



PRESCOTT TOWN COUNCIL
AGENDA

September 7, 2021

6:00 pm

Virtual Meeting

Our Mission:

To provide responsible leadership that celebrates our achievements and invests in our future.

Pages

1. Call to Order

2. Approval of Agenda

Recommendation

That the agenda for the Council meeting of September 7, 2021 be approved as presented.

3. Declarations of Interest

4. Presentations

5. Delegations

6. Minutes of the previous Council meetings

6.1. August 23, 2021

Recommendation

That the Council minutes dated August 23, 2021, be accepted as presented.

7. Communications & Petitions

- 7.1. Request for Support - OHIP Optometry Services Motion** 1
- 7.2. Nature's Best Hope: A New Approach to Conservation That Starts in Your Yard** 2

8. Consent Reports

All matters listed under Consent Reports are to be considered routine and will be enacted by one motion. Should a member wish an alternative action from the proposed recommendation, the member shall request that the item be moved to the applicable section of the agenda.

RECOMMENDATION

That all items listed under the Consent Reports section of the agenda be accepted as presented.

- 8.1. Information Package (under separate cover)**
- 8.2. Staff Report 82-2021 - Financial Report - July 2021** 3
 - Recommendation**
 - For information.

9. Committee Reports

10. Mayor

11. Outside Boards, Committees and Commissions

12. Staff

- 12.1. Staff Report 83-2021 - Alternative Voting Methods 2022 Election** 6
 - Recommendation**
 - That Council receive Staff Report 83-2021 for information and direct staff to bring the attached draft By-law, being a by-law to authorize an alternative voting method for the 2022 Municipal Election, to the Council meeting of September 20, 2021, for final consideration and approval.
- 12.2. Staff Report 84-2021 - 2021 Community Awards - Heroes of COVID** 10
 - Recommendation**
 - That staff be directed to release the Heroes of COVID nomination package; and

That Council appoint three members to the 2021 Community Awards Selection Panel.

12.3. Staff Report 85-2021 - National Day of Truth and Reconciliation 18

Recommendation

That staff be directed to bring the attached proclamation to the Council meeting of September 20, 2021; and

Prepare for a National Day of Truth and Reconciliation ceremony on September 30, 2021; and

That a land acknowledgement be read prior to calling Council meetings to order.

12.4. Staff Report 86-2021 - Vacant Building Registry By-law 22

Recommendation

That Council accept staff report 86-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

12.5. Staff Report 87-2021 - Administrative Monetary Penalties System By-Law 33

Recommendation

That Council accept staff report 87-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

12.6. Staff Report 88-2021 - Accessibility Improvement Options for Downtown Businesses 51

RECOMMENDATION

For information.

13. Resolutions

13.1. Municipal Significant Event - Laughs at the Leo

Recommendation

That Council of the Corporation of the Town of Prescott recognized the

"Laughs at the Leo" event, taking place on June 4, 2022, as one of municipal significance. This event is considered as having municipal significance as it is taking place at a municipal facility.

14. **By-laws**
15. **New Business**
16. **Notices of Motion**
17. **Mayor's Proclamation**

**Proclamation
September 20 – 26, 2021
Rail Safety Week**

WHEREAS Rail Safety Week is to be held across Canada from September 20 to 26, 2021; and

WHEREAS it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens; and

WHEREAS Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness; and

WHEREAS CN has request Town Council to support its ongoing efforts to raise awareness, save lives and prevent injuries in community including in the Town of Prescott.

THEREFORE BE IT RESOLVED, that the Corporation of the Town of Prescott does hereby recognize and support Rail Safety Week being held September 20 to 26, 2021.

18. **Closed Session**

Recommendation

That Council move into Closed Session at _____ to discuss matters pertaining to:

18.1 Purchase & Sale

- Under Section 239(2)(c) of the *Municipal Act* - a proposed or pending acquisition or disposition of land by the municipality or local board; and

That the CAO/Treasurer, Clerk, Interim Director of Operations, Deputy Clerk, and Economic Development Officer remain in the room.

19. Rise and Report

20. Confirming By-Law – 40-2021

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Recommendation

That By-Law 40-2021, being a by-law to confirm the proceedings of the Council meeting held on September 7, 2021, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

21. Adjournment

Dear Mayor Brett Todd

As a local optometrist, I am writing to request that the Prescott Council call on the Ontario Government to address the chronic underfunding of eye care.

