



**MUNICIPALITY OF NORTH MIDDLESEX
MUNICIPAL GOVERNANCE AND POLICY COMMITTEE
MEETING MINUTES
July 17, 2024**

The Meeting for the Policy Committee was held on July 17, 2024, at the Shared Services Centre.

CALL TO ORDER

Meeting was called to order at 2:02 p.m.

ROLL CALL

Present: Council - Councillor Chuck Daigle (Chair)
Mayor Brian Ropp
Deputy Mayor Paul Hodgins

Staff - Carolyn Tripp, CAO
Jaden Hodgins, Director of Infrastructure and Operations
Vance Czerwinski, Public Works Manager
Greg Vandenheuvel, Director of Emergency Services/Fire Chief
Alan Bushell, Director of Corporate Services/Clerk
Donna VanHooydonk, Secretary

MINUTES OF PREVIOUS MEETINGS

P. Hodgins/Tripp That the April 17, 2024, Policy Committee Meeting Minutes be accepted as presented. **CARRIED**

PROVISION FOR PECUNIARY INTEREST

None

DEFERRED POLICIES

Roads By-law

Based on questions brought forward from the last Policy Committee Meeting, the Director of Infrastructure and Operations, Jaden Hodgins brought forward the following:

Questions and Answers from previous Policy Committee meeting:

1. *Why is Oversized Load Permit explicitly excluded from the definition of a "Permit"?*
 - This has been updated in the By-law to now include "Oversized Load". (I believe the County had it excluded in its By-law version.)
2. *Is an entrance permit required for repaving a driveway or doing a concrete driveway? We may need to clarify what constitutes an "alteration".*

- Generally, when a driveway is altered, whether through widening or changing the existing surface (e.g., upgrading from gravel to asphalt or concrete), it is required to submit the design and construction plans to the Municipality for approval. This ensures that the work being undertaken adheres to safety guidelines and complies with relevant industry standards.
 - One suggestion may be to have two fees: (1) Entrance Permit (Standard) and (2) Entrance Permit (Minor)... Standard Entrance Permit would be for establishing a new entrance or a significant modification to existing. Minor Entrance Permit would be for those modifications that are deemed to be more “minor” (at the discretion of the Director), for example, changing material, widening by less than 1 metre, etc.
3. *It was brought up that there should be consideration for entrances for large agricultural vehicles like combines or for large truck turning movements for agricultural operations.*
- One potential solution could involve the municipality implementing an "exemption" process. Under this process, individuals seeking exemptions for large agricultural vehicles could submit applications, and the municipality would then review these applications to determine if an exemption is warranted and appropriate.
4. *There should be clarification around the Sales Permit item... For example, does this apply to a restaurant with a patio?*
- From a technical perspective, vending within a road allowance is not permitted unless the Municipality grants its consent. However, in practice, the enforcement of this rule regarding businesses operating patios is at the discretion of the Municipality. Many patios are located along main roads, often County roads, and in such cases, we could establish a practice of entering into Encroachment Agreements with the relevant jurisdictional road authority. For example, if a patio encroaches onto a county road, we could consider implementing an Encroachment Agreement between the business and the County. Alternatively, the business could apply for a Sales Permit, or the Municipality may choose not to enforce this regulation despite its presence in the By-law. From a liability and safety perspective, it is strongly recommended that, at the very least, parties consider entering into an Encroachment Agreement. Doing so limits the liability of the Municipality or County and places the responsibility squarely on the business in the event of an injury or accident.
 - *The Clerk noted that our zoning by-law does not allow sales within right-of-way.*
 - i. Correct that technically it is not permitted. However, in practice, the Municipality has the discretion to decide whether to prohibit this type of business from operating. Ultimately, it is up to the Municipality and its By-law officers to determine whether to lay charges or enforce these regulations. If the prevailing approach is to allow these patios and businesses to operate, it might be advisable to require them to either

obtain a Sales Permit or enter into an Encroachment Agreement. The decision ultimately rests with the Municipality.

