants meet their commitments by December 31, 2022, the forgivable portion of the loan would be \$100,000. The forgivable portion would be included and funded through the 2021 and 2022 budgets at \$50,000 each year.

If Council approves the extension of funding to 115 participants, program funding would be capped at \$575,000 and the budgeted forgivable portions would be increased to \$57,500 per year.

Strategic Priority Implications

This development falls under the Economic Development section of City Council's Strategic Priorities. It is also supported by the City's Economic Development Strategic Plan.

Background / Discussion

On April 29, 2020, City Council approved the Cornwall Small Business Emergency Support Loan program, which provides an interest-free loan of up to \$5,000 for qualifying businesses. The goal of the loan program to provide support to offset the effects of the COVID-19 crisis, and at the same time, provide assistance to local businesses as they work to transition to a more resilient business model.

The program was extensively marketed in a short period of time and received very positive reaction from the business community.

Within two weeks, 99 Cornwall small businesses had applied for the program before the initial intake was closed on May 15.

The intake deadline was subsequently extended to May 29, 2020. As of this deadline, an additional 13 applications have been received.

A review of the first intake has been completed, and staff have begun to distribute funds subsequent to the signing of a loan agreement. As of June 2, approximately 76% of the funds have been dispersed.

The City has received applications across many business sectors, including: retail, restaurant, manufacturing, wholesale, entertainment, fitness, professional services (legal, accounting, medical, etc.), personal care services (hair salons, barbers, message therapy, etc.), and contractor services (painting, landscaping, mechanical, etc.).

Administration will prepare a final report to Council summarizing the Program results.

| | |
|----------------------|--------------------------------------------------------------------------------|
| Document Title: | Update - Cornwall Small Business Emergency Support Loan - 2020-318-PDR.docx |
| Attachments: | |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Mark A. Boileau - Jun 2, 2020 - 2:28 PM

Tracey Bailey - Jun 2, 2020 - 3:41 PM

Maureen Adams - Jun 2, 2020 - 4:42 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Fire Services
Division: Fire
Report Number: 2020-221-Fire Services
Prepared By: Charles Bray, Acting Chief Building Official
Stacey Ferguson, Administrator
Pierre Voisine, Fire Chief
Meeting Date: June 8, 2020
Subject: Residential Rental Licensing

Purpose

The purpose of this report is to provide a concept overview of a Residential Rental Licensing program, as well the aspects which need to be considered before moving forward.

Recommendation

That Council receive this report regarding residential licensing and approve the public consultation plan. Due to COVID-19, the consultation process would be scheduled in a timeframe pending the current caseload trends.

Financial Implications

Costs up to \$9,000 are expected to implement the consultation strategy. The licensing program element would be a complementary module to an already existing municipal software that the Building and By-Law Department currently use. The expense would be built based on a cost recovery model. Costs are expected to be related to software purchases and resources required to manage the program.

Strategic Priority Implications

This project is directly linked to the City's strategic plan; "Create rental licensing registry to enable a database and adherence to applicable By-Laws and standards.

Background / Discussion

The Municipal Act, 2001, was amended in 2007 allowing municipalities to license any business or activity that is considered appropriate in pursuing the public good. Residential rental licensing bylaws regulate residential rental units by requiring that landlords operate their properties according to certain standards to ensure that the health and safety of the residents is protected. Several Ontario municipalities have since passed residential rental licensing bylaws albeit for a variety of different reasons. The City of Kingston for example, uncovered their residential licensing issues following a land use study and subsequent public consultation which outlined issues with upkeep of rental housing, particularly near campus neighbourhoods.

On November 1st, 2018, City of Cornwall administration provided a report to Council which included a letter from the Property Standards Advisory Committee (PSAC) requesting:

"That in the interest of Health and Safety, the Property Standards Advisory Committee endorses, in principle, the concept of the licensing and inspecting of rental housing and asks administration to prepare a report to council. The Chairperson shall forward this motion to Council before the end of term."

The City of Cornwall has an unusually ¹high number of rental housing. Apartment/duplex and apartment buildings with 1 to 4 stories account for nearly 30% of the city's housing stock, almost 21% higher than the provincial average. It should also be noted that many of these buildings were built prior to the existence of building codes, further increasing compliance related issues. On average, 76% of fires in the City of Cornwall occur in residential type buildings, with the majority in residential rental type accommodations. The most significant concern to consider is that *the City does not have holistic data on this issue due to the lack of a registry*. Although the primary purpose of residential licensing is to protect the residents of rental units by ensuring that the units comply with applicable regulations that relate to health, safety and welfare of residents, and to provide a mechanism to address substandard development, the biggest advantage of implementing a licensing program however, may be in creating accuracy of the data itself. While the Building Code and Fire Code exist to ensure that residential buildings are constructed and/or altered safely, proper

¹ Data collected through the 2016 census

maintenance of a building after initial approval is the responsibility of the property owner. Unlike other businesses operating within the City, there are no mechanisms to confirm residential rental business operators conform to appropriate codes. The City of Cornwall provides permits through its business licensing process for every other type of business seeking to operate in the city. The application process requires approvals from zoning, building, bylaw, police, health, or fire services to ensure that these organizations will operate within the City By-Laws and provincial requirements. Permits have an expiry date, where re-inspections must take place upon renewal applications.

The emergence of residential rental licensing bylaws enable municipalities to apply additional requirements to rental units to ensure that the health and safety of tenants is maintained (i.e. through regular inspections, requiring proof of insurance, a fire safety plan, etc.). Municipalities have begun to employ these licensing processes to ensure proactive compliance while limiting the need to increase staffing related to reactive inspection programs.

Residential rental licensing programs can also be used to complement existing tools that a municipality already have such as bylaws relating to property standards, yard maintenance, and solid waste.

Some of the listed advantages of a Residential Rental Licensing program are:

- Increased health and safety of residents;
- Accumulation of better data regarding rental units, leading to more relevant decision-making by the City;
- Provides for the creation of a priority inspection list, enabling efficient use of resources;
- Better controls over the availability of bedrooms in a particular sector of the City, leading to mechanisms to manage overcrowding and amenity planning;
- Provides greater opportunities for property standards enforcement by enabling mandatory enforcement;
- A licensing By-Law may reduce the negative impacts that a rental property may have on a surrounding neighbourhood by ensuring that the property complies with all applicable By-Laws with respect to exterior maintenance;
- Assist to eliminate the illegal basement apartments; and
- It may result in increased property values for rental properties.

Some of the concerns of a Residential Rental Licensing may be:

- Increase of illegal units to existing dwellings ratio (not wanting to register);

- Conversion of single-family homes into commercial ventures by absentee landlords;
- Possible increases in rent, due maintenance cost uploaded by landlords.
- Licensing rental housing may not be effective in addressing behavioural issues;
- Could lead to a reduction of available low cost rental properties;
- Licensing rental housing does not address the issue of conversion of single unit dwellings into rental accommodation; and
- Residential rental licensing should not be considered as an alternative to enforcement of existing By-Laws.

Ontario Human Rights Commission (OHRC) Housing Guide

Housing is a human right. International law states that Canada must work towards making sure everyone has access to adequate and affordable housing. When multiple factors intersect, the disadvantage increases and people are at even greater risk of discrimination, poverty and even homelessness. The OHRC guide assists municipalities in ensuring that rental housing regulatory practices do not create barriers and discrimination against people based on the following grounds:

- race, colour or ethnic background
- religious beliefs or practices
- ancestry, including individuals of Aboriginal descent
- place of origin
- citizenship, including refugee status
- sex (including pregnancy and gender identity)
- family status
- marital status, including those with a same-sex partner
- disability
- sexual orientation
- age, including individuals who are 16 or 17 years old and no longer living with their parents
- receipt of public assistance

The OHRC has consistently raised concerns about provisions in residential rental licensing bylaws regarding minimum separation distances, bedroom caps, gross floor area requirements and living spaces that go beyond what is required by the Building Code, and other issues that appear to target certain Code-protected groups or result in differential treatment of these groups.

Municipalities have the authority to create licensing programs, and must consider OHRC guidelines when adopting a residential rental licensing bylaw the OHRC guide directs municipalities to ensure that:

- A residential rental licensing bylaw was adopted to achieve a rational planning purpose;
- The municipality held a good faith belief that it needed to adopt the bylaw or the requirement to achieve that purpose; and
- The bylaw requirement was reasonably necessary to accomplish its purpose or goal, in the sense that other, less discriminatory alternatives would present undue hardship relating to health and safety or financial factors.

The OHRC recommends applying licensing bylaws to an entire municipality so that no groups of persons living in a specific area are subjected to differential treatment.

Activities to date.

The Property Standards Advisory Committee completed a significant amount of work in three main areas:

1. Research and analysis of various rental licensing programs implemented in other Ontario municipalities;
2. Consultation from a number of groups (primarily those present at the situation table²) who operate within the City, including the SDG Landlord Association and the Roy McMurtry Legal Clinic;
3. The development of a draft By-Law³, applicable to the City of Cornwall.

Through the consultation process, the PSAC as well as members of administration have had discussions with community groups, who's primary mission is working with the segment of the population who need rental housing in the city. Overwhelmingly, these groups have voiced their support for the need of greater controls over the safety of rental housing in the City.

² The "Situation Table" is a special meeting comprised of an intentionally chosen membership. Members collaborate to reduce the chances of community residents experiencing harm resulting from a combination of risk factors that increase the chance of imminent victimization or hardships. These are disciplined meetings that follow requisite privacy and confidentiality legislation. Members provide risk intervention, identifying persons, families, groups or places at acutely elevated risk of crime or victimization; and then mobilize the appropriate mix of resources and services needed to reduce those risks before the situation requires emergency response or recovery.

³ Draft Residential Rental Licensing By-Law is attached at Appendix A for review.

PSAC has also met with members of the SDG Landlord Association to outline the issues that exists and how a Residential Rental Licensing program would work.

The Association has been extremely clear in that it sees no benefit of such a program, and that it is nothing more than the addition of layers of bureaucracy and regulations, in which landlords will have to pay and deal with. They worry that the costs associated with this process will be passed on to the tenants, impacting the availability of affordable housing. They feel it will do little to address the illegal rental units which exist in the City, except punish good landlords. The Association expresses that the City already has the tools within the provincial Codes to address the safety issues, and it should simply find solutions to the resource shortage.

The City of Ottawa has recently undertaken a Rental Accommodations Study within their City which included the evaluation of a licensing component. Though many public consultations have taken place, the City of Ottawa benefits from input from groups representing all sides of this debate. In addition to Social Service, and landlord groups providing their inputs, ACORN, a community-based advocacy group, has taken the responsibility of representing the tenant's interests in this debate. There currently exists no known group operating within the City of Cornwall.

In order to take the next necessary steps on the issue of Residential Rental Property Licensing, a more holistic public consultation approach should be undertaken in order to confirm the positions of the various groups impacted by such a program, but to include the comments of those who are affected most by residential housing, the tenants. A public consultation strategy is included at Appendix B.

| | |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Residential Rental Licensing - 2020-221-Fire Services .docx |
| Attachments: | <ul style="list-style-type: none"> - APPENDIX A Cornwall Residential Licensing By-Law (Draft).docx - APPENDIX B Rental Licensing Engagement Strategy.docx |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Pierre Voisine was completed by workflow administrator Debbie Caskenette

Pierre Voisine - Jun 1, 2020 - 4:40 PM

Maureen Adams - Jun 2, 2020 - 4:48 PM

THE CORPORATION OF THE CITY OF CORNWALL

By-law # XXX-2018

Being a By-law of the Corporation of the City of Cornwall
to provide for licensing and inspecting Rental Housing.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by By-Law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001*, provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001*, provides that subsection 151(1) applies necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS the Council for The Corporation of the City of Cornwall considers it necessary and desirable for the public to regulate the renting of residential premises for the purpose of protecting the health and safety of the persons residing in residential rental premises by ensuring that certain regulations are met, that the required essentials such as plumbing, heating and water are provided, for ensuring that the residential rental premises do not create a nuisance to the surrounding properties and neighbourhood and to protect the residential amenity, character and stability of residential areas;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it.

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS it is deemed expedient to pass this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Cornwall enacts as follows:

1 INTERPRETATION

1.1 For the purposes of this By-Law:

"Applicant" means a person applying for a licence under this By-Law;

"Building" means any structure, whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals or chattels, other than a lawful boundary wall or fence, and shall include any structure, wall, excavation, fence, swimming pool, awning or bin used for any of the said purposes is deemed a building;

"Chief Building Official" means the authority having jurisdiction over the Building Permits and By-law Enforcement Section, Department of Planning and Housing Services, and administer the related By-laws of the Corporation of the City of Cornwall under the direction of the Manager of Planning Services;

"City" means The Corporation of the City of Cornwall;

"City Clerk" means the Clerk of the City of Cornwall;

"Council" means the Municipal Council of The Corporation of the City of Cornwall;

"Fire Chief" means the municipal Chief Fire Official for the Corporation of the City of Cornwall or a member or members of the Fire Department designated by the municipal Fire Chief or a person appointed by the Fire Marshall of Ontario;

"Inspectors" means:

- i) a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief;
- ii) Chief Building Official;
- iii) Building Inspectors;
- iv) Property Standards Inspectors;
- v) Zoning Administrator; or
- vi) By-Law Enforcement Coordinator and any By-Law Enforcement Officers designated by the By-Law Enforcement Coordinator.

"Landlord" includes:

- i) each owner of a Rental Unit; and
- ii) each person who permits occupancy of a Rental Unit.

"Licensee" means any person, corporation or partnership licensed under this By-Law;

"Licensing Officer" means the Chief Building official, also known as Issuer of Licences, and/or his/her appointees for the Corporation of the City of Cornwall.

"Municipal Enforcement Coordinator" means the person or persons authorized by the Council of the Corporation of the City of Cornwall to enforce all By-laws under its jurisdiction;

"Municipality" means the land within the geographic limit of the City of Cornwall;

"Owner" includes:

- i) each person owner of a Rental Unit; and,
- ii) each person who permits occupancy of a Rental Unit.

"Person" includes:

- i) individuals;
- ii) corporations; and
- iii) partnerships.

"Rent" includes the amount of any consideration paid or required to be paid or given by or on behalf of a Tenant to a Landlord or the Landlord's agent for the right to occupy a Rental Unit and for any privilege, accommodation or thing that the Landlord provides for the Tenant in respect of the occupancy of the Rental Unit;

"Rental Property" includes each Building containing a Rental Unit and the Lot on which the Rental Unit is situated.

"Rental Unit" means a Building or part of a Building:

- i) consisting of one or more rooms;
- ii) containing toilet and cooking facilities;
- iii) designed for use as a single housekeeping establishment; and
- iv) used or intended for use as a rented residential premises.

"Tenant" includes a person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit;

2 PROHIBITIONS

- 2.1 No person shall operate a Rental Unit without holding a current valid licence issued under the provisions of this By-Law.
- 2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.
- 2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-Law.
- 2.4 No person shall operate a Rental Unit while the licence issued under this By-Law is under suspension.

3 SCOPE

- 3.1 As of month day, 2018 this By-Law applies to the Municipality of Cornwall.

4 ADMINISTRATION

- 4.1 The administration of this By-Law is assigned to the City Clerk who shall generally perform all of the administrative functions conferred upon him or her by this By-Law and without limitation may:
 - 4.1.1 receive and process all applications for all licences and renewals of licences under this By-Law;
 - 4.1.2 issue licences in accordance with the provisions of this By-Law;
 - 4.1.3 impose terms and conditions on licences in accordance with this By-Law; and,
 - 4.1.4 refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-Law.

5 APPLICATION FOR AND RENEWAL OF ALICENCE

- 5.1 Every application for a licence and renewal licence shall be made to the Licensing Officer on the forms provided by the Licensing Officer.
- 5.2 Without limitation, every application for a licence or a renewal shall include the following information:
- 5.2.1 the name, municipal address and telephone number of each Landlord;
 - 5.2.2 the municipal address and legal description of the Rental Unit;
 - 5.2.3 if a Landlord is a corporation, the name, address and telephone number of each director and officer and shareholder;
 - 5.2.4 if a Landlord is a partnership, the name, address and telephone number of each partner;
 - 5.2.5 a statement by each Landlord certifying the accuracy, truthfulness and completeness of the application; and
 - 5.2.6 each Landlord's signature or the signature of any duly authorized Landlord's agents that would bind the Landlord.
- 5.3 Every person applying for a licence or renewal of a licence shall provide in full at the time the application is submitted, all of the information requested on the application form as well as:
- 5.3.1 payment of the prescribed fee as set out in Schedule "A" of this By-Law;
 - 5.3.2 a copy of the transfer/deed evidencing a Landlord's ownership;
 - 5.3.3 if a Landlord is a corporation, a copy of:
 - 5.3.3.1 the Landlord's Articles of Incorporation; and
 - 5.3.3.2 a corporate profile report issued by the Ontario Ministry of Consumer and Business Services.
 - 5.3.4 a maintenance plan identifying measures that the Landlord will implement for the purpose of complying with the City's Property Standards By-Law;
 - 5.3.5 proof of placement of Insurance that:
 - 5.3.5.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 5.3.5.2 identifies the proposed use as residential rental; and that
 - 5.3.5.3 requires that the Licensing Officer be notified of any intended cancellation by the insurer no fewer than fifteen (15) days prior to such cancellation.
- 5.4 Upon receipt of a completed application together with all accompanying documentation and the required Fee, the City will contact the applicant to schedule an inspection.
- 5.5 The Licensing Officer may refuse an application for a licence or its renewal where any of the documents required by Sections 5.2 and 5.3 of this By-Law are incomplete or lacking in any way.
- 5.6 The Licensing Officer may also refuse to accept an application for a licence where any of the documents required by Section 5.2 and 5.3 of this By-Law were issued prior to the sixtieth (60th) day preceding the date on which the application is

submitted.

6 LICENCE ISSUANCE

6.1 Each licence shall include the following:

6.1.1 The licence number;

6.1.2 Date the licence was issued and the date it expires;

6.1.3 The municipal address of the Rental Unit;

6.1.4 The name, address and telephone number of each Landlord;

6.1.5 Where a Landlord is a corporation: the name address and telephone number of each director and each officer of the Landlord or of their duly authorized agent; and

6.1.6 Where a Landlord is a partnership: the name, address and telephone number of each partner.

6.2 A licence will only be issued upon the receipt of a statement from the City's Fire Chief or his designate confirming that the Rental Unit has passed a Fire Inspection and the Property Standards Inspection.

6.3 A licence issued under this By-Law shall be valid only for the period of time for which it was issued.

6.4 Each licence shall only be valid for a three (3) year period from the date of issuance, unless suspended or revoked under Section 8.3.

6.5 The issuance of a licence or renewal thereof under this By-Law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any By-Law of the City.

6.6 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Rental Unit on the Rental Property named therein. A separate licence shall be required for each Rental Unit.

6.7 No licence issued under this By-Law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

6.8 The Licensee shall notify the City Clerk of any change in ownership of the Rental Unit within seventy-two (72) hours of the completion of such change in ownership.

