



The Town of Niagara-On-The-Lake

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Report: CS-14-047 **Committee Date:** December 08, 2014

Due in Council: December 15, 2014

Report To: Corporate Services Advisory Committee
Subject: Council Appointed Committees/Boards 2014-2018

1. RECOMMENDATION

It is respectfully recommended

- 1.1 that the Committees / Boards as outlined in the report and attachments, be approved; and
- 1.2 that the revised Terms of References for the following Committees be approved:
 - 1.2.1 Agricultural Committee (Irrigation Committee included)
 - 1.2.2 Committee of Adjustment (Property Standards Committee and Fence Variance Committee included)
 - 1.2.3 Municipal Heritage Committee
 - 1.2.4 Sign Committee
 - 1.2.5 Urban Design Committee
 - 1.2.6 Christmas Parade Committee
 - 1.2.7 Fence Viewers Committee
 - 1.2.8 Glendale Task Force
 - 1.2.9 NOTL Safety Committee
- 1.3 that a notice be placed in the local newspapers on or around December 18th and December 31st as well as on the Town's website, requesting residents apply by January 8, 2015, to sit on a Committee / Board; and
- 1.4 that the Lord Mayor, the Chair of Corporate Services (Councillor Flynn), two Senior Management Team members and the Town staff Advisor to the applicable Committee / Board, review the resident applications for the Advisory Committees and Other Committees, and recommend the qualified resident to the Committee / Board by way of a staff report directly to the January 19, 2015 Council Meeting; and
- 1.5 that the draft Fence By-law, Property Standards By-law and Committee of Adjustment By-law be forwarded to Council for approval; and
- 1.6 that the Committees/Boards operate until their successors are appointed by the 2018-2022 Council.

2. PURPOSE / PROPOSAL

The purpose of this report is to recommend approval for the Committees/Boards for 2014-2018 along with revised Terms of References.

3. BACKGROUND

The Committees/Boards which were in existence during the last term of Council were reviewed by the Senior Management Team (SMT). At an information session where Council-elect was in attendance, the facilitator pointed out that Council should keep their Advisory Committees / Boards to no more than ten. In reviewing the existing Committees, SMT combined Committees with other Committees to be more effective.

All Terms of References were reviewed, updated as required and attached to the report.

It is imperative that appointments be made as quickly as possible, as some Committees do not have a full compliment, specifically Council Members. The proposed time line is quite tight, but required.

4. DISCUSSION / ANALYSIS

In reviewing the Committees, it was felt that the composition of Committees could be adjusted. Therefore, it is recommended that the Municipal Heritage Committee, the Urban Design Committee and the Public Library Board be reduced in numbers. This information can be found in the pertinent Terms of Reference or the information page included in the report.

An open house will be held on January 5, 2015, where interested residents will have an opportunity to ask questions of the staff Advisor responsible for the Committee. This session will be held at the Municipal Offices in the Council Chambers at 5 p.m.

NOTE: A by-law to appoint Fence Viewers is required under the Line Fences Act and will be forwarded to Council when appointments are being made.

4.1 Committees/Boards to be disbanded

SMT reviewed the Committees/Boards that were in existence and recommend the following be disbanded:

- Community Vision Advisory Committee
- Branding Committee
- Community Centre Steering Committee
- Community Centre Fundraising Committee
- Council Chambers Review Committee
- Illuminated Open Sign Committee
- Small Scale Tourist Accommodation Review Committee
- Fair Taxation Committee
- Student Demographic Analysis Committee
- Licensing By-law Review Committee
- Sign By-law Review Committee

- Task Force on Traffic Safety Committee
- Energy Management Committee
- Niagara-on-the-Lake War of 1812 Bicentennial Committee
- Parking Committee

The majority of the above Committees are no longer required. For example the Community Centre Committee is no longer required as the Community Centre is built. SMT felt the Parking Committee is no longer required as parking issues are dealt with by Town staff.

4.2 Committees/Boards to be advertised

The following is a list of the different Committees that report to Council and require resident appointments. An advertisement will be placed in the local newspapers on or around December 18th and 31st as well as on the Town's website.

Advisory Committees to Council

- Agricultural Committee (includes the Irrigation Committee)
- Appeals Committee / Court of Revision
- Committee of Adjustment
(the Fence Variance Committee and Property Standards Committee will now be the responsibility of the members of this Committee and report to Council. The Planning Act portion of this Committee does not report to Council, minutes are supplied to Council for information purposes only)
- Discretionary Grant Committee
- Licensing Appeal Committee
- Municipal Heritage Committee
- Sign Committee
- Urban Design Committee

The Advisory Committees report to Council by way of a staff report adopting their recommendations as outlined in their Minutes.

In amalgamating the Fence Variance Committee and Property Standards Committee with the Committee of Adjustment, new by-laws are required. The portion of the Committee of Adjustment under the Planning Act will continue as usual, where their minutes will be forwarded to Council for information only. Minutes of the other two Committee's will be forwarded to Council for adoption.

Other Committees of Council

- Christmas Parade Committee
- Fence Viewers Committee
- Glendale Task Force
- Niagara-on-the-Lake Public Library Board
- NOTL Safety Committee
- Sports Wall of Fame Selection Committee
- Tree Advisory Committee

Staff recommends a Review Committee be established to review all applications for Advisory Committees and Other Committees of Council. This Committee should consist of two Council Members (Lord Mayor and Chair of Corporate Services), two Senior Management Team members and the Town staff Advisor to the applicable Committee / Board. The Review Committee will recommend the qualified resident(s) to the Committee / Board by way of a staff report directly to the January 19, 2015 Council Meeting.

External Committees

- Cenotaph Advisory Committee
- Joint Accessibility Advisory Committee
- Music Niagara
- Niagara Compliance Audit Committee
- Niagara District Airport Commission
- Niagara Historical Committee
- Niagara-on-the-Lake Chamber of Commerce
- Niagara-on-the-Lake Energy Inc. (Hydro)
- Niagara Parks Commission
- Niagara Peninsula Conservation Authority
- Niagara Pumphouse Visual Art Centre
- Niagara Region
 - Culture Committee
 - Greater Niagara Circle Route Committee
 - Transportation Strategy Steering Committee
- Shaw Festival Board of Directors

External Committees have their own regulations and their applications will be reviewed differently. For example, The Niagara District Airport Commission resident applications will be reviewed by a Committee of the Airport.

Terms of Reference

Attached are Terms of Reference for the following Committees, which require approval from Council:

- Agricultural Committee
- Committee of Adjustment
- Municipal Heritage Committee
- Sign Committee
- Urban Design Committee
- Christmas Parade Committee

5. FINANCIAL IMPLICATIONS

Some Advisory Committees to Council receive an honourarium which is outlined in their Terms of Reference.

6. COMMUNICATIONS

A notice will be placed on the Town's website and advertised in the local newspapers on or about December 18th and 31st.

Respectfully submitted,



**Holly Dowd
Director of Corporate Services
/Town Clerk**



for **Mike Galloway, MBA, CMO
Chief Administrative Officer**

ATTACHMENTS



New Fence By-law (2014).doc Committee of Adjustment By-law (2014).docx



New Property Standards By-law (2014).doc



Advisory Committees to Council.pdf



Other Committes of Council.pdf

WEB ATTACHMENTS

ATTACHMENTS FOR LINK

First Capital of Upper Canada - 1792

| ADVISORY COMMITTEES TO COUNCIL | Terms of Reference/By-law |
|--|---|
| <p><i>Agricultural Committee</i></p> <p>Comprised of 7 voting members, 1 resident who resides in the rural agricultural community and is not involved in the agricultural industry; 2 Council Members, 4 from commodity groups with Community & Development Services staff support</p> <p>Combined with Irrigation Committee</p> |  <p>Agricultural Advisory Committee.doc</p> |
| <p><i>Appeals Committee / Court of Revision</i> (Local Improvement Projects)</p> <p>Comprised of 3 Council Members (Chair and Vice Chair of Operations and Chair of Corporate Services)</p> | <p>Legislation to refer to:</p> <p>Drainage Act Local Improvement Act</p> |
| <p><i>Committee of Adjustment</i></p> <p>Comprised of 7 members (residents) with Community & Development Services staff support</p> <p>Combined with Fence Variance Committee and Property Standards Committee</p> |   <p>Committee of Adjustment.docx Committee of Adjustment By-law (2)</p> |
| <p><i>Discretionary Grant Committee</i></p> <p>Comprised of the Chair and Vice Chair of Corporate Services Committee, the CAO, the Clerk and the Accountant</p> |  <p>Discretionary grant Procedure.pdf</p> |
| <p><i>Licensing Appeal Committee</i></p> <p>Comprised of 3-5 residents, members from the Licensing environment and from the general public Two staff members, the Clerk and a Municipal Law Enforcement officer.</p> |  <p>tofr licensing appeal_001.pdf</p> |
| <p><i>Municipal Heritage Committee</i></p> <p>Comprised of 7 members, two being Council members with Community & Development staff support</p> |  <p>Municipal Heritage Committee ToR.doc</p> |
| <p><i>Sign Committee (By-law 4586-12)</i></p> <p>Comprised of 3 to 5 members, 2 being Council members with Community & Development Services staff support</p> |  <p>Sign Variance ToR.doc</p> |
| <p><i>Urban Design Committee</i></p> <p>Comprised of 5 members, 1 Council member and 1 from the Municipal Heritage Committee Member with Community & Development Services staff support</p> |  <p>Urban Design ToR.doc</p> |

TERMS OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE AGRICULTURAL COMMITTEE

PURPOSE

It shall be the responsibility of the Agricultural Committee to advise Council on issues important to the agricultural, and agri-business communities. The Committee advises Council on land use/development, policy and economic development matters with respect to agriculture and irrigation matters.

QUALIFICATIONS

- A demonstrated commitment to and interest in the community
- An understanding of the rural and agricultural planning framework and planning instruments, including Town Official Plan, Zoning By-law and other by-laws for controlling rural agricultural development and planning policies of the Niagara Region and the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans
- Resident of the Town of Niagara-on-the-Lake
- Organized, available to attend all Committee meetings
- Objective and have an open mind in order to fully consider the evidence provided
- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information.

ORGANIZATION

Applications for the Agricultural Committee appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Town of Niagara-on-the-Lake Agricultural Committee is a voluntary Committee established by Town Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.

The Committee shall consist of seven (7) voting members derived as follows:

- a) one (1) resident of Niagara-on-the-Lake who resides in the rural agricultural community and is not involved in the agricultural industry
- b) up to four (4) members will be drawn from the following commodity groups:
 - i) greenhouse and nursery products
 - ii) tender fruit
 - iii) grape
 - iv) wine
 - v) miscellaneous agriculture/cash crops
 - vi) agricultural processing/agri-business
- c) two (2) member(s) of Niagara-on-the-Lake Council

Staff Resources

- Town of Niagara-on-the-Lake Director, Community & Development Services (advisory)
- Town of Niagara-on-the-Lake Manager, Planning (advisory)
- Town of Niagara-on-the-Lake Planner (advisory)
- Irrigation & Drainage Superintendent, Engineering Technologist (advisory)

- Representative from the Ontario Ministry of Agriculture, Food and rural Affairs (advisory)

The Committee shall report directly to the Council of the Town of Niagara-on-the-Lake.

DUTIES & RESPONSIBILITIES

The Agricultural Committee will undertake the following activities:

- Review comprehensive planning documents such as the Regional Policy Plan, Town Official Plan, Zoning By-laws, and Secondary Plans and make recommendations to Council with respect to impact on agriculture and agri-business.
- Work with Council, at Council's request, on submissions related to agricultural issues to other levels of government, including irrigation works.
- Providing advice on the identification and implementation of programs which encourage public awareness and education of agricultural and related rural issues.
- Providing advice on practices, procedures and other relevant matters as they arise with respect to rural and agricultural development, including irrigation works.
- Legislative as outlined in the Niagara-on-the-Lake Irrigation Act.
- Review and comment on existing and proposed irrigation works.

MANAGEMENT OF THE COMMITTEE

Meetings

- Members of the Committee shall elect a Chair and Vice Chair at the first meeting.
- A majority of the members of any Committee of Council shall constitute a quorum.
- The Chair will schedule all Committee meetings as required.
- All meetings are consistent with Council's procedural by-law.

Chair

- The Chair shall preside at all meetings of the Agricultural Committee.
- The Chair shall exercise such authority and perform such duties as the Committee, from time to time, may prescribe.
- Ensures that decorum is maintained at each meeting and that rules of procedure and conduct are observed.

Vice Chair

- The Vice Chair, in the absence of the Chair, shall preside at all meetings.

Administrative Support Staff

The Community and Development Services Department staff shall provide technical and the administrative support for the Committee. Typical support functions include the following:

- Organizing and preparing the agenda, in conjunction with the Committee Chair.
- Distributing the agenda packages to Committee members.
- Forwarding the agenda to the Clerk for posting as a public notice.
- Taking and preparing draft minutes and providing the final minutes to the Clerk and Committee members
- Conducting research on matters as required.

TERMS OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE COMMITTEE OF ADJUSTMENT

PURPOSE

Committee of Adjustment is a statutory tribunal with authority delegated to it by Town of Niagara-on-the-Lake Council, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications for:

- Minor variances and alterations in legal non-conforming uses
- Consents (severances)
- Fence variances
- Appeals of property standard orders.

Committee of Adjustment operates independently from Council.

- Decisions on minor variance and alteration in legal non-conforming use and consent applications may be appealed to the Ontario Municipal Board.
- Decisions on fence variance applications may be appealed to Council.
- Decisions on property standard order appeals may be appealed to the Superior Court of Justice.

OPERATION

Committee of Adjustment is a quasi-judicial body, somewhat court-like in its operation, charged with observance and protection of applicable law and also with protecting the rights of the individuals affected by the decisions made.

- The common law principles of natural justice require the Committee of Adjustment to ensure that individuals affected by their decisions have their equivalent of “a day in court”.
- The Committee must also satisfy requirements concerning notice, public hearings, calling of witnesses, notices of decisions and recording of proceedings.

Committee of Adjustment may:

- Give consent to convey or divide land when a plan of subdivision is not necessary, mortgage or charge land or grant an interest in land for 21 years or more, for example by easement, right-of-way, lease, or agreements.
- Give approval to the foreclosure of or exercise of a power of sale in a mortgage or charge and to issue of certificates of validation.
- Authorize minor variance from the provisions of the Town Zoning By-Law for land, building or structure or their use.
- Permit the enlargement or extension of an existing legal non-conforming building or structure.
- Permit the use of land, building or structure for a purpose that is similar to the existing legal non-conforming use or is more compatible with the uses permitted by the Zoning By-Law.
- Permit the use of land, building or structure for any purpose that conforms with the uses defined in general terms in the Zoning By-Law.
- Grant or deny a variance with respect to sections 3, 5 and 6 of the Town Fence By-Law.
- Confirm, modify or rescind a property standard order to demolish or repair or extend the time for complying with the order.

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so.
- Giving due diligence to the consideration of each application.

- Openly having all discussions about each application and making all decisions in public at the hearing.
- Making rational decisions with appropriate, well-thought-out conditions.
- Clearly stating the reasons for their decisions.

Meeting Schedule & Location

- Committee of Adjustment public hearings are scheduled for the third Thursday of each month.
- Established meeting dates and times will not be changed unless circumstances warrant special consideration.
- The annual hearing schedule will be provided at the beginning of each year.

Reporting

- Hearing minutes are circulated to Town Council for information.
- The Committee may make recommendations on issues within their mandate that warrant Council's consideration.