For more than 30 years, previous Ontario governments have ignored our requests for a sustainable funding system.

Did you know in 1989 the Ontario government paid \$39.15 for OHIP-insured eye exams? Did you know that today, 32 years later, the government only contributes an average of \$44.65 per exam? That's a 14% increase over three decades! With over four million services performed annually under OHIP, this level of funding is not sustainable.

If the government doesn't act before September 1st, 2021, millions of Ontarians are at risk of losing their access to eye care. I'm concerned about what this will mean for my patients and my community. We know the ones who will be impacted most are children, seniors and adults with diabetes or certain eye diseases. Due to this lack of funding, optometrists are also limited in their ability to invest in their practices and access to eye care in rural areas is especially threatened. This is not acceptable.

As the most populated province in the country, compared to other provinces with publicly funded optometry services, Ontario is by far the lowest funded. For example, the funding for seniors' eye exams would have to increase more than 60% to reach the next lowest-funded province, Manitoba, and by more than 125% to reach the next lowest-funded, Québec.

Although it is the province that needs to fix the issue, the underfunding of eye care affects municipalities too.

Optometrists are located in over 200 communities, making us the most accessible primary eye care professionals in the healthcare system. In many of these locations, we are the **only** providers of comprehensive general eye care. This is why municipalities must stand up for their residents and help protect access to OHIP optometry services.

So far, five municipalities (Town of Oakville, Town of Fort Frances, Town of Rainy River, City of Cambridge, Municipality of North Perth) have passed motions in support of OHIP optometry services. I'm requesting that my municipal council stand up for eye care by asking the provincial government to commit to reforms so that optometrists are compensated fairly compared to their colleagues all across Canada. Please pass such a motion as soon as possible so that residents can continue to access the quality eye care that they deserve.

Should you have any questions, or would like more information, please let me know. My patients and I hope that we can count on your support.

Sincerely,

Dr. James A Holmes

Dear Mayor Todd and Council Members,

I whole heartedly agree with the letter sent to you by Melissa Palamar regarding the suggestions for replacing non-native plants with native plants.

The spirit of the Prescott Heritage River Trail is 99% native trees (eastern end). I was a design contributor and planted the trees there with the Prescott Blossoms group in 2000, 2001. It would make good design sense AS WELL as ecological sense, well stated by Melissa in her letter to you.

Even though I don't live in the area anymore (I'm in Kingston area now) I still visit the waterfront and was delighted to see how well the trees were doing, all on their own!

I would also suggest that the original plans be dug out and the remaining trees be planted, because it was never completed (we ran out of money).

As the coordinator for the Master Gardeners of Rideau 1000 Islands, I invite you all - as well as interested public, to learn more about why growing native is critically important. We have invited an expert on the subject who will give a zoom presentation on May 4 at 7pm:

Nature's Best Hope: A New Approach to Conservation That Starts in Your Yard

Rideau 1000 Islands Master Gardeners is hosting this special event.

Dr. Doug Tallamy, professor in the Department of Entomology and Wildlife Ecology at the University of Delaware, and much sought-after speaker will share what his research has revealed about changing how we landscape around our homes. "Nature is built from millions of specialized interactions. But today these relationships and Nature itself, are on the ropes," states Tallamy.

Tuesday May 4, 2021 at 7 – 8pm

Tickets for sale here:

<https://www.eventbrite.ca/e/natures-best-hope-a-new-approach-to-conservation-that-starts-in-your-yard-tickets-146638460583?aff=ebdssbonlinesearch>

Please don't hesitate to contact me if you have any questions.

Kind regards,

Astrid

PS The source for plants mentioned by Melissa (onplants.ca) has small but very affordable stock. Cramer Nursery, which supplied the native trees to the Prescott Heritage River Trail sells larger stock and has a good variety of native plants too.

Astrid Muschalla, Ecological Garden Designer
Horticultural Consultant & Educator, [OLCCP](https://www.olccp.org/)
www.astridknowsplants.com

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REPORT TO COUNCIL

Date September 7, 2021

Report No. 82-2021

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

RE: Financial Report – July 2021

Recommendation:

For information.

Analysis

The attached income statement for the first seven months ended July 31, 2021, highlights the financial picture year-to-date. Revenue and expense variances are explored below.

The interim property tax billings were due on March 31, 2021, while the final tax billings were processed in July. This total amount of the 2021 property taxes billed is reflected in this report. The Ontario Municipal Partnership Fund payments are received in January, April, July, and October. Those two items make up the vast majority of corporate revenue and due to their timing results in a positive variance in revenue year to date.