6.9 Within seventy-two (72) hours of a change in ownership for a Rental Unit, the new owner shall provide the following information and documentation to the City Clerk in order to have a licence reissued:

6.9.1 the name, municipal address and telephone number of each Landlord;

6.9.2 a copy of the Transfer/Deed evidencing the new ownership;

6.9.3 proof of placement of Insurance according to section 5.3.5 of this By-Law;

6.9.4 a statement by each Landlord certifying the Rental Unit conforms with section 7 of this By-Law; and

6.9.5 each Landlord's signature or of any duly authorized Landlord's agent that would bind the Landlord.

- 6.10 Following a change in ownership, a reissued licence under this By-Law shall be valid only for the period of time for which it was originally issued.
- 6.11 Following a change in ownership of a Rental Unit, no fee shall be required to reissue a licence under this By-Law.
- 6.12 All licence fees paid under this By-Law are non-refundable.

7 LICENCE CONDITIONS

- 7.1 No Landlord shall permit Rent to be collected except for a Rental Unit in respect of which a licence has been issued pursuant to this By-Law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the licence.
 - 7.1.1 Each Tenant is a party to a written tenancy agreement with a Landlord;
 - 7.1.2 A Landlord does not directly or indirectly require or cause a Tenant to refuse or consent to lawful entry and inspection of a Rental Unit for the purpose of determining compliance with this By-Law;
 - 7.1.3 A Landlord notifies the Licensing Officer in writing within two (2) days of any change to any information provided pursuant to section 5 and 6 of this By-Law;
 - 7.1.4 A legible copy of the licence is posted and maintained prominently and visibly within one (1) meter of the interior of the Rental Unit's main entrance door;
 - 7.1.5 A Landlord maintains insurance respecting the Rental Unit that:
 - 7.1.5.1 includes a limit of liability of not less than \$2,000,000.00 (two million dollars) per occurrence for property damage and bodily injury;
 - 7.1.5.2 identifies the use as residential rental; and
 - 7.1.5.3 requires that the Licensing Officer be notified of any intended cancellation by the insurer no less than fifteen (15) days prior to such cancellation;
 - 7.1.6 The Landlord and the Rental Property comply with all applicable law including:
 - 7.1.6.1 the *Health Protection and Promotion Act* (Ontario) and its regulations, as amended;
 - 7.1.6.2 the *Electrical Safety Code*, O. Reg. 164/99, as amended;
 - 7.1.6.3 the *Building Code Act*, 1992 (Ontario) and its regulations, as amended; and
 - 7.1.6.4 the City's *Property Standards By-Law*, as amended.
 - 7.1.7 No fine, administrative penalty or fee is owed to the City by any Landlord;
 - 7.1.8 The Landlord and the Rental Property comply with the maintenance plan submitted pursuant to section 5.3.4 of this By-Law; and

8 POWERS OF THE LICENCE OFFICER

- 8.1 The power and authority to issue or renew a licence, refuse to issue or refuse to

renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the City Clerk.

- 8.2 The City Clerk shall issue a licence or renew a licence where the requirements or conditions of this By-Law have been met.
- 8.3 The City Clerk may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:
- 8.3.1 the conduct of the Applicant or Licencee, or any partner, officer, director, employee or agent of the Applicant or Licencee, affords reasonable cause to believe that the Applicant or Licencee will not carry on or engage in the operation of the Rental Unit in accordance with the law or with honesty or integrity;
 - 8.3.2 there are reasonable grounds to believe that an application or other documents provided to the City Clerk by or on behalf of the Applicant or a Licencee contains a false statement;
 - 8.3.3 an Applicant or Licencee is carrying on activities that are in contravention of this By-Law; or,
 - 8.3.4 an Applicant or Licencee does not meet all of the requirements of this By-law or that the Rental Unit or Rental Property does not comply with the provisions of this By-Law.
- 8.4 Notwithstanding any other provision of this By-Law, the City Clerk may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the City Clerk to give effect to this By-Law.
- 8.5 Where the City Clerk is of the opinion that:
- 8.5.1 an application for a licence or renewal of a licence should be refused;
 - 8.5.2 a reinstatement should not be made;
 - 8.5.3 a licence should be revoked;
 - 8.5.4 a licence should be suspended, or,
 - 8.5.5 a term or condition of a licence should be imposed;
 - 8.5.6 the City Clerk shall make that decision.
- 8.6 Where the City Clerk has made a decision under subsection 8.5, the City Clerk's written notice of that decision shall be given to the Applicant or the Licencee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the address of the corporation's registered head office.
- 8.7 The written notice to be given under subsection 8.6 shall:
- 8.7.1 set out the grounds for the decision;
 - 8.7.2 give reasonable particulars of the grounds;
 - 8.7.3 be signed by the City Clerk; and
 - 8.7.4 state that the Applicant or Licencee is entitled to a hearing by the Hearing Committee if the Applicant or Licencee delivers to the City Clerk, within ten (10) days after the notice in subsection 8.6 is served, and the appeal fee as set out in Schedule "A" of this By-Law.

- 8.8 Where no appeal is registered within the required time period, the decision of the City Clerk shall be final.
- 8.9 Despite subsection 8.7 where a licence is voluntarily surrendered by the Licencee for revocation, the City Clerk may revoke the licence without notice to the Licencee.

9 HEARINGS BEFORE THE HEARING COMMITTEE

- 9.1 The power and authority to conduct hearings of appeals under this By-Law are hereby delegated to the Hearing Committee as set out in the City's Procedural By-Law.
- 9.2 The provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, except sections 17, 17.1 and 19, applies to all hearings conducted by the Hearing Committee under this By-Law.
- 9.3 When the Applicant or Licencee, who has been given written notice of the hearing, does not attend at the appointed time and place, the Hearings Committee may proceed with the hearing in his or her absence and the Applicant or Licencee shall not be entitled to any further notice of the proceeding.
- 9.4 At the conclusion of the hearing, the Hearing Committee may give its decision orally or in writing but in each case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licencee and the Licensing Officer.
- 9.5 The Hearing Committee may uphold or vary the decision of the Licensing Officer or make any decision that the Licensing Officer was entitled to make in the first instance.
- 9.6 The decision of the Hearing Committee is final.
- 9.7 Notwithstanding anything in this By-Law to the contrary, where an Applicant or Licencee appeals against or requests a review of a decision concerning a Rental Housing licence, no decision in the appeal or review shall be made unless each Owner of a Lot situated within thirty (30) meters of the Rental Property subject of the appeal or review has been given no fewer than seven (7) days notice of the hearing of the appeal or review and has been given an opportunity to be heard at the hearing of the appeal or review which hearing shall be open to the public.

10 ENFORCEMENT

- 10.1 Inspectors, acting under the Fire Chief's, Chief Building Official's, Zoning Administrator's or By-Law Enforcement Coordinator's instructions, may enforce this By-Law.
- 10.2 Subject to section 437 of the *Municipal Act, 2001*, as to entry of rental units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - 10.2.1 this By-Law is being complied with;
 - 10.2.2 a direction or order of the City made pursuant to the *Municipal Act, 2001*, or any successor thereof or made pursuant to a By-Law of the City is being complied with;
 - 10.2.3 a condition of a licence issued under a By-Law of the City is being complied with; or
 - 10.2.4 an order made pursuant to Section 431 of the *Municipal Act, 2001*, which

prohibits the continuation or repetition of an offence is being complied with.

10.3 An Inspector may for the purpose of an inspection:

- 10.3.1 require the production for inspection of documents or things relevant to the inspection;
- 10.3.2 inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 10.3.3 acquire information from any person concerning a matter related to the inspection; and
- 10.3.4 alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test samples or photographs necessary for the purpose of the inspection.

10.4 The Inspector may undertake inspections pursuant to orders which are made pursuant to section 438(2) of the *Municipal Act, 2001*.

10.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

11 PENALTIES

11.1 Any person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

11.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-Law is guilty of an offence.

11.3 A person convicted under this By-Law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

11.4 Despite section 12.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

11.5 If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

- 11.5.1 prohibiting the continuation or repetition of the offence by the person convicted; and
- 11.5.2 requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

12 ADMINISTRATIVE PENALTIES

12.1 Each person who contravenes any provision of this By-Law shall, upon issuance of a penalty notice in accordance with this section 12, be liable to pay to the City an administrative penalty in the amount of \$250.00.

12.2 An Inspector who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to the person.

12.3 The penalty notice shall be given to the person to whom or to which it is

addressed as soon as is reasonably practicable and shall include the following information:

- 12.3.1 Particulars of the contravention;
 - 12.3.2 The amount of the administrative penalty;
 - 12.3.3 Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - 12.3.4 A statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the City.
- 12.4 No Inspector may accept payment of an administrative penalty.
- 12.5 A person who receives a penalty notice may request a review of the administrative penalty by the Hearing Committee in accordance with this paragraph 12.5.
- 12.5.1 The person's right to request a review expires on the tenth (10th) day after the penalty was given to the person.
 - 12.5.2 The person's right to request that the Hearing Committee extend the time to request a review expires on the twentieth (20th) day after the penalty notice is given to the person at which time the administrative penalty shall be deemed to be affirmed.
 - 12.5.3 The person shall be given seven (7) days notice of the date, time and place of the hearing of a review request under clause 12.5.1 or an extension request under clause 12.5.2.
 - 12.5.4 The Hearing Committee shall not make a determination with respect to a review request under clause 12.5.1 or an extension request under clause 12.5.2 unless the Hearing Committee has given to the Licencee, the Licensing Officer and the Inspector who issued the penalty notice an opportunity to be heard.
 - 12.5.5 The Hearing Committee may affirm the administrative penalty or extend the time to request a review of an administrative penalty.
 - 12.5.6 The Hearing Committee may cancel or reduce the administrative penalty or may extend the time for payment of the administrative penalty only where the Hearing Committee is satisfied that doing so would maintain the general intent and purpose of this By-Law and that:
 - 12.5.6.1 there is reason to doubt that the person contravened this By-law;
 - 12.5.6.2 the person took all reasonable steps to prevent the contravention; or that
 - 12.5.6.3 the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.
 - 12.5.7 The decision of a Hearing Committee is final and not subject to review including review by any Court.
 - 12.5.8 The Licensing Officer may at any time cancel, reduce or extend the time for payment of an administrative penalty, including the cancellation or reduction of any late payment fee imposed pursuant to paragraph 12.5.12 of this By-Law where he or she is satisfied that

doing so would maintain the general intent and purpose of this By-Law.

12.5.9 An administrative penalty that is deemed to be affirmed pursuant to clause 12.5.2 or that is affirmed or reduced or in respect of which the time for payment has been extended pursuant to clause 12.5.5 or paragraph 12.5.6 constitutes a debt to the City of each person to whom or to which the penalty notice was given.

12.5.10 Where a person has paid an administrative penalty that is then cancelled or reduced pursuant to clause 12.5.5 or paragraph 12.5.6, the City shall refund the amount cancelled or reduced.

12.5.11 Where an administrative penalty is paid within fifteen (15) days after the date that it becomes due and payable, no person to whom the penalty notice was given shall be liable for an offence in respect of the contravention described in the penalty notice.

12.5.12 Where an administrative penalty is not paid within fifteen (15) days after the date that it becomes due and payable, each person to whom the penalty notice was given shall pay to the City a late payment administrative fee pursuant to Schedule "A" of this By-Law.

13 MISCELLANEOUS

13.1 This By-Law may be referred to as the "Rental Housing Licensing By-Law".

13.2 This By-Law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

13.3 If there is a conflict between a provision of this By-Law and a provision of any other City By-Law, the provision that establishes the higher standard shall apply.

13.4 This By-Law comes into force upon being passed.

READ A FIRST TIME IN OPEN COUNCIL DAY, MONTH, 2018.

READ A SECOND TIME IN OPEN COUNCIL DAY, MONTH, 2018.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS DAY, MONTH, 2018.

MAYOR

CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW 2018-XX
OF THE CORPORATION OF THE CITY OF
CORNWALL FEES

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. Licence | |
| 1.1 Licence Fee where the rental unit is entirely compliant with all the requirement of the inspections pursuant to this by-law at the time of the inspection. | \$ 50.00 |
| 1.2 Licence Fee where the rental unit is compliant with all the requirements of the inspections within thirty (30) days of issuance of an order to comply. | \$ 100.00 |
| 1.3 Licence Fee where the rental unit remains non-compliant with all the requirements of the inspections after thirty (30) of issuance of an order to comply. | \$ 300.00 |
| 2. Late payment Fee | \$ 35.00 |
| 3. Appeal Fee | \$ 50.00 |

APPENDIX B

Residential Rental Licensing Engagement Strategy

Similar to previous public engagements undertaken by the City, administration will reach out to residents using traditional outlets, online platforms, and direct contacts to specific organizations.

Costs are approximate.

1. News release and information uploaded on Cornwall.ca
2. Multiple strategic posts on Facebook, Twitter, and Instagram
3. Option for a possible Facebook/Instagram ad (\$500-\$1,000)
4. Ad featuring the complete survey in Seaway News and Standard-Freeholder (\$2,000)
5. Radio ads directing residents to the project webpage on Cornwall.ca (\$500)
6. Surveys sent by mail (with return pre-paid envelope included) to 2,000 random addresses in Cornwall (\$3,000)
7. In-person public engagement session once pandemic restrictions are lifted
8. Focus group conversations with groups representing landlords and tenants

Surveys issued in the last year, using similar engagement strategies, have seen 1,200 to 1,800 responses.

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Financial Services
Division: Purchasing
Report Number: 2020-297-Financial Services
Prepared By: Diane Leduc, Senior Buyer
Meeting Date: June 8, 2020
Subject: Joint Tender for the Supply and Delivery of Winter Highway
Coarse Salt

Purpose

To obtain costing for the supply and delivery of winter highway coarse salt.

Recommendation

That the joint tender for the supply and delivery of winter highway coarse salt be awarded for a two-year period with an option to renew for two additional one year periods to Compass Minerals Canada Corporation from Mississauga, Ontario, at the total bid price of \$1,770,574.40 (net cost to the Corporation - \$1,594,457.09), being the best bid meeting the tender specifications.

Financial Implications

The Corporation has budgeted \$700,000 in the 2020 Budget for this product. The budget is based on estimated quantities and may vary depending on weather conditions. If 2020 winter control activities exceed budget, the variance may be funded from the Winter Control Reserves. The department will budget accordingly for subsequent years.

Strategic Priority Implications

This report addresses Council's accountability and transparency to the ratepayers of the City of Cornwall.



Background / Discussion

The tender is for the supply and delivery of winter highway coarse crushed rock salt, in bulk for a two-year period with the option to renew for two additional one-year periods.

The tender was issued by the United Counties of Stormont, Dundas & Glengarry (SD&G) as a joint tender in partnership with the City of Cornwall, Township of South Dundas, Township of North Dundas, Township of North Stormont, Township of North Glengarry and Township of South Glengarry. Each Municipal Partner will award their own tender.

The following tenders, representing the City's portion, were received and opened by the United Counties of SD&G on April 16, 2020:

Compass Minerals Canada Corporation, Mississauga, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$1,566,880.00 |
| HST: | \$203,694.40 |
| Total Bid Price: | \$1,770,574.40 |

Cargill Salt, Road Safety, Montreal, Quebec

| | |
|------------------|----------------|
| Bid Price: | \$1,701,520.00 |
| HST: | \$221,197.60 |
| Total Bid Price: | \$1,922,717.60 |

K+S Windsor Salt Limited, Mississauga, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$2,284,640.00 |
| HST: | \$297,003.20 |
| Total Bid Price: | \$2,581,643.20 |

| | |
|----------------------|--------------------------------------------------------------------------------------------|
| Document Title: | Joint Tender for the Supply and Delivery of Coarse Salt - 2020-297-Financial Services.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Nicole Robertson - May 29, 2020 - 3:53 PM

Bill de Wit - Jun 1, 2020 - 10:27 AM

Tracey Bailey - Jun 1, 2020 - 12:29 PM

Maureen Adams - Jun 1, 2020 - 8:43 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Financial Services
Division: Purchasing
Report Number: 2020-295-Financial Services
Prepared By: Diane Leduc, Senior Buyer
Meeting Date: June 8, 2020
Subject: Tender 20-T24 Reconstruction of York Street from Seventh Street West to Ninth Street West

Purpose

To obtain costing for the reconstruction of York Street from Seventh Street to Ninth Street.

Recommendation

That Tender 20-T24 be awarded to Cornwall Gravel Company Limited, from Cornwall, Ontario, at the total bid price of \$1,554,846.10 (net cost to the Corporation - \$1,400,187.07) being the best bid meeting the tender specifications.

Financial Implications

The Corporation had budgeted \$1,600,000 for this project. The Corporation is financing this project and will only borrow the required funds.

Strategic Priority Implications

This report addresses Council's accountability and transparency to the ratepayers of the City of Cornwall.

Background / Discussion

The work for this project involves the full reconstruction of York Street from Seventh Street West to Ninth Street West, including 23 metres of Storm Sewer, 340 metres of Sanitary Sewer and 375 metres of Watermain.

The reconstruction of York Street, from Seventh Street to Ninth Street includes the complete rehabilitation of 360m of roadway as well as improvements to buried infrastructure. Work includes the replacement of the existing watermain, as well as the removal of the existing combined sewer system, which is to be replaced with new storm and sanitary sewers. The reconstructed roadway will include new curbs, a new asphalt platform and new sidewalks on both sides of the roadway.

The following tenders were received and opened by Purchasing Services on May 26, 2020:

Cornwall Gravel Company Limited, Cornwall, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$1,375,970.00 |
| HST: | \$178,876.10 |
| Total Bid Price: | \$1,554,846.10 |

Malyon Excavation Limited, Cornwall, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$1,558,066.50 |
| HST: | \$202,548.65 |
| Total Bid Price: | \$1,760,615.15 |

| | |
|----------------------|--------------------------------------------------------------------------------|
| Document Title: | Tender 20-T24 Reconstruction of York Street - 2020-295-Financial Services.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Nicole Robertson - May 29, 2020 - 12:18 PM

Bill de Wit - Jun 1, 2020 - 10:30 AM

Tracey Bailey - Jun 1, 2020 - 11:40 AM

Maureen Adams - Jun 1, 2020 - 8:37 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Financial Services
Division: Purchasing
Report Number: 2020-296-Financial Services
Prepared By: Diane Leduc, Senior Buyer
Meeting Date: June 8, 2020
Subject: Tender 20-T25 EMS Roof Replacement

Purpose

To obtain costing for complete roof replacement at the Emergency Medical Services (EMS) Facility.

Recommendation

That Tender 20-T25 be awarded to Perras DiStefano Construction and Design Services Incorporated, from Cornwall, Ontario, at the total bid price of \$948,543.47 (net cost to the Corporation - \$854,192.77) being the best bid meeting the tender specifications.

Financial Implications

The roof replacement was not included in the 2020 Budget; however, it is recommended that the project be funded from the Municipal Building Reserve. The Municipal Building Reserve has a current balance of \$1,373.914.

Strategic Priority Implications

This report addresses Council's accountability and transparency to the ratepayers of the City of Cornwall.

Background / Discussion

The work for this project involves the replacement of the metal roofing system on the Emergency Medical Services (EMS) building, as well as the installation of a snow guard system, the installation of safety anchors and the installation of protection of HVAC equipment.