ORGANIZATION

Membership, Appointment, Term of Office, Quorum, Voting

- Committee of Adjustment is composed of 7 members.
- Applications for Committee of Adjustment appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed. Members of the committee are eligible for reappointment, and where a member ceases to be a member before the expiration of their term, Council will appoint another eligible person for the unexpired portion of the term.
- Committee Members elect a chair and vice-chair. When both the chair and vice-chair are absent the Committee appoints another member as acting chair.
- Three members constitute a quorum for consent, minor variance, legal non-conforming use and fence variance applications. Section 44(5) of the Planning Act states "that where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than three members, three members constitute a quorum."
- A majority of the members constitutes a quorum for property standards appeals. Section 15.4(5) of the Ontario Building Code Act states "a majority of the members constitutes a quorum for transacting the committee's business" for property standards appeals.
- Voting is by simple majority on the application. A tie vote means the application is refused.

Qualifications

- A demonstrated commitment to and interest in the community.
- An understanding of planning framework and planning instruments, including Town Official Plan, zoning by-laws and other by-laws for controlling development and planning policies of the Niagara Region and the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans.
- An understanding of fence regulations, including Municipal Act and Town fence by-law.
- An understanding of property standards regulations, including Building Code Act and Town Official Plan and property standards by-law.
- Resident of the Town of Niagara-on-the-Lake.
- Organized, available and committed to conduct site inspections of all subject properties and attend all Committee meetings and training sessions.
- Objective and have an open mind in order to fully consider the evidence provided.

- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphics files.

Remuneration

- \$75.00 per hearing attended, consisting of \$50.00 honorarium plus \$25.00 travel allowance for site visits.

Duties and Responsibilities

Chair

- Presides at all Committee of Adjustment hearings and meetings and exercises authority and performs duties as required.
- Provides guidance and leadership to the committee in the completion of its mandate.
- Ensures that decorum is maintained at each hearing and meeting and that rules of procedure and conduct are observed.

Vice Chair

- Acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

All Members

- Review applications sent to them in advance of the hearing.
- Visit the site of each application prior to the hearing.
- Attend Committee of Adjustment hearings, consider applicant, agency and public comments, make decisions in public regarding applications and sign the decisions.
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee mandate.
- Are cognizant of any conflict of interest or perceived conflict in terms of issues that may serve to benefit them personally.
- Act to protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the Committee and to ensure that personal information is used solely for the processing of the application.

Administrative Support Staff

Secretary-Treasurer (non-voting position)

- Responsible for all Committee of Adjustment administrative duties.

Departmental Representatives/Planners/Manager of Enforcement-Chief Building Official (non-voting positions)

- Act as subject matter experts and provide information to assist the Committee of Adjustment in reaching decisions.

Enabling Legislation and Amendments

- Town of Niagara-on-the-Lake By-Law No. 4575-13 (Procedure)
- Town of Niagara-on-the-Lake By-Law No. ____-14 (Committee of Adjustment)
- Town of Niagara-on-the-Lake By-Law No. ____-14 (Fences)
- Town of Niagara-on-the-Lake By-Law No. ____-14 (Property Standards)
- Regional Municipality of Niagara By-Law No. 183-1999 (Consents)
- Building Code Act
- Municipal Act
- Planning Act

CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. _____-14

A BY-LAW TO CONSTITUTE A COMMITTEE OF ADJUSTMENT UNDER THE PROVISIONS OF THE PLANNING ACT AND TO REPEAL BY-LAWS 1366-83, 1366A-00 AND 1999-89.

WHEREAS Section 44(1) of the Planning Act R.S. O. 1990, c. P.13 provides that if a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1);

AND WHEREAS Section 45(3) of the Planning Act R.S.O. 1990 c. P.13 provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provision of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so that empowered subsection (1) applies with necessary modifications;

AND WHEREAS the Regional Municipality of Niagara by By-law No. 183-1999 has delegated to the Council of the Town of Niagara-on-the-Lake the authority for the giving of consents under Section 53 of the Planning Act R.S.O. 1990, Chapter P.13, as amended, which is deemed to include the giving of approvals to the foreclosure of or exercise of a power of sale in a mortgage or charge and the issuing of certificates of validation.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THELAKE enacts as follows:

1. That the Committee of Adjustment (hereinafter referred to as the Committee) is hereby constituted.
2. That the members of the Committee shall be appointed by resolution of Council for the term of Council and until their successors are appointed. Where a member ceases to be a member before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of the term.
3. That the authority for the giving of consents under Section 53 of the Planning Act, R.S.O. 1990, Chapter p. 13, as amended (hereinafter referred to as the "Act"), which is deemed to include the giving of approvals to the foreclosure of or exercise of a power of sale in a mortgage or charge (subsection 50(18) of the Act) and the issuing of certificates of validation (Section 57) is hereby delegated to the Committee.
4. That the Committee is hereby empowered to make decisions on fence variance applications in accordance with the Sections 3, 5 and 6 of the Town Fence By-law No. _____-14.
5. That the Committee is hereby empowered to make decisions on property standard order appeals in accordance with the Town Property Standards By-law No. _____-14.
6. That where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than

three members, three members constitute a quorum for consent, minor variance, legal non-conforming use and fence variance applications.

7. That a majority of the members of the Committee constitutes a quorum for Property Standards Order appeals.
8. That the Committee shall elect a chair and vice-chair. When both the chair and vice-chair are absent the Committee shall appoint another member as acting chair.
9. That the remuneration for the members of the Committee shall be established by resolution of Council.
10. That By-law Nos. 1366-83, 1999-89 and 1366A-00 are hereby repealed in their entirety.
11. That this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF DECEMBER 2014.

LORD MAYOR PAT DARTE

TOWN CLERK, HOLLY DOWD

TOWN OF NIAGARA-ON-THE-LAKE

PROCEDURE

PROCEDURE NO. **CS-FIN-005**
SUPERSEDES NO.

TITLE: ***Discretionary Grants***

EFFECTIVE DATE: **October 12, 2011**

PROCEDURE:

Discretionary Grant applications will be reviewed by a Committee consisting of 2 (two) Council Members (Chair and Vice Chair of Corporate Services) and 2 (two) Corporate Services staff members (Clerk and Treasurer), known as the Discretionary Grant Committee.

Applicants may apply in either of the following categories:

Category 1

Category 1 covers groups/organizations that are looking for financial assistance for a specific event or undertaking that would benefit residents of the Town of Niagara-on-the-Lake (Town). This may take place only once or could be an annual event, but the event or undertaking for which funds are being requested must have a defined starting and finishing period.

The organization would be required to complete an "Application for Finance Assistance and include with the application their financial statements from the previous year as well as a proposed budget.

The Discretionary Grant Committee will review each application including the Guidelines/Criteria and decide whether the organization will qualify for financial assistance from the Town.

Examples: Fireworks displays, Community Festivals, etc.

Category 2

Category 2 covers groups/organizations that are requesting significant financial assistance, perhaps to cover special or emergency operational budget needs, or to achieve longer term capital goals to enhance their operational capabilities.

Please note: It is not the intention or mandate of the Discretionary Grant Program to provide ongoing operational funding to any organization in Niagara-on-the-Lake.

Applicants will be required to complete an “Application for Financial Assistance and include financial statements from the previous year and a proposed budget. The Discretionary Grant Committee will permit organizations in this category to apply for one or several years of support if they wish, limited only by the condition that the support requested must not extend past the final fiscal term associated with the anticipated term of Council. Should the Discretionary Grant Committee wish to approve funding for more than one year, the organization will still be required to file annual financial statements and a proposed budget on an annual basis, including a brief statement regarding the organizations’ success achieved to date through grant proceeds. In cases where multiyear grants are approved, funds will be disbursed on an annual basis according to our prescribed funding schedule, not as a lump sum.

Examples: Shaw Festival, Museums, etc.

Disbursement of Approved Discretionary Grants

If the approved Discretionary Grants are:

- i) less than or equal to \$1500 - 100% of the grant is payable as soon as possible, after Council has approved the annual budget
- ii) greater than \$1500 – 50% is payable as soon as possible, after Council has approved the annual budget – and 50% is payable the beginning of September

NOTE: In certain instances, Council may choose to issue Grants at times different from those above. Also, the Treasurer may deviate from the above disbursement schedule, in special circumstances where it is not practical.

Process

- applications for Discretionary Grants are to be received no later than November 1
- the Discretionary Grant Committee reviews all applications and makes recommendations to Council for budget deliberations
- upon final budget approval, the applicants are advised of Council’s decision which is final with no appeals considered

GENERAL

Discretionary Grant applications will be extended to all members of the general public in the Town and should not exclude anyone by reason of race, religion or ethnic background. Applications will be posted on the Town’s website and a notice will be placed in the local newspaper advising of the deadline for filing applications, being November 1st. Late and/or incomplete applications will not be considered.

July 29, 2013

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE
LICENSING APPEAL COMMITTEE
TERMS OF REFERENCE**

PURPOSE OF THE COMMITTEE

The Licensing Appeal Committee will review all appeals filed by applicants where staff did not recommend a Short Term Rental License, or a license which has been recommended for revocation.

OBJECTIVES OF THE COMMITTEE

The Licensing Appeal Committee will meet as required, and report to the Corporate Services Advisory Committee. By-law 4634-13, being a by-law for the licensing, regulating and governing of Short Term Rentals in the Town of Niagara-on-the-Lake, will be the guideline for the Licensing Appeal Committee to follow, specifically Sections 4 and 5.

The Licensing Appeal Committee meetings will be held in the Council Chambers located at the Municipal Offices during office hours, and these meetings will be open to the public.

COMMITTEE COMPOSITE

The Licensing Appeal Committee is a Committee appointed by Council and will serve for the term of office concurrent with Council. The Committee will consist of no fewer than three (3) persons of the Municipality, with a maximum appointed being five (5) persons. Three (3) persons constitute a quorum and voting is by simple majority on the appeal. A tie vote means it is refused.

The Committee members are to be comprised of three (3) members from the Licensing environment and two (2) members from the general public.

The Committee will select a Chair at the first meeting. A recording secretary will be supplied by the Town. Staff members to assist the Committee will be the Clerk and the Supervisor of Municipal Law Enforcement and when necessary a staff member of the Fire Department.

MEETINGS

Appeals will be filed with the Clerk's office along with the non refundable fee as outlined on Schedule A to By-law 4634-13. The Clerk will notify the Licensing Appeal Committee members of appeal(s) and schedule a meeting as quickly as possible. Meeting dates will be posted on the Town's web-site. Agendas, minutes, and other documentation will be distributed to members of the Committee electronically. Minutes/decisions of the Licensing Appeal Committee will be forwarded to the Corporate Services Advisory Committee for approval and ratified by Council. Council's decision will be final.

TERM OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE MUNICIPAL HERITAGE COMMITTEE

PURPOSE

The Niagara-on-the-Lake Municipal Heritage Committee (MHC) is an advisory committee of Council established by by-law under the provisions of the Ontario Heritage Act to advise and assist Council on matters relating to:

- Establishing and maintaining a recording and evaluation system for properties and landscapes of cultural heritage value or interest
- Preparing, evaluating and maintaining a computerized database of properties, areas and landscapes worthy of conservation
- Nominating properties that are not designated under Part IV of the Ontario Heritage Act to the Cultural Heritage Resources Register
- Identifying areas within the municipality that are worthy of Heritage Conservation District designation and to recommend to Council that they be designated
- Advising Council on means of conserving heritage properties and areas
- Recommending to Council that Heritage Permits for alterations to designated properties be granted to property owners
- Advising Council on available funding sources for the preservation of heritage resources
- Advising Council on any new heritage legislation or government programs that may affect designated properties or historic areas
- Advising Council on all planning applications that have a direct impact on heritage resources and which fall into the following categories:
 - i. Part IV designated properties, Ontario Heritage Act, R.S.O. 1990
 - ii. Part V designated properties, Ontario Heritage Act, R.S.O. 1990
 - iii. The Queen-Picton Heritage Conservation District Expansion Area
 - iv. Properties in close proximity to those that are designated under Part IV or Part V of the Ontario Heritage Act, R.S.O. 1990
 - v. All planning applications that do not fall into the above categories would be reviewed at the site plan stage by staff and, if warranted, forwarded to an interim standing subcommittee of the MHC for comment from a heritage/design perspective.
- Advise and assist Council on all matters relating to Parts IV and V of the Ontario Heritage Act, R.S.O. 1990
- Encourage and support the designation of private homes and municipal properties under Part IV of the Ontario Heritage Act, R.S.O. 1990
- Implement a program of public education concerning the preservation of the unique architectural and historical heritage of Niagara-on-the-Lake through the Ontario Heritage Act, R.S.O. 1990
- Meet with Council at the call of the Lord Mayor and/or the Chair in order to discuss any issues that the MHC and/or Council may wish to consider

QUALIFICATIONS

- Members shall have access to a computer and shall have an email address in order to receive and respond to committee communications and information, including meeting application notices and agenda packages with large text and graphics files.
- Members shall be residents of the Town of Niagara-on-the-Lake or work in the municipality or have a place of business in the municipality.

ORGANIZATION

Applications for the Municipal Heritage Committee appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Committee is established by Town Council in accordance with these Terms of Reference. Members are guided by these Terms of Reference.

The membership of the Niagara-on-the-Lake Municipal Heritage Committee will consist of no more than seven (7) members, two being members of the Town of Niagara-on-the-Lake Council and seven (5) being lay members appointed by the Council.

At least one (1) of the five (5) lay members should be an architect and three (3) of the five (5) lay members should be drawn from, but not limited to, the following professional categories:

- Structural Engineer
- Building Inspector
- Archivist
- Architectural Historian
- Landscape Architect
- Land Use Planner, RPP
- Certified Interior Designer
- Educator
- Restoration Tradesperson (mason, carpenter etc)

The remaining members should have a demonstrated interest in the preservation/restoration of historic buildings and landscapes.

The Committee shall report directly to the Council of the Town of Niagara-on-the-Lake

DUTIES & RESPONSIBILITIES

Chair

- To chair all regular MHC meetings and all MHC sub-committee meetings
- To assure that all MHC meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with these Terms of Reference
- To assure that all deputations have an appropriate and fair hearing
- To assure that all members of the MHC have an opportunity to comment on permit applications and planning matters that are before the committee.

Vice Chair

- To assume all of the functions of the Chair when that he/she is unable to attend any regular MHC meeting or sub-committee meeting

Administrative Support Staff

The Niagara-on-the-Lake Municipal Heritage Committee shall be assisted in their work by staff of Community and Development Services who will provide expert advice, technical reports, background information and administrative support and will prepare the recommendations of the committee.

MANAGEMENT OF THE COMMITTEE

Meeting Schedule

- a) The Committee shall generally meet on the second Tuesday of each month.

Committee Meetings

- a) The members elect a Chair and a Vice Chair at the first meeting.
- b) The number of deputations per MHC meeting shall generally be limited to six (6).
- c) Deputations shall be limited to those seeking comments regarding changes to designated properties and to applicants for Heritage Permits or their authorized agents.
- d) All meetings are consistent with Council's procedural by-law.
- e) Delegations shall be limited to a ten (10) minute presentation after which the MHC shall make its comments and recommendations.

The MHC shall form sub-committees, as required, to assist the public in making informed decisions regarding the alteration of Part IV or Part V designated properties.

Remuneration

- \$50.00 per meeting attended.

Enabling Legislation

The Ontario Heritage Act, R.S.O. 1990

TERMS OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE SIGN COMMITTEE

PURPOSE

It shall be the responsibility of the Sign Committee to review all applications for an amendment to the Sign By-law and to make recommendations to Council on those applications.