Protective Services revenue tends to occur in the second half of the year, as various grant payments are received, and the building season accelerates. Environmental revenues are below budget year-to-date due to the timing of grant payments. Social Services revenue is received as part of the St. Lawrence Lodge debentures which is supported by the Ministry of Health and Long-Term Care in January and August leading to the positive year-to-date budget variance. Recreation and Culture revenue is primarily driven by the marina revenues which occur in the summer months. This has moved to a positive for year-to-date as a result of the marina operations.

From an expense perspective transportation services is over budget due to the repaving having already occurred and paid for. The health service budget is overbudget due to the timing of payment for St. Lawrence Lodge debt.



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As the 2021 budget was constructed with the effects of COVID built into it, there are no major negative effects on revenue or expenses at this time due to COVID at this time.

The 14% increase in insurance premiums along with the additional coverage being obtain for flood and earthquake insurance is expected to add \$18,000 in additional cost in 2021 however this can be absorbed through savings elsewhere in the budget. No other reductions in revenue or increase in costs have been identified to date that will cause a variance at year end.

Alternatives:

None.

Financial Implications:

Outlined above.

Attachments:

- Financial Report – July 31, 2021

Submitted by:

Matthew Armstrong
Chief Administrative Officer & Treasurer

Income Statement 2021 Operating Budget

	Month			Year-to-Date			Total 2021 Budget	Notes
	Budget	Actual	Variance B (W)	Budget	Actual	Variance B (W)		
Revenue								
Corporate	657,929	2,756,038	2,098,110	4,605,500	7,209,054	2,603,554	7,895,143	
Protective	18,223	10,780	(7,443)	127,563	127,278	(285)	218,680	
Transportation	23,052	45,796	22,744	161,365	236,581	75,215	276,626	
Environmental	18,243	24,447	6,204	127,703	118,398	(9,305)	218,920	
Health	138	525	388	963	3,675	2,713	1,650	
Social	12,125	13,975	1,850	84,875	87,834	2,959	145,500	
Recreation and Cultural	45,632	120,062	74,429	319,426	379,351	59,924	547,588	
Planning & Development	4,625	474	(4,151)	32,378	44,980	12,602	55,505	
Total	779,968	2,972,098	2,192,130	5,459,774	8,207,150	2,747,376	9,359,612	
Expenses								
Corporate	112,668	99,661	13,008	788,679	738,511	50,168	1,352,021	
Protective	185,031	178,432	5,449	1,295,217	1,276,187	13,780	2,220,372	
Transportation	189,860	127,559	62,301	1,329,023	1,361,135	(32,112)	2,278,325	
Environmental	31,350	28,708	2,642	219,450	193,120	26,330	376,200	
Health Services	27,205	29,868	(2,663)	190,432	199,107	(8,675)	326,455	
Social Services	70,392	33,394	36,999	492,746	446,822	45,924	844,708	
Recreation and Cultural	123,640	197,775	(74,135)	865,480	822,500	42,980	1,483,680	
Planning & Development	39,821	22,877	16,360	278,746	240,345	35,776	477,851	
Total	779,968	718,273	59,961	5,459,773	5,277,728	174,171	9,359,612	
Net Operations	0	2,253,825	2,253,825	0	2,929,422	2,929,422	0	
Water & Wastewater Revenue	244,252	214,251	(30,001)	1,709,763	1,309,740	(400,023)	2,931,022	
Water & Wastewater Expense	244,252	115,667	128,581	1,709,763	1,520,822	188,914	2,931,022	
Net Water & Wastewater	-	98,584	98,584	-	(211,082)	(211,082)	-	

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STAFF REPORT TO COUNCIL

Report No. 83-2021

Date: September 7, 2021

From: Lindsey Veltkamp, Director of Administration/Clerk

RE: Alternative Voting Methods 2022 Election

Recommendation:

That Council receive Staff Report 83-2021 for information and direct staff to bring the attached draft By-law, being a by-law to authorize an alternative voting method for the 2022 Municipal Election, to the Council meeting of September 20, 2021, for final consideration and approval.

Background:

The *Municipal Elections Act, 1996*, as amended (MEA), governs the process for a municipal election. Councils are required to pass a by-law authorizing the use of alternative methods of voting prior to May 1 in the year of the election (May 1, 2022, for the next regular election).