The following tenders were received and opened by Purchasing Services on May 28, 2020:

Perras DiStefano Construction and Design Services Incorporated, Cornwall, Ontario

| | |
|------------------|--------------|
| Bid Price: | \$839,419.00 |
| HST: | \$109,124.47 |
| Total Bid Price: | \$948,543.47 |

Robert J Bourgon and Associates Limited, Cornwall, Ontario

| | |
|------------------|--------------|
| Bid Price: | \$870,507.79 |
| HST: | \$113,166.01 |
| Total Bid Price: | \$983,673.80 |

Danval Construction Company, Thornhill, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$974,200.00 |
| HST: | \$126,646.00 |
| Total Bid Price: | \$1,100,846.00 |

Moffat Bros. Roofing Limited, Cobourg, Ontario

| | |
|------------------|----------------|
| Bid Price: | \$1,175,280.00 |
| HST: | \$152,786.40 |
| Total Bid Price: | \$1,328,066.40 |

Bid received from Neptune Security Services Incorporated was deemed non-compliant for failing to include all required addendums.

| | |
|----------------------|-----------------------------------------------------------------------|
| Document Title: | Tender 20-T25 EMS Roof Replacement - 2020-296-Financial Services.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Nicole Robertson - May 29, 2020 - 3:51 PM

Mark A. Boileau - May 29, 2020 - 3:57 PM

Tracey Bailey - May 29, 2020 - 5:11 PM

Maureen Adams - Jun 1, 2020 - 8:36 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2020-077

Department: Planning, Development and Recreation
Division: Building and By-law
By-law Number: 2020-077
Report Number: 2020-312-Planning, Development and Recreation
Meeting Date: June 8, 2020
Subject: Yard Maintenance By-law Housekeeping Amendments

Whereas Section 10(1) of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended provides that a municipality may provide any service or thing that the municipality considers necessary or desirable to the public and Subsection 10(2), paragraph 7, provides that a municipality may pass By-laws with respect to services and things that the municipality is authorized to provide under subsection 10(1); and

Whereas Sections 8, 9 and 10 of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended authorize the City of Cornwall to pass By-Laws necessary or desirable for the municipal purposes and in particular paragraphs 5, 6, and 8 of Subsections 10(2), of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended authorizes By-Laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; and protection of persons and property; and

Whereas Section 127 of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended authorizes the City of Cornwall to require the owner or occupant of land to clean and clear the land, not including buildings, and to clear refuse or debris from the land, not including buildings; and

Whereas Section 127 of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended further authorizes the City of Cornwall to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and

Whereas Section 128 of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended authorizes the City of Cornwall to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the City of Cornwall's Council, are or could become or cause public nuisances; and

Whereas Section 425 of the *Municipal Act*, 2001, S.O., 2001, c. 25, as amended authorizes the City of Cornwall to pass By-Laws providing that a person who contravenes a By-Law of the City of Cornwall passed under this Act is guilty of an offence; and

Whereas Council deems it desirous in amending Yard Maintenance By-Law #2013-212; and

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall amends By-Law #2013-212 and enacts as follows:

1. That in section 2 the definition of "Construction site" shall be repealed in its entirety;
2. That in section 2 the definition of "Waste" shall be amended to remove words "that is unusable or unwanted and additional";
3. That in section 2 the definition of "Yard" shall be amended to add the words "and construction sites";
4. That subsection 4(2)(c) shall be repealed in its entirety and replaced with the following "No person shall cause, permit or allow any yard to become or remain unsightly";
5. That subsection 4(2)(f) shall be repealed in its entirety and replaced with the following "Reserved";
6. That subsection 9(13)(c) shall be amended to remove the chart from this subsection and said chart shall become subsection 9(13)(c)(i) for greater certainty the chart shall become subsection 9(13)(c)(i);
7. That subsection 9(13)(c)(ii) shall be added as follows "That the minimum and maximum administrative fees set out in Subsection 9(13)(a)(i) shall be adjusted without amendment to this By-Law annually on January 1st of each year, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Consumer Price Index with the base index value being in effect as of August 31st in the prior year;

8. That subsection 9(13)(d) shall become subsection (9)(13)(d)(i);
9. That subsection 9(13)(d)(ii) shall be added as follows “That the re-inspection fee set out subsection 9(13)(a)(ii) shall be adjusted without amendment to this By-Law annually on January 1st of each year, in accordance with the most recent twelve month change in Statistics Canada Quarterly, Consumer Price Index with the base index value being in effect as of August 31st in the prior year; and
10. That this By-law shall come into force and effect on June 8th, 2020, save and except that Paragraphs 7 and 9 of this By-law shall come into force and effect on January 1, 2021.

Read, signed and sealed in open Council this 8th day of June, 2020.

Manon L. Levesque
City Clerk

Bernadette Clement
Mayor

Report Approval Details

| | |
|----------------------|-------------------------------------------------------------------------------|
| Document Title: | By-law - Yard Maintenance By-law House Keeping Amendments - 2020-312-PDR.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Mark A. Boileau - May 29, 2020 - 3:52 PM

Maureen Adams - Jun 1, 2020 - 8:34 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law Explanatory Note

Department: Planning, Development and Recreation
Division: Building and By-law
Report Number: 2020-315-Planning, Development and Recreation
Prepared By: Charles Bray, Deputy Chief Building Official
Meeting Date: June 9, 2020
Subject: Note to Yard Maintenance By-law House Keeping
Amendments

Purpose

This By-Law is to provide regular housekeeping items to the City of Cornwall's Yard Maintenance By-Law. The amendments are to remove some subjective terminology in some of the definitions and subsections that will eliminate some enforcement related issues. Indexing of associated fees related to the Yard Maintenance By-Law are being proposed to eliminate the need to annually amend the By-Law to update such fees.

Background / Discussion

The current Yard Maintenance By-Law was originally adopted in 2013 and was subsequently updated in 2017. For example, the definition of *Waste* is being amended to remove the words *unusable* or *unwanted*. This will remove the subjectivity of what is defined as waste, thus making enforcement clearer. Subjective terminology is difficult to prove in the event the matters progress to Provincial Offenses Court.

The existing Yard Maintenance By-Law also provides for administrative fees and re-inspections fees that have built-in annual increases. The last year of increases are effective January 1, 2020 in the current By-Law. Therefore, this

By-Law proposes to introduce annual indexing into the Yard Maintenance By-Law.

The annual indexing will occur automatically on January 1st of each year commencing in 2021. Indexing of the associated fees would be consistent with other By-Laws and other City Departments, as well as with modern practices for fees within By-Laws to account for cost of living increases and to prevent dramatic increases in user fees in future years.

Report Approval Details

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------|
| Document Title: | Note to Yard Maintenance By-law House Keeping Amendments - 2020-315-Planning, Development and Recreation.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Mark A. Boileau - May 29, 2020 - 3:53 PM

Maureen Adams - Jun 1, 2020 - 8:35 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2020-078

Department: Infrastructure and Municipal Works
Division: Environment
By-law Number: 2020-078
Report Number: 2020-306-Infrastructure and Municipal Works
Meeting Date: June 8, 2020
Subject: By-law – Service Agreement with the Municipality of South Stormont

Whereas the City of Cornwall's Environmental Services received a request from the Municipality of South Stormont to continue processing their single stream, mixed recycling; and

Whereas the curbside residential recycling will be collected by the Municipality of South Stormont's contractor and delivered to the Cornwall Material Recovery Facility; and

Whereas the Municipality of Stormont is subject to the City of Cornwall's Solid Waste By-law 2019-054 and Solid Waste Management Master Plan's diversion requirements specific to curbside recycling as outlined in the Service Agreement. The Municipality of South Stormont will also be subject to any changes or amendments to these documents such as but not limited to removal of specific materials from the blue box, addition of materials accepted to the blue box, and specifications surrounding contaminants in the blue box; and

Whereas incoming loads from the Municipality of South Stormont's curbside recycling collection will be subject to inspection upon delivery from time to time at the Supervisor's discretion.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. That The Corporation of the City of Cornwall be authorized to enter into a Service Agreement with the Municipality of South Stormont.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed and sealed in open Council this 8th day of June, 2020.

Manon L. Levesque
City Clerk

Bernadette Clement
Mayor

Report Approval Details

| | |
|----------------------|--------------------------------------------------------------------------------|
| Document Title: | By-law - Agreement with the Municipality of South Stormont - 2020-306-IMW.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Carl Goodwin - May 28, 2020 - 11:18 AM

Bill de Wit - Jun 1, 2020 - 10:34 AM

Maureen Adams - Jun 1, 2020 - 8:42 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2020-078

Department: Infrastructure and Municipal Works
Division: Environment
By-law Number: 2020-078
Report Number: 2020-307-Infrastructure and Municipal Works
Meeting Date: June 8, 2020
Subject: Note to By-law – Recycling Service Agreement with
Municipality of South Stormont

Purpose

A By-law is required to have the City of Cornwall enter into a Service Agreement with the Municipality of South Stormont to provide recycling processing services for a fee at the Cornwall Material Recovery Facility.

Background / Discussion

The City of Cornwall received a request from the Municipality of South Stormont requesting use of the Cornwall Material Recovery Facility for the processing of their curbside residential recycling.

The City of Cornwall's Facility currently processes residential recycling from South Stormont, South Dundas, North Stormont, South Glengarry and Akwesasne.

The Municipality of South Stormont will be charged a fee in accordance with the processing associated with the tonnage of mixed recycling the City facility receives. The City of Cornwall will share the revenue earned from the sale of the Municipality of South Stormont's recyclable materials, calculated using the Municipality's percentage of monthly inbound mixed recycling.

Report Approval Details

| | |
|----------------------|--------------------------------------------------------------------------------------------------------|
| Document Title: | Note - Recycling with South Stormont - 2020-301-IMW - 2020-307-Infrastructure and Municipal Works.docx |
| Attachments: | |
| Final Approval Date: | May 29, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Carl Goodwin - May 27, 2020 - 1:28 PM

Bill de Wit - May 27, 2020 - 2:03 PM

Maureen Adams - May 29, 2020 - 2:57 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2020-079

Department: Infrastructure and Municipal Works
Division: Environment
By-law Number: 2020-079
Report Number: 2020-297-Infrastructure and Municipal Works
Meeting Date: June 8, 2020
Subject: By-law – Service Agreement with Municipality of South
Dundas

Whereas the City of Cornwall's Environmental Services received a request from the Municipality of South Dundas to begin processing their single stream, mixed recycling; and

Whereas the curbside residential recycling will be collected by the Municipality of South Dundas' contractor and delivered to the Cornwall Material Recovery Facility; and

Whereas the Municipality of South Dundas is subject to the City of Cornwall's Solid Waste By-law 2019-054 and Solid Waste Management Master Plan's diversion requirements specific to curbside recycling as outlined in the Service Agreement. The Municipality of South Dundas will also be subject to any changes or amendments to these documents such as but not limited to removal of specific materials from the blue box, addition of materials accepted to the blue box, and specifications surrounding contaminants in the blue box; and

Whereas incoming loads from the Municipality of South Dundas' curbside recycling collection will be subject to inspection upon delivery from time to time at the Supervisor's discretion.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. That The Corporation of the City of Cornwall be authorized to enter into a Service Agreement with the Municipality of South Dundas.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed and sealed in open Council this 8th day of June, 2020.

Manon L. Levesque
City Clerk

Bernadette Clement
Mayor

Report Approval Details

| | |
|----------------------|------------------------------------------------------------------------------|
| Document Title: | By-law - Agreement with the Municipality of South Dundas - 2020-297-IMW.docx |
| Attachments: | |
| Final Approval Date: | Jun 1, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Carl Goodwin - May 28, 2020 - 11:17 AM

Bill de Wit - Jun 1, 2020 - 10:32 AM

Maureen Adams - Jun 1, 2020 - 8:39 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law Explanatory Note

Department: Infrastructure and Municipal Works
Division: Environment
Report Number: 2020-298-Infrastructure and Municipal Works
Prepared By: Dave Kuhn, Acting Waste Management Supervisor
Meeting Date: June 8, 2020
Subject: Note to By-law – Recycling Service Agreement with
Municipality of South Dundas

Purpose

A By-law is required to have the City of Cornwall enter into a Service Agreement with the Municipality of South Dundas to provide recycling processing services for a fee at the Cornwall Material Recovery Facility.

Background / Discussion

The City of Cornwall received a request from the Municipality of South Dundas requesting use of the Cornwall Material Recovery Facility for the processing of their curbside residential recycling.

The City of Cornwall's Facility currently processes residential recycling from South Stormont, South Dundas, North Stormont, South Glengarry and Akwesasne.

The Municipality of South Dundas will be charged a fee in accordance with the processing associated with the tonnage of mixed recycling the City facility receives. The City of Cornwall will share the revenue earned from the sale of the Municipality of South Dundas' recyclable materials, calculated using the Municipality of South Dundas' percentage of monthly inbound mixed recycling tonnage.

Report Approval Details

| | |
|----------------------|---------------------------------------------------------------------------------------------------------------------------|
| Document Title: | Note to By-law - Recycling Agreement with Municipality of South Dundas - 2020-298-Infrastructure and Municipal Works.docx |
| Attachments: | |
| Final Approval Date: | May 16, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Dave Kuhn - May 15, 2020 - 3:33 PM

Carl Goodwin - May 15, 2020 - 3:51 PM

Bill de Wit - May 15, 2020 - 4:12 PM

Maureen Adams - May 16, 2020 - 8:00 AM



The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2020-080

Department: Infrastructure and Municipal Works
Division: Environment
By-law Number: 2020-080
Report Number: 2020-308-Infrastructure and Municipal Works
Meeting Date: June 8, 2020
Subject: By-law with respect to the regulation of the discharge of wastes and sewage into the public sewers, under Sections 87 and 92.1 and 92.2 of the Municipal Act, 2001, S.O. 2001, C.25 and to repeal By-law 103-2003

Whereas it is deemed expedient for the proper safe and efficient use and operation of the public sewers and the disposal of sewage to make regulations concerning the discharge of sewage into the said sewers; and

Whereas the Corporation of the City of Cornwall has received a Certificate of Approval from the Ministry of the Environment to operate the sewage treatment facilities; and

Whereas this Certificate of Approval outlines the parameters of which the quality of effluent must be met before it is being discharged into the receiving stream.

Whereas to ensure that the City of Cornwall can achieve the parameters for the quality of effluent, as outlined in the Certificate of Approval, the Municipality should have a by-law which regulates the discharge of sewage into the public sewer system in order to ensure that this septage can be properly treated at the City of Cornwall's Waste Water Treatment Facility, so that the effluent will meet the parameters as outlined in the Certificate of Approval for the Waste Water Treatment Facility.

Now therefore be it resolved that The Council of the Corporation of the City of Cornwall enact the following by-law:

Section 1 - Definitions

In this Bylaw:

1. ***“acute hazardous waste chemicals”*** means acute hazardous waste chemicals within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E. 19 (EPA);
2. ***“biochemical oxygen demand (BOD)”*** means the 5-day BOD which is the determination of the molecular oxygen utilized during a 5-day incubation period for the biochemical degradation of organic material (carbonaceous demand), and the oxygen used to oxidize inorganic material such as sulphides and ferrous iron, and the amount of oxygen used to oxidize reduced form of nitrogen (nitrogenous demand);
3. ***“biosolids”*** means organic solid material recovered from the wastewater treatment process;
4. ***“blowdown water”*** means recirculating water that is discharged from a cooling or heating water system for the purpose of controlling the level of water in the system or for the purpose of discharging from the system materials contained in the system, the further build-up of which would or might impair the operation of the system;
5. ***“City”*** means the City of Cornwall
6. ***“combined sewer”*** means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
7. ***“combustible liquids”*** means any liquid that does not meet the definition of any other hazard class specified in this by-law and has a flash point above 60.5° C (141° F) and below 93° C (200° F);
8. ***“Corporation”*** means a body formed and authorized by law to act as a single person although constituted by one or more persons and legally endowed with various rights and duties including the capacity of succession;
9. ***“composite sample”*** means a volume of sewage, storm water, uncontaminated water, or effluent made up of three or more grab samples that have been combined automatically or manually and taken at intervals during the sampling periods;

10. **“connection” or “drain”** means that part of those parts of any pipe or system of pipes leading directly to a sewage works;
11. **“cooling water”** means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product, or finished product, but does not include blowdown water;
12. **“Division Manager”** means Division Manager of Environmental Services of the City of Cornwall and his/her successor or his/her duly authorized representative;
13. **“fuels”** means alcohol, gasoline, naphtha, diesel fuel, fuel oil or any other ignitable substance intended for use as a fuel;
14. **“grab sample”** means a volume of sewage, storm water, uncontaminated water, or effluent of at least 100 millilitres which is collected over a period not exceeding fifteen minutes;
15. **“groundwater”** means water beneath the earth’s surface;
16. **“hailed sewage”** means waste removed from a sewage system, including a cesspool, a septic tank system, a privy vault or privy pit, a chemical toilet, a portable toilet, or a sewage holding tank;
17. **“hailed waste”** means any industrial waste, which is transported to and deposited into any location in the sewage works including, hailed sewage;
18. **“hazardous industrial waste”** means hazardous industrial waste within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E. 19 (EPA);
19. **“hazardous waste chemicals”** means hazardous waste chemicals within the meaning of O.Reg. 347, as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E. 19 (EPA);
20. **“ignitable waste”** means a substance that,
 1. is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61 degrees Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-97a), the Setaflash Closed Cup Tester (ASTM D-3828-97 or ASTM

D-3278-96e1), the Pensky-Martens Closed Cup Tester (ASTM D-93-97), or as determined by an equivalent test method,

2. is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger;
 3. is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended, or,
 4. is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
21. ***“industrial”*** means of or pertaining to manufacturing, commerce, trade, business, or institutions as distinguished from domestic or residential;
 22. ***“industry”*** means any owner or operator of industrial or commercial premises from which there is a discharge of any matter directly or indirectly into a City sanitary sewer, combined sewer or storm sewer;
 23. ***“maintenance access hole”*** means an access point in a private sewer connection to allow for observation, sampling and flow measurement of the sewage, uncontaminated water or storm water therein;
 24. ***“matter”*** includes any solid, liquid or gas;
 25. ***“municipal sewer connection”*** means that part of any drain leading from the private sewer connection and connected to the municipal sewer and located within the limits of the public road allowance, or other public lands or public land interests held for sewerage purposes;
 26. ***“pathological waste”*** means pathological waste within the meaning of O.Reg. 347 as amended from time to time, made under the Environmental Protection Act, R.S.O. 1990 c.E.19 (EPA);