QUALIFICATIONS

- A demonstrated commitment to and interest in the community.
- An understanding of the Municipal Act regulations with regard to signs as well as the Town's Sign By-law No. 4586-12.
- Resident, property owner or employed within of the Town of Niagara-on-the-Lake
- Organized, available and committed to conduct site inspections of subject properties and attend all Committee meetings.
- Objective and have an open mind in order to fully consider the information provided.
- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphics files.

OPERATION

The Sign Committee is somewhat court-like in its operation, charged with reviewing applications for amendments to the Town's Sign By-law No. 4586-12. The principles of natural justice require the Sign Committee to ensure that individuals affected by their decisions have their equivalent of "a day in court". The principles of The Municipal Act, the Statutory Powers Procedure Act, the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act govern the operation of the Committee.

The goal of the Sign Committee is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so
- Giving due diligence to the consideration of each application
- Openly having all discussions about each application and making all decisions in public
- Making rational decisions with appropriate, well-thought-out conditions
- Clearly stating the reasons for their decisions.

Sign Committee hearings are attended by Sign Committee members, the Manager of Planning Services, applicants and/or their representatives and any member of the public who wishes to speak regarding an application or observe the proceedings.

ORGANIZATION

Applications for the Sign Committee appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Sign Committee is established by Town Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.

Will consist of three to five members, 2 members be Council members,

The Committee shall report directly to the Council of the Town of Niagara-on-the-Lake.

DUTIES & RESPONSIBILITIES

All Members

- Review applications sent to them in advance of the meeting
- Visit the site of each application prior to the meeting
- Attend the Sign Committee hearings, consider applicant, agency and public comments and make decisions in public regarding applications
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.

MANAGEMENT OF THE COMMITTEE

Meetings

- a) Members of the Committee shall elect a Chair and Vice Chair at the first meeting.
- b) A majority of the members shall constitute a quorum, voting is by simple majority on the application, a tie vote means the application is refused.
- c) All meetings are consistent with Council's procedural by-law.
- c) A Recording Secretary will be supplied from Town staff.

Chair

- Presides at all Committee hearings and meetings and exercises authority and performs duties as required
- Provides guidance and leadership to the committee in the completion of its mandate
- Ensures that decorum is maintained at each meeting and that rules of procedure and conduct are observed.

Vice Chair

Acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

Administrative Support Staff

1. Applications for an amendment to the Sign By-law shall be distributed to the Members of the Committee along with a Staff Report the Friday prior to the Hearing date. Applications received less than two weeks before a scheduled Hearing date will be referred to the following scheduled Hearing.
2. The Committee shall generally meet on the second Wednesday of each month. Committee Members will be notified on the Friday prior to the scheduled meeting if there are any applications for review.
3. Committee Agendas shall be posted on the Town's website.
4. Neighbours abutting the subject property shall be notified in writing of the application and date of hearing at least one week prior to the hearing date.
5. Minutes of the meeting will be transcribed following the meeting and will include recommendations to Council.
6. Decisions of the Committee on applications are posted on the Town's website through a staff report.
7. Applicants or abutting neighbours can appeal by delegation to Council. Council decision is final.

Remuneration

- \$50.00 per meeting attended and when necessary the current per kilometre rate for site visits.

TERMS OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE URBAN DESIGN COMMITTEE

PURPOSE

The Niagara-on-the-Lake Urban Design Committee (UDC) has been created by Council in response to a desire to continually improve the quality of design in the community and to offer specialized expert design assistance to applicants, staff and Council, particularly in relation to site plan applications.

QUALIFICATIONS

- Members shall have access to a computer and shall have an email address in order to receive and respond to committee communications and information, including meeting application notices and agenda packages with large text and graphics files.
- Members shall be residents of the Town of Niagara-on-the-Lake or work in the municipality or have a place of business in the municipality.

ORGANIZATION

Applications for the Agricultural Committee appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Urban Design Committee is established by Town Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.

The membership of the Niagara-on-the-Lake Urban Design Committee will consist of no more than five (5) members, including one (1) member of Council and at least one (1) member of the Town of Niagara-on-the-Lake Municipal Heritage Committee (MHC).

The three (3) other members should be drawn from, but not limited to, the following professional categories:

- Architect, OAA
- Landscape Architect, OALA
- Landscape Designer
- Urban Designer
- Land Use Planner , RPP
- Contractor/Builder

The Committee shall report by information report to the Council of the Town of Niagara-on-the-Lake.

DUTIES & RESPONSIBILITIES

- Provide advice and evaluate and comment on development applications that will have an impact on the Town's visual character and streetscapes—with specific regard to the following:
 1. Neighbourhood context and streetscape character
 2. Building orientation
 3. Scale
 4. Massing
 5. Height
 6. Building Materials

7. Landscape Plans
 8. Parking access, location and design
 9. Signage type and location
- Provide advice regarding site plan applications adjacent to properties designated under Part IV or Part V of the Ontario Heritage Act; developments in the Queen-Picton Heritage Conservation District Expansion Area and developments that will have an impact on the Town's visual character and streetscapes.
 - In the case of development applications in St. Davids, Queenston and the Dock Area the Urban Design Committee shall use the St. Davids Queenston, and Dock Area Urban Design Guidelines and Urban Design Guidelines approved by Council when assessing other applications.
 - The recommendations of the Municipal Heritage Committee will take precedence over the recommendations of the Urban Design Committee where the proposed development is adjacent to a property that is designated under Part IV or Part V of the Ontario Heritage Act or is located in the Queen-Picton Heritage Conservation District Expansion Area.

MANAGEMENT OF THE COMMITTEE

Meeting Schedule & Location

- a) The Urban Design Committee shall generally meet on the fourth Tuesday of each month.

Committee Meetings

- a) Elect a Chair and a Vice Chair at the beginning of their term.
- b) The number of deputations per UDC meeting shall generally be limited to four (4).
- c) All meetings are consistent with Council's procedural by-law.
- d) Delegations shall be limited to a ten (10) minute presentation after which the UDC shall make its comments and recommendations.

Chair

- To chair all regular UDC meetings
- To assure that all UDC meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with these Terms of Reference
- To assure that all applicants have an appropriate and fair hearing
- To assure that all members of the UDC have an opportunity to comment on site plan applications that are before the committee.
-

Vice Chair








- To assume all of the functions of the Chair when that he/she is unable to attend any regular UDC meeting or sub-committee meeting



Administrative Support Staff

The Niagara-on-the-Lake UDC shall be assisted in their work by staff of the Community and Development Services Department who will provide expert advice, technical reports, background information and administrative support and will prepare the recommendations of the committee.

Remuneration

- \$50.00 per meeting attended

| OTHER COMMITTEES OF COUNCIL | Terms of Reference |
|---|--|
| <p>Christmas Parade Committee</p> <p>Comprised of 8 members of the Community and the Manager of Parks & Recreation.</p> |  ROUGH DRAFT Terms of Reference C |
| <p>Fence Viewers Committee</p> <p>Comprised of 3 residents And staff member from Community & Development Department</p> |  Line Fences Act.pdf |
| <p>Glendale Task Force</p> <p>Comprised of 2 Council members, 3 reps from Glendale residential area, 1 rep from Niagara College, 1 developer representative and 2 commercial/business reps – Town staff resources as required</p> |  Glendale Task Force.docx Glendale Task Force.docx |
| <p>NOTL Safety Committee</p> <p>Comprised of volunteers from the 5 Communities, 1 Council Member, media reps, VBA rep, and reps from DSBN and NCDS</p> |  Document1.docx |
| <p>Sports Wall of Fame Selection Committee</p> <p>Comprised of 3 members of local service clubs, three representatives from local sports associations and the Manager of Parks & Recreation</p> |   Wall of Fame Committee.pdf Wall of Fame Constitution.pdf |
| <p>Tree Advisory Committee</p> <p>Comprised of 2 or 3 residents, and representatives from the Operations Department, as required</p> |  tree Committee t of r.pdf |

| External Committees | Information |
|---|--|
| Cenotaph Advisory Committee | <p>Comprised of 1 Council Member and the Manager of Parks & Recreation</p> <p>Residents are appointed by the Royal Canadian Legion</p> |
| Joint Accessibility Advisory Committee | <p>Six municipalities hired The Herrington Group to provide guidance with the AODA regulations</p> <p>Resident appointments required</p> |
| Niagara Compliance Audit Committee | <p>Following each Municipal Election, this Committee is created and appointed Regional Wide. No Council members or staff is appointed.</p> <p>By-law 4401-10 established the Committee and by-law 4001B-14 appointed the members for 2014</p> <p>Allan Andrews, John Bald, David Barrett, Bob Hildebrandt, Margo Pinder, James A. Cringan and Yasir Nouri</p> <p>By-law includes the Terms of Reference</p> <p> 4401-10 (Niagara Compliance Audit Con</p> |
| Niagara District Airport | <p>Airport Liaison Committee which is comprised of Mayor's and CAO's from Niagara Falls, St. Catharines and NOTL</p> <p>Commission, which is comprised of one Council Member and one resident from each municipality</p> <p> 4594-12_001.pdf</p> |
| Niagara Historical Committee | Requesting one Council Member be appointed |
| Niagara-on-the-Lake Chamber of Commerce | One Council member is appointed |
| Niagara-on-the-Lake Energy Inc. (Hydro) | <p>Comprised of 7 members - 4 citizens, 2 Council Members (one being the Lord Mayor) and the Town's Chief Administrative Officer</p> |

| External Committees continued | Information |
|--|---|
| Niagara-on-the-Lake Public Library Board Comprised of 2 Council Members and 5 residents The Chief Librarian and staff assist | Public Libraries Act |
| Niagara Parks Commission | The Lord Mayor is appointed |
| Niagara Peninsula Conservation Authority | Requesting a Council Member be appointed |
| Niagara Pumphouse Visual Arts Centre | One Council member is appointed when requested |
| Niagara Region - Culture Committee - Greater Niagara Circle Route Committee - Transportation Strategy Steering Committee | One municipal representative for each Committee |
| Shaw Festival Board of Directors | The Lord Mayor is appointed |
| Music Niagarad | Requesting a Council Member be appointed |

| Committees to be Disband | |
|--|--|
| <ul style="list-style-type: none"> - Community Vision Advisory Committee - Branding Committee - Community Centre Steering Committee - Community Centre Fundraising Committee - Council Chambers Review Committee - Illuminated Open Sign Committee - Small Scale Tourist Accommodation Review Committee - Fair Taxation Committee - Student Demographic Analysis Committee - Licensing By-law Review Committee - Sign By-law Review Committee - Task Force on Traffic Safety Committee - Energy Management Committee - Niagara-on-the-Lake War of 1812 Bicentennial Committee - Parking Committee | |
| <p>The following are not considered a Committee/Board, and therefore are being removed from the list. All Council members are called upon when needed to organize these types of functions.</p> | <p>Firefighters Appreciation Night Lord Mayor's Fundraiser Senior Citizens Strawberry Social</p> |

TOWN OF NIAGARA-ON-THE-LAKE CHRISTMAS PARADE COMMITTEE

PURPOSE OF THE COMMITTEE

To organize the Town of Niagara-on-the-Lake's Annual Christmas Parade.

COMMITTEE ORGANIZATION

The Committee will consist of 8 members of the Community, and the Manager of Parks & Recreation.

The Committee will select a Chair, Secretary and Treasurer from the members.

DUTIES & RESPONSIBILITIES

Chair

1. The Christmas Parade Chair shall preside at all meetings of the Christmas Parade Committee.
2. The Chair will schedule all Committee meetings as required.
3. Organize the Floats/Bands, etc. for the Christmas Parade in the year appointed.

Secretary

1. The keeper of all minutes of the proceedings of the Committee. All minutes shall be forwarded to Council members through the information package, for information.
2. Deliver financial information to the Committee, as required.

Directors

1. The Manager of Parks & Recreation shall be responsible for securing funds from the community to offset the cost of parade items such as bands etc.
2. The Manager of Parks & Recreation shall supervise and conduct the business of the Christmas Parade Committee, as it may be advisable.

Accounting

1. The Treasurer shall be responsible for all funds received and disbursed and shall provide a balance sheet of funds remaining following the parade.

Term of Office

The Committee members are appointed in February of each year for that year's parade to be held in December, by way of a staff report. The staff report will include a financial statement from the previous parade.



[Français](#)

Line Fences Act

R.S.O. 1990, CHAPTER L.17

Consolidation Period: From January 1, 2007 to the [e-Laws currency date](#).

Last amendment: 2006, c.32, Sched.D, s.6.

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Definitions

[1. \(1\)](#) In this Act,

“appeals division” means an appeals division established under this Act; (“division d’appel”)

“Minister” means the Minister of Municipal Affairs and Housing; (“ministre”)

“occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under section 4; (“occupant”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“referee” means a referee appointed under this Act; (“arbitre”)

“regulations” means regulations made under this Act; (“règlements”)

“value of the work” and “costs of the work” have the same meaning and include the value of the materials used and the value of the labour performed to complete the work. (“valeur des travaux”, “coût des travaux”) R.S.O 1990, c. L.17, s. 1 (1); 2002, c. 17, Sched. F, Table.

Idem

(2) Where, within the meaning of section 4, there is a dispute between owners or occupants of lands situate in different local municipalities,

“fence-viewers” means two fence-viewers of the local municipality in which is situate the land of the owner or occupant notified under section 4, and one fence-viewer of the local municipality in which is situate the land of the person instituting the proceedings under that section; (“inspecteurs des clôtures”)

“in which the land is situate” or “in which the land lies” means in which is situate the land of the owner or occupant so notified under section 4. (“où est situé le bien-fonds”, “où se trouve le bien-fonds”) R.S.O 1990, c. L.17, s. 1 (2).

Idem

(3) Where, within the meaning of section 4, there is a dispute between the owner or occupant of land situate in a local municipality and the owner or occupant of land situate in territory without municipal organization,

“fence-viewers” means three fence-viewers appointed by the local municipality in which the land of the one owner or occupant is situate, and at least one of the fence-viewers shall be resident outside the municipality in the vicinity of the land of the other owner or occupant; (“inspecteurs des clôtures”)

“local municipality in which the land is situate” means the local municipality in which is situate the land of the one owner or occupant. (“municipalité locale où est situé le bien-fonds”) R.S.O 1990, c. L.17, s. 1 (3).

Condominium corporations

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

- (a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

(b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation. R.S.O 1990, c. L.17, s. 1 (4).

Appointment of fence-viewers

2. The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers. R.S.O 1990, c. L.17, s. 2.

Owner of land may construct boundary fence

3. An owner of land may construct and maintain a fence to mark the boundary between the owner's land and adjoining lands. R.S.O 1990, c. L.17, s. 3.

Owner may request fence-viewers to view and arbitrate

4. (1) Where the owner of any land desires to have a fence constructed to mark the boundary between the owner's land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstructed and where the owner has not entered into a written agreement with the adjoining owner for sharing the costs of the construction, reconstruction or repair, as the case may be, of such fence, the owner may notify in the prescribed form the clerk of the local municipality in which the land is situate that the owner desires fence-viewers to view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain and keep up. R.S.O 1990, c. L.17, s. 4 (1).

Notice by clerk

(2) Where the clerk of a municipality is notified under subsection (1), the clerk, or such other person as may be designated by the council for the purpose of giving notices under this section, shall notify in the prescribed form the owner mentioned in subsection (1) and the adjoining owner or the occupant of the land of the adjoining owner that he or she will on a day named, not less than one week from the service of the notice, cause three fence-viewers of the locality to arbitrate in the premises and the clerk shall notify in the prescribed form the fence-viewers not less than one week before their services are required that they are required to meet to arbitrate in the premises. R.S.O 1990, c. L.17, s. 4 (2).