In 2017, Council passed a by-law allowing the use of an alternative voting method (internet and telephone voting) for the 2018 municipal election. The implementation of internet and telephone voting was well received. Of the 1,290 voters who cast ballots, 847 (66%) did so using the alternative voting method. 443 votes (34%) were cast using the traditional paper ballot option.

For the 2018 municipal election, Clerks from 10 municipalities in Leeds and Grenville (Town of Prescott, City of Brockville, Town of Gananoque, the Municipality of North Grenville, Township of Augusta, Township of Edwardsburgh/Cardinal, Township of Elizabethtown-Kitley, Leeds and the 1000 Islands, Township of Rideau Lakes, and the Village of Merrickville-Wolford) worked jointly and entered into an agreement with Intelivote Systems Inc. for telephone and internet election services. The group agreement resulted in a cost of \$1.10 per elector (plus postage/ mailing fees) for the



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service. Clerks from 11 municipalities in Leeds and Grenville are planning on issuing a joint Request For Proposal (RFP) by the end of the fall for the 2022 election. The Town of Prescott has offered to administer the group RFP.

In accordance with the *Municipal Elections Act*, the Clerk shall establish the procedures and forms for the use of any alternative voting method authorized by by-law, by May 1 in the year of the election.

Analysis:

The *Municipal Elections Act* provides the clerk with the responsibility for conducting elections with a municipality and that includes the responsibility to prepare for the election (Section 11(2)(a) of the *Municipal Elections Act*). As in recent elections, clerks in the Leeds and Grenville area are working together to develop best practices, policies and procedures to ensure the election is conducted in accordance with the *Municipal Elections Act*, as amended.

For the 2022 Municipal Election, staff is suggesting with the use of alternative voting methods and the elimination of paper ballots. Electronic voting will be available 24 hours a day during the week leading up to Election Day. Voters will be able to use any touch tone telephone, or any device connected to the internet to cast their electronic ballot. If access to telephone or internet is unavailable to a voter during the voting period, or if they require assistance, they may vote electronically at Town Hall. Voters will also be able to vote via internet or in person electronically on Election Day at Town Hall.

The alternative voting process provides a greater opportunity and more flexibility for voters to cast their ballot. It also accommodates seasonal residents and absentee voters, and addresses issues surrounding accessibility.

COVID-19 has brought increased awareness for the need to sanitize and clean devices, especially those that are handled by multiple people. Tablets are easily sanitized after each use. The use of pencils for paper ballots would require the cleaning of pencils or single use pencils.



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Alternatives:

Council could decide to retain paper ballots as an option but is not advisable due their decline in use, less access than other methods of voting, and handling and waste concerns.

Financial Implications:

As part of the annual operating budget, \$5,100 is put into an election reserve. Over four years a total of \$20,400 is built up in the election reserve to support the cost of the municipal election. These costs include access to the voter lists and the ability to make corrections, alternative voting methods, training, and equipment.

The total cost of the 2018 election was \$18,477.

The cost for the 2022 election will be covered by the election reserve which will have balance of \$22,223 in 2022.

Environmental Implications:

Opting to use electronic methods rather than paper ballots is a more environmentally friendly option as it removes the need for paper. Opting to eliminate paper ballots would also remove the need for single use pencils.

Attachments:

- Draft By-Law xx-2021

Submitted by:

Lindsey Veltkamp
Director of Administration/Clerk

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. XX-2021

**A BY-LAW TO AUTHORIZE AN ALTERNATIVE VOTING METHOD FOR THE 2022
MUNICIPAL ELECTION**

Being a by-law to authorize an alternative voting method for the 2022 Municipal Election

WHEREAS, the Section 42 of *Municipal Elections Act*, S.O. 1996, provides that the council of a local municipality may pass a by-law to authorize an alternative voting method that does not require electors to attend a voting place in order to vote; and

WHEREAS, the Council of the Corporation of the Town of Prescott considers it to be desirable to pass such a by-law;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Prescott enacts as follows:

1. That Council hereby authorizes the use of telephone and internet voting as an alternative voting method for the 2022 Municipal Election.
2. That the Clerk is hereby authorized to negotiate an agreement for the provision of electronic voting services.
3. That this by-law shall come into force and take effect upon being passed by Council.
4. That should any other existing by-laws, resolutions, or actions of the Corporation of the Town of Prescott be deemed to be inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**READ AND PASSES, SIGNED AND SEALED THE 20th DAY OF
SEPTEMBER 2021.**

Mayor

Clerk

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STAFF REPORT TO COUNCIL

Report No. 84-2021

Date: September 7, 2021

From: Kaitlin Mallory, Deputy Clerk
Lindsey Veltkamp, Director of Administration/Clerk

RE: 2021 Community Awards – Heroes of COVID

Recommendation:

That staff be directed to release the Heroes of COVID nomination package; and

That Council appoint three members to the 2021 Community Awards Selection Panel.