27. **“PCBs”** means any monochlorinated or polychlorinated biphenyl or any mixture of them or mixture that contain one or more of them;
28. **“person”** means an individual, association, partnership, corporation, Municipality or an agent or employee of such a person;
29. **“pesticides”** means a pesticide regulated under the Pesticides Act, R.S.O. 1990, c.P. (PA);
30. **“private sewer connection”** means that part of any drain or system of drains, including drains or subsurface drainage pipe for surface or subsurface drainage of the land in or adjacent to a building, lying within the limits of the private lands and leading to a municipal sewer connection;
31. **“reactive waste”** means a substance that,
1. is normally unstable and readily undergoes violent changes without detonating;
 2. reacts violently with water;
 3. forms potentially explosive mixtures with water;
 4. when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment;
 5. is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present danger to human health or the environment;
 6. is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
 7. is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or
 8. is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act, 1992, S.C. 1992, as amended;
32. **“sanitary sewer”** means a sewer for the collection and transmission of domestic or industrial sewage or any combination thereof;
33. **“severely toxic waste”** means waste containing any contaminant listed in Schedule 3 of O.Reg. 347, as amended from time to time,

made under the Environmental Protection Act, R.S.O. 1990 c.E. 19 (EPA);

34. **“sewage”** means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or in suspension but does not include storm water or uncontaminated water;
35. **“sewage works”** means any works for the collection, transmission, treatment and disposal of sewage, storm water or uncontaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such works, but does not include plumbing or other works to which the Building Code Act, 1992 applies;
36. **“sewer”** means a pipe, conduit, drain, open channel, or ditch for the collection and transmission of sewage, storm water and/or uncontaminated water, or any combination thereof;
37. **“spill”** means a direct or indirect discharge into the sewage works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge;
38. **“Standard Methods”** means a procedure or method set out in Standard Methods for the Examination of Water and Wastewater published jointly by the American Health Association, American Water Works Association and the Water Environment Federation, latest edition;
39. **“storm sewer”** means a sewer for the collection and transmission of uncontaminated water, storm water, drainage from land or from a watercourse or any combination thereof;
40. **“storm water”** means water from rainfall, other natural precipitation, drainage or from the melting of snow or ice;
41. **“subject pollutant”** means the element, material or compound listed in Appendix 2 to this By-law, or designated by the City in accordance with subsection 5(15) of this By-law;
42. **“subject sector”** means any class of business or activity designated in Appendix 1 to the Bylaw or designated by the City in accordance with subsection 5(14) of this By-law;
43. **“Subject industry sector”** means any industry which carries out an activity listed in Appendix 1 to this By-law at its premises or at any of

its premises, even if the activity is not a primary activity of the industry at any premises;

44. **“subsurface drainage pipe”** means a pipe that is installed underground to intercept and convey subsurface water, and includes foundation drain pipes;
45. **“total PAHs”** means the total of all the polycyclic aromatic hydrocarbons listed under Canada Ontario Agreement Tier I and II Substances Lists, i.e. anthracene, benzo(a)pyrene, benzo(a)anthracene, benzo(e)pyrene, benzo(b)fluoranthene, benzo(j)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, dibenzo(a,i)pyrene, dibenzo(a,j)acridine, 7H-dibenzo(c,g)carbazole, dinitropyrene, fluoranthene, indeno(1,2,3-c,d)pyrene, perylene, phenanthrene, and pyrene;
46. **“uncontaminated water”** means water with a level of quality which is typical of potable water normally supplied by the City or whose quality meets or exceeds the values in Table 2 - Limits for Storm Sewer Discharge of this By-law;
47. **“waste disposal site leachate”** means the liquid containing dissolved or suspended contaminants which emanates from waste at the waste disposal site and is produced by water percolating through waste or by liquid in waste;
48. **“waste radioactive prescribed substances”** means uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds and such other substances as the Atomic Energy Control Board should be by regulation, designate as being capable of releasing atomic energy or as being requisite for the production, use or application of atomic energy; and
49. **“watercourse”** means an open channel, ditch or depression either natural or artificial, in which flow of water occurs either continuously or intermittently.

Section 2 - Sanitary and Combined Sewer Requirements

- 2.1 No discharger shall cause or permit the deposit or discharge of sewage into a sanitary or combined sewer in any of the circumstances set out in 2.1.1. to 2.1.4.

2.1.1. Sewage which causes or may cause or results or may result in any one or more of the following conditions:

1. a health or safety hazard to a sewage works person authorized to operate, maintain, repair or otherwise work on a sewage works;
2. An offence under the Ontario Water Resources Act (OWRA) or the Environmental Protection Act (EPA), as amended from time to time, or any regulation made there under from time to time;
3. biosolids from a sewage works to fail, either directly or indirectly as a result of the sewage discharge, to meet the objectives and criteria as set out in the Ministry of the Environment publication entitled "Guidelines for the Utilization of Biosolids and Other Waste on Agricultural Land" dated March 1996, as amended from time to time;
4. an obstruction or restriction to the flow of the sanitary sewer or combined sewer;
5. an offensive odour to emanate from the sanitary sewer, combined sewer or sewage works;
6. damage to the sanitary or combined sewer works infrastructure;
7. Interference with the operation and maintenance at a sewage works;

2.1.2. Sewage with any one or more of the following characteristics:

1. a pH less than 6.0 or greater than 10.0;
2. consisting of two or more separate liquid layers;
3. having a temperature greater than 60 degrees Celsius.

2.1.3. Sewage containing one or more of the following:

1. biomedical waste, except where the sewage meets the conditions for discharge as listed in the Ontario Ministry of the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended from time to time;
2. combustible liquid;
3. fuel;
4. hauled sewage, except where:
 - a) the carrier of the hauled sewage is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the EPA or

is exempt from the requirement to have a certificate or provisional certificate of approval;

- b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the Municipality; and
 - c) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;
5. Hauled waste, except where:
- a) the carrier of the hauled waste is a waste management system operating under a certificate of approval or provisional certificate of approval issued under the EPA or is exempt from the requirement to have a certificate or provisional certificate of approval;
 - b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the Municipality;
 - c) hauled waste meets the conditions set out in clauses 23(3)(c) and 25(5)(b) of O.Reg 347, R.R.O. 1990, as amended from time to time; and
 - d) the carrier meets all conditions for discharge that are or may be required from time to time by the Municipality;
6. ignitable waste;
7. hazardous industrial waste;
8. hazardous waste chemicals;
9. pathological waste;
10. PCB waste, except where:
- a) the discharger has a certificate of approval for a mobile site or PCB mobile waste disposal system issued under the EPA or where the discharger is claiming an exemption, the discharger has demonstrated to the Municipality that the conditions of the exemption are met;
 - b) a copy of the most recent certificate or provisional certificate and any amendment is provided to the Municipality;
 - c) the discharger has written approval from the Municipality for the discharge of the PCB waste to the sewage works; and

- d) all requirements of O.Reg. 352 are met;
- 11. pesticides;
- 12. reactive waste;
- 13. waste radioactive prescribed substances, except where:
 - a) the waste radioactive prescribed substances are being discharged under a valid and current licence issued by the Atomic Energy Control Board or its successor; and
 - b) a copy of the licence has been provided to the Municipality; or
- 14. waste disposal site leachate, except where:
 - a) the discharger has written approval from the Municipality which authorizes the discharge or deposit of the waste disposal site leachate to the sewage works; and
 - b) where a certificate of approval or order has been issued which includes a provision for the disposal of waste disposal site leachate, a copy of the certificate of approval or order is provided to the Municipality or where the discharger is claiming an exemption, the discharger has demonstrated to the Municipality that the conditions of the exemption are being met;

2.1.4. Sewage containing a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 1 of this by-law entitled "Limits for Sanitary and Combined Sewers".

2.2 Discharge of cooling water, storm water and uncontaminated water is prohibited to a sanitary sewer except where:

- 1. discharges which have been permitted by the Municipality or its predecessor prior to the enactment of this bylaw or discharges which have been regularly made since the enactment date of this bylaw are identified to the Municipality by the discharger by July 1, 2004 and the Municipality has provided exemption in writing to the discharger; or
- 2. The discharger has entered into an agreement with the Municipality regarding the discharge prior to any discharge and the discharger is complying with the agreement.

- 2.3 Discharge of water which originates from a source separate from the potable water supplied by the Municipality is prohibited to a combined sewer or sanitary sewer except where the following is met:
1. the amount of water, location of the water source, and address of discharger where the water is being used is provided to the Municipality;
 2. in the case where the amount of water taken is greater than 50,000 litres per day and a copy of the Permit to Take Water issued under the OWRA is required, a copy of the Permit to Take Water is provided to the Municipality;
 3. in the case where the discharger is claiming exemption from the requirement to have a certificate of approval, the discharger has demonstrated to the Municipality that the conditions are met; and
 4. the discharger has entered into an agreement with the Municipality regarding the discharge prior to any discharge and the discharger is complying with the agreement.

Table 1 - Limits for Sanitary and Combined Sewers

| ATG* | Parameter | Limit (mg/L) |
|-------------|---------------------------|---------------------|
| 1a | Biochemical Oxygen Demand | 300 |
| 2 | Cyanide, Total | 2 |
| 4a | Kjeldahl Nitrogen, Total | 100 |
| 6 | Phosphorus, Total | 10 |
| 8 | Suspended Solids, Total | 350 |
| 9 | Cadmium, Total | 0.7 |
| | Chromium, Total | 5 |
| | Cobalt, Total | 5 |
| | Copper, Total | 3 |
| | Lead, Total | 2 |
| | Molybdenum, Total | 5 |
| | Nickel, Total | 3 |
| | Silver, Total | 5 |
| | Zinc, Total | 3 |
| 10 | Antimony, Total | 5 |
| | Arsenic, Total | 1 |
| | Selenium, Total | 5 |
| 12 | Mercury, Total | 0.05 |
| 14 | Phenolics (4AAP) | 1.0 |
| 16 | Chloroform | 0.04 |
| | 1,4 - Dichlorobenzene | 0.47 |
| | Methylene chloride | 0.21 |

| | | |
|----|-------------------------------------------------------|------|
| | 1,1,2,2 - Tetrachloroethane | 0.04 |
| | Tetrachloroethylene | 0.05 |
| | Trichloroethylene | 0.07 |
| 17 | Benzene | 0.01 |
| | Ethylbenzene | 0.16 |
| | Toluene | 0.27 |
| | o-Xylene | 0.52 |
| 25 | Solvent Extractables - mineral or synthetic in origin | 15 |
| | Solvent Extractables - animal or vegetable in origin | 150 |
| 30 | Fluoride | 10 |

* ATG - Analytical Test Group as used and presented in the Protocol referenced in Part 8.

Section 3 - Prohibition of Dilution

3.1 The addition of water or any other material from any source which is added to sewage for the purposes of dilution to achieve compliance with Table 1 and/or Table 2 is prohibited.

Section 4 - Storm Sewer Requirements

4.1 Discharge to a storm sewer is prohibited unless all of the following are met:

- a) the discharge is cooling water or storm water or uncontaminated water;
- b) the discharge does not interfere with the proper operation of a storm sewer;
- c) the discharge does not obstruct or restrict a storm sewer or the flow therein;
- d) the discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- e) the discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse;
- f) the discharge does not contravene or result in the contravention of a certificate or provisional certificate issued under the Ontario Water Resources Act (OWRA) or the Environmental Protection Act (EPA);
- g) the discharge (other than storm water) does not have one or more of the following characteristics:

- (i) two or more separate layers;
 - (ii) a pH less than 6.5 or greater than 8.5;
 - (iii) a temperature greater than 40 degrees Celsius;
- h) The discharge does not contain one or more of the following:
 - (i) biomedical waste as defined in the Ontario Ministry of the Environment Guideline C-4 entitled "The Management of Biomedical Waste in Ontario" dated April 1994, as amended from time to time;
 - (ii) combustible liquids;
 - (iii) fuels;
 - (iv) hauled sewage;
 - (v) hauled waste;
 - (vi) ignitable waste;
 - (vii) PCB waste;
 - (viii) pesticides;
 - (ix) reactive waste;
 - (x) waste radioactive prescribed substances;
 - (xi) waste disposal site leachate; and
- i) the discharge does not contain contaminants from raw materials, intermediate or final products or wastewater from an industrial operation;
- j) contain E. Coli colonies in excess of 200 per 100 mL;
- k) contain a concentration, expressed in milligrams per litre, in excess of any one or more of the limits in Table 2 of this Bylaw entitled "Limits for Storm Sewer Discharge";
- l) a discharger may be required, upon receipt of notice from the Municipality, to complete one or more of the following activities in a reasonable amount of time, as stated in the notice addressing storm water from the discharger's site:
 - (i) a study on stormwater quality and/or quantity;
 - (ii) modification and/or construction of stormwater facilities;
 - (iii) development and implementation of a best management plan;
 - (iv) adoption and implementation of pollution prevention techniques and measures;
 - (v) development and adoption of an environmental management system; or
 - (vi) any other requirement as specified by the Municipality.

Table 2 - Limits for Storm Sewer Discharge

| Parameter | Limited (mg/L) | Parameter | Limit (mg/L) |
|---------------------------|----------------|------------------------------|--------------|
| Biochemical Oxygen Demand | 15 | Trans, 1,3-dichloropropylene | 0.0056 |
| Cyanide (total) | 0.02 | Ethyl benzene | 0.002 |
| Phenolics (4AAP) | 0.008 | Methylene chloride | 0.0052 |
| Phosphorus (total) | 0.4 | 1,1,2,2-tetrachloroethane | 0.017 |
| Suspended Solids (total) | 15 | Tetrachloroethylene | 0.0044 |
| Arsenic (total) | 0.02 | Toluene | 0.002 |
| Cadmium (total) | 0.008 | Trichloroethylene | 0.0076 |
| Chromium (total) | 0.08 | Xylene (total) | 0.0044 |
| Chromium (hexavalent) | 0.04 | Di-n-butyl phthalate | 0.015 |
| Copper (total) | 0.04 | Bis (2-ethylhexyl) phthalate | 0.0088 |
| Lead (total) | 0.12 | Nonylphenols | 0.001 |
| Manganese (total) | 0.05 | Nonylphenol ethoxylates | 0.01 |
| Mercury (total) | 0.0004 | Aldrin/dieldrin | 0.00008 |
| Nickel (total) | 0.08 | Chlordane | 0.04 |
| Selenium (total) | 0.02 | DDT | 0.00004 |
| | | | |

| | | | |
|--------------------------|--------|------------------------|---------|
| Silver (total) | 0.12 | Hexachlorobenzene | 0.00004 |
| Zinc (total) | 0.04 | Mirex | 0.04 |
| Benzene | 0.002 | c,c'-dichlorobenzidine | 0.0008 |
| 1,2-dichlorobenzene | 0.0056 | Hexachlorocyclohexane | 0.04 |
| 1,2-dichlorobenzene | 0.0068 | Pentachlorophenol | 0.002 |
| Cis-1,2-dichloroethylene | 0.0056 | Total PAHs | 0.002 |

Section 5 - Reporting Requirements

- 5.1 Prior to any discharge of sewage, storm water, cooling water, uncontaminated water or any combination thereof, to a sewage works, an industrial discharger is required to complete and return to the Municipality the following reports:
- a) Perform an analysis by a certified laboratory on a sample of the effluent for all parameters listed in Table 1 if the discharge is to be directed to the sanitary and/or combined sewer; or
 - b) Perform an analysis by a certified laboratory on a sample of the effluent for all parameters listed in Table 1 if the discharge is to be directed to the storm sewer.
- 5.2 If a discharger was discharging to the sewage works prior to the enactment of this bylaw, the discharger shall comply with the requirements of 5.2 and 6.1 on or before November 1, 2020.
- 5.3 The requirements in 5.2 do not apply to the discharger, if in the sole opinion of the Municipality, adequate information has been provided to and accepted by the Municipality, prior to the date of enactment of this bylaw.
- 5.4 The discharger shall provide written notification to the Municipality of any change to the information required under 5.1, 5.2 or 5.3 within thirty (30) days of the change.

Section 6 - Discharger Self-Monitoring

- 6.1 The discharger shall complete any monitoring or sampling of any discharge to a sewage works, as required by the Municipality, and provide the results to the Municipality in accordance with written notification from the Municipality.
- 6.2 The obligations set out in or arising out of 6.1 shall be completed at the expense of the discharger unless the Municipality has agreed in writing to share the expense with the discharger.

Section 7 - Extra Strength Surcharge Temporary Agreement

- 7.1 The Municipality may authorize an extra strength surcharge temporary agreement (Schedule A) (for a mutually agreed upon time) with a discharger to permit exceedances for any one or more of the following parameters set out in Table 1, referred to in 2.1.4, for the following, where sewage is discharged to a sanitary sewer or combined sewer:
- (i) Biochemical Oxygen Demand;
 - (ii) Phenolics (4AP);
 - (iii) Solvent Extractables - animal or vegetable in origin;
 - (iv) Kjeldahl Nitrogen, Total;
 - (v) Phosphorus, Total; or
 - (vi) Suspended Solids, Total
- 7.2 The agreement may contain terms and conditions including terms and conditions related to the calculation and payment for the discharge to the sanitary sewer or combined sewer.
- 7.3 During the term of agreement, the discharger is exempt from meeting the limits set out in the Table referred to in 2.1.4 for the parameter(s) included in the agreement, if all conditions stipulated by the Municipality in the agreement are met.
- 7.4 The Municipality may terminate the agreement at any time and the termination will be effective within thirty (30) days of the delivery of a written notice to the discharger's site or head office.
- 7.5 The applicable agreement is outlined in Schedule A of this by-law.

Section 8 - Compliance Agreement

- 8.1 The Municipality may authorize a compliance agreement (Schedule B and C) with a discharger, to eliminate a non-compliance situation, where the discharger is out of compliance with one or more conditions in Section 2.
- 8.2 The agreement shall have the following characteristics:
- a) be for a fixed term;
 - b) contain reporting requirements to the Municipality on significant stages in the progress towards compliance as determined by the Municipality; and
 - c) list the condition or conditions identified in 8.1 and include a maximum interim limit for the parameter or parameters covered by the agreement.

- 8.3 During the term of the compliance agreement, the discharger shall be exempt from those parts of Section 2 specified in the compliance agreement provided that all of the conditions of the agreement are met by the discharger.
- 8.4 The agreement provided for in 8.1 may be terminated without notice, by the Municipality at any time, where in the opinion of the Municipality, there is an immediate threat or danger to any person, animal, property, vegetation, or in any hazard or other adverse impact to a sanitary sewer, a combined sewer or a sewage works and the discharger is required to immediately comply with Section 2 of this bylaw.

Section 9 - Sampling and Analytical Requirements

- 9.1 The sampling and analysis required by this bylaw shall be done in accordance with the procedures described in the "Protocol for the Sampling and Analysis for the Municipal Sewer Use Bylaw" in the Municipality of Cornwall dated June 23, 2003, as amended from time to time.
- 9.2 Non-compliance with this bylaw may be established through the analysis of a single grab sample done in accordance with 9.1.
- 9.3 In the case of sampling a discharge to a combined sewer, any storm water or uncontaminated water which is discharged at the time of sampling, is not to be considered a component of the sample for determining compliance with 2.1.2. or 2.1.4 of this bylaw.
- 9.4 A discharger is responsible for any requirements set out in this bylaw in respect of discharges or deposits of sewage, storm water or uncontaminated water into that part of a sewage works over which the discharger has or could have control.