Idem

(3) A notice under subsection (2) shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time, being not more than thirty days from the date of the receipt of the notice under subsection (1), and place of the meeting for the arbitration, and the notice shall be given to a person mentioned in subsection (2) by sending it to the person by registered mail at the address where the person resides or, in the case of a notice to an owner or occupant, may instead be given by leaving it with the owner or occupant at the place of residence of the owner or occupant or with some other person, over the age of eighteen years, residing thereat. R.S.O 1990, c. L.17, s. 4 (3).

Postponement of view

5. (1) Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions

make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
 - (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.
- R.S.O 1990, c. L.17, s. 5 (1).

Winter months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law. R.S.O 1990, c. L.17, s. 5 (2).

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-viewers during the period set out in the by-law shall be postponed until the expiry of the period. R.S.O 1990, c. L.17, s. 5 (3).

Idem

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. R.S.O 1990, c. L.17, s. 5 (4).

Duty and liability of occupants as to notifying owners

6. Where an occupant who is not the owner of the land is given a notice under this Act, the occupant shall immediately inform the owner of the notice, and an occupant who neglects to do so is liable for all damage caused to the owner by such neglect. R.S.O 1990, c. L.17, s. 6.

Duties and powers of fence-viewers

7. The fence-viewers shall examine the premises and, if required by either adjoining owner, shall hear evidence and may examine the owners and their witnesses on oath. R.S.O 1990, c. L.17, s. 7.

Award of fence-viewers

8. (1) The fence-viewers shall make an award in the prescribed form, signed by any two of them, respecting the matters in dispute and the award shall state that a fence shall be constructed and maintained and kept up to mark the boundary between the adjoining lands, or, where such a fence exists, that the fence shall be reconstructed or repaired, and shall be maintained and kept up, and the award shall specify,

- (a) the location of the fence;
- (b) that,
 - (i) each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one-half of the fence, or

- (ii) the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall, upon being notified by the designated adjoining owner of the costs of the work incurred from time to time, pay to the designated adjoining owner one-half of the costs incurred,

unless the fence-viewers, in the circumstances of the case, consider an award in the terms of subclause (i) or (ii) to be unjust, in which case the fence-viewers may make such award in respect of the construction, reconstruction, repair or maintenance of the fence as they consider appropriate;

- (c) the description of the fence, including the materials to be used in the construction, reconstruction, repair or maintenance and keeping up of the fence;
- (d) the date by which the construction, reconstruction or repairs shall be commenced and the date by which such work shall be completed; and
- (e) the costs of the proceedings and by which of the owners or in what proportion the costs of the proceedings are to be paid. R.S.O 1990, c. L.17, s. 8 (1).

Matters to be considered

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be, located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. R.S.O 1990, c. L.17, s. 8 (2).

Where by-law in force

(3) Where there is a by-law in force in the municipality under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, prescribing the height and description of lawful fences or otherwise regulating the construction of fences, the description of the fence specified in the award shall conform to the by-law. R.S.O 1990, c. L.17, s. 8 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (1).

Location of fence

(4) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the adjoining owners, they may locate it either wholly or partly on the land of either of the adjoining owners where it seems to be most convenient, but such location shall not in any way affect the title to the land. R.S.O 1990, c. L.17, s. 8 (4).

Employment of surveyor

(5) Where the fence-viewers locate a fence wholly or partly on the land of either of the adjoining owners under subsection (4), the fence-viewers may employ an Ontario land surveyor to have the location of the fence described by metes and bounds. R.S.O 1990, c. L.17, s. 8 (5).

Fees of land surveyor

(6) Subsections 18 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with

necessary modifications to fees payable to a land surveyor employed under subsection (5). R.S.O 1990, c. L.17, s. 8 (6).

Deposit of award, etc.

9. (1) The award shall be deposited in the office of the clerk of the local municipality in which the land is situate, and may be proved by a copy certified by the clerk, and a copy of the award certified by the clerk shall forthwith be sent by the clerk by registered mail to the owners and occupants of the adjoining lands to their last known place of residence. R.S.O 1990, c. L.17, s. 9 (1).

Where land situate in different municipalities

(2) Where the lands of the adjoining owners are situate in different local municipalities, a clerk under subsection (1) shall, forthwith upon the deposit of an award in his or her office, forward a copy of it certified by him or her to the clerk of the other municipality in which part of the lands are situate. R.S.O 1990, c. L.17, s. 9 (2).

When award received

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. R.S.O 1990, c. L.17, s. 9 (3).

Appeal

10. (1) An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 8, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. R.S.O 1990, c. L.17, s. 10 (1).

Service of notice

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 10 (2).

Notice to referee, etc.

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. R.S.O 1990, c. L.17, s. 10 (3).

Notice of hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4. R.S.O 1990, c. L.17, s. 10 (4).

Powers of referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on

oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs. R.S.O 1990, c. L.17, s. 10 (5).

Decision of referee to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. R.S.O 1990, c. L.17, s. 10 (6).

Indemnity for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal. R.S.O 1990, c. L.17, s. 10 (7).

Where land in more than one appeals division

(8) Despite subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard. R.S.O 1990, c. L.17, s. 10 (8).

Copy of decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister. R.S.O 1990, c. L.17, s. 10 (9).

Payment to Treasurer of Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario. R.S.O 1990, c. L.17, s. 10 (10).

Owner may require award to be obeyed

11. (1) Where the award specifies that a portion or all of the fence shall be repaired, constructed, reconstructed, maintained or kept up by one adjoining owner and that adjoining owner fails to obey the award, the other adjoining owner may by notice served on the first adjoining owner or the occupant of the land of the first adjoining owner, require the first adjoining owner to obey the award. R.S.O 1990, c. L.17, s. 11 (1).

Service of notice

(2) A notice served by an adjoining owner under subsection (1) shall be served in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 11 (2).

Completion of work by owner

(3) If the notice is not obeyed within two weeks after it has been served, the owner desiring to enforce the award may do or complete the work that the award directs and may immediately institute proceedings to recover the value of the work done or completed and the costs of the proceedings from the owner of the adjoining land. R.S.O 1990, c. L.17, s. 11 (3).

Entry on property of adjoining owner

(4) An owner, or any person acting on the owner's behalf, in doing or completing work pursuant to an award under section 8 or under subsection (3) or under subsection 13 (7), may enter on the property of the adjoining owner to the extent that it is necessary to do or complete

the work, but in making such entry or doing or completing such work shall do no unnecessary spoil or waste. R.S.O 1990, c. L.17, s. 11 (4).

Obstruction an offence

(5) No person shall obstruct or threaten to obstruct a person entering onto property or doing or completing work in accordance with subsection (4) and every person who contravenes this subsection is guilty of an offence. R.S.O 1990, c. L.17, s. 11 (5).

Notice of amount owing in accordance with award

(6) Where the award specifies that one adjoining owner shall pay to the designated adjoining owner a portion of the costs of the work under subclause 8 (1) (b) (ii), the designated adjoining owner may notify the other adjoining owner or the occupant of that owner's land of the amount owing in accordance with the award in the same manner as an owner may give notice under subsection (2), and, where such amount is not paid within twenty-eight days following the day on which the notice is given, the designated adjoining owner may institute proceedings to recover the amount and the costs of the proceedings from the other adjoining owner. R.S.O 1990, c. L.17, s. 11 (6).

Certification of fence-viewers

(7) An owner desiring to institute proceedings under subsection (3) or (6) shall notify the clerk of the local municipality in which the land is situate that the owner desires the three fence-viewers who made the award to reattend at the premises and certify,

- (a) the default of the adjoining owner; and
- (b) the value of the work done by the owner which according to the award ought to have been done by the adjoining owner or the portion of the costs of the work done which ought to have been paid by the adjoining owner, as the case may be. R.S.O 1990, c. L.17, s. 11 (7).

Notice by clerk

(8) Where the clerk of a municipality is notified by an owner under subsection (7), the clerk, or such other person as may be designated by the council for the purpose of giving notices under this section, shall forthwith notify in the prescribed form that owner and the owner or occupant of the adjoining land that he or she will, on a day named, not less than one week from the service of the notice, cause the fence-viewers to reattend at the premises and the clerk shall also notify in the prescribed form the fence-viewers not less than one week before their services are required. R.S.O 1990, c. L.17, s. 11 (8).

Idem

(9) The notices in each case shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time and place of the reconvening of the fence-viewers, and the notices shall be served in the same manner as a notice served under subsection 4 (3). R.S.O 1990, c. L.17, s. 11 (9).

Notice to another fence-viewer to attend

(10) Where an owner notifies the clerk under subsection (7), and for any reason any of the three fence-viewers who made the award is unable to reattend at the premises, the clerk shall notify another fence-viewer of the municipality to attend in his or her place. R.S.O 1990, c. L.17, s. 11 (10).

Certification of value, collection of amount certified

Duties of fence-viewers

12. (1) The fence-viewers, upon receiving a notice served under subsection 11 (8), or upon being notified under subsection (10) of that section, shall attend in accordance with such notice, and if satisfied that the adjoining owner or the occupant of the land of the adjoining owner was duly notified under subsection 11 (1) or (6), as the case may be, and has failed to obey the award, the fence-viewers shall,

- (a) where the adjoining owner or the occupant of the land of the adjoining owner was notified under subsection 11 (1), determine the value of the work done by the owner desiring to enforce the award which is attributable to the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or
- (b) where the adjoining owner or the occupant of the land of the adjoining owner was notified under subsection 11 (6), determine the value of the work done by the owner desiring to enforce the award and the portion of that value payable by the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by the adjoining owner as that owner's share of the costs of the work. R.S.O 1990, c. L.17, s. 12 (1).

Costs

(2) The fence-viewers shall specify in a certificate under subsection (1) the costs of the proceedings described in that subsection and shall specify either that the adjoining owner or that the other owner pay the costs, or that each of them pay a specified portion of the costs. R.S.O 1990, c. L.17, s. 12 (2).

Idem

(3) The fence-viewers shall, in the certificate, certify the amount payable by the adjoining owner as that owner's share of the costs of the proceedings described in subsection (1) and of the proceedings under section 4, less the portion of that amount payable as fees to the fence-viewers or fees to a land surveyor employed under subsection 8 (5), and the total amount certified under this subsection and subsection (1) shall become payable to the owner desiring to enforce the award. R.S.O 1990, c. L.17, s. 12 (3).

Deposit of certificate

(4) Upon preparing a certificate under subsection (1), the fence-viewers shall forthwith deposit the certificate with the clerk of the local municipality within which the land is situate and the provisions of subsections 9 (1) and (2) respecting an award apply with necessary modifications to the certificate. R.S.O 1990, c. L.17, s. 12 (4).

Collection of amount as taxes

(5) The clerk of the local municipality in which the land of the adjoining owner is situate shall, upon receiving a certificate prepared under subsection (1) and the award in respect of which the certificate was made, or copies thereof certified by the clerk in accordance with this Act, and upon application in writing by the owner entitled to receive the amount certified, have the total amount certified placed upon the collector's roll and the amount may be collected in the same manner as taxes, together with interest thereon accruing from the date the application was made at the same rate as late payment charges imposed by

the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof and when collected shall forthwith be paid over to the owner entitled thereto. R.S.O 1990, c. L.17, s. 12 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (2).

Payment by treasurer

(6) Despite subsection (5), the council of a local municipality may by by-law provide that where a certificate and an award mentioned in that subsection and made in respect of land situate within the municipality, or copies thereof certified by a clerk in accordance with this Act, are deposited with the clerk of the municipality, the treasurer of the municipality may, upon written application therefor, pay to the owner entitled to receive the amount certified, the amount so certified or a portion thereof, where the treasurer is satisfied that the owner is entitled thereto, and where an owner has received the amount certified or a portion thereof under this subsection, the owner is not entitled to make an application or receive an amount under subsection (5). R.S.O 1990, c. L.17, s. 12 (6).

Collection of amount as taxes

(7) An amount paid to an owner under subsection (6) shall be placed upon the collector's roll and may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O 1990, c. L.17, s. 12 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (3).

Notice by treasurer

(8) Upon making a payment to an owner under subsection (6), the treasurer shall forthwith notify in the prescribed form the adjoining owner against whom the award is being enforced that the payment has been made. R.S.O 1990, c. L.17, s. 12 (8).

Levy of amount against goods and chattels

(9) Instead of having the amount certified placed upon the collector's roll, or instead of applying for that amount or a portion thereof under a by-law passed under subsection (6), the owner entitled to receive the amount may file a copy of the certificate and of the award in respect of which the certificate was made, certified by the clerk in accordance with this Act, with the clerk of the Small Claims Court of the division in which any part of the land affected by the award is situate, and upon being so filed, the amount may be levied against the goods and chattels and land of the adjoining owner in the same manner as the amount of a judgment of the Small Claims Court may be levied. R.S.O 1990, c. L.17, s. 12 (9).

When work may be dismantled

13. (1) Despite subsection 11 (3), an owner desiring to enforce an award shall not dismantle work done by the adjoining owner in respect of the fence mentioned in the award except in accordance with this section. R.S.O 1990, c. L.17, s. 13 (1).

Notice

(2) Where in the opinion of an owner work done by an adjoining owner pursuant to an award made under section 8 in respect of their lands is not in compliance with the description

of the fence or the location of the fence as specified in the award, the owner may, by notice served on the adjoining owner or occupant of the land of the adjoining owner, require the adjoining owner to make the work comply with the award. R.S.O 1990, c. L.17, s. 13 (2).

Particulars

(3) A notice under subsection (2) shall specify in what particulars the work done fails to comply with the award and shall be served by an owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. R.S.O 1990, c. L.17, s. 13 (3).

Fence-viewers to reattend

(4) If the notice is not obeyed within two weeks after it has been served, the owner may cause the fence-viewers to reattend at the premises to view the work and to determine whether or not the work complies with the award. R.S.O 1990, c. L.17, s. 13 (4).

Service of notices

(5) Section 4 respecting the convening of fence-viewers applies with necessary modifications to the recalling of fence-viewers under subsection (4). R.S.O 1990, c. L.17, s. 13 (5).

Powers of fence-viewers

(6) Where the fence-viewers determine under subsection (4) that the work does not comply with the award, they shall in the prescribed form set out their determination with reasons therefor and shall specify the action to be taken by the adjoining owner to make such work comply, the date by which such action shall commence, and the date by which the work shall be completed. R.S.O 1990, c. L.17, s. 13 (6).

Where owner does not comply

(7) Where the adjoining owner does not comply with the directions given by the fence-viewers under subsection (6), the owner that initiated the proceedings under this section may, by notice to the adjoining owner or the occupant of the land of the adjoining owner, require the adjoining owner to obey the directions, and sections 11 and 12 respecting the enforcement of an award apply with necessary modifications to the enforcement of the directions given by the fence-viewers under subsection (6). R.S.O 1990, c. L.17, s. 13 (7).

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining owner or the other owner or that a specified portion of the costs be paid by each of them. R.S.O 1990, c. L.17, s. 13 (8).

Deposit of determination

(9) Section 9 applies with necessary modifications to a determination with directions made by the fence-viewers under subsection (6). R.S.O 1990, c. L.17, s. 13 (9).