Background/ Analysis:

Since 2013, Council has been honouring and recognizing citizens for their contributions in the Town of Prescott. In 2019, the Business of the Year category was added to the awards.

In previous years, a Community Awards Selection Panel has been established to streamline the decision-making process. Last year's Community Awards Selection Panel consisted of Mayor Brett Todd, Councillor Lee McConnell, and Councillor Gauri Shankar. The panel is responsible for reviewing the award applications and making recommendations to Council on award recipients. Staff is suggesting that once again Council appoint three members to the selection panel.

In the past, the nomination period has varied, often closing at the end of December with an Awards presentation taking place at a Council meeting in the spring. The COVID-19 pandemic has altered the process for both the 2020 and 2021 awards.

The 2020 awards were postponed and were recently presented at a ceremony held at the Amphitheatre on Saturday, September 4 as part of the Town's Labour Day celebrations.

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For the 2021 Community Awards, the 2020 Selection Panel suggested a unique way to recognize our citizens by creating the 2021 Heroes of COVID Awards. A budget of \$1,500 was established to support this initiative which equates to up to 100 medals that can be awarded. Below are renditions of the Heroes of COVID Award Coins:

actual size to be 2"
multidepth
fine details may not be legible



zinc cast



pewter



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In order to ensure recognition of award winners in 2021, staff are recommending that the nomination period run from Monday, September 13, 2021, and close on Monday, October 11, 2021, with an awards celebration to take place in early November.

The Heroes of COVID Awards will be advertised on the Town's website, social media platforms, and the local paper.

Award winners are expected to have displayed a broad range of contributions during the pandemic in the Town of Prescott, or to have demonstrated commitment to one or more particular causes.

Once the nomination period has closed, the awards selection panel will meet to go over the applications and make selections. This year will be unique as it will have more than three award recipients. The selection panel will then present their selections at a Closed Session of Council tentatively on Monday, October 18, 2021.

Recipients of the awards will be recognized at a future ceremony hosted by Prescott Town Council that follows COVID restrictions and guidelines.

While the 2021 awards will focus strictly on Heroes of COVID, the 2022 award nomination will return early in 2022 with the traditional Business, Citizen, and Volunteer of the year awards.

Alternatives:

Council may wish to adjust the nomination period and decide to hold a ceremony at a date to be determined in 2022.

Financial Implications:

As in past years, expenses from the Community Awards including advertising, plaques, and reception items, are included in the Administration budget. The budget of \$1,500 will result in up to 100 medals to be awarded.



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Type	Size	Unit Price	Cost (Qty 100)
Zinc Cast	2"	6.6	\$660
Fine Pewter	2"	9	\$900
Acrylic Box (\$4.90 ea)	Velvet Box (\$4.40 ea)	Velvet Bag (\$0.80)	
\$490	\$440	\$80	
\$490	\$440	\$80	
Made in Canada			
Fees not included: \$40.00 setup charge			
All prices are excluding tax			

Environmental Implications:

None

Attachments:

- Draft 2021 Heroes of COVID Awards Nomination package

Submitted by:

Kaitlin Mallory,
Deputy Clerk

Submitted by:

Lindsey Veltkamp,
Director of Administration/Clerk



TOWN OF PRESCOTT 2021 Heroes of COVID-19 Awards



Visit www.prescott.ca or Town Hall for
information and nomination
application. Submit by **October 29, 2021.**

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PRESCOTT
EST 1784
THE FORT TOWN

613-925-2812
admin@prescott.ca



TOWN OF PRESCOTT 2021 HEROES OF COVID-19 AWARDS

The COVID-19 pandemic created many challenges for the people, organizations, and businesses in our area. During the past year and a half, we've relied on many people and organizations to help to get us all through these tough times. These people from all walks of life have gone above and beyond to help. These Heroes walk among us! Do you know someone who has made a noteworthy contribution to the Town of Prescott?