Section 10 - Maintenance Access Points

- 10.1 The Municipality may require in written notification, the installation of maintenance access points or the upgrading of existing maintenance access points, for each connection to the sewage works at the site of a discharger, for the purpose of monitoring or sampling discharges as set out in 9.4.
- 10.2 Maintenance access points required under 10.1 shall be:
- a) located on the property of the discharger unless the Municipality

- permits an alternative location;
- b) accessible at all times by the Municipality;
- c) constructed in a manner which meets the standards of the Municipality;
- d) maintained to ensure access and structural integrity; and
- e) maintained and constructed at the expense of the discharger.

Section 11 - Spills

- 11.1 In the event of a spill to a sewage works, the discharger shall immediately notify the Municipality, provide any information with respect to the spill which the Municipality advises it requires and complete any work the Municipality requires to mitigate the spill.
- 11.2 The discharger shall provide a report on the spill to the Municipality, within five days after the spill, containing the following information:
- a) location where spill occurred;
 - b) name and phone number of person who reported the spill and location where they can be contacted;
 - c) date and time of spill;
 - d) material spilled;
 - e) characteristics of material spilled;
 - f) volume of material spilled;
 - g) duration of spill event;
 - h) work completed and/or still in progress in the mitigation of the spill; and
 - i) preventative actions being taken to ensure the situation does not occur again.

Section 12 - Offences

- 12.1 Every person other than a corporation who contravenes any provision of **Section 2 or 4** of this bylaw is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine or not more than \$10,000 for a first offence and \$25,000 for any subsequent conviction, as outlined in Section 92 of the Municipal Act.
- 12.2 Every corporation which contravenes any provision **Section 2 or 4** of this bylaw is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more

than \$50,000 for a first offence and \$100,000 for any subsequent conviction, as outlined in Section 92 of the Municipal Act.

- 12.3 Notwithstanding subsection 12.1 and 12.2, every person who contravenes any provision of any other section of this bylaw, is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine or not more than \$5,000.
- 12.4 Any expense incurred by the Municipality to do work required under this By-law because of default by the owner may be levied against the owner and recovered in like manner as municipal taxes.

Section 13 - Other Provisions

Where grease, oil and grit interceptors are provided at the cost of the owner to prevent the discharge of wastewater containing amounts of these substances in excess of the amounts permitted by this By-law, they shall be properly maintained and placed in locations readily accessible for cleaning and inspection and shall be of a design in keeping with good engineering practice.

Section 14 - Repeal

The previous City of Cornwall Sewer Use By-law known as 103-2003 is hereby repealed as of June 8, 2020.

Read, signed and sealed in open Council this 8th day of June, 2020.

Manon L. Levesque
City Clerk

Bernadette Clement
Mayor

Schedule A - Surcharge Agreement

This surcharge agreement is made between:

THE CITY OF CORNWALL

- and -

[INSERT FULL LEGAL NAME OF THE COMPANY]

(the “Discharger”)

RECITALS:

- A. Sewer Use By-law or the “By-law”) regulates discharges of sewage to the Regional sanitary sewer system.
- B. Section 7 of the By-law provides that City of Cornwall may enter into a extra strength surcharge agreement with a discharger in accordance with that Part to permit certain discharges of sewage to City of Cornwall’s sanitary sewer system that would otherwise be prohibited by the By-law, only to the extent permitted by the extra strength surcharge agreement.
- C. The Discharger seeks to discharge sewage to the sanitary sewer that contains one or more Parameters for which City of Cornwall has established a surcharge rate, and such sewage is likely to contain those Parameters at concentrations in excess of the limits established by Table 1 of the By-law.
- D. This Agreement sets out the terms and conditions relating to such discharges and fees.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Interpretation

(a) In this Agreement, the following terms are defined as follows:

- (i) “Agreement” means this agreement between City of Cornwall and the Discharger;

- (ii) “Applicable Law” means any applicable legislation (including statutes and regulations), bylaw, order, approval, permit, authorization, order-in-council, judgment, declaration, ruling, policy, procedure, guideline, code, directive or other requirement having the force of law of any federal, provincial, municipal, regulatory or other governmental agency, body, court, tribunal or other judicial or quasi-judicial decision-making body;
 - (iii) “Engineer’s Report” means a report signed and stamped by an independent professional engineer licensed to practice in the Province of Ontario who is satisfactory to City of Cornwall, in its sole discretion;
 - (iv) “Fees and Charges By-law” means the annual City of Cornwall By-law detailing the corporate service fees and user charges including any schedules, as may be amended from time to time, or its successor by-law.
 - (v) “Parameter” means a substance for which City of Cornwall has established a surcharge rate and which is listed in subsection 3(b) of this Agreement;
 - (vi) “Sewer Use By-law” or “By-law” means City of Cornwall Bylaw including any schedules, as may be amended from time to time, or its successor bylaw; and
 - (vii) “City of Cornwall” means The City of Cornwall and as the context requires includes any of its designated representatives who are authorized to represent City of Cornwall and also includes an employee authorized and designated to exercise a discretion on City of Cornwall’s behalf.
- (b) In this Agreement, “Premises” means the property municipally known as:
- | | | |
|-----------------|----------|----------------|
| _____ | _____ | Cornwall |
| (Unit Street #) | (Street) | (Municipality) |
- (c) All terms used in this Agreement which are defined by the Sewer Use Bylaw shall have the same meaning.
 - (d) This Agreement constitutes a surcharge agreement under Section 7 of the Sewer Use By-law and is subject to any restrictions on agreements imposed by the By-law. The terms and conditions for the discharge of sewage to the extent permissible under the By-law are set out in this Agreement and in all other respects, the Bylaw shall apply. In the event of a conflict between this Agreement and the Sewer Use By-law, the Sewer Use By-law shall prevail to the extent of the conflict.

2. Term

- (a) The obligations of this Agreement shall commence on _____, (the Effective Date) for a one year period and shall be automatically renewed for a further term of one year and renewed annually thereafter provided neither Party has provided the other written notice:
 - (i) of its intent to terminate this Agreement; or
 - (ii) no later than 60 calendar days prior to the expiration of the current term, of its intent that this Agreement not renew for a subsequent term.
- (b) All renewals of this Agreement shall be on the same terms and conditions as set out herein except for:
 - (i) the fees payable under this Agreement shall be adjusted to the prevailing fees and rates as set out in the Fees and Charges By-law for the relevant time period; and
 - (ii) as terms and conditions may otherwise be amended in accordance with section 12 of this Agreement.

3. Authorization to Discharge

- (a) This Agreement authorizes the Discharger to discharge sewage from the Premises to a sanitary sewer the quality of which may exceed only the limits provided in Table 1 of the By-law for one or more Parameters set out in subsection 3(b) of this Agreement, provided that:
 - (i) Notice of termination or suspension of this Agreement has not been provided by City of Cornwall;
 - (ii) The Discharger is in compliance with all of the terms and conditions of this Agreement, including the maximum concentration limits and the maximum loading limits for the Parameters subject to this Agreement set out in Schedules "A" and "B" hereto;
 - (iii) The Discharger is otherwise in compliance with the By-law; and
 - (iv) The By-law permits the limits for the Parameters to be exceeded through agreement.
- (b) This Agreement applies to one or more of the following Parameters only
 - (i) Biochemical oxygen demand (BOD5);
 - (ii) Total phosphorus (TP);

- (iii) Total suspended solids (TSS); and
 - (iv) Total Kjeldahl nitrogen (TKN).
- (c) For clarity, the Discharger continues to be solely responsible for all sewage discharges from the Premises. Without limiting or prejudicing and in addition to any other right or remedy, the Discharger acknowledges it shall continue to be responsible for any damage or injury resulting from sewage discharges from the Premises, including all costs related to repairing or replacing any part of the local municipal sewage works damaged thereby and for any damage or injury to any person or property caused by such discharge.

4. Fees

- (a) The Discharger agrees to pay to City of Cornwall the following surcharge agreement fees as set out in the Fees and Charges By-law:
- (i) An annual Agreement maintenance fee in respect of the preceding year during which this Agreement was in force and effect. The maintenance fee payable shall be the corresponding fee set out in the Fees and Charges By-law prevailing for the relevant time period. This fee may be prorated in the sole discretion of City of Cornwall where this Agreement is in force and effect for only a portion of that preceding year.
 - (ii) The laboratory costs for analysis of sampling undertaken by City of Cornwall for the purposes of the Agreement. The actual analytical laboratory cost shall be added to the Discharger's invoice in accordance with section 7 of this Agreement.
 - (iii) A Surcharge Fee in respect of all direct or indirect discharges to the sanitary sewer from the Premises from the Effective Date of this Agreement as calculated by City of Cornwall from time to time using the following formula for each Parameter to which this Agreement applies:

$$S_p = (C_p - L_p) \times V \times R_p \div 1000$$

where

- | | | |
|-----------------------|---|---------------------------------------------------------------------------------------------------------------------------------|
| S_p [\$] | = | the "Surcharge Fee" payable for each Parameter subject to this Agreement during a given time period |
| C_p [mg/L] | = | the "Average Concentration" of the Parameter in discharges during the time period, determined in accordance with this Agreement |
| L_p [mg/L] | = | the concentration limit of the Parameter listed in Table 1 of Schedule "A" of the By-law |
| V [m ³] | = | the "Volume" of discharge during the time period, determined in accordance with this Agreement |

R_p [\$/kg] = the prevailing "Surcharge Rate" applicable to the Parameter, as established by City of Cornwall and which shall be amended on a frequency determined by City of Cornwall and set out in the Fees and Charges By-law.

1000 = a conversion factor to convert a concentration in mg/L and a volume in m³ to a weight in kg.

Parameters

| | | |
|-----|-----|--------|
| BOD | 0.4 | \$/ kg |
| TSS | 0.6 | \$/ kg |
| TP | 8.0 | \$/ kg |
| TKN | 0.4 | \$/ kg |

- (iv) A one-time administrative fee shall be payable to City of Cornwall at the time this Agreement is entered into between the Parties.
- (b) The Discharger acknowledges and agrees the Surcharge Fee payable for each Parameter under this Agreement shall be calculated using the prevailing Surcharge Rate for the time period corresponding with the discharge and that the Surcharge Rates shall be amended by City of Cornwall from time to time.

5. Determination of Parameter Concentrations and Discharge Volumes

- (a) City of Cornwall shall determine the concentration of a Parameter in sewage discharged from the Premises for the purposes of determining an Average Concentration for a given time period or for determining compliance with the terms of the Agreement in accordance with the following:
 - (i) The preferred and default method for measuring Parameter concentrations shall be grab samples that are collected by City of Cornwall staff from an access point at or near the Premises. City of Cornwall shall determine, in its sole discretion, the appropriate number and frequency of grab samples necessary. Without limiting this discretion, the Discharger acknowledges that City of Cornwall typically takes 52 grab samples per year.
 - (ii) In place of, or in addition to, grab samples City of Cornwall may, in its sole discretion, elect to measure Parameter concentrations through composite sampling in accordance with section 9 of the By-law.

- (iii) The Discharger acknowledges that the use of an automatic sampling device is in City of Cornwall's sole discretion and City of Cornwall shall determine the feasibility of using an automatic sampling device based on factors including, but not limited to: the amount of sewage flow at the Premises, the consistency of sewage flow quality and the availability of equipment and City of Cornwall staff resources.
 - (iv) In place of or in addition to the above methods of measuring Parameter concentrations, City of Cornwall may permit the Discharger to propose and implement a self-monitoring and reporting program at the Discharger's expense and on such terms as City of Cornwall sees fit.
 - (v) In addition to any of the above, the Parties may agree in writing to any other method for measuring Parameter concentrations.
 - (vi) City of Cornwall may, in its sole discretion, disregard any concentration measurement that appears to be an implausible outlier.
 - (vii) In the event of a disagreement between the Parties as to the quality of any effluent sampled in accordance with this section, the determination of City of Cornwall shall govern.
- (b) City of Cornwall shall determine the Volume of sewage discharged from the Premises during a given time period for the purpose of calculating Surcharge Fees. City of Cornwall may, in its sole discretion, use any one or more of the following methods
- (i) Deem the volume of water, from both public and private sources, supplied to or used at the Premises during the time period to be the Volume of sewage discharged during that time period, with or without applying a discharge adjustment (as detailed in section 6 of this Agreement);
 - (ii) Sewage flow meter records provided by the Discharger, if such records are accepted by City of Cornwall, in its sole discretion, to be sufficiently reliable, accurate and precise; or
 - (iii) Any other method agreed to in writing by the Parties.
- (c) City of Cornwall shall, in its sole discretion, select which method or methods described in this section to use in determining the Average Concentration of a Parameter in sewage discharged during a given time period or concentration of a Parameter for determining compliance with the terms of the Agreement or the Volume of sewage discharged during a given time period (including any discharge adjustment) based on the following considerations:
- (i) The accuracy and reliability of the method;

- (ii) Availability of equipment, City of Cornwall staff and financial resources;
- (iii) The administrative burden of using the method;
- (iv) Ease of access to the Premises and sampling points;
- (v) Security of sampling equipment;
- (vi) Variability of Parameter concentrations in sewage discharged from the Premises;
- (vii) Variability of the quantity of sewage discharged from the Premises; and
- (viii) Any other relevant consideration, as determined by the City of Cornwall.

6. Billing and Invoicing for Fees

- (a) City of Cornwall will invoice any fees payable under this Agreement on an annual basis or on a more frequent basis, in City of Cornwall's sole discretion, and the Discharger shall pay all fees no later than thirty (30) calendar days after the date printed on the invoice.
- (b) City of Cornwall may deliver invoices in any manner in which notice is permitted by this Agreement and the Discharger acknowledges that is incumbent upon the Discharger to ensure it is prepared to receive invoices in any such manner.
- (c) The Discharger agrees that where fees are not paid in accordance with subsection 6(a) above interest shall be payable on overdue accounts by the Discharger in accordance with City of Cornwall By-law No. A-184-95-139, as may be amended from time to time or its successor bylaw.
- (d) City of Cornwall reserves the right to adjust or amend any figure or calculation used or made to determine an amount payable under this Agreement and to adjust or amend any invoice accordingly (whether issued or not) where necessary to correct an error or otherwise inaccurate information in order to better reflect the actual amounts payable under this Agreement.
- (e) The Discharger acknowledges that fees payable under this Agreement are intended to compensate City of Cornwall for the additional costs it incurs related to this Agreement and associated discharges, including the cost of administering this Agreement, costs for additional inspection, monitoring, sampling and analysis activities, additional sewage treatment and solids

disposal costs, and additional costs related to operating and maintaining the sewage works and that such fees are subject to change from time to time.

- (f) For greater certainty, fees under this Agreement are payable notwithstanding:
 - (i) Any non-compliant discharge exceeding the maximum concentrations set out in Schedule “A” of this Agreement; and/or
 - (ii) Any termination or suspension of this Agreement, where such fees are in respect of the time period preceding suspension or termination.

7. Information Collection and Disclosure

- (a) City of Cornwall is under no obligation to use or accept any information, data, results, calculation or the conclusions of any report provided by the Discharger or its engineers or consultants if City of Cornwall has reason to believe, in its sole discretion, that they are not accurate, lack sufficient precision, are not representative of typical sewage quality or quantity, are anomalous, or are otherwise unreliable.
- (b) In addition to the information requirements under the By-law, the Discharger agrees to provide, upon City of Cornwall’s request, access to and copies of the following documents and information in the possession or control of the Discharger and consents to their collection by City of Cornwall (whether from the Discharger or from any other source) which are reasonably necessary for the purpose of determining the concentration of a Parameter in sewage, the Volume of sewage discharged and/or compliance with the terms and conditions of this Agreement, other than as set out in this subsection 7(b):
 - (i) Water meter or sub-meter readings;
 - (ii) Water bills and invoices;
 - (iii) Business records showing the amount of water supplied to the Premises and/or the Discharger by private sources;
 - (iv) Records, data and logs relating to processes, operations and production at the Premises;
 - (v) Purchase orders and invoices for raw materials, chemicals and other supplies;
 - (vi) Any other document or information reasonably necessary for the purpose of determining the concentration of a Parameter in sewage or the Volume of sewage discharged during a given time period; and

- (vii) Any other document or information reasonably necessary for the purpose of determining the Discharger's compliance with the terms and conditions of this Agreement.
- (c) The Discharger shall preserve any of the documents and information described in subsection 8(d) that are in the possession of the Discharger for a period of at least two (2) years, and shall do any thing or take any action reasonably necessary to obtain the documents and information described in subsection 7(b).
- (d) The Discharger shall not open, alter, tamper with, damage or remove any City of Cornwall sampling equipment at the Premises or otherwise unless expressly authorized in writing by City of Cornwall, and shall not cause or permit any other person from doing the same, and shall take all steps reasonably necessary to prevent the same.
- (e) For greater certainty, City of Cornwall may use any of its powers of entry, inspection and enforcement under the Sewer Use By-law for the purpose of administering or determining compliance with this Agreement, and the Discharger agrees to cooperate with City of Cornwall in good faith in this regard.
- (f) The Discharger acknowledges that information provided to City of Cornwall under this Agreement is subject to, and shall be handled in accordance with, Section 5 of the Sewer Use By-law.
- (g) The Discharger acknowledges that City of Cornwall may notify the Ontario Ministry of Environment, Conservation and Parks if sewage discharged from the Premises contains hazardous waste or is otherwise in contravention of Applicable Law.

8. Notification Obligations

- (a) Upon discovering any breach of this Agreement the Discharger shall immediately verbally notify City of Cornwall of the breach and shall provide written notification of same as soon as practicable. For greater certainty, this obligation is in addition to the spill reporting obligations of Section 11 of the Sewer Use By-law.
- (b) Where the Discharger does not agree with any information, data or results used by City of Cornwall, or any calculation made by City of Cornwall, or any invoice issued by City of Cornwall, the Discharger shall notify City of Cornwall no later than fifteen (15) calendar days after receiving such information, data, results, calculation or invoice, after which time the Discharger shall be

deemed to have accepted and not dispute any such information, data, results, calculation or invoice.

9. Termination and Suspension

(a) City of Cornwall may, in its sole discretion, terminate this Agreement:

- (i) At any time and for any reason whatsoever regardless of the Discharger's state of compliance with the Agreement upon providing no fewer than thirty (30) calendar days written notice to the Discharger;
- (ii) Where the Discharger has breached any of the terms or conditions of this Agreement or failed to perform or fulfill any of its covenants, obligations or responsibilities under this Agreement, City of Cornwall may provide written notice to the Discharger to remedy the breach or default within thirty (30) calendar days, or such longer period as may be determined by City of Cornwall, failing which this Agreement may be terminated upon providing thirty (30) calendar days written notice of termination to the Discharger; or
- (iii) Immediately upon giving written notice to the Discharger where, in the opinion of City of Cornwall,
 - (A) there is an immediate threat or danger to any person, animal, the natural environment, property or vegetation;
 - (B) a discharge from the Premises causes or may cause an adverse effect to the sewage works;
 - (C) a discharge from the Premises causes or may cause the effluent or biosolids from the sewage works to contravene any Applicable Law, including but not limited to the *Ontario Water Resources Act*, the *Environmental Protection Act*, or any instrument or order issued thereunder;
 - (D) where the Discharger has assigned or transferred its rights and obligations in contravention of subsection 15(b) of this Agreement;
 - (E) where the Discharger provides or should have provided notice under subsection 8(a);
 - (F) where the Discharger undergoes a change in control or in corporate status that adversely affects its ability to satisfy some or all of its obligations under the Agreement; or
 - (G) where the Discharger has had an unpaid balance of fees owed to City of Cornwall under this Agreement for over sixty (60) calendar days

from the date printed on the invoice, despite anything else in this section.