Where no award, etc., made, costs of fence-viewers

14. (1) Where the fence-viewers have attended at premises pursuant to a notice given under subsection 4 (2), subsection 11 (8) or subsection 13 (5) or (7), and have decided,

- (a) that no award shall be made because they have no jurisdiction to make the award or because the owners of the adjoining lands have requested that no award be made;
- or

(b) that no certificate or determination with directions shall be made, they shall prepare their decision in the prescribed form giving reasons therefor, and shall specify in the decision that the costs of the proceedings in respect of such attendance be paid either by one adjoining owner or by the other or that a specified portion of the costs be paid by each of them. R.S.O 1990, c. L.17, s. 14 (1).

Deposit of decision

(2) Section 9 applies with necessary modifications to a decision made under subsection (1). R.S.O 1990, c. L.17, s. 14 (2).

Award to be a charge on land if registered

15. (1) The award and a certificate made in respect of the award may be registered in the proper land registry office and when registered are charges upon the land affected by them. R.S.O 1990, c. L.17, s. 15 (1).

How registered

(2) Registration may be by the registration of a duplicate of the award or certificate, as the case may be, or of a copy thereof, verified by an affidavit, together with an affidavit of the execution of the award or certificate. R.S.O 1990, c. L.17, s. 15 (2).

Enforcement of agreements

16. Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers. R.S.O 1990, c. L.17, s. 16.

Administrative fees of municipality

17. (1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed. R.S.O 1990, c. L.17, s. 17 (1).

Idem

(2) Subsections 18 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1). R.S.O 1990, c. L.17, s. 17 (2).

Fees

18. (1) An Ontario land surveyor and a witness are entitled to the same compensation as if summonsed in the Small Claims Court. R.S.O 1990, c. L.17, s. 18 (1).

Payment of fence-viewers fees

(2) The corporation of the local municipality shall, at the expiration of the time for appeal from an award made under section 8 or after appeal, as the case may be, and, where applicable, upon the depositing of a certificate under subsection 12 (4) or subsection 13 (7), or of a determination with directions under subsection 13 (9), or a decision under section 14, pay to the fence-viewers their fees, and shall, unless the fees or a portion thereof are forthwith repaid by the person adjudged to pay the fees or the portion thereof, place the amount unpaid upon the collector's roll, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late

payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O 1990, c. L.17, s. 18 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (4).

Where land in adjacent municipality

(3) Where the land of the person adjudged to pay the fees or a portion thereof is not situate within the local municipality, the clerk of the municipality shall, where the land is situate in an adjacent municipality, notify the clerk of the adjacent municipality of the amount owing by such person in respect of the fees or the portion thereof, and the clerk of the adjacent municipality shall place the amount upon the collector's roll for that municipality, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as late payment charges imposed by the municipality under section 345 of the *Municipal Act, 2001* or section 310 of the *City of Toronto Act, 2006*, as the case may be, in respect of taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof, and when the amount with interest or any part thereof is collected the clerk shall forthwith remit it to the clerk of the municipality that gave the notice under this subsection. R.S.O 1990, c. L.17, s. 18 (3); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (5).

Where land in unorganized territory

(4) Where the land of the person adjudged to pay the fees or a portion thereof is situate in territory without municipal organization, the amount owing by such person in respect of the fees or the portion thereof may be recovered with interest as a debt due to the municipality from such person. R.S.O 1990, c. L.17, s. 18 (4).

Unopened road allowance

19. (1) Despite section 25, where there is an unopened road allowance lying between the lands of two owners and not enclosed by a lawful fence, it is the duty of the fence-viewers, when called upon, to divide the road allowance equally between the owners of the lands, and to require each owner to construct, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section in any way affects or interferes with the rights of the municipality in the road allowance or is deemed to confer any title therein upon such owners or either of them. R.S.O 1990, c. L.17, s. 19 (1).

Approval of council required

(2) No person shall initiate proceedings for calling on the fence-viewers to act under subsection (1) without the approval of the council of the municipality in which the road allowance is situate. R.S.O 1990, c. L.17, s. 19 (2).

Duties of owner of former railway land

20. (1) Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company to a person, the Crown in right of Ontario, a Crown agency or a municipality who is not the owner of abutting land, the responsibility for constructing, keeping up and repairing the fences that mark the lateral boundaries of the land lies with that person, the Crown in right of Ontario, the Crown agency or the municipality, respectively, if,

- (a) a farming business is carried out on the adjoining land; and
- (b) the owner of the adjoining land upon which the farming business is carried out notifies the person, Crown in right of Ontario, Crown agency or municipality, as the case may be, that the owner desires that such person or entity construct, keep up and repair the fences that mark the lateral boundaries of the land. 2006, c. 32, Sched. D, s. 6 (1).

Interpretation

(2) In this section,

“farming business” means a business in respect of which,

- (a) a current farming business registration is filed under the *Farm Registration and Farm Organizations Funding Act, 1993*, or
- (b) the Agriculture, Food and Rural Affairs Appeal Tribunal has made an order under subsection 22 (6) of the *Farm Registration and Farm Organizations Funding Act, 1993* that payment or filing be waived; (“entreprise agricole”)

“owner” includes heirs, executors and assigns of the owner. (“propriétaire”) 2006, c. 32, Sched. D, s. 6 (1).

Notice

(3) The notice under clause (1) (b) shall contain the prescribed information. 2006, c. 32, Sched. D, s. 6 (1).

Certain fences removable on notice

21. (1) The owner of the whole or part of a line fence that forms part of the fence marking the boundary between the owner’s land and the land of an adjoining owner shall not take down or remove any part of such fence,

- (a) without giving at least six months previous notice of the owner’s intention to the owner or occupant of the adjacent land unless the owner or occupant, after demand made upon the owner or occupant in writing by the owner of the fence, refuses to pay therefor the sum determined as provided by section 8; or
- (b) if such owner or occupant will pay to the owner of the fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 8. R.S.O 1990, c. L.17, s. 21 (1).

Other provisions of Act to apply

(2) The provisions of this Act for determining disputes between owners of adjoining lands, the manner of enforcing awards and appeals therefrom and the prescribed forms and all other provisions of this Act, so far as applicable, apply to proceedings under this section. R.S.O 1990, c. L.17, s. 21 (2).

Where tree thrown across line fence

22. (1) If any tree is thrown down by accident or otherwise so as to cause damage to a line fence, the owner or occupant of the land on which the tree stood shall forthwith remove the tree and repair the fence. R.S.O 1990, c. L.17, s. 22 (1).

When adjoining land-owner may remove tree

(2) On the neglect or refusal of the owner or occupant of the land on which the tree stood so to do for forty-eight hours after notice in writing to remove the tree, the adjoining land-owner may remove it in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain the tree to remunerate the adjoining land-owner for such removal. R.S.O 1990, c. L.17, s. 22 (2).

Recovery of cost

(3) A person who repairs a fence under subsection (2) may recover the costs of the work in the same manner as an owner under subsection 11 (3) may recover the value of work done by that owner. R.S.O 1990, c. L.17, s. 22 (3).

Right of entry

(4) For the purpose of such removal, the owner of the tree may enter into and upon the adjoining land doing no unnecessary spoil or waste. R.S.O 1990, c. L.17, s. 22 (4).

Fence-viewers to decide disputes

(5) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom is binding upon the parties. R.S.O 1990, c. L.17, s. 22 (5).

Act applies to lands of municipality or local board

23. (1) This Act applies to lands owned by a municipality and to lands owned by a local board within the meaning of the *Municipal Affairs Act*, including a conservation authority. R.S.O 1990, c. L.17, s. 23 (1).

(2) Repealed: 2002, c. 17, Sched. F, Table.

Agreements

(3) The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16. R.S.O 1990, c. L.17, s. 23 (3).

Act binds Crown

24. (1) Except as otherwise provided in subsections (2) and (3), this Act applies so as to bind the Crown in right of Ontario. R.S.O 1990, c. L.17, s. 24 (1).

Exception

(2) This Act does not apply to lands of the Crown in right of Ontario that at no time have been disposed of by the Crown in right of Ontario by letters patent, deed or otherwise. R.S.O 1990, c. L.17, s. 24 (2).

Limitation

(3) Despite any other provision in this Act, an award made under section 8 in respect of lands vested in the Crown in right of Ontario shall not require the Crown to be responsible for more than one-half of the fence or to pay to the adjoining owner an amount exceeding 50 per cent of the cost of the fence. R.S.O 1990, c. L.17, s. 24 (3).

Act does not apply to public highways

25. (1) Despite sections 23 and 24, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway. R.S.O 1990, c. L.17, s. 25 (1).

Agreements under subs. 23 (3)

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 23 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands. R.S.O 1990, c. L.17, s. 25 (2).

Non-application

26. This Act, except section 20, does not apply to land in an area that is subject to a by-law for apportioning the costs of line fences passed under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 30 (6).

Appeals divisions

27. (1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division. R.S.O 1990, c. L.17, s. 27 (1).

Appointment of referee

(2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division. R.S.O 1990, c. L.17, s. 27 (2).

Deputy referees

(3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment. R.S.O 1990, c. L.17, s. 27 (3).

Additional jurisdiction

(4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division. R.S.O 1990, c. L.17, s. 27 (4).

Assignment of hearings

(5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed. R.S.O 1990, c. L.17, s. 27 (5).

Remuneration

(6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses. R.S.O 1990, c. L.17, s. 27 (6).

Appeals – miscellaneous provisions

Clerk on hearing of appeals

28. (1) The clerk of the municipality in which an appeal is filed under section 10 shall be the clerk for the purposes of an appeal under that section. R.S.O 1990, c. L.17, s. 28 (1).

Support services

(2) The corporation of the municipality in which an appeal is filed under section 10 shall provide a suitable room for holding the hearing and shall provide all necessary

stenographic and other support services as may be required for the purposes of the appeal. R.S.O 1990, c. L.17, s. 28 (2).

Idem

[\(3\)](#) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister. R.S.O 1990, c. L.17, s. 28 (3).

Regulations by Minister

[29.](#) The Minister may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing information that must be included in any notice or form required under this Act;
- (c) requiring that a form approved or provided by the Ministry be used for any purpose of this Act. 2006, c. 32, Sched. D, s. 6 (2).

Regulations

[30.](#) The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;
- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 17;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act. R.S.O 1990, c. L.17, s. 30.

Inspection of awards, decisions, etc.

[31.](#) Subsection 253 (1) of the *Municipal Act, 2001* or section 199 of the *City of Toronto Act, 2006*, as the case may be, applies with necessary modifications to an award, certificate, determination, decision, notice or other document that, as a result of proceedings initiated under this Act is in the possession or under the control of the clerk or a person designated by the council under this Act for the purpose of giving notices. R.S.O 1990, c. L.17, s. 31; 2002, c 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 30 (7).

[Français](#)

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TERMS OF REFERENCE

TOWN OF NIAGARA-ON-THE-LAKE GLENDALE TASK FORCE COMMITTEE

PURPOSE

The Glendale Task Force shall:

- Identify and prioritize safety, security and parking problems and solutions experienced in the Niagara-on-the-Green neighbourhood.
- Provide feedback regarding Municipal practices, policies and by-laws related to the Glendale Community and recommend policy and by-law revisions where appropriate.
- Develop a communications strategy to foster better communication among students, Niagara College, Community Residents and Town Staff.

ORGANIZATION

Applications for the Glendale Task Force appointments are requested at the beginning of the term of Council and members are appointed by resolution of Town Council for the term of Council (currently 4 years) and until their successors are appointed.

The Glendale Task Force is a voluntary Committee established by Town Council in accordance with these Terms of Reference. Committee members are guided by these Terms of Reference.

Shall have access to a computer and an e-mail address in order to receive and respond to Committee communications and information.

The membership of the Glendale Task Force will consist of:

- Two (2) Town of Niagara-on-the-Lake Councillors
- Three (3) Representatives from Glendale Residential Areas
- One (1) Representative from Niagara College (may delegate an alternate)
- One (1) Developer Representative
- Two (2) Commercial/Business Representatives

Staff Resources

- Town of Niagara-on-the-Lake Chief Building Official (advisory)
- Town of Niagara-on-the-Lake Deputy Fire Chief (advisory)
- Town of Niagara-on-the-Lake By-law Enforcement Supervisor (advisory)
- Town of Niagara-on-the-Lake Manager of Planning (advisory)
- Town of Niagara-on-the-Lake Director, Community & Development Services (advisory)
- Town of Niagara-on-the-Lake Planner I (advisory)
- Niagara Regional Police (advisory)

- Non-voting participants may be invited to attend when particular expertise is requested by the membership.

Glendale Task Force minutes will be forwarded as information to the Niagara-on-the-Lake Town Council. Minutes will be forwarded to the Niagara-on-the-Lake Chief Administrative Officer.

DUTIES & RESPONSIBILITIES

Chair

- To chair all regular meetings
- To assure that all meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with these Terms of Reference
- To assure that all members have an opportunity to comment

Vice Chair

- To assume all of the functions of the Chair when that he/she is unable to attend any regular meeting

Administrative Support Staff

- Administrative support will prepare the recommendations of the committee.

MANAGEMENT OF THE COMMITTEE

Meeting Schedule & Location

The Glendale Task Force meetings will generally be held as required by consensus of the Task Force and the call of the Chair. Meetings will generally be held on Thursdays between 3:30 p.m. and 5:00 p.m.

Committee Meetings

Elect a Chair and a Vice Chair at the beginning of their term.

Meetings will be posted in the Council calendar and open to the public as observers. Meeting participation by non members is by invitation of the Task Force.

All meetings are consistent with Council's procedural by-law.

TERMS OF REFERENCE
NIAGARA ON THE LAKE COMMUNITY SAFETY COMMITTEE
FORMERLY KNOWN AS THE NIAGARA ON THE LAKE POLICING COMMITTEE

The Niagara on the Lake Policing committee was established in 1991 as an official Committee of Council. The objective of the committee is to identify and prioritize safety within the local community.

- a) Generating support for community safety
- b) Operating crime prevention programs
- c) Conducting educational programs in schools; and
- d) Fostering a positive relationship between local youths and the police

As of January 2014 the NRP discontinued Community Policing program across the Niagara Region. The committee voted to continue operating under the new name “Niagara on the Lake Safety Committee”.

Committee Membership

- The membership of the Niagara on the Lake Safety Committee will consist of volunteers/ representatives from:
 - Residents in the District (5)
 - Member of Council (1)
 - Niagara Regional Police (Advisory)
 - Niagara Parks Police (Advisory)
 - Fire and Emergency Services (Advisory)
 - Town of Niagara on the Lake By-Law Enforcement (Advisory)
 - Town of Niagara on the Lake Parks & Recreation Department (Advisory)
 - Town of Niagara on the Lake Public Works Department (Advisory)
 - Media Representative from the Niagara Advance
 - Media Representative from Niagara This Week
 - Representative from Virgil Business Association
 - District School Board of Niagara
 - Niagara Catholic District School Board

Members of the Safety Committee will elect a chair at the beginning of their term. The functions of the Chair of designate shall be:

- To chair all regular Safety committee meetings
- To ensure all meetings run smoothly and expeditiously by enforcing the rules of order and ensuring that the meetings are run in accordance with the Terms of Reference.
- To ensure that all members of the Committee have an opportunity to provide comments and recommendations with respect to the safety of the residents in the district

Duties & Responsibilities

The Committee will meet once a month and will focus on the implementation and management of safety programs including:

- The annual Offshore Workers Bike Rodeo
- The annual Children’s Bike Safety Rodeo
- Educational Safety programs in schools

Reporting

The Safety Committee will forward minutes from monthly meetings as information to the Niagara on the Lake Town Council

Wall of Fame Committee

Randall Crickmore, Chair
6799 Stamford Green Dr
Niagara Falls, ON L2J 1T9

Peter Croskery
3 Merritt Circle, R.R. #3,
Niagara-on-the-Lake, ON L0S 1J0

Herwig Baldauf,
R.R. #5, 4 Firelane 12 B,
Niagara-on-the-Lake, ON L0S 1J0

Ted Wiens,
Box 867, 561 King Street,
Niagara-on-the-Lake, ON L0S 1J0

Ward Simpson
R.R. #3, 5 McFarland Gate,
Niagara-on-the-Lake, ON L0S 1J0

Letter sent out March 24, 2009

NIAGARA-ON-THE-LAKE - SPORTS WALL OF FAME CONSTITUTION

1. Objective

To honour and recognize significant contributions to/or achievements in athletics by individuals from Niagara-on-the-Lake.