The Town is currently accepting nominations for **2021 Heroes of COVID-19 Awards**. Nominators can visit Town Hall or www.prescott.ca for a nomination form designed to help with the submission. Letters of recommendation are welcome and may be attached to the nomination form.

Nominated citizens or organizations are expected to have displayed a broad range of contributions in the Town of Prescott, or to have demonstrated commitment to one or more particular causes, during the COVID-19 pandemic.

Nominators are urged to provide specific examples and details about what the nominee has accomplished. Please list activities and contributions, results, achievements, beneficiaries of the nominee's efforts, honours, awards, and memberships in civic and professional organizations.

Nominees do not have to reside in the Town of Prescott, although the person's achievements and contributions must be focused on or in the town. Nominations will be accepted until 4:30 pm on Friday, October 29th, 2021.

The award for **Heroes of COVID-19 Awards** will be presented at an award ceremony hosted by the Mayor and Council of the Town of Prescott in November of 2021.

Please send nominations, with subject line **HEROES OF COVID-19 NOMINATION** to:

admin@prescott.ca

Town of Prescott
360 Dibble Street West, P.O. Box 160
Prescott Ontario
K0E 1T0

With questions about nomination, or for more information about eligibility, please contact:

Lindsey Veltkamp, Director of Administration/Clerk, Town of Prescott
veltkamp@prescott.ca (613) 925 2812 ext. 6225

Declaration *(Please read carefully)*

Information provided in this application for recognition is treated confidentially. Review all the information you have provided since it will be used to determine the applicant's eligibility for recognition. Date and sign the declaration below.

I certify that the statements made by me are true and complete to the best of my knowledge. I understand that any misrepresentation made by me in connection with this application will be sufficient cause for rejection of this application. I authorize investigation of all statements contained in this application, and release from liability any person or company furnishing such information.

Signature of Nominator	Date
------------------------	------

Send to:

**Town of Prescott,
360 Dibble Street
P.O. Box 160
Prescott, ON K0E 1T0
www.prescott.ca**

Email admin@prescott.ca with subject line 2021 HEROES OF COVID-19 AWARDS

Personal information on this form is collected under the authority of Section 11 of the *Municipal Act, 2001* and will be used by the Town of Prescott to determine the applicant's eligibility for recognition.



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STAFF REPORT TO COUNCIL

Report No. 85-2021

Date: September 7, 2021

From: Lindsey Veltkamp, Director of Administration/Clerk

RE: National Day of Truth and Reconciliation

Recommendation:

That staff be directed to bring the attached proclamation to the Council meeting of September 20, 2021, and

Prepare for a National Day of Truth and Reconciliation ceremony on September 30, 2021; and

That a land acknowledgement be read prior to calling Council meetings to order.

Background/ Analysis:

The federal government recently passed legislation to make September 30 a federal statutory holiday called National Day for Truth and Reconciliation. Establishing this day as a statutory holiday honours Survivors of residential schools, their families, and communities and ensures that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process.

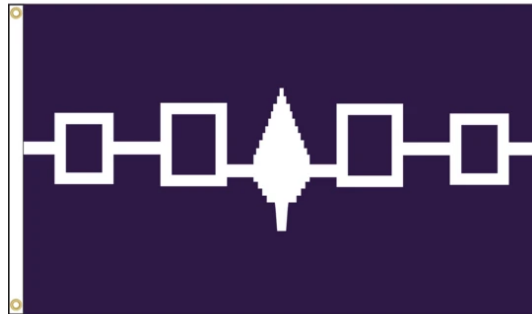
The Town of Prescott is located on the traditional territory of Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishibek, and the Oneida and Haudenosaunee Peoples.

Mayor and Council have the ability to recognize any day as significant. The Town has been flying flags at half-mast to honour the children whose lives were taken at former residential schools. There are additional means to show the municipality's support.

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Staff is recommending the attached draft resolution recognizing September 30 as National Truth and Reconciliation Day, be brought back to the Council meeting of September 20, 2021.

Flying the flags of the traditional territories of Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishibek, and the Oneida and Haudenosaunee Peoples is difficult due to flag availability and the fact that the Town does not currently a flagpole with the ability to fly all of the flags. As an alternative the option of flying Haudenosaunee Flag with the Every Child Matters Flag is being brought forward as a recommendation.



And



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Or



A ceremony could be planned for September 30 at which the Every Child Matters Flag could be raised, the traditional territorial land acknowledgement statement read, and a moment of silence.