- (b) The Discharger may terminate this Agreement upon thirty (30) calendar days written notice to City of Cornwall.
- (c) The Discharger agrees to provide at least thirty (30) calendar days written notice to City of Cornwall prior to ceasing operations at the Premises. If the Discharger fails to provide this notice, the Discharger shall continue to be bound by the obligations of this Agreement, including but not limited to obligations to make payment of fees until such time as the notice required by this section is received by City of Cornwall. The Discharger shall be responsible for payment of fees in respect of the time period preceding notice.
- (d) In any circumstance where City of Cornwall is entitled to terminate this Agreement, City of Cornwall may, in its sole discretion, elect to instead suspend the Discharger's right to discharge sewage from the Premises under this Agreement. The following terms apply to any suspension:
 - (i) Any suspension shall be effective immediately upon giving written notice to the Discharger;
 - (ii) City of Cornwall may reinstate the authorization to discharge only upon satisfaction of such terms and conditions as City of Cornwall, in its sole discretion, deems appropriate to remedy the circumstance leading to suspension; and
 - (iii) If this Agreement is suspended for thirty (30) consecutive days, the Agreement shall be deemed to be terminated on the 31st day.
- (e) For greater certainty, upon the termination or suspension of this Agreement, any provision or exemption allowing the discharge of sewage which exceeds the limits in Table 1 of the Sewer Use Bylaw shall cease to apply immediately and the Discharger shall be required to comply with all Bylaw requirements.
- (f) Any loss, expense, costs, damage and/or liability that may be sustained, paid or incurred by the Discharger or any other person(s) by reason of termination or suspension in accordance with this Agreement shall be borne by the Discharger.
- (g) Any termination or suspension by the City of Cornwall under this section is without prejudice to any other rights or remedies the City of Cornwall may have.

10. Entire Agreement and Amendment

- (a) This Agreement represents the entire Agreement between the Parties.
- (b) Unless specifically provided otherwise in this Agreement, any amendment to it shall be in writing and signed by both Parties. For greater certainty, City of Cornwall shall not be bound by any oral representation, statement, instruction, amendment or clarification relating to this Agreement made by any actual or purported employee, agent or representative of City of Cornwall.
- (c) Despite subsection 10(b) City of Cornwall reserves the right to amend, in its sole discretion, any of the maximum Parameter concentrations and/or the loading limits set out in Table 1 – Limits for Sanitary and Combined Sewers:
 - (i) Thirty (30) calendar days prior written notice to the Discharger, where the loading limits and/or maximum Parameter concentration values are increasing;
 - (ii) One hundred and twenty (120) calendar days prior written notice, where loading limits and/or maximum Parameter concentration values are decreasing or where loading limits and/or maximum Parameter concentration values are being imposed for the first time under this Agreement; or
 - (iii) notice in accordance with such other time period agreed to between the Parties in writing.
- (d) The Discharger acknowledges that the fees payable under this Agreement are determined in accordance with the fees, charges and rates set out in the Fees and Charges By-law. The Discharger acknowledges that City of Cornwall may, in its sole discretion, change the fees at any time through amendments to the Fees and Charges By-law. The Discharger also acknowledges that some fees and charges set out in the Fees and Charges By-law may be automatically adjusted each year for inflation. City of Cornwall will endeavour to provide the Discharger with at least sixty (60) calendar days notice of amendments to the Fees and Charges By-law that may impact amounts payable by the Discharger under this Agreement, however:
 - (i) The lack of any such notice cannot prevent the effect of any such amendment on this Agreement or the Discharger's obligation to pay the amended fee or rate;
 - (ii) Where the fees and rates under this Agreement are introduced or amended by resolution of City of Cornwall Council, notice of the amendment shall be deemed to have been given to the Discharger by City of Cornwall upon the passage of such resolution by Council; and

- (iii) Where the fees and rates under this Agreement are amended in accordance with the automatic adjustment to account for Consumer Price Index under the Fees and Charges By-law, notice of such amendment shall be deemed to have been given on January 1 of each year.

11. Notice and Delivery of Documents

- (a) Any notice, invoice or other document to be given or served on either Party under this Agreement shall be in writing and delivered by mail or by e-mail (the Party giving notice may choose the method) in the following manner:

to City of Cornwall at:

Water Purification Plant
The City of Cornwall
861 Second Street West
Cornwall, ON K6H 5T9

cgoodwin@cornwall.ca

to the Discharger at:

[•]
[•]
[•]
[•]

[NTD: Enter e-mail address, if e-mail delivery is to be allowed]

Despite paragraph (a) above, the Discharger may provide the verbal notice required by subsection 9(a) of this Agreement by telephone at the following phone number: **613-930-2787 ext. 2582**.

- (b) Despite subsection 10(b) of this Agreement, either Party may change the contact information contained in paragraph (a) or (b) of this section by giving fifteen (15) calendar days notice to the other Party with the new contact information.
- (c) Service of any notice under this section shall be deemed to be effected in accordance with the methods described in section 8 of the By-law.
- (d) Despite this section, where rates and/or fees under this Agreement are amended in accordance with clause 10(d)(ii) herein, City of Cornwall agrees it will endeavour to provide notice to the Discharger of the amendment by email, as above, as soon as reasonably practical after passage of the

resolution by Regional Council; however, lack of such notice does not impact the obligations of the Discharger under this Agreement.

12. Representations and Warranties of the Discharger

(a) The Discharger represents and warrants the following to be true:

- (i) the Discharger is,
 - (A) the legal owner of the Premises; or
 - (B) a tenant or sub-tenant of the Premises, in which case a copy of the lease or sub-lease (as the case may be) for the Premises shall be provided to City of Cornwall upon request at any time;
- (ii) the Discharger is not prohibited or restricted from entering into this Agreement or assuming any of the obligations, liabilities or restrictions hereunder, whether by an agreement with a third party (including any lease), constating documents, constitution, other Applicable Law or otherwise; and
- (iii) to the best of the Discharger's information and belief and after making diligent inquiries, the Discharger is not aware of any material facts or circumstances that may hinder its ability to perform or comply with its obligations under this Agreement.

13. Indemnification

(a) The Discharger shall indemnify and hold harmless City of Cornwall, its Council members, employees, successors and assigns (individually or collectively, the "Indemnified Parties") from and against all actions, claims, demands, losses, costs, damages, suits, proceedings, expenses, liabilities, judgements or proceedings whatsoever, including legal costs, which may be brought against, made upon the Indemnified Parties or which the Indemnified Parties may sustain, suffer or be put to resulting from or arising out of any act or omission of the Discharger, its directors, officers, employees, agents, contractors, subcontractors or any other person permitted by the Discharger to engage in any activities of the Discharger contemplated in this Agreement, in respect of any matter related to this Agreement.

14. Survival

- (a) In addition to the obligation to pay fees under this Agreement, the obligations contained in Sections 6 (Billing and Invoicing for Fees) and 13 (Indemnification) shall survive termination of this Agreement.

15. Successors and Assigns

- (a) This Agreement is enforceable against the Parties, their heirs, executors, administrators, successors and assigns.
- (b) In accordance with section 9 of the By-law, the Discharger shall not assign or transfer any of its rights or obligations under this Agreement in whole or in part without the express written authorization of City of Cornwall.

16. Compliance with Law

- (a) The Discharger shall observe and comply with all Applicable Laws during the term of this Agreement.

17. Non-Waiver

- (a) No action or failure or delay to act by the City of Cornwall is a waiver of any right or duty afforded under the Agreement or at law, nor shall any such action or failure or delay to act constitute an approval of, or acquiescence in, any breach, except as may be specifically agreed to in writing by the Parties. Any written consent by the City of Cornwall to, or waiver of, a default or breach by the Discharger, shall not constitute a consent to, waiver of, or excuse for any subsequent default, whether similar or not.

18. Severability

- (a) Any provision of this Agreement held to be invalid, unenforceable or illegal is ineffective to the extent of such invalidity, illegality or unenforceability without affecting the validity, enforceability or legality of the remaining provisions of this Agreement.

19. Further Acts

- (a) The Discharger agrees that it shall do all such acts and execute such documents as City of Cornwall may request from time to time in order to give full effect to this Agreement and carry out the intentions of the Parties.

20. Governing Law

- (a) This Agreement shall be governed by the laws of the Province of Ontario and the applicable laws of Canada.
- (b) Any action, application or other legal proceeding arising out of this agreement shall be brought in a court or tribunal in City of Cornwall, Ontario, or the court or tribunal closest to Cornwall .

21. Counterparts

- (a) This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together constitute an original agreement, and will be effective when one or more counterparts have been signed by each of the Parties to the Agreement and delivered to each of the Parties.

IN WITNESS WHEREOF the Parties hereto have agreed the rights and obligations under this Agreement are to be effective as of the Effective Date and have signed this Agreement as of the dates indicated below.

| | | |
|-------|---|-----------------------------|
| |) | THE CITY OF CORNWALL |
| |) | |
| Date: |) | By: |
| _____ |) | |
| |) | Name: _____ |
| |) | Title: _____ |
| |) | |
| |) | Name: _____ |
| |) | Title: _____ |

| | | |
|-------|---|-----------------------|
| |) | [• DISCHARGER] |
| |) | |
| Date: |) | By: |
| _____ |) | |
| |) | Name: _____ |
| |) | Title: _____ |

| | | |
|-------|---|--------------|
| |) | By: |
| Date: |) | |
| _____ |) | Name: _____ |
| |) | Title: _____ |
| |) | |

I/We have authority to bind the Corporation

Schedule A : Maximum Parameter Concentrations

| Parameter | Maximum Concentration (mg/L)* [ntd: insert value where Limits apply] |
|----------------------------------|-------------------------------------------------------------------------|
| Biochemical oxygen demand (BOD5) | No Limit |
| Phenolic compounds (4AAP) | No Limit |
| Total phosphorus (TP) | No Limit |
| Total suspended solids (SS) | No Limit |
| Total Kjeldahl nitrogen (TKN) | No Limit |

*Where maximum concentration limits are not imposed for a Parameter at the Agreement's Effective Date, column 2 of the table above will indicate "No Limit". Note a maximum concentration limit may be imposed at any time after the Effective Date in accordance with section 12 of the Agreement.

Schedule B: Loading Limits

| Parameter | Loading Limit* (kg/year) [ntd: insert value where Limits apply] |
|----------------------------------|--------------------------------------------------------------------------|
| Biochemical oxygen demand (BOD5) | No Limit |
| Phenolic compounds (4AAP) | No Limit |
| Total phosphorus (TP) | No Limit |
| Total suspended solids (SS) | No Limit |
| Total Kjeldahl nitrogen (TKN) | No Limit |

*Where maximum loading limits are not imposed for a Parameter at the Agreement's Effective Date, column 2 of the table above will indicate "No Limit". Note a maximum loading limit may be imposed at any time after the Effective Date in accordance with section 10 of the Agreement.

Schedule B - Surcharge Agreement

Environmental Services Division City of Cornwall

COMPLIANCE PROGRAM APPLICATION

Under Schedule B of The Corporation of the City of Cornwall (City of Cornwall) Sewer Use By-law (the By-law), facilities discharging wastewater which exceeds by-law limits may submit an application to City of Cornwall for approval of a Compliance Program.

Entering into a Compliance Program allows time for a Discharger to make significant changes at their site in order to come into compliance with the By-law. During the course of a Compliance Program, City of Cornwall may permit a discharge that exceeds the By-law limits, subject to terms and conditions, so that the Discharger can conduct the improvement work necessary to bring wastewater discharges from its site into By-law compliance. The program also emphasizes pollution prevention and source reduction and encourages facilities to implement waste reduction practices.

Refer to the Instructions for Completion section when filling out the application form and if there are still questions please email cgoodwin@cornwall.ca and a member of the Environmental Services Division Team will respond to you.

Refer to the General Information section below for information on length of Compliance Program, fees, contact information, submission requirements and other application details.

The information collected on this application form will be used to evaluate and ensure the application meets the Sewer Use By-law requirements (Section 8) for approval of a Compliance Program. Information collected under the authority of the Sewer Use By-law by the City of Cornwall is **not** considered confidential. It will be handled in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and therefore may be subject to disclosure to the public. If information provided to the City of Cornwall is confidential or proprietary or otherwise may be exempt from disclosure under MFIPPA, the person submitting the information shall identify that information upon its submission to the City of Cornwall. Sufficient details to support the reason for its purported exemption from disclosure must be provided.

APPLICATION FORM

This form must be completed to have a Compliance Program considered for approval by the City of Cornwall. Incomplete applications will not be processed and will be returned to the applicant.

| | | | |
|------------------------------------------------------------------------------------------------|--------------------------------------|----------------------|----------------------|
| I. APPLICANT INFORMATION (<i>Refer to Instructions for Completion - Part I below</i>) | | | |
| Applicant's Legal Name | | <input type="text"/> | |
| Applicant's Operating Name | | <input type="text"/> | |
| Plant address | | <input type="text"/> | |
| Mailing Address | | <input type="text"/> | |
| Telephone Number | | Fax Number | <input type="text"/> |
| Name of authorized representative | | <input type="text"/> | |
| Title of authorized representative | | <input type="text"/> | |
| Telephone Number | | Email Address | <input type="text"/> |
| The applicant is | | | |
| <input type="checkbox"/> Owner of the Premises | | | |
| <input type="checkbox"/> Lessee of the Premises | | | |
| If Lessee, | Property Owner's Legal Name | <input type="text"/> | |
| | Property Owner's Full Address | <input type="text"/> | |
| | Contact Name | <input type="text"/> | |
| | Contact Number | <input type="text"/> | |
| | Email Address | <input type="text"/> | |

II. IDENTIFICATION OF NON-COMPLIANCE *(Refer to Instructions for Completion- Part II below)*

Specify your proposed parameter limit during term of Compliance Program (Note: reasonable proposed amount is about twice the bylaw limit)

| Parameter Out of Compliance (refer to Notice of Violation letters) | Proposed Compliance Program Limit (mg/L) | Bylaw Limit (mg/L) (refer to Schedule A-Table 1 of the Sewer Use Bylaw) |
|----------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

III. COMPLIANCE PROGRAM ACTIVITIES *(Refer to Instructions for Completion- below)*

List the activities the applicant will undertake to bring discharges from the site into compliance with the Sewer Use Bylaw.

- Identify activity in detail (e.g. Hire an environmental consulting company to conduct wastewater study and determine treatment system to be installed, Commissioning of pH treatment system, Conduct monitoring to determine performance of new system)
- Include **progress reporting after each milestone of the program and submission of laboratory analysis results every month** (Refer to Appendix 1A for an example)
- If all activities of compliance plan are not certain yet or an investigative study is necessary to address the non-compliance then a two-phase Compliance Program should be the approach. This requires two applications to be submitted. (Refer to Appendix 1B for an example)
- Scheduled start and completion dates are projected dates based on a reasonable time and after considering external factors of each activity (e.g. securing a building permit and delivery of equipment).
- If insufficient space, use additional pages

| Compliance Program Activities | Scheduled Start Date (Month-Day-Year) | Scheduled Completion Date (Month-Day-Year) |
|--------------------------------------|--------------------------------------------------|-------------------------------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| | | |
| Scheduled Completion date of all activities: _____ / _____ / _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Month Day Year </div> | | |
| IV. TREATMENT SYSTEM AND SUPPLEMENTAL ACTIVITIES <i>(Refer to Part IV in Instructions for Completion)</i> | | |
| Provide description of current treatment system (use additional pages as necessary) | | |
| | | |

V. APPLICATION TERMS AND CONDITIONS

All information required must be submitted at the time of application along with application fee. Failure to do so will result in rejection of the application until a complete application is submitted.

City of Cornwall reserves the right to request additional information which shall be provided within 10 working days of request, or such other time period agreed to by City of Cornwall. Failing to submit information within this time period means the Application will be deemed abandoned and the file closed.

Submission of this application for approval of a Compliance Program shall in no way be construed or be deemed to be an approval.

Submission of an application for approval of a Compliance Program shall in no way be construed or be deemed to be an acceptance or waiver of the applicant's past or existing non-compliance with the By-law or relieve the applicant of any liability with respect to same. Compliance Program Approvals are not retroactive.

Compliance Program Limitation

The Compliance Program is subject to the provisions of the By-law.

Any approval issued by City of Cornwall to permit an applicant, through its Compliance Program, to discharge an effluent that does not comply with the By-law shall only be in effect to the extent set out in the Compliance Program Approval and only during the term of the approved Compliance Program. In all other respects, the limits for sewage discharge under the By-law shall apply. After expiration or termination of a Compliance Program Approval, all By-law requirements shall apply.

Where the applicant makes false, misleading or inaccurate representations in its application, as determined by City of Cornwall staff, the application may be rejected or any approval arising from the application cancelled or terminated.

City of Cornwall may terminate a Compliance Program Approval under the circumstances described in Part 8 of the By-law. In the event of termination, discharges from the facility must comply with all By-law requirements.

VI. DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this document, it should not be construed as legal advice or relied on as a substitute for the By-law. Please consult the Bylaw for details on Compliance Program requirements.

VII. APPLICANT SIGNATURE AND CERTIFICATION *(Must be signed to be complete and valid)*

I, the undersigned, hereby declare that to the best of my knowledge, the information contained herein and the information submitted in support of this application is complete, true and accurate in every way.

Signature of Applicant

Date (Month/Day/Year)

Printed Name

Title or Position

GENERAL INFORMATION

A. Overview

The Compliance Program sets the terms and conditions and timeframes under which the Discharger may be allowed to discharge non-compliant wastewater to City of Cornwall's sanitary sewer. An approved Compliance Program may include planning, design, construction, installation and implementation of the required equipment and practices, to achieve compliance with the By-law.

As part of a Compliance Program, Dischargers will bring their wastewater discharge into compliance by implementing one or more of the following activities:

- Change a process, method or technique to reduce, avoid or eliminate the generation of non-compliant wastewater
- Install pre-treatment equipment to remove contaminants from wastewater before it is discharged into the sanitary sewer
- Substitute materials or chemicals which contribute to non-compliant wastewater
- Recycle wastewater or specific chemicals for reuse within the existing processes or operations; by recycling and utilizing waste materials, facilities can realize long-term economic and social benefits
- Improve maintenance and operational procedures to avoid equipment breakdown that may result in contaminant discharges into drains and sewers

A Compliance Program approval is issued only after an application is accepted by City of Cornwall. After a Compliance Program is approved, it is the Discharger's responsibility to undertake the activities in the manner set out in the Compliance Program and resulting approval in order to reach compliance with the By-law limits.

Dischargers will be required to assess the quality of their wastewater and provide a progress report for each milestone of the Compliance Program described in their Compliance Program Approval.