2. Criteria

The recipient must be an individual, who through his/her energy, enthusiasm and talent, has made a significant contribution to the sporting community or has attained a significant athletic achievement.

The individual must reside, or previously have been a resident of Niagara-on-the-Lake.

Nominations can be submitted in two categories:

Athlete - Athletes to be considered for admission must be or have been outstanding in their athletic field of endeavour.

Builder - Builders are trainers, coaches, officials or executive members whose work for Niagara-on-the-Lake sport over an extended period of time has been outstanding.

3. Process

a) Formation of the Committee

The initial Selection Committee will be formed by the Niagara-on-the-Lake Parks & Recreation Department and the Niagara-on-the-Lake Kinsmen Club.

The Selection Committee (hereafter named the Committee) will consist of three members of local service clubs, three representatives from local sports associations and the Director of Parks & Recreation.

In subsequent years, the Committee members will be determined by the outgoing Committee within the approved Committee structure.

b) Committee Organization

The Committee will select a Chair and Vice Chair.

The Chair will schedule all meetings and preside at all meetings. The Vice Chair, in the absence of the Chair, shall preside at all meetings.

The Chair can recommend additional Committee Members subject to Committee approval.

c) Role of the Committee

The Committee will promote and encourage nominations for the Wall of Fame.

The Committee will review all nominations received and select a maximum of two individuals annually (four recipients to be selected in the first year).

The Committee will make the necessary arrangements for the framed picture and plaque to be placed on the wall.

4. Path to Induction

Nominations are made by the general public and sent to the Niagara-on-the-Lake Parks & Recreation Office with supporting evidence by December 31st.

Nominations must be made in writing on the Wall of Fame nomination form, available from the Parks & Recreation Office, the Town Municipal Office or the Town website.

Support data may be included.

An individual may be asked to speak in support of a nomination.

There shall be no publicity as to the proposed nominees; the only names released to the public shall be those names elected to the Niagara-on-the-Lake Wall of Fame.

A nominee who has not been selected in any given year is eligible for future consideration upon reapplication. Each year a Committee will select a maximum of two individuals to be honoured on the Wall of Fame at the Niagara Credit Union Arena (after the initial year when a maximum of four individuals can be named).

The Committee will review all nominations each January and once selections are made, the necessary arrangements will be made to have framed pictures and plaques in place for an annual ceremony in June.

5. Awards

For each inductee a standard size photograph with a relevant biography of the individual will be displayed on the Wall of Fame.

All plaques will be a standard size and colour, consisting of an 9" x 11" photo and a 3" x 7" plaque for the biography within a 15 3/4" x 21 3/4" frame.

6. Funding

The framed pictures and plaques will be funded by an account established by the Niagara-on-the-Lake Kinsmen Club and at such time that the funds are exhausted, the respective sports associations and service clubs solicited for funding.

**TOWN OF NIAGARA-ON-THE-LAKE
TREE ADVISORY COMMITTEE
TERMS OF REFERENCE**

PURPOSE OF THE COMMITTEE

The Town's Tree Committee shall act in an advisory capacity and will be consulted by Parks & Recreation and Public Works Department representatives when their comments are required.

OPERATION OF THE COMMITTEE

The Tree Advisory Committee will be contacted by the Town's Roads Supervisor and/or Parks Supervisor for advice as needed.

COMMITTEE ORGANIZATION

Due to the limited staff expertise, the Tree Advisory Committee will consist of two to three residents, all of whom must either be certified arborists or possess an accredited background in tree horticulture. One member of the Committee will be selected as Chair and will be the primary contact from amongst the members.

DUTIES & RESPONSIBILITIES

Depending on their availability, members of the Tree Advisory Committee, either independently or collectively, are expected to provide advice, upon request, regarding the maintenance, removal, and placement of specific trees located on boulevards, in parks and other municipal properties.

The Tree Committee shall have regard for the following Town Policies and Procedures:
REC-PRK-003 Tree Planting and Jurisdictional Policy
PW-RDS-005 Tree Planting
PW-RDS-013 Tree Removal
PW-RDS-014 Tree Trimming

Term of Office

The Committee's term of office will coincide with the term of Council.

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4401-10**

**A BY-LAW TO ESTABLISH THE NIAGARA
COMPLIANCE AUDIT COMMITTEE FOR THE
CORPORATION OF THE TOWN OF NIAGARA-ON-THE-
LAKE**

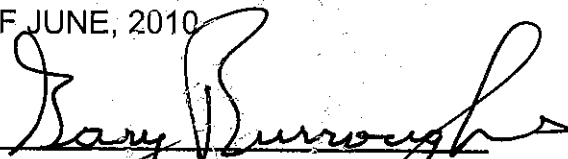
WHEREAS Section 81.1 of the *Municipal Elections Act, 1996* as amended provides a council or local board shall, before October 1 of an election year, establish a compliance audit committee for the purposes of Section 81;

AND WHEREAS it is deemed expedient to establish a compliance audit committee for the Corporation of the Town of Niagara-on-the-Lake related to the possible contravention of the said *Act* for election campaign finances.

NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake hereby enacts as follows:

1. **THAT** a Joint Compliance Audit Committee be and it is hereby established to be known as the "Niagara Compliance Audit Committee".
2. **THAT** the Terms of Reference for the Niagara Compliance Audit Committee annexed hereto as Schedule "A" be and they are hereby authorized and approved and adopted.
3. **THAT** the Clerk of the Town of Niagara-on the-Lake is hereby delegated the authority to effect any amendments to Schedule "A" hereto which may arise at the request of one of the Joint Area Participants subsequent to the passage of this by-law if deemed reasonable by the Clerk, and the Clerk shall notify the Council in such instance.
4. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Niagara-on-the-Lake is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.
5. **THIS** by-law shall come into force and take effect on the day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28th DAY
OF JUNE, 2010


LORD MAYOR GARY BURROUGHS


TOWN CLERK HOLLY DOWD

Terms of Reference for Niagara Compliance Audit Committee

1. Authority

- 1.1 Section 81.1 of the *Municipal Elections Act, 2006* ("Act") requires the council, before October 1st in an election year, to establish a compliance audit committee for the purposes of Section 81 of the said *Act* relative to a possible contravention of the election campaign finance rules.

2. Objectives

- 2.1 To establish a Joint Compliance Audit Committee ("Committee") and process with the following potential participants (referred to as the "Joint Area"):

"Area Municipalities"

Regional Municipality of Niagara
Town of Fort Erie
Town of Grimsby
Town of Lincoln
City of Niagara Falls
Town of Niagara on the Lake
Town of Pelham
City of Port Colborne
City of St. Catharines
City of Thorold
Township of Wainfleet
City of Welland
Township of West Lincoln

"School Boards"

1. District School Board of Niagara
2. Niagara Catholic District School Board

- 2.2 Each Council/Board of the Joint Area will determine its participation in the Joint Compliance Audit Committee and as such, will be referred to herein as "Joint Area Participants".

- 2.3 To ensure compliance with Sections 81 and 81.1 of the *Act*.

3. Name

- 3.1 The Committee shall be named the "Joint Niagara Compliance Audit Committee" hereinafter called "the Committee."

Terms of Reference for Joint Compliance Audit Committee

Page Two

- 3.2 For the purpose of reference to the School Boards, modifications to certain terms used herein shall have a corresponding meaning to the Board, ie Council/Board, Clerk/Secretary, responding municipality/responding board.
4. Type of Committee
 - 4.1 The Committee is a Statutory Committee.
5. Term
 - 5.1 The term of the Committee shall be concurrent with the term of the office of the Council that takes effect following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed.
 - 5.2 The term of appointment shall be December 1st of the regular election year to November 30, of the next regular election year.
6. Duration
 - 6.1 The Committee shall be established before October 1st of an election year.
 - 6.2 The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term until and unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council in the Joint Area prior to October 1st in each election year.
7. Mandate
 - 7.1 An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances.
 - 7.2 The mandate of the Committee is to hear and determine all applications filed in accordance with Section 81 of the *Act*, in accordance with the procedures established by the Clerk under the *Act*. Any application which does not meet the legislative deadline for submission will not be presented to the Committee for review.

Terms of Reference for Joint Compliance Audit Committee
Page Three

- 7.3 The powers and functions of the Committee are set out in Section 81 of the *Act*. The Committee shall:
- (a) review and consider a compliance audit application received from an elector and decide whether it should be granted or rejected;
 - (b) if the application is granted, appoint an auditor to conduct a compliance audit;
 - (c) receive the auditor's report;
 - (d) consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the *Act* relating to election campaign finances, decide whether legal proceedings against the candidate for the apparent contravention shall be commenced;
 - (e) if the report concludes that the candidate does not appear to have contravened a provision of the *Act* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application, and
 - (f) submit its findings to Council if the report indicates there was no apparent contravention and no reasonable grounds for the application and Council may recover the auditor's costs from the applicant.

8. Composition

- 8.1 The Committee shall be composed of a maximum of seven (7) members with membership drawn from the following stakeholder groups:
- (a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - (b) academic – college or university professors with expertise in political science or local government administration;
 - (c) legal profession with experience in municipal law, municipal election law or administrative law;
 - (d) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
 - (e) other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

Terms of Reference for Joint Compliance Audit Committee
Page Four

- 8.2 The Committee shall not include,
- (a) employees or officers of the municipality or local board;
 - (b) members of the council or local board;
 - (c) any persons who are candidates in the election for which the committee is established or family members or employees of same, or any person connected to a candidate through an employment, contractual, business or partnership relationship, or
 - (d) any person who is or intends to volunteer or seek employment to assist any candidate in the election for which the committee is established.
- 8.3 When an application has been filed under Section 81 of the *Act*, only three (3) of the seven (7) members of the Committee shall comprise the audit committee for the purposes of reviewing and considering the application.
- 8.4 The Clerk of the responding municipality shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.
- 8.5 To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election to Council/Board of Joint Area Participants. Failure to adhere to this requirement will result in the individual being removed from the Committee.

9. Member Selection and Appointment

- 9.1 All persons interested in serving on the Committee shall complete an application form prescribed by the Clerk setting out their qualifications and experience.
- 9.2 A Nomination Committee consisting of a majority of the Clerks of the Joint Area Participants shall review the applications and submit a joint short list of candidates to their respective Councils for approval.
- 9.3 The member selection process shall be carried out by the Joint Area Participant Clerks on behalf of the School Boards. The School Boards shall be so notified of the short-list of candidates.

Terms of Reference for Joint Compliance Audit Committee

Page Five

9.4 Committee members shall be appointed by each Joint Area Participant Council.

9.5 In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a committee of three (3) members.

10. Selection Criteria

10.1 Without limiting the foregoing, members shall be selected on the basis of the following:

- (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
- (b) proven analytical and decision-making skills;
- (c) experience working on a committee, administrative tribunal, task force or similar setting;
- (d) availability and willingness to attend meetings;
- (e) excellent oral and written communication skills.

11. Chair of Committee

11.1 The Committee members shall select a Chair form amongst its members at its first meeting.

12. Secretary to Committee

12.1 The Clerk of the responding municipality shall act as Secretary to the Committee.

13. Compensation

13.1 Members of the Committee shall receive an initial honorarium of \$100.00, including mileage, for attendance at a training session the costs of which shall be shared equally amongst the Area Municipalities and School Boards.

13.2 Members shall receive an honorarium of \$100.00 per meeting, plus mileage at the rate of the responding municipality.

Terms of Reference for Joint Compliance Audit Committee

Page Six

14. Costs and Funding

- 14.1 The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a result of a decision of the Committee being challenged to the Ontario Court of Justice.
- 14.2 The Joint Area Participants shall share equally in the costs associated with advertising and training.
- 14.3 If the report indicates there was no apparent contravention and the Committee finds there were no reasonable grounds for the application, the Council or local board is entitled to recover the auditor's costs from the applicant.

15. Auditor

- 15.1 The Area Clerks shall issue a joint RFP for auditor services.
- 15.2 The Committee shall appoint an auditor.

16. Meetings

- 16.1 The Committee shall conduct its meeting in public subject to the need to meet in closed session for a purpose authorized by Section 239 of the *Municipal Act, 2001*.
- 16.2 The municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
- 16.3 The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the Statutory Powers Procedures Act, with modifications as necessary.

17. Conflicts

- 17.1 Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary and absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
- 17.2 In the event a member discloses a pecuniary interest in the application, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.

Terms of Reference for Joint Compliance Audit Committee
Page Seven

18. Practices and Procedures

- 18.1 The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4594-12**

A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE, THE CORPORATION OF THE CITY OF ST. CATHARINES AND THE CORPORATION OF THE CITY OF NIAGARA FALLS (Niagara District Airport Funding Agreement)

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. THAT the Agreement dated the 3rd day of December 2012 between the Corporation of the Town of Niagara-on-the-Lake, the Corporation of the City of St. Catharines and the Corporation of the City of Niagara Falls, is hereby approved; and
2. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 3rd DAY OF DECEMBER 2012



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD

THIS AGREEMENT made in quadruplicate the 8th day of January 2013

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES

hereinafter called "St. Catharines"

of the FIRST PART;

- and -

THE CORPORATION OF THE CITY OF NIAGARA FALLS

hereinafter called "Niagara Falls"

of the SECOND PART;

- and -

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

hereinafter called "Niagara-on-the-Lake"

of the THIRD PART;

WHEREAS pursuant to sections 19, 20 and 70 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Councils of any two (2) or more municipalities may enter into an agreement to jointly provide for their benefit any matter which all of them have the power to provide within their own boundaries, *i.e.*, a transportation system other than highways, including an airport;

AND WHEREAS the parties hereto desire to establish a Joint Municipal Services Board pursuant to section 202 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

AND WHEREAS the Niagara District Airport Commission was established in the year 1959, and has operated the Niagara District Airport since that date under a lease with the Transport Canada;

AND WHEREAS by agreement made on the 1st day of January, 1964, the existence of the Niagara District Airport Commission was continued in accordance with the terms and provisions of the said agreement and, subsequently, by other agreements;

AND WHEREAS ownership of the Niagara District Airport was transferred by the Federal government to the Town of Niagara-on-the-Lake, Ontario, on September 13, 1996, providing that the Town of Niagara-on-the-Lake continues to operate the said premises as an airport;

AND WHEREAS the parties hereto have deemed it advisable to continue to administer and maintain the Niagara District Airport through the Niagara District Airport Commission in compliance with the requirements of Transport Canada and have agreed to enter into this Agreement for a term to expire on the 31st day of December, 2026;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the covenants and agreements hereinafter contained and expressed, the parties hereto covenant and agree, each with the other, as follows:

1. That there shall be continued an aerodrome hereinafter called an Airport in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara, to be known as the Niagara District Airport (hereinafter referred to as the "Airport"). The parties hereto have agreed to enter into this Agreement to recognize the establishment of and to continue the Joint Municipal Services Board to provide for and facilitate the operation of the Airport.
2. That the Commission known as the Niagara District Airport Commission (hereinafter referred to as the "Commission") shall be and the same is hereby continued and shall be composed as follows:
 - a) One (1) elected Council Member appointed by each of the respective Councils of each of the parties hereto who shall be a member of the Commission for a term of four (4) years or for such lesser period as may be determined by the appointing Council, which term shall coincide with the term of municipal council.
 - b) Six (6) additional members at large, consisting of three (3) from the City of St. Catharines, two (2) from the City of Niagara Falls, and one (1) from the Town of Niagara-on-the-Lake. The appointment of those additional members shall be made by the respective Councils after considering the recommendation of the Commission.