If Council wishes to make a land acknowledgement, then its recommended that an acknowledgment be made prior to calling Council meetings to order. This would provide ongoing recognition. Options of land acknowledgements are listed below and can be read by the Chair.

“Today we acknowledge the land on which we gather is the traditional territory of Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishibek, and the Oneida and Haudenosaunee Peoples. We respect both the land and the people of this land including all Indigenous people who have walked in this place.”

“We will begin this meeting of Council by acknowledging that we are meeting on aboriginal land that has been inhabited by Indigenous peoples.

In particular, we acknowledge the traditional territory of the Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishibek, and the Oneida and Haudenosaunee Peoples.”

Alternatives:

Council may wish to consider alternative methods of recognition for September 30.



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Financial Implications:

None.

Environmental Implications:

None.

Attachments:

- Draft National Truth and Reconciliation Day Resolution

Submitted by:

Lindsey Veltkamp
Director of Administration/Clerk

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 86-2021

Date: September 7, 2021

From: Shawn Merriman, Manager of Building and By-law Services

RE: Vacant Building Registry By-law

Recommendation:

That Council accept staff report 86-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

Background / Analysis:

Staff began the process to update the department to become more in line with the expectations of residents and Council.

At the Council meeting of May 17, 2021, staff presented Council with a PowerPoint presentation on Property Standards and Associated By-laws. There was a recommendation to develop a Vacant Building Registry (VBR).

The goal of a Vacant Building Registry (VBR) By-Law is to provide a more efficient, timely, and effective system which ensures consistent maintenance, which will increase public safety and reduce urban blight.

The Vacant Building By-law is a tool municipalities can use that will allow for a process that will encourage effective maintenance and use of a building before it becomes dilapidated and unsafe. This will help to connect individuals looking for a vacant building and encourage owners to maintain a use within a building for the benefits of the community.

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This type of By-law has been implemented in various forms in numerous Municipalities that are large, small, urban, and rural.

Specific areas of feedback requested are as it relates to the fees and charges proposed in Schedule A.

Fees in general cannot be deemed punitive and hence the fees have been set at an amount that is justifiable in relation to costs involved and amounts that would be expected within the provincial court system regardless of the maximum amounts stipulated. The recommendation of the fees are similar to other by-laws in amounts and maximums. The maximum fee for any building with multiple units would be three times the normal fee in order to maintain consistency across the various municipal by-laws (such as the sign by-law).

It is recommended that the By-law be implemented after a notice period from the date of passing, meaning that the By-law would not come into effect until January 1, 2022. In addition, it is recommended that once the By-law is implemented, charges be brought forth through either the Administrative Monetary Fees process or through the provincial courts. The intent will be for By-law and the Fire Department to review the site for concerns at minimum once every quarter and to perform an inspection once every six months or more often as needed.

Alternatives:

Council may wish to change

Financial Implications:

- The implementation of this by-law is expected to generate a small amount of revenue however a significant amount of additional work will be involved in inspecting, tracking, reviewing, following up, and ensuring that health and safety concerns are being addressed in a timely fashion.

Attachments:

- Draft By-law and Schedules



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Sept. 7 '21
Strategic Plan		

Submitted by:

Shawn Merriman
Manager of Building and By-law Services

THE CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. XX-2021

A BY-LAW TO ESTABLISH A SYSTEM OF REGISTERING AND MONITORING VACANT BUILDINGS

Being a by-law to establish a system of registering and monitoring vacant buildings.

WHEREAS Sections 8,9, and 10 of the *Municipal Act, 2001* authorizes the Town of Prescott to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5,6,8, and 10 of subsection 10(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, the protections of persons and property; and structures; and

WHEREAS this by-law is to be used in conjunction with other by-laws and all may apply depending on the condition of the property and or buildings upon the property; and

WHEREAS pursuant to Section 391 of the *Municipal Act* may impose fees or charges on persons for services provided on done by or on behalf of it.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Prescott enacts as follows:

DEFINITIONS

1.0 In this By-law

(a) "building" all or part of:

- (i) A structure occupying an area greater than 10 metres squared, consisting of a wall, roof and floor, or any of them, or a structure system serving the function thereof including all plumbing, works, fixtures, and service systems appurtenant thereto;
- (ii) Any structure regardless of area that contains plumbing, including the plumbing appurtenant thereto;
- (iii) Any suite or unit of a building that is meant for separate use and is, has or should be properly fire separated from the rest of the structure.