B. Period of Validity

Each Compliance Program application will be unique to the Discharger's situation. Compliance Program activities must be specifically outlined in detail in the application form, with each component of the project given a completion date and progress reporting date. City of Cornwall will assess if the proposed timeline provided is acceptable and may shorten the project schedule when granting approval. **Once the term of the Compliance Program has expired, the Discharger is responsible for maintaining full compliance with the By-law.**

Dischargers may apply for an extension or amendment of their existing Compliance Program Approval by submitting a request letter outlining satisfactory reasons for extension or amendment along with required fee.

Extension/Amendments can only be requested while a Compliance Program is in effect. Expired Compliance Program Approvals cannot be extended. For this reason, extension/amendment application should be **submitted at least three weeks before the expiry of the approval.**

C. Contact Us

General information is available online. Specific information is available during regular office hours (8:00 a.m. to 4:00 p.m. ET).

Telephone: 613-930-2787 ext 2582

Fax: 613-932-4506

Email: cgoodwin@cornwall.ca

D. Requirements Checklist

- Signed and completed application form with the following attachments (if applicable): engineering calculations, drawings, equipment specifications, detailed design and process description
- Any other related documents requested by City of Cornwall staff as set out in Part 8 of the By-law

After issuance of Compliance Program Approval, the Discharger must submit:

- Sample analysis results – the Dischargers shall, at their own expense, take samples of wastewater as specified in the Compliance Program Approval and have it analyzed by an accredited laboratory for the parameters listed under Part II of this application form. These results must be submitted to the City of Cornwall upon receipt.
- Progress report – the Discharger must submit a report after the scheduled completion of each milestone or as specified in the Compliance Program Approval.

E. How to Apply

Mail compliance application package to:

City of Cornwall
Environmental Services Division
861 Second Street West,
Cornwall, ON K6H 5T9

Attention: Division Manager, Environmental Services

OR

By appointment only – drop off compliance application package at:

861 Second Street West

Cornwall, ON K6H 5T9

Attention: Division Manager, Environmental Services

INSTRUCTIONS FOR COMPLETION

Part I:

Indicate the contact information of the applicant and, where applicable, the property owner. The applicant will be the organization/business applying for the Compliance Program Approval. Indicate both the legal and, where applicable, operating name of the organization. Include a certified copy of business name registration and Letters of Incorporation, Letters Patent, Charter or partnership registration and any amendments or changes to the foregoing, as applicable, with application. Where the applicant is not the property owner, indicate the property owner's legal name.

Indicate the municipal property address where the discharge occurs including the postal code and the mailing address of the applicant if different from the site address. Provide the full name, title and contact information of the authorized representative.

Part II:

Indicate the parameter(s) (substance(s)) the applicant proposes for inclusion in the Compliance Program. You may want to include the By-law limit and the most recent laboratory result in exceedance of the by-law limit.

Indicate the organization's proposed Compliance Program parameter limit(s) and the proposed duration of the Compliance Program. Please note that the limits and duration in this section are proposed and that City of Cornwall will confirm an appropriate duration and parameter limits in the Compliance Program Approval, should one be issued. Please also note that the final action completion date should not be later than the final compliance date in the Compliance Program.

In addition, describe in detail the cause or suspected reason of the non-compliance (e.g. improper maintenance or lack of pre-treatment, etc.).

Part III:

The Compliance Program application must identify in detail, each program activity to be implemented to bring the wastewater discharge into compliance with the By-law. Provide complete details of:

- Methods and manner of undertaking the Compliance Program activities and materials to be used
- Planning, design, construction/installation of facilities or works proposed to be implemented
- Start date and completion date of each activity

- Necessary approvals, consents, or other authorizations required (including building permits, Ministry of the Environment and Climate Change permits, etc.)
- All reporting and planned updates to City of Cornwall (including reporting the results from the wastewater sampling)

If corrective or remedial actions to eliminate the non-compliance are not yet certain or an investigative study is necessary, then a two-phase Compliance Program should be the approach. The discharger shall submit a second Compliance Program application after the first is concluded. In the first phase, the discharger shall conduct a wastewater characterization study or an investigative study to determine the appropriate treatment system or corrective actions to be taken. In the second phase, the discharger shall submit an amendment application outlining the implementation phase of the proposed treatment system or the proposed compliance activities to eliminate the noncompliance.

Part IV:

Provide a complete description of the current and proposed treatment system, including information about unit processes, operational parameters, waste disposal and monitoring program(s). Include a flow diagram for wastewater flow within the facility, both pre and post compliance program activities.

Include other supporting documentation (e.g. engineering calculations) to demonstrate how compliance with the Bylaw will be achieved. A Compliance Program must result, at its completion, in compliance with the By-law.

Please note that under the By-law, City of Cornwall may require the Discharger to install a wastewater pre-treatment facility as part of a Compliance Program (please see section 8.5 of the By-law for more details).

Appendix 1A

Example of Compliance Program Activities

| Compliance Program Activities | Start Date (Month-Day-Year) | Completion date (Month-Day-Year) |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------|
| 1. Select engineer to conduct detailed design | May-01-2014 | May-20-2014 |
| a. Engineering investigation of plant conditions (industrial process review and wastewater characterization) | May-21-2014 | Jun-10-2014 |
| b. Select treatment process and design criteria (treatability studies) | Jun-01-2014 | Jun-15-2014 |
| c. Detailed design of treatment system (plans & specifications) | Jun-16-2014 | Jul-31-2014 |
| d. Preparation of operations manual | Jul-01-2014 | Jul-31-2014 |
| e. Submit progress report to City of Cornwall | Jul-20-2014 | Aug-04-2014 |
| 2. Select contractor for installation/construction | Jul-25-2014 | Aug-15-2014 |
| a. Inform City of Cornwall | Aug-15-2014 | Aug-17-2014 |
| 3. Commence construction | | |
| a. Site preparation (survey, excavation, etc.) | Aug-25-2014 | Sep-15-2014 |
| b. Foundation work & underground utilities | Sep-15-2014 | Sep-15-2014 |
| c. Structural work (buildings, etc.) | Sep-15-2014 | Nov-15-2014 |
| d. Submit progress report to City of Cornwall | Nov-15-2014 | Nov-30-2014 |
| e. Mechanical work (control panels, etc.) | Nov-15-2014 | Nov-30-2014 |
| f. Electrical work (control panels, etc.) | Nov-15-2014 | Nov-30-2014 |
| g. Site finish work (fences, clean-up, etc.) | Dec-01-2014 | Dec-20-2014 |
| h. Submit progress report to City of Cornwall | Oct-30-2014 | Dec-31-2014 |
| 4. Commissioning or pre-treatment system start-up | Jan-03-2015 | Jan-15-2015 |
| a. Submit progress report to City of Cornwall | Jan-30-2015 | Jan-30-2015 |
| Scheduled Completion Date of All Activities: January 30, 2015 | | |

Appendix 1B

Example of Compliance Program Activities (2-phase)

| Compliance Program Activities | Start Date (Month-Day-Year) | Completion date (Month-Day-Year) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------|
| 1. Conduct a sampling program to determine how sulphate concentrations in wastewater fluctuates over a 24 hour period | Aug-08-2016 | Sep-01-2016 |
| 2. Submit progress report and laboratory analysis results to City of Cornwall | Sep-02-2016 | Sep-02-2016 |
| 3. Wastewater Flow Determination / Monitoring <ul style="list-style-type: none"> a. Determine peak and average wastewater flows b. Conduct flow monitoring if flow information is not adequate c. Provide flow data to wastewater equipment suppliers | Aug-08-2016 | Sep-30-2016 |
| 4. Submit progress report and laboratory analysis results to City of Cornwall | Sep-30-2016 | Sep-30-2016 |
| 5. Wastewater Treatment Assessment <ul style="list-style-type: none"> a. Engage wastewater equipment suppliers to determine suitable treatment solutions b. Determine wastewater treatment options and prepare report | Sep-30-2016 | Oct-31-2016 |
| 6. Submit progress report and laboratory analysis results to City of Cornwall | Oct-31-2016 | Oct-31-2016 |
| 7. Select a suitable and efficient treatment option to address the noncompliance issue | Oct-31-2016 | Dec-05-2016 |
| 8. Submit progress report and laboratory analysis results to City of Cornwall | Jan-10-2017 | Jan-10-2017 |
| 9. Inform or hold a teleconference with City of Cornwall's Environmental Monitoring and Enforcement staff to discuss next steps regarding the implementation of the wastewater treatment system selected | Jan-05-2017 | Jan-05-2017 |
| 10. Submit an amended Compliance Program application detailing the implementation phase of the recommended treatment system that will bring wastewater into compliance with the Bylaw. | Jan-15-2017 | Jan-15-2017 |
| Scheduled Completion Date of All Activities: January 30, 2017 | | |

Schedule C - Compliance Agreement

[DATE]

[INSERT FULL LEGAL NAME OF THE COMPANY]
(the “Discharger”)

[ADDRESS]

COMPLIANCE PROGRAM APPROVAL: Environmental Services, City of Cornwall)

DISCHARGER: [INSERT FULL LEGAL NAME OF THE COMPANY]

SITE: [ADDRESS]

This letter will confirm acceptance of the Compliance Program detailed in this letter as submitted by [INSERT FULL LEGAL NAME OF THE COMPANY] (the “Discharger”) on [DATE] for the site located at [ADDRESS] the “Site”). The purpose of the Compliance Program is to implement the proposed compliance program activities to bring discharges from the Site into compliance with The Corporation of the City of Cornwall (“Cornwall”) Sewer Use By-law (the “By-law”).

This Compliance Program Approval (“Approval”) is issued to the Discharger under Section 8.2 of the By-law. This Approval is conditional and must be implemented in accordance with the Compliance Program application (except where expressly modified by this Approval), the terms and conditions set out below and with Schedule B of the By-law.

1. Term

Subject to all other terms and conditions of this Approval, this Approval shall be in effect for the period commencing on _____ and terminating on _____.

2. Permitted Exceedances

While this Approval remains in effect, the quality of the sewage discharged from the Site to the sanitary sewer may exceed the limit under Table 1 of the By-law for the following effluent parameters and only to the extent of the Approval Limits below:

| <u>Effluent - Parameter</u> | <u>Approval Limit</u> |
|----------------------------------|-----------------------|
| Biochemical Oxygen Demand (BOD5) | No Limit |
| Total Suspended Solids (TSS) | No Limit |
| Total Phosphorus (TP) | No Limit |
| Total Kjeldahl Nitrogen (TKN) | No Limit |

In all other respects and parameters, the Discharger shall be in full compliance with the By-law. The exceedances permitted under this Approval are only for the purposes of allowing the planning, design and construction or installation of facilities or works and/or execution of compliance program activities needed to implement the approved compliance measures set out in Section 4 of this Approval.

3. Compliance Sampling

A sample of wastewater shall be collected as prescribed in the City of Cornwall's surcharge agreement established for the discharger (***[INSERT FULL LEGAL NAME OF THE COMPANY]***).

4. Compliance Measures

The Discharger shall undertake the following compliance activities in accordance with the timetable set out below:

| Compliance Program Activity | Activity Commencement Date (mm/dd/yyyy) | Activity Completion Date (mm/dd/yyyy) |
|------------------------------------|----------------------------------------------------|--------------------------------------------------|
| 11. | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | | |
| 19. | | |
| 20. | | |

5. Reporting

- a. The Discharger shall provide a compliance program activity progress report which shall be submitted to the Environmental Services division email at cgoodwin@cornwall.ca as per the schedule in Section 4. The progress report shall discuss completion of the required activity and provide details of same. The sampling results pursuant to Section 3 shall be submitted via email to the WTP Supervisor pcarriere@cornwall.ca for review as per the schedule in Section 4.
- b. In the event that the Discharger is unable to meet an Activity Completion Date, set out in Section 4, the Discharger shall provide to the City of Cornwall, prior to the subject Activity Completion Date, a written description of the detailed particulars. This written description will set out the reason(s) why the activity cannot be completed as required and when the Discharger proposes the activity will be completed, together with any other relevant and supporting documentation and information concerning the failure to meet the Activity Completion Date. The Discharger shall also include a revised compliance program schedule for approval by the City of Cornwall. The determination of whether an extension of the Activity Completion Date will be granted shall be at the sole discretion of the City of Cornwall.

- c. The written progress reports set out in subsections 5 (a) and (b) of the Approval can also be submitted to:

City of Cornwall
Environmental Services Division
861 Second Street, Cornwall, ON K6H 5T9
Attention: Division Manager, Environmental Services

6. Failure to Comply

- a. In the event the Discharger is unable to meet multiple Activity Completion Dates, set out in Section 4. In addition to the reporting requirement set out in section 5, the City of Cornwall reserves the right to invoke liquidated damages in the form of a multiplier that would be applied to the sewer surcharge agreement fee rate.
- b. In the event the City of Cornwall exercises the right to invoke liquidated damages in the form of a multiplier that would be applied to the sewer surcharge agreement fee rate. The discharger will receive a letter informing the discharger the proposed rate and schedule of the rate within a new compliance program agreement.

7. Termination of Approval

The City of Cornwall may terminate this Approval by giving written notice to the Discharger:

At any time and for any reason whatsoever regardless of the state of compliance with the Approval upon a minimum of thirty (30) calendar days written notice to the Discharger.

- a. At any time where, in the opinion of the City of Cornwall, there is an immediate threat or danger to any person, animal, the natural environment, property or vegetation, in which case the termination shall be effective immediately upon receipt of the written notice of termination.
- b. At any time where, in the opinion of the City of Cornwall, a discharge in accordance with the Approval causes or may cause an adverse effect to the sewage works, in which case the termination shall be effective immediately upon receipt of the written notice of termination; or
- c. At any time where, in the opinion of the City of Cornwall, the Discharger fails or neglects to implement or pursue implementation of the actions required under the Approval or otherwise fails to comply with the terms and conditions of an approval, in which case

the termination shall be effective immediately upon receipt of the written notice of termination.

8. General

- a. The Compliance Program must be implemented in accordance with all applicable laws, whether federal, provincial, or municipal and with any instruments, approvals or orders made thereunder, this includes, but is not limited to the Bylaw. This Approval does not abrogate the Discharger's obligations to ensure compliance with all applicable laws.
- b. The Discharger remains solely responsible for all wastewater discharges from its Site. By operating under this Approval, the Discharger acknowledges it shall continue to be responsible for any damage or injury resulting from wastewater discharges from its Site including the costs related to repairing or replacing any part of the City of Cornwall or local municipal sewage works damaged thereby and for any damage or injury to any person or property caused by such discharges.
- c. By operating under this Approval, the Discharger agrees to indemnify and hold harmless the City of Cornwall, including their respective Council members, employees, successors and assigns (the "Indemnitees") against all claims, actions and demands made upon an Indemnatee from all expenses, liability and damages an Indemnatee may suffer as a result of or arising from the discharge.

As indicated in this Approval, the Discharger will remain in the Compliance Program for the site until {insert compliance approval end date} unless terminated at an earlier date in writing by the City of Cornwall or the Discharger. Once the term of the Approval has expired, or has been terminated, the Approval Limits set out in Section 2 of this Approval no longer apply, and all discharges from the Site must comply with all sections of the By-law. Any contravention of the By-law after this period may result in further enforcement, including legal action.

Information collected under the authority of the Sewer Use By-law by City of Cornwall is not considered confidential. It will be handled in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and therefore may be subject to disclosure to the public. If information provided to City of Cornwall is confidential or proprietary or otherwise may be exempt from disclosure under MFIPPA, the person submitting the information shall identify that information upon its submission to City of Cornwall. Sufficient details to support the reason for its purported exemption from disclosure must be provided.

A facility inspection will be conducted after the approved completion date of the compliance program. We will continue to sample wastewater from the Site on a regular basis to determine compliance with the Approval and the By-law and will share the results with you.

We appreciate the efforts you are putting into ensuring your wastewater comes into compliance with the By-law. If you have any questions please contact Carl Goodwin by e-mail at cgoodwin@cornwall.ca or by phone at 1 (613) 930-2787 ext. 2582.

Carl Goodwin, MSc., P Eng.
Division Manager – Environmental Services
City of Cornwall

APPENDIX A

(Insert Map of sampling location)

Report Approval Details

| | |
|----------------------|----------------------------------------------------------------------|
| Document Title: | By-law - Sewer Use and to appeal By-law 103-2003 - 2020-308-IMW.docx |
| Attachments: | |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Carl Goodwin - Jun 2, 2020 - 8:55 AM

Bill de Wit - Jun 2, 2020 - 10:32 AM

Maureen Adams - Jun 2, 2020 - 3:16 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law Explanatory Note

Department: Infrastructure and Municipal Works
Division: Environment
Report Number: 2020-309-Infrastructure and Municipal Works
Prepared By: Carl Goodwin, Division Manager
Meeting Date: June 8, 2020
Subject: Note to Sewer Use By-law and to repeal By-law 103-2003

Purpose

To update the Sewer Use By-law to include the operational costs associated with an extra strength surcharge to the sewer. The revised By-law updates the extra strength surcharge agreement and includes a compliance application and a compliance agreement.

Background / Discussion

The sewer use By-law describes the acceptable practices for discharges to the sanitary sewer and the storm water system. These practices protect the Corporation's infrastructure, protect the Wastewater Treatment Plant (WWTP) and protect the environment (toxic discharges to the St, Lawrence). The By-law contains a method where when there is no risk to the infrastructure or the environment to develop an agreement for discharges to the sanitary sewer above the By-law limit and recover the costs associated with treating the extra strength.

Through a consultant effort, the Wastewater Treatment Plant has quantified the operational costs associated with sewage treatment at the plant. There are some chemical parameters of a typical sewage discharge that have no hazardous consequences but they have only operational consequences and/or only operational costs. These chemical parameter in questions are: Biological

Oxygen Demand (BOD), Total Suspended Solids (TSS), Total Phosphorus (TP) and Total Kjeldahl Nitrogen (TKN). The trend in some municipalities is to quantify these costs, recover these costs through an extra strength surcharge, develop a plan for compliance and make those costs and procedures transparent inside of the sewer use By-law. This allows for flexibility within the economic development initiatives, and the collection and treatment systems.

As such, the Sewer Use By-law extra strength agreement Schedule "A", now includes four parameters that could qualify for an extra strength agreement. In addition, the calculation used for the operational costs associated those parameters are included in the agreement. The previous By-law contained a compliance section "Section 8 – Compliance Agreement" although there was no compliance agreement template. This By-law contains 2 new schedules. Schedule "B" is an application template where perspective companies will present their implementation plan and schedule to eventually achieve compliance with the specified sewer use bylaw chemical parameters . Schedule "C" contains the agreement template that would be signed by both the perspective company and the Corporation.

The updates to the By-law are in line with updates occurring to sewer use By-laws within other municipalities in Ontario and Canada.