- c) A Nominating Committee consisting of the Airport Liaison Committee, together with the respective Council representatives of the Commission, shall be responsible for reviewing a list of candidates submitted by respective clerks of each Municipality pursuant to a process outlined herein. The six (6) additional members shall be appointed for a term of four (4) years by Council of each municipality unless for such lesser period as may be determined by the appointing Council. The parties agree that the members shall continue to hold office until their successors are appointed. The process for determining prospective members of the Commission shall be as follows:
- i) Each municipality will advertise in the local newspaper, and the Clerk will receive applications for open positions on the Commission before the end of December.
 - ii) The Clerk of each municipality will forward the applications to the Nominating Committee of the Commission. The Nominating Committee will scrutinize the applications and determine a short list based on the expertise, experience, industry knowledge, business experience or background in financial, legal, accounting and/or marketing experience and overall beneficial participation on the Commission, in consultation with the respective Council representative of the Commission.
 - iii) The Nominating Committee will interview the applicants on the short list and present their recommendations to the Commission for approval.
 - iv) The Commission will forward its recommendations, together with reasons for their selection, of proposed candidates to each of the respective municipalities for their consideration in making the necessary appointments. Council shall not be required to appoint those recommended by the Commission. Appointments will be made by the appropriate municipality.
- d) For the purpose of providing continuity, the Commission may recommend the term of appointment to respective Councils when submitting a list of recommended additional members. The Commission's suggested term for the appointment of recommended members shall ensure the necessary continuity of experienced members on the Commission. Notwithstanding the four-year term, nothing shall

prevent the reappointment of an existing member of the Commission for subsequent or future terms.

3. The parties hereto agree that an Airport Liaison Committee shall be established and constituted by the Mayor and the Chief Administrative Officer of each municipal party. The Airport Liaison Committee (hereinafter referred to as "ALC") shall be a committee to give direction to the Commission. Each Mayor shall have a turn at chairing the ALC. The parties hereto have agreed that the Lord Mayor of Niagara-on-the-Lake shall act as the first Chairperson of the ALC, to hold the said position for a period of one (1) year, and, thereafter each Mayor shall act as Chairperson on a rotation basis for a period of one (1) year each. The ALC shall function as a resource to the Commission on an as-required basis. The ALC shall be required to hold a minimum of two (2) meetings a year. The said meetings and additional meetings shall be at the call of the Chair or other members. One (1) of the required meetings shall deal with the strategic business planning and annual budget of the Airport, which meeting shall be held prior to budget submissions. The Commission shall provide financial statements to each Mayor participating in the ALC. Further, the Commission shall ensure that all highlights or minutes of the Commission meetings shall be provided to the ALC. The ALC shall serve as a liaison between the Commission and keep their respective councils informed of Commission activities. The ALC will provide interpretations of the Joint Municipal Service Board agreement to the Commission.

4. The control and management of the Airport shall be and is hereby entrusted to the Commission. The Commission constituted in accordance with section 2 of this Agreement and acting as a joint municipal services board pursuant to the *Municipal Act, 2001*, is hereby appointed and shall, for the purposes of this Agreement, be deemed to be appointed by all parties to this Agreement. The Airport is to function as a viable commercial entity under the direction of the Commission, with its primary purpose being meeting the needs of commercial and corporate aviation within the commercial service area of Niagara Region. In this role, the Commission should provide land and facilities to attract aviation-related businesses to locate at the Airport, support local area industrial growth by facilitating access by corporate aviation and encourage commercial

passengers and air freight services to the extent that markets for these can be developed. In order to fulfill its mandate and subject to the budget and business plan approved by the parties hereto, the Commission shall hereby be authorized to hold all assets in trust for the parties hereto and authorized to enter into agreements, leases and to acquire property as necessary for the fulfillment of its mandate.

5. The parties hereto direct and authorize the Commission to formalize agreements, as required, with any of the municipal parties to provide administrative and/or technical services to the Commission to assist both the manager and Commission in the operation of the Airport. Further, the parties agree that the Commission shall develop a supportive relationship with the municipal parties and Regional Economic Development departments.

6. The Commission shall be required to present to the respective Councils of each municipal party a business plan setting out anticipated improvements and operating results on a yearly basis together with its budget. Further, the parties agree that the Chairperson of the Commission shall attend a minimum of one (1) meeting of Council of each municipal party, in a twelve (12) month period, for the purpose of providing the respective Councils with a formal administrative and operations report and to seek approvals for the required capital expenditures outlined in the business plan. The Commission has the authority to approve changes to the budget up to \$25,000. The change cannot result in a deficit. Notice of any change must be given to the ALC. The Commission cannot approve any capital expenditures or incur any debt without the approval in the annual budget or by the unanimous approval of three (3) participating municipalities.

7. The Commission shall engage a manager and such other employees as may be necessary for the proper operation and maintenance of the Airport.

8. The officers of the Commission shall consist of a Chairperson, a Vice Chairperson, a Secretary, a Treasurer and such other officers as the Commission may deem necessary, from time to time.

9. The Commission may appoint from its membership such committees as it may consider advisable.

10. The annual budget shall be approved by the Commission at its November meeting and copies of the said budget shall be submitted to the Clerk of the parties hereto on or before the 30th day of November, in each year, for consideration by the respective Councils of the parties. If the budget is objected to by one (1) or more of the parties hereto, it shall be referred back to the Commission for further study, review and modification. In any event, the budget will not be binding on an objecting party until approved by that party. Notwithstanding the foregoing, each of the parties hereto shall, in each year during the term of this Agreement, pay an amount equal to fifty per cent (50%) and, further, it will pay the remaining fifty per cent (50%) after the budget has been approved, no later than July 1, of the last approved budget as approved by that party, by January 1st.

11. The cost of operating, maintaining and improving the Airport shall be borne by the parties hereto on a population ratio basis. Such population shall be determined by information obtained from the Municipal Property Assessment Corporation, and each party shall pay its share of the Commission's budget for the respective years covered by this Agreement to the Treasurer of the Commission in quarterly installments as provided in section 10 hereto. In the event that any of the parties hereto dispute the aforesaid determination of the population of any one (1) or more of the municipalities in any year for the purpose of this Agreement, or in the event that such determination of the population differs from the population figures for such year published in the Municipal Directory, the Municipal Directory shall govern and all necessary adjustments shall be made in the share to be paid by each party for such year.

12. Providing that as long as the Airport is operated as an airport and that the parties hereto provide the funding as discussed herein, all three (3) municipalities will share on a per capita basis on distribution of assets that may occur as a result of a sale of the Airport.

13. The Commission shall appoint an auditor of the municipality that is responsible for the largest share of the expenses of the local board at the first meeting of the Commission in each year, and a copy of the auditor's statement shall be sent to the Clerk of each of the party municipalities forthwith after it has been prepared.

14. The Commission shall meet on the third Thursday of every other month at the call of the Chairperson, commencing at February's annual meeting. Other Commission meetings may be called as necessary by the Chairperson or, alternatively, the Commission shall be required to meet a minimum of six (6) times a year at the call of the Chairperson. The annual general meeting shall not be later than the end of February in each year. Other Commission meetings may be called as necessary by the Chairperson or at the request of two (2) other members.

15. The Commission shall ensure that it prepares and adopts, pursuant to the requirements of the *Municipal Act, 2001*, a procedural by-law, procurement policy and hiring policy. The Commission shall provide the Clerk of each municipal party with a copy of all current by-laws passed and policies adopted by the Commission and a copy of the lease between the Commission and Niagara-on-the-Lake.

16. If, at any time, any of the parties hereto wish to terminate its participation in this Agreement, it shall give a minimum of twelve (12) months written notice to the Commission and to the Clerk of each party hereto. The party wishing to terminate its participation shall be responsible for paying its share as required by this Agreement, the amount required to cover its share of the last approved budget. The responsibility shall continue until the year end and until the next year's budget is approved. The terminating party shall, by terminating its participation, abandon all its interests and rights in the Airport and hereby agrees to hold the other parties to this Agreement harmless of any obligations thereto.

17. In the event other municipalities are interested in joining the Commission, the parties hereto agree to undertake the necessary negotiations to pursue the eventual amendment(s) to this Agreement.

18. This Agreement shall supersede any previous agreement and, unless renewed or terminated by the parties hereto, the said Agreement shall be binding on successors and assigns and shall remain in effect until the 31st day of December, 2026.

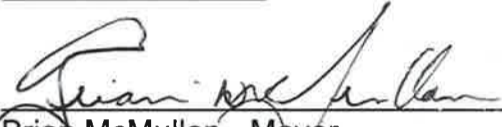
IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals under the hands of their proper signing officers duly authorized in that behalf.

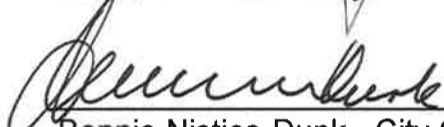
SIGNED, SEALED AND DELIVERED)
in the presence of:)

Authorized by By-law No. 2012-327)

Approved)
Solicitor)
DND)
Clerk)

THE CORPORATION OF THE CITY OF ST. CATHARINES

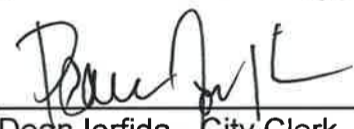

Brian McMullan - Mayor


Bonnie Nistico-Dunk - City Clerk

Authorized by By-law No. 2013-03)

THE CORPORATION OF THE CITY OF NIAGARA FALLS


James M. Diodati - Mayor


Dean Iorfida - City Clerk

Authorized by By-law No. 4594-12)

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE


Dave Eke - Lord Mayor


Holly Dowd - Town Clerk

CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. _____-14

**A BY-LAW TO PROVIDE UNIFORM STANDARDS FOR THE
CONSTRUCTION OF FENCES IN THE TOWN OF NIAGARA-ON-THE-
LAKE AND REPEAL BY-LAW 3408-99.**

WHEREAS under Section 98(1) of the Municipal Act, S.O. 2001, c 25 as amended, a local municipality may provide that the Line Fences Act does not apply to all or any part of the municipality;

AND WHEREAS under Section 98(2) of the Municipal Act, S.O. 2001, as amended states that despite a by-law passed under subsection (1), section 20 of the Lines Fences Act continues to apply throughout the municipality;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake deems it advisable to pass a by-law regulating the erection and maintenance of fences within the municipality;

AND WHEREAS Section 45(3) of the Planning Act R.S.O. 1990 c. P. 13 provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provision of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so that empowered subsection (1) applies with necessary modifications;

AND WHEREAS the Committee of Adjustment is empowered by By-law No. _____-14 to make decisions on fence variance applications.

NOW THEREFORE THE Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

1. DEFINITIONS

- (a) Adjoining Ground Level means the natural ground level immediately adjacent to the fence. Where the ground level is higher on one side of the lot line, the height of the fence shall be measured from the higher level.
- (b) Committee means the Committee of Adjustment.
- (c) Construct means to do anything in the erection, installation, extension or material alteration of a fence and construction shall have a corresponding meaning.
- (d) Corner Lot means a lot having two or more street lines intersecting at an angle of not more than 135 degrees.
- (e) Fence means any structure of posts, boards, wood, wire, plastic, concrete, stone, metal, hedge or any combination thereof which separates or purports to separate any parcel of land from the parcel of land immediately adjacent.
- (f) Front Lot Line means the lot line that divides the lot from the street and in the case of a corner lot the shortest street line shall be deemed to be the front lot line and the longest street line shall be deemed to be the side lot line.

- (g) Front Yard means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.
 - (h) Rear Yard means a yard extending across the full width of a lot between the rear lot line and the nearest part of the building on such lot.
 - (i) Sight Triangle means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, said points measured from the intersection of the street lines a distance equal to the sum of the front and side building setbacks but not greater than 12.0 meters.
 - (j) Side Yard means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of the building on such lot.
2. No person shall construct or permit to be constructed or maintained any fence within the Town of Niagara-on-the-Lake that does not conform to the requirements of this by-law.
 3. All fences shall be maintained in a good state of repair and in a safe condition.
 4. No person shall construct or permit to be constructed or maintained within the Town of Niagara-on-the-Lake any fence which is inherently dangerous.
 5. **INTERSECTIONS AND CORNER LOTS**
 - (a) No person shall construct or permit to be constructed or maintained any fence or hedge within a sight triangle that is more than 1.0 meter above the adjoining ground level.
 - (b) Where a driveway and a fence and/or a hedge run parallel to each other, no person shall construct or permit to be constructed or maintained a fence or hedge that is more than 1.0 meter above the adjoining ground level, from the street line to a point 4.5 meters back along the fence or hedge.
 - (c) No person shall construct or permit to be constructed or maintained any fence or hedge in a side yard that abuts a street that is more than 1.0 meter above the adjoining ground level.
 6. **HEIGHT**
 - (a) **FRONT YARD:** No person shall construct or permit to be constructed or maintained any fence or hedge that is more than 1.0 meter above the adjoining ground level, in a front yard.
 - (b) **SIDE AND REAR YARDS:** No person shall construct or permit to be constructed or maintained any fence or hedge that is more than 2.0 meters above the adjoining ground level, in a side or rear yard.
 7. **COMMERCIAL AND INDUSTRIAL LANDS:** Notwithstanding the requirements of Section 6 of this by-law, a perimeter or screening fence of a maximum of 3.0 meters above the adjoining ground level may be constructed along the perimeter of lands used for commercial or industrial purposes.
 8. **BARBED WIRE:** No person shall construct or permit to be constructed or maintained any fence composed wholly or partly of barbed wire or other barbed material in any residential area.

9. **POOLS:** Fences around swimming pools shall comply with the municipality's Pool By-law in effect at the time. In the case of any conflict, the more restrictive requirement shall apply.
10. **COMMITTEE OF ADJUSTMENT:**
 - (a) Applications for fence variances shall be processed in accordance with Section 45 of the Planning Act with necessary modifications and the following exceptions:
 - i) Notice of hearing shall be given to every owner of abutting land by personal service, prepaid personal mail or electronically, where permitted.
 - ii) Appeals shall be to Council.
 - (b) The Committee may grant or deny a variance with respect to sections 3, 5 and 6 of this by-law. All decisions of the Committee shall be in writing and are revocable only by a motion of Council.
 - (c) The Committee shall act in accordance with the Term of Reference approved by Council.
11. **EXCEPTIONS:** None of the provisions of this by-law relating to the height of fences shall apply to land owned, leased or used by;
 - (a) The Corporation of the Town of Niagara-on-the-Lake.
 - (b) Any local Board.
 - (c) Any telephone, hydro or gas company.
 - (d) Any department of the Federal, Provincial or Regional Government.
12. **PENALTIES:** Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to prosecution under the Provincial Offences Act.
13. This by-law shall come into force and take effect on the passing thereof.
14. That By-law No. 3408-99 is hereby repealed in its' entirety.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF DECEMBER, 2014

LORD MAYOR PAT DARTE

TOWN CLERK HOLLY DOWD

CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. _____-14

**A BY-LAW FOR PRESCRIBING THE STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY WITHIN THE
TOWN OF NIAGARA-ON-THE-LAKE AND TO REPEAL BY-LAW
3681-08.**

WHEREAS under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, as amended, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the Town of Niagara-on-the-Lake includes provisions relating to property conditions;

AND WHEREAS the Council of the Town of Niagara-on-the-Lake is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S. 0. 1992, c. 23, as amended;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23, as amended, requires that a by-law passed under Section 15.1(3) of the Building Code Act, S. 0. 1992, c. 23, as amended, shall provide for the establishment of a Property Standards Committee;

AND WHEREAS Section 45(3) of the Planning Act R.S.O. 1990 c. P.13 provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provision of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so that empowered subsection (1) applies with necessary modifications.