- *There should be an exemption for farm produce (sweet corn, etc.)*
 - i. It ultimately boils down to the Municipality's preference. For example, in the Sales Permit Application, there could be an option for an "exemption" if a vendor is selling farm produce. This approach would allow for flexibility in how these businesses are regulated.*
5. *It was noted that once this by-law does get passed, it will take some time for the fines to be allowable through the provincial offences process.*
- That's correct, the approval process for set fines can vary, spanning from a matter of weeks to several months. Once the By-law is officially passed by Council, we are obligated to forward the set fine amounts to the Attorney General of Ontario. If it simplifies matters, Middlesex County Legal can handle this submission on behalf of the Municipality. However, it's important to be aware that even during the review of fines, if an individual violates this By-law, we still have the authority to charge them up to \$5,000 under the *Provincial Offences Act* by issuing a summons for a mandatory court appearance.
6. *There was some concern that our one by-law officer may not have the time or resource necessary to administer this by-law.*
- This comment was received prior to the Municipality hiring a full-time by-law officer, so these concerns may now be alleviated. Generally, the responsibility for laying charges rests with the by-law officers. If an individual is charged, our Legal Counsel may become involved in prosecuting the case within the court system. It's important to note that in cases of by-law violations, the Municipality or by-law officer *may* opt to issue "warnings" or engage in "educational awareness" efforts to discourage continued non-compliance before considering formal court charges.
7. *It was brought up the need that signs must be installed by the Municipality for half-load season (Mar-Apr). (This is separate from the oversized load permits)*
- Language pertaining to "half-load" restrictions has been included in Section 21 of the By-law, stipulating that individuals must adhere to the Municipality's specified half-load restriction periods. (Must clarify the timeframes as well.)
8. *The Clerk raised the concern about how oversized permits will be enforced.*
- Enforcement is typically initiated through various means, including resident complaints, staff observations, or instances where the by-law officer directly

witnesses a violation. Subsequently, it is at the discretion of the by-law officer to determine whether charges should be laid, among other potential actions. However, the actual enforcement process is carried out by by-law officers or police officers.

Summary and additional information

- Staff will work with our Legal Counsel to add an “exemption process” to the final by-law – this process will cover special situations, such as where a field or farm entrance needs to be wider than the specified maximum of ~~9.0m (30 ft)~~ **11.0 metres (consistent with Huron County’s standard)**
- Staff will develop definitions within the final by-law for Standard vs. Minor Entrance Permits and will establish the fees for these through the Fees and Charges By-Law. Suggested fees:
 - Standard Entrance Permit = \$175 + \$1,500 refundable deposit (current/existing fee)
 - Minor Entrance Permit = \$100 + \$500 refundable deposit
- As noted in the Q&A above, it is recommended to keep the Sales Permit within the By-law, but only use it at the Municipality’s discretion (i.e., if there is a problem to be resolved through this process). Generally we would not actively/proactively enforce this, and we would only use it if needed.
- As noted to Council separately, the Municipality must arrange for the half-load limit signs to be installed in order for the Municipality’s by-law to be in effect. This work will be arranged with Public Works prior to March 2025.

The committee concurred that the By-law be presented to Council with the recommended revisions.

NEW AND EXISTING POLICIES FOR REVIEW

Overtime/Meeting Time Policy (Version 2)

Donna VanHooydonk presented the HR policy to reflect the most recent title changes and addition of the new non-union position of Deputy Treasurer.

B. Ropp/P. Hodgins That the Policy Committee recommends that Council receive and update the Overtime/Meeting Time Policy with the recommended changes. **CARRIED**

Travel and Car Allowance Policy (Version 3)

P. Hodgins/B. Ropp That the Policy Committee recommends that Council receive and update the Travel and Car Allowance Policy with the recommended changes. **CARRIED**

Commissioner of Oaths and Affidavits Services (New)

B. Ropp/P. Hodgins That the Policy Committee recommends to Council to receive and adopt the Commissioner of Oaths and Affidavits Services Policy as presented. **CARRIED**

OTHER BUSINESS

None

UPCOMING POLICIES FOR REVIEW

- Sewer Use By-law/Policy
- Water Charges Exceptions Policy (Water Billing)

ADJOURNMENT

P. Hodgins/J. Hodgins

That the meeting be adjourned at 2:58 p.m.

CARRIED