Report Approval Details

| | |
|----------------------|------------------------------------------------------------------------------|
| Document Title: | Note to By-law - Sewer Use and to repeal By-law 103-2003 - 2020-309-IMW.docx |
| Attachments: | |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Carl Goodwin - Jun 1, 2020 - 2:21 PM

Bill de Wit - Jun 1, 2020 - 3:01 PM

Maureen Adams - Jun 2, 2020 - 3:07 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Notice of Motion

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-13-Council Members
Meeting Date: June 8, 2020
Subject: A By-law to prohibit open-air burning of solid fuels within the boundaries of the municipality and to repeal By-law # 2014-063

Proposed by: Councillor Todd Bennett

Seconded by: Councillor Syd Gardiner

Whereas the Municipal Act, S.O. 2001, c. 25, Part III, Section 130 authorizes the municipality to regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety and well-being of inhabitants of the municipality; and

Whereas the Municipal Act, S.O. 2001, c. 25, Part III, Section 128 that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and the opinion of Council if arrived at in good faith is not subject to review by any court; AND Council is of the opinion that the setting of open air fires are or could become or cause public nuisances by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing

the enjoyment of the use of neighbouring properties, and generating false fire alarms; and

Whereas the Fire Protection and Prevention Act, S.O.1997, Chapter 4 Part II, Sections 7.1(1) as amended provides that a council of a municipality may pass by-laws, regulating fire prevention, including the prevention of the spreading of fires: and

Whereas the Fire Protection and Prevention Act, S.O.1997, Chapter 4 Part II, Sections 7.1(2) as amended provides that a council of a municipality may pass by-laws, regulating the setting of open fires, including establishing the times during which open-air fires may be set; and

Whereas the Fire Code Ontario Regulation 213/07 made under the Fire Protection and Prevention Act, S.O.1997, Div. B Part 2 Sentence 2.4.4.4.(1) as amended states that open-air burning shall not take place unless it has been “approved”, or the open-air burning consists of a small, confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked, and supervised at all times.

PART 1 - DEFINITIONS

“Appliance” means a device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device.

“Approved” means approved by the Chief Fire Official

“Barbecue or Spit” means a style of roasting where meat is skewered on a spit – a long solid rod used to hold food while it is being cooked over a grill.

“Commensurate” means suitable in amount or quality compared to something else matching in degree.

“Chief Fire Official” means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C.

“Farming Business” means a farming business as defined in the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c. 21.

“Fire Department” means a group of firefighters authorized to provide fire protection services by a municipality, group of municipalities or by an agreement made under Section 3 of the Fire Protection and Prevention Act, 1997.

“Grill” means a device that cooks food by applying heat from below and is fueled with charcoal.

“Open-Air Burning” open-air burning includes bonfires, fire pits, sky lanterns and the use of various types of outdoor fireplaces (also known as a “Chimineá”). Although outdoor fireplaces can be purchased at retail outlets, it does not mean open-air burning is permitted.

“Owner” means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.

“Permit” means a permit issued by the Fire Chief to set a fire in the Open Air for a specified time period.

“Permit Holder” means a person to whom a Permit has been issued by the fire Chief.

“Noxious Materials” includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood;

“Nuisance” means excessive smoke, smell, airborne sparks or embers that is likely to disturb others, or that is likely to reduce visibility on roads in the vicinity of the Open Air Burning;

“Supervised” to watch a person or activity to make certain that everything is done correctly and safely.

“Wind Speed” means the wind speed for the City of Cornwall as reported on the Environment Canada website.

NOW THEREFORE the Council of the Corporation of the City of Cornwall enacts as follows:

PART 2 - GENERAL

2.1 No person shall set, maintain, or permit to be set or maintained, an Open Air Burning except as authorized under this By-law.

2.2 This By-law shall not apply to:

- a) a person using a Barbeque to cook food;
- b) a person using a fire in a device installed outside of a building that is used as a source of heat or power for the building or that is ancillary to a manufacturing process, and provided that such device is certified for the purpose by a recognized agency;
- c) a person using a device designed to heat pitch or asphalt;
- d) a person using welding equipment;
- e) the City, City contractors or City Officers for the purposes of education and training individuals;
- f) a person conducting fire extinguisher training who has obtained prior written approval of the Fire Chief or designate.

PART 3 – WHEN OPEN AIR BURNING ALLOWED

3.3 (1) A person may conduct an Open Air Burning if the person has been issued a Permit, and if the person complies with all the conditions set out in this Part.

(2) Outdoor fire pits and gas fired bowls fueled by ethanol, propane or natural gas, are allowed if the appliance is designed and certified for outdoor use, and has been assembled and installed in accordance with the manufacturer's instructions and the requirements of the Technical Standards and Safety Act, 2000.

(3) Every Permit is subject to the conditions in this Part of obtaining and continuing to hold a Permit, all of which shall be performed and observed by the applicant or the holder of the Permit:

- (a) the applicant shall apply for a permit through the City's process, and pay the Permit Fee as set out in the applicable Fees and Charges By-law;
- (b) the applicant must own the property or must have written consent from the owner in which the Open Air Burn is to be conducted;
- (c) the Permit Holder shall produce the Permit on demand to an Officer conducting an inspection of the Open Air Burning;
- (d) shall only conduct the Open Air Burning from April 1st to Oct 30th, sunset to midnight, and on Fridays and Saturdays only;

- (e) Shall only use a non-combustible container, and shall contain the fire within it at all times;
 - (f) shall not have a fire larger than 45 centimetres in length, by 45 centimeters in width, by 45 centimeters in height;
 - (g) shall locate the Open Air Burning at least 15 metres away from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
 - (h) shall locate the Open Air Burning at least 5 metres from any combustible ground cover;
 - (i) any additional requirements or exemptions the Fire Chief considers necessary in the interest of public safety, or to minimize inconvenience to the general public, or advisable in the circumstances, or to give effect to the objects of this by-law; and
 - (j) the Permit Holder shall indemnify and save harmless The Corporation of the City of Cornwall and its employees from any and all claims, demands, causes of action, costs or damages that the City may suffer, incur or be liable for resulting from the Open Air Burning as set out in this by-law, whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors and agents.
- (4) An application for a permit must be completed on the forms provided by the Cornwall Fire Services of The Corporation of the City of Cornwall.
- (5) A Permit shall only be valid for three years from date of purchase.
- (6) The Fire Chief may refuse to issue a Permit:
- (a) if the proposed Open Air Burning would contravene this by-law; or
 - (b) if the Owner or Permit Holder has previously contravened any Permit conditions or other provisions of this by-law, or an Order under this by-law.

Conditions of All Open Air Burning Under this Part

3.4 Every person setting, permitting to be set, maintaining, or permitting to be maintained, an Open Air Burning authorized under this Part shall comply with the following conditions:

- (a) shall allow, at any reasonable time, an Officer to inspect the location or proposed location of the Open Air Burning;
- (b) shall have legal title to the property at which the Open Air Burning is to occur, or the person, or Permit Holder, as the case may be, shall obtain the prior written consent of the person having legal title to the property;
- (c) shall only burn clean, cured, seasoned wood;
- (d) shall not burn Noxious Materials;
- (e) shall have a rake or shovel and an effective extinguishing agent of sufficient size and with the capability of extinguishing the Open Air Burning immediately available for use;
- (f) shall attend, always control and supervise the Open Air Burning . The Open Air Burn must be supervised by a person who, in addition to holding a valid permit, must be at least 18 years of age;
- (g) shall completely extinguish the Open Air Burning before the site is vacated;
- (h) shall ensure the Wind Speed does not exceed 15 km per hour during the Open Air Burning, as listed on the Environment Canada weather projections for the City of Cornwall;
- (i) shall not burn if it is rainy or foggy;
- (j) shall not burn if a Smog Alert has been declared for SD&G;
- (k) shall comply with the provisions of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
- (l) shall protect adjacent properties from the potential spread of fire; and
- (m) shall ensure the Open Air Burning does not create a Nuisance.
- (n) Shall notify the City of the intentions of burning, through the City's notification system.

PART 4 – OPEN AIR BURNING ALLOWED - NORMAL FARM PRACTICE

4.1 (1) A person may conduct an Open Air Burning if it is part of a normal farm practice carried on as part of an agricultural operation, as those terms are defined in the Farming and Food Production Protection Act, 1998, S.O. 1998,

c.1, on lands zoned for agricultural use, and subject to the conditions set out in this Part.

(2) A person conducting an Open Air Burning under subsection (1) shall comply with the following conditions:

(a) notify Cornwall Fire Services' Communications Centre in person or by telephone prior to the Open Air Burning and at the conclusion of the Open Air Burning, and shall provide Cornwall Fire Services' Communications Centre with their municipal address;

(b) not have a fire larger than 2 metres in length, by 2 metres in width, by 2 metres in height; and

(c) locate the Open Air Burning at least 50 metres away from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article.

(3) The conditions in subsection 4.1(2) shall not apply to fires under subsection 4.1(1) that are used to burn off dried vegetation along fence lines and in culverts.

PART 5 – ORDER TO DISCONTINUE ACTIVITY

5.1 If the Fire Chief is satisfied that this by-law has been contravened, the Fire Chief may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention. An order under this Part shall be known as an Order to Discontinue Activity, and such an Order can require a person not to conduct an Open Air Burning for a certain period of time.

5.2 An Order to Discontinue Activity shall set out:

(a) the municipal address of the property on which the contravention occurred;

(b) the date of the contravention;

(c) the contravention of the by-law;

(d) the date by which there must be compliance with the order;

(e) the date on which the order expires.

5.3 The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in

which case it shall be deemed to have been given on the third day after it is mailed.

PART 6 - ORDER TO EXTINGUISH

6.1 If an Officer is satisfied that this by-law has been contravened, the Officer may issue an Order to Extinguish requiring the person contravening the by-law to immediately extinguish the fire.

6.2 An Order to Extinguish shall set out:

- (a) the municipal address of the property on which the fire is located;
- (b) the date of the inspection;
- (c) the contravention of the by-law;
- (d) that the fire is to be extinguished immediately
- (e) a notice that if the fire is not extinguished immediately, the municipality may extinguish the fire at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

6.3 The Order to Extinguish may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.

PART 7 - REMEDIAL ACTION – COSTS

7.1 (1) Should a person default in complying with an Order to Discontinue Activity or an Order to Extinguish, the fire may be extinguished at the person's expense.

(2) The City may enter on land at any reasonable time for the purpose of extinguishing a fire under subsection (1).

(3) The power of entry under this Part shall be exercised by an employee, officer or agent of the City, member of the Cornwall Fire Services, or a member of Cornwall Community Police Services. The person exercising the power of entry must on request display or produce proper identification. The person exercising the power of entry may be accompanied by a person under his or her direction.

(4) The City may recover the costs of extinguishing the fire from the person directed to extinguish the fire by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The costs include interest calculated at a rate of fifteen percent (15%), calculated for the period

commencing on the day the municipality incurs the costs and ending on the day the costs, including interest are paid in full. The amount of the costs, including interest, constitutes a lien on the land upon the registration of a notice of lien in the Land Registry Office.

PART 8 – INSPECTIONS & INSPECTION FEES

8.1 An Officer, and anyone under the Officer's direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law, an Order to Discontinue Activity, an Order to Extinguish, or an order under section 431 of the Municipal Act, 2001 is being complied with.

8.2 For the purposes of an inspection, the Officer may:

- (a) require the production for inspection of documents relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purposes of the inspection.

8.3 A receipt shall be provided for any document or thing removed under clause 8.2(b) and the document or thing shall be promptly returned after the copies or extracts are made.

8.4 A person exercising a power of entry shall not enter or remain in any room or place actually being used as a dwelling unless the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused, and if refused, may only be made under the authority of an order issued under section 438 of the Municipal Act, 2001, a warrant issued under section 439 of the Municipal Act, 2001, or a warrant under section 386.3 of the Municipal Act, 2001.

8.5 The following conditions apply to a power of entry during an inspection:

- (a) shall only be exercised by an employee, officer or agent of the City or a member of Cornwall Community Police Services:

(b) the person with the power of entry must on request display or produce proper identification;

(c) the person exercising the power may be accompanied by a person under his or her direction.

Inspection Fee

8.6 (1) Where the Officer determines that an Open Air Burning is not in compliance with this by-law or with an Order, the fee or charge set out in the applicable Fees and Charges By-law for inspecting the Open Air Burning may be imposed on the Owner, person responsible for the Open Air Burning, or Permit Holder.

(2) The fees imposed constitute a debt of the person to the City. The City Treasurer may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

PART 9 - PROHIBITIONS

9.1 No person shall set or maintain Open Air Burning, or permit Open Air Burning to be set or maintained, contrary to any provision of this by-law.

9.2 No person shall contravene any conditions of a Permit issued under this by-law.

9.3 No person shall contravene any conditions of setting or maintaining an Open Air Burning under this by-law.

9.4 No person shall contravene an Order to Discontinue Activity.

9.5 No person shall contravene an Order to Extinguish.

PART 10 – PENALTY

10.1 Any person who contravenes any provision of this by-law is subject to a fine of \$500.00;

The Corporation of the City of Cornwall
Regular Meeting of Council
Notice of Motion

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-14-Council Members
Meeting Date: June 8, 2020
Subject: Memorandum of Understanding with Beyond 21

Proposed by: Councillor Dean Hollingsworth

Seconded by: Councillor Eric Bergeron

Whereas Beyond 21 offers a valuable service for residents of Cornwall who have specific needs; and

Whereas Beyond 21 relies predominantly on fundraising as its principal source of revenue; and

Whereas the services provided are not offered by The Corporation of the City of Cornwall; and

Whereas a more consistent revenue stream would allow Beyond 21 to offer a more comprehensive service for its membership.

Now therefore be it resolve that the City of Cornwall enter into discussions with the Board of Beyond 21 with the objective to create an MOU between the City of Cornwall and Beyond 21; and

Now therefore be it further resolved that Administration report the results of these discussions prior to Budget deliberations of 2021.

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2020-291-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 8, 2020
Subject: Unfinished Business Listing for June 8, 2020

Recommendation

That Council receive the Unfinished Business Listing for June 8, 2020.

| Title | Department | Date |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------|
| Business Parking – COVID-19 (May 11/20) | Development, Planning and Recreation and Infrastructure and Municipal Works | Jun 8/20 |
| Home-Based Businesses – COVID-19 (May 11/20) | Development, Planning and Recreation | Jun 8/20 |
| Residential Rental Licensing (Nov 13/18) | Development, Fire Services, Social Services | Jun 8/20 |
| Outdoor Gardening (May 11/20) | Development, Planning and Recreation | Jun 22/20 |
| Cat Control By-law (Apr 10/17) (Jun 26/17) (Nov 27/17) (May 14/18) (Oct 9/18) (Aug 12/19) | Planning, Development and Recreation | Jun 22/20 |

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------|
| | | |
| Placemaking (Feb 10/20) | Development, Planning and Recreation and Infrastructure and Municipal Works | Jun 22/20 |
| Protection and Enhancement of Tree Canopy and Natural Vegetation Policy (Aug 13/18) (Mar 25/19) (Apr 23/19) (Nov 25/19) | Environment and Climate Change Committee and Development, Planning and Recreation | Jun 22/20 |
| (a) Procedural By-law Amendments (Mar 26/18) (Feb 11/19) (Feb 11/19) (Nov 25/19) (b) Holding Three Public Meetings per Month (Jan 10/20) | CAO and Corporate Services | Special Council Meeting 2020 |
| Draft Plan of Subdivision for St. Antoine Subdivision - Vehicular Ingress and Egress Solutions (Oct 15/19) | Development, Planning and Recreation and Infrastructure and Municipal Works | TBD |
| Creation of Remote Worker Attraction Strategy (Jan 10/20) | Planning, Development and Recreation | TBD |
| Review of Parks, Facilities and Street Naming Policy (Sept 9/19) | Corporate Services | TBD |
| New Staffing Position (Budget 2020) | CAO | TBD |
| Beautification Project (Feb 10/20) | Development, Planning and Recreation and Infrastructure and Municipal Works | TBD |

| | |
|----------------------|---------------------------------------------------------------------------------|
| Document Title: | Unfinished Business Listing for June 8, 2020 - 2020-291-Corporate Services.docx |
| Attachments: | |
| Final Approval Date: | Jun 2, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Manon L. Levesque - Jun 2, 2020 - 10:51 AM

Geoffrey Clarke - Jun 2, 2020 - 10:54 AM

Maureen Adams - Jun 2, 2020 - 4:55 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Confirming By-law 2020-081

Department: Corporate Services
Division: Clerk's Division
By-law Number: 2020-081
Report Number 2020-292-Corporate Services
Meeting Date: June 8, 2020
Subject: Confirming By-law for the Meeting of June 8, 2020

A By-law to adopt, ratify and confirm the proceedings of the Council of The Corporation of the City of Cornwall at its meetings held on Monday, June 8, 2020.

Whereas Section 5(1) of the Municipal Act, S.O. 2001, c.24 thereto provides that the powers of a municipal Corporation shall be exercised by its Council; and

Whereas Section 5(3) of the Municipal Act, S.O. 2001, c.24 and amendments thereto, provides that the powers of Council are to be exercised by By-law: and

Whereas in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual By-law; and

Whereas Section 248 provides that if a council passes a comprehensive general by-law that consolidates and includes the provisions of any By-law previously passed by the Council; and it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the proceedings of the Council of The Corporation of the City of Cornwall at this meeting be confirmed and adopted by By-law.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. (a) That the following Minutes of the Public Meetings of the Municipal Council of The Corporation of the City of Cornwall be and the same are hereby adopted:

(i) Regular Public Meeting of Council #2020-13 of Monday, May 25, 2020

(b) That the following Minutes of the In Camera Meeting pertaining to the security or part of the property of the Municipality or Local Board, personal matters about an identifiable individual, including municipal or Local Board employees, a proposed or pending acquisition or disposition of land by the Municipality or Local Board, labour relations or employee negotiations, litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board, advice that is subject to solicitor-client privilege, including communications necessary for the purpose, a matter in respect of which a Council, Board, Committee other body may hold a closed meeting under another Act, or for the purpose of educating or training the members and where no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee, be and the same are hereby adopted:

(i) Regular In Camera Committee of Council #2020-06 of Monday, May 25, 2020

(c) That the actions of the Council at its meetings held on Monday, June 8, 2020, in respect of each recommendation contained in all reports of the regular and in-camera meetings and in respect of each motion, resolution and other action taken by the Council at its said meeting is, except where the prior approval of the Ontario Municipal Board or other authority is by law required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in the By-law;

(d) That the above mentioned actions shall not include any actions required By-law to be taken by resolutions.

2. That where no By-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned Minutes or with respect to the exercise of any powers by the Council in the above mentioned Minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. The Mayor and proper officials of The Corporation of the City of Cornwall are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
4. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of The Corporation of the City of Cornwall to all documents necessary to give effect to the above mentioned actions.
5. It is declared that notwithstanding that any section or sections of this By-law or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section(s) or part(s) hereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacts as such.

Read, signed and sealed in open Council this 8th day of June, 2020.

Manon L. Levesque
City Clerk

Bernadette Clement
Mayor

Report Approval Details

| | |
|----------------------|--------------------------------------------------------------------------------------|
| Document Title: | Confirming By-law for the Meeting of June 8, 2020 - 2020-292-Corporate Services.docx |
| Attachments: | |
| Final Approval Date: | May 29, 2020 |

This report and all of its attachments were approved and signed as outlined below:

Manon L. Levesque - May 27, 2020 - 12:07 PM

Geoffrey Clarke - May 27, 2020 - 12:13 PM

Maureen Adams - May 29, 2020 - 2:58 PM