AND WHEREAS the Committee of Adjustment is empowered by By-law No. 14 to make decisions on Property Standard Appeals.

NOW THEREFORE the Council of the Town of Niagara-on-the-Lake hereby enacts the following:

1. **PART I**

1.0 DEFINITIONS

- 1.01 Accessory Building means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same property.
- 1.02 Apartment Building means a building containing more than four dwelling units with individual access from an internal corridor system.
- 1.03 Approved means acceptance by the Property Standards Officer.
- 1.04 Basement means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling above the average exterior finished grade.
- 1.05 Cellar means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling below the average exterior finished grade.
- 1.06 Committee means the Committee of Adjustment.
- 1.07 Debris includes refuse, rubbish, junk and disused materials, appliances, devises, apparatus, machinery, disused furniture, old

clothing, old or decayed lumber, construction or demolition refuse, tires and wrecked, dismantled, inoperative, unplated or unused vehicles.

- 1.07 Dwelling means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.09 Dwelling Unit means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.10 First Storey means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade.
- 1.11 Guard means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.12 Habitable Room means any room in a dwelling unit used for or capable of being used for living, cooking, sleeping or eating purposes.
- 1.13 Means of Egress means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passage way, balcony, lobby, stair, ramp, or other exit facility used for the escape of persons from any point within a building, a floor area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building.
- 1.14 Multiple Dwelling means a building containing three or more dwelling units.
- 1.15 Non-Habitable Room means any room in a dwelling or dwelling unit other than a habitable room and includes a bathroom, a toilet room, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys, and basement or part thereof which does not comply with the standards of fitness for occupancy set out in this By-law.
- 1.16 Non-Residential Property means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.
- 1.17 Owner means the same as defined in Section 15.1(1) of the Building Code Act, S.O. 1992, c.23, as amended.
- 1.18 Person means an individual, firm, corporation, association or partnership.
- 1.19 Residential Property means any property in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.20 Standards means the standards of the physical condition and of occupancy prescribed for property by this by-law.
- 1.21 Toilet Room means a room containing a water closet or a washbasin.

- 1.22 Yard means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property and includes vacant land.

2. PART II

2.01 GENERAL STANDARDS FOR ALL PROPERTY

All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

2.02 YARDS

Every yard, including vacant lots shall be kept clean and free from:

- (1) rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- (2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats unless it is necessary for the operation of a business enterprise lawfully situated on the property;
- (3) long grass, brush, undergrowth and noxious weeds as defined by the Weed Control Act;
- (4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
- (5) injurious insects, termites, rodents, vermin or other pests; and
- (6) dead, decayed, diseased or damaged trees or other natural growth.

2.03 SURFACE CONDITIONS

Surface conditions of yards shall be maintained so as to:

- (1) prevent ponding of storm water;
- (2) prevent instability or erosion of soil;
- (3) prevent surface water run-off from entering basements;
- (4) not exhibit an unsightly appearance;
- (5) be kept free of garbage and refuse;
- (6) be kept free of deep ruts and holes;
- (7) provide for safe passage under normal use and weather conditions, day or night; and
- (8) not create a nuisance to other property.

2.04 SEWAGE AND DRAINAGE

- (1) Sewage shall be discharged into the sewage system.
- (2) Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- (3) Roof drainage shall not be discharged onto sidewalks, stairs, or adjacent property.

2.05 PARKING AREAS, WALKS AND DRIVEWAYS

- (1) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone or gravel, interlocking brick or stone or other generally accepted hard surfacing material, and shall be kept in good repair and free of dirt and litter.
- (2) Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

2.06 ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES

- (1) Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.
- (2) Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structures are enhanced by the lack of such material.
- (3) Fences or barriers, of any nature or type, shall not be constructed of new, used or discarded tires.

2.07 GARBAGE DISPOSAL

- (1) Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.
- (2) All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the Regional garbage collection by-law where applicable.
- (3) Garbage storage areas shall be screened from public view.

2.08 COMPOST HEAPS

- (1) The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than one square metre and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial, plastic, enclosed container designed for composting.

3. PART III - RESIDENTIAL STANDARDS

3.01 GENERAL CONDITIONS

- (1) Every owner, tenant or occupant, of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with Regional by-laws.
- (2) Every owner, tenant or occupant, of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.
- (3) Accumulations or storage of garbage, refuse, appliances, or furniture in a means of egress shall not be permitted.

3.02 PEST PREVENTION

- (1) Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.
- (2) Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

3.03 STRUCTURAL SOUNDNESS

- (1) Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety as required by the Ontario Building Code.
- (2) Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

3.04 FOUNDATIONS

- (1) Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, installing sub soil drains, where necessary, at the footings, grouting masonry cracks, dampproofing and waterproofing walls, joints, and floors.
- (2) Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers, which extend below the frost line, or to solid rock.

3.05 EXTERIOR WALLS

- (1) Exterior walls of a dwelling and their components, including soffits and fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (2) Exterior walls of a dwelling and their components shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

3.06 WINDOWS AND DOORS

- (1) Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on doors it shall also be maintained in good repair. All windows capable of being opened shall be screened and maintained in good repair.
- (2) In a dwelling unit, all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.
- (3) Solid core doors shall be provided for all entrances to dwellings and dwelling units.
- (4) In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- (5) Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the

window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.07 ROOFS

- (1) Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- (2) The roofs of dwellings and accessory buildings shall be kept clear of accumulations of ice or snow or both.
- (3) Where eavestroughing or roof gutters are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

3.08 WALLS, CEILINGS AND FLOORS

- (1) Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- (2) Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room, and laundry room shall be maintained so as to be impervious to water and readily cleaned.

3.09 STAIRS, PORCHES AND BALCONIES

- (1) Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

3.10 GUARDRAILS

- (1) A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

3.11 KITCHENS

- (1) Every dwelling shall contain a kitchen area equipped with:
 - (i) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
 - (ii) suitable storage area of not less than 0.23 cubic metres (8 cubic feet);
 - (iii) a counter or work area at least 610 mm (2 ft) in width by 1,220 mm (4 ft.) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
 - (iv) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

3.12 TOILET AND BATHROOM FACILITIES

- (1) Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, washbasin, and a bathtub or suitable shower unit. Every washbasin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.
- (2) Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.
- (3) Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

3.13 PLUMBING

- (1) Each washbasin, a bathtub or shower, and one kitchen sink shall be equipped with an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110 degrees F).
- (2) Every dwelling unit shall be provided with an adequate supply of potable running-water from a source approved by the Medical Officer of Health.
- (3) All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- (4) All plumbing fixtures shall be connected to the sewerage system through water seal traps.
- (5) Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defects that may harbour germs or impede thorough cleansing.

3.14 ELECTRICAL SERVICE

- (1) Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- (2) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.
- (3) Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metres (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area, a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- (4) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

- (5) Lighting fixtures and appliances installed throughout a dwelling unit, including hallways, stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

3.15 HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- (1) Every dwelling and building containing a residential dwelling unit or units shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70 degrees F.) in the occupied dwelling units. The heating system shall be maintained in good working order.
- (2) All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.
- (3) Where a heating system or part thereof that requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.
- (4) Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from that part of the dwelling, which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.
- (5) All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.
- (6) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.
- (7) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

3.16 EGRESS

- (1) Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
- (2) Each dwelling containing more than one dwelling unit shall have at least two (2) exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted casement window having an unobstructed opening of not less than 1,067 by 559 mm, (42 x 22 inches) with a sill height of not more than 914mm, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

3.17 NATURAL LIGHT

- (1) Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

3.18 VENTILATION

- (1) Every habitable room in a dwelling unit, including kitchens, bathroom or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.
- (2) All system of mechanical ventilation shall be maintain in good working order.
- (3) All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

3.19 ELEVATING DEVICES

- (1) Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

3.20 DISCONNECTED UTILITIES

- (1) Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

3.21 OCCUPANCY STANDARDS

- (1) The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (97 sq. ft), of habitable floor area. For the purpose of computing habitable floor area, any area with the minimum ceiling height less than 2.1 metres (7 ft.) shall not be considered.
- (2) No room shall be used for sleeping purposes unless it has a minimum width of two metres (6.6 ft.), and a floor area of at least seven square metres (75 sq. ft.). A room used for sleeping purposes by two or more persons shall have a floor area of at least four square metres (43 sq. ft.) per person.
- (3) Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:
 - (a) each habitable room shall comply with all the requirements set out in this by-law;
 - (b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - (c) each habitable room shall be separated from service rooms by a suitable fire separation and approved under the Ontario Building Code;
 - (d) access to each habitable room shall be gained without passage through a service room.

3.22 FIRE ESCAPES, ALARMS AND DETECTORS

- (1) In every dwelling unit in a building, a listed smoke alarm, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms where intervening

doors are closed, shall be installed by the owner between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred shall be:

- (a) equipped with visual or audio indication that they are in operating condition;
- (b) mounted on the ceiling or on a wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

4.0 PART IV

4.01 VACANT LANDS AND BUILDINGS

- (1) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

4.02 VACANT LANDS

- (1) Vacant land shall be maintained to the standards as described in Part II, Article 2.02, of this by-law.
- (2) Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

4.03 VACANT BUILDINGS

- (1) Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- (2) The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

5.0 PART V

5.01 NON-RESIDENTIAL PROPERTY STANDARDS

- (1) All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

5.02 YARDS

- (1) The yards of non-residential property shall be maintained to the standards as described in Part II, Article 2.02 of this By-law.
- (2) The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructive access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

5.03 PARKING AREAS, AND DRIVEWAYS

- (1) All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel or interlocking brick or stone or other generally accepted hard surfacing material and shall be kept in good repair and

free of dirt and litter. Notwithstanding the foregoing, in non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.

- (2) All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

5.04 STRUCTURAL SOUNDNESS

- (1) Every part of a building or structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- (2) Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

5.05 EXTERIOR WALLS

- (1) Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.
- (2) Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

5.06 GUARDRAILS

- (1) A guard shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24 in.) between adjacent levels. A handrail shall be installed and maintained good repair in all stairwells. (Guardrails shall be installed and maintained good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

5.07 LIGHTING

- (1) All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as maybe required by the Occupational Health and Safety Act for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

6.0 PART VI

6.01 This by-law shall apply to all property within the limits of the municipality.

6.02 The imperial measurements contained in this by-law are given for reference only.

6.03 OFFICERS

- (1) The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this by-law.

6.04 COMMITTEE OF ADJUSTMENT

- (1) Property Standards Order appeals shall be processed in accordance with Section 45 of the Planning Act with necessary modifications and the following exceptions:
 - i) Notice of hearing shall be given to every owner of abutting land by personal service or prepaid personal mail or electronically, where permitted.
 - ii) Decisions on property standard order appeals may be appealed to the Superior Court of Justice.
- (2) Every person who initiates an appeal of an Order made under Section 15.2(2) of the Ontario Building Code Act, SO, 1992, C.23 as amended, shall submit a Notice of Appeal in the time frame and manner as prescribed in Section 15.3(1) of the Act. All Notices of Appeal shall be accompanied by the required fee.
- (3) The Committee shall act in accordance with to the Terms of Reference as approved by Council.

6.05 COMPLIANCE

- (1) Every person requiring the discharge of an order registered in the Land Registry Office shall pay a fee as described in Schedule "A" attached.
- (2) Every person requiring a certificate of compliance shall pay a fee as described in Schedule "A" attached.
- (3) The owner of any property which does not conform to the standards as set out in this By-law shall repair and maintain said property to comply with the standards or the property shall be cleared of all buildings, structures, debris or refuse and left in a leveled and graded condition.

6.06 PENALTY

- (1) Any person who fails to comply with an Order that is final and binding is guilty of an offence under section 36(1) of the Building Code Act, S.O. 1992, c.23, as amended, and is liable to a penalty or penalties as set out in section 36 of that Act.

6.07 VALIDITY

- (1) If an article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- (2) Where a provision of this by-law conflicts with the provision of another By-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

6.08 TRANSITIONAL RULES

- (1) After the date of the passing this by-law, By-law No. 3298-98, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

6.09 TITLE

- (1) This by-law may be referred to as "The Property Standards By-law".

7. That By-law 3681-02 be repealed in its' entirety.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF
DECEMBER 2014.**

LORD MAYOR PAT DARTE

TOWN CLERK, HOLLY DOWD

CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. _____-14

A BY-LAW TO CONSTITUTE A COMMITTEE OF ADJUSTMENT UNDER THE PROVISIONS OF THE PLANNING ACT AND TO REPEAL BY-LAWS 1366-83, 1366A-00 AND 1999-89.

WHEREAS Section 44(1) of the Planning Act R.S. O. 1990, c. P.13 provides that if a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable. R.S.O. 1990, c. P.13, s. 44 (1);

AND WHEREAS Section 45(3) of the Planning Act R.S.O. 1990 c. P.13 provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provision of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so that empowered subsection (1) applies with necessary modifications;

AND WHEREAS the Regional Municipality of Niagara by By-law No. 183-1999 has delegated to the Council of the Town of Niagara-on-the-Lake the authority for the giving of consents under Section 53 of the Planning Act R.S.O. 1990, Chapter P.13, as amended, which is deemed to include the giving of approvals to the foreclosure of or exercise of a power of sale in a mortgage or charge and the issuing of certificates of validation.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THELAKE enacts as follows:

1. That the Committee of Adjustment (hereinafter referred to as the Committee) is hereby constituted.
2. That the members of the Committee shall be appointed by resolution of Council for the term of Council and until their successors are appointed. Where a member ceases to be a member before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of the term.
3. That the authority for the giving of consents under Section 53 of the Planning Act, R.S.O. 1990, Chapter p. 13, as amended (hereinafter referred to as the "Act"), which is deemed to include the giving of approvals to the foreclosure of or exercise of a power of sale in a mortgage or charge (subsection 50(18) of the Act) and the issuing of certificates of validation (Section 57) is hereby delegated to the Committee.
4. That the Committee is hereby empowered to make decisions on fence variance applications in accordance with the Sections 3, 5 and 6 of the Town Fence By-law No. _____-14.
5. That the Committee is hereby empowered to make decisions on property standard order appeals in accordance with the Town Property Standards By-law No. _____-14.
6. That where a Committee is composed of three members, two members constitute a quorum, and where a Committee is composed of more than

three members, three members constitute a quorum for consent, minor variance, legal non-conforming use and fence variance applications.

7. That a majority of the members of the Committee constitutes a quorum for Property Standards Order appeals.
8. That the Committee shall elect a chair and vice-chair. When both the chair and vice-chair are absent the Committee shall appoint another member as acting chair.
9. That the remuneration for the members of the Committee shall be established by resolution of Council.
10. That By-law Nos. 1366-83, 1999-89 and 1366A-00 are hereby repealed in their entirety.
11. That this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 15TH DAY OF DECEMBER 2014.

LORD MAYOR PAT DARTE

TOWN CLERK, HOLLY DOWD