- (b) “By-law Officer” means an individual appointed and assigned by the Town of Prescott to administer and enforce this By-law.
- (c) “CAO” means the person occupying the office of Town’s Chief Administrative Officer or the person designated as such or successor.
- (d) “Corporation” means Corporation of the Town of Prescott and the geographic area in which it encompasses.
- (e) “Manager of Building and By-law Services” means the person occupying the office of, or the person designated as such, or successor.
- (f) “owner” includes, but is not limited to:
 - (i) the registered owner of the property on which the building is situated;
 - (ii) the person managing or receiving the rent or income for the property on which a building is situated or who would receive the rent or income if the property or building were let regardless of the actual receipt of the said rent or income;
 - (iii) a vendor of a building under an agreement for sale who has paid any municipal taxes on the building after the effective date of the agreement, or who has paid any installments under that agreement.
 - (iv) a lessee or occupant of a property on which a building is situated who under the terms of the lease is required to repair and maintain the building; or
 - (v) an owner as defined by the *Condominium Act, 1988*.
- (g) “person” includes but is not limited to an individual, sole proprietorship, partnership, association or corporation.
- (h) “property” means the land and the building upon which it is situated.
- (i) “unit” means a portion of a building that has been segregated for the purpose of inhabiting, renting, or leasing. Every building counts as at least one unit. For residential and multi-residential buildings, the number of units will be determined by the information that is on file with the Municipal Property Assessment Corporation (MPAC).
- (j) “Town” means Corporation of the Town of Prescott and the geographic area in which it encompasses.

2.0 In this By-law

- (a) A building or unit within the building will be deemed vacant in this by-law except as exempt under section 3, when the building or unit within the building does not appear to be in use and, without limiting this definition is deemed to be a building. The following may be used in determining if a building is vacant.
- (b) No or limited protection from entry of unauthorized persons.
- (c) Entry of rain, snow, vermin or birds into the interior of the building.
- (d) No services of one or more in relation to electricity, gas, or water being supplied to the building.
- (e) Any of the suites or units of the building have been deemed to have lost occupancy by either the *Building Code Act* or the *Fire Protection and Prevention Act*.
- (f) If 25% of either windows or doors are found to be broken or boarded up regardless of size of the windows and doors.
- (g) Where the Town has good reason to believe that use of the building or unit from an occupancy standpoint has been vacant for 90 days or more.

3.0 Exceptions

- (a) A building will not be deemed vacant where the owner satisfies the Manager of Building and By-law Services (hereinafter referred to as Manager) that one or more of the following is occurring.
- (b) The structure is being used for a permitted use under the Town's Zoning By-law.
- (c) A building permit has been issued by the Town for construction or demolition and the permit is active. An active permit will be defined as either 40 hours of work during each 90 day period or a required building code related inspection has occurred for each 90 day period following the issuance of a permit.
- (d) The building is owned by the Corporation of the Town of Prescott.

4.0 Registration

- (a) Every owner of a vacant building or vacant unit shall register the vacancy with the Manager within 90 days of the building or unit commences to be vacant.
- (b) Every registration will expire and is to be renewed under the following:
 - (i) The annual anniversary of the date of the original registration of vacancy.

- (ii) If 30 days after a vacant building or unit is sold or transferred to a new owner.
 - (iii) When the Manager is satisfied as the building or unit is no longer vacant.
- (c) To register or renew a registration the owner of the vacant building or unit shall:
 - (i) Complete and submit to the Town an application containing such information as may be required by the Manager.
 - (ii) Submit the registration Fee as provided in "Schedule A".
- (d) To remove a vacant building or unit from the registration list, the owner or new owner shall notify the Manager of any changes that would be a cause to remove the building from the registry. Any fee reimbursements will be limited to within 10 days of the written notification of occupancy regardless of when the change occurred.
- (e) The Manager may refuse a notification of change when the notification contains false or misleading information.

5.0 Regulations

- (a) Every owner of a vacant building or unit shall ensure that the vacant building is registered in accordance with this By-law.
- (b) Ensure that the property complies with all applicable statutes, regulations, and Municipal By-laws.
- (c) Post at minimum at least one sign in all commercial or industrial buildings that bears the words for emergencies, information, or inquiries a contact person or organization containing a name, phone number, and email information. This shall be placed in black letters on a white background. This sign will be at least as large as a ledger sheet (279 mm by 431mm), with lettering being at least 25 mm high and readable. This sign will be placed in an accessible location and will be replaced at the direction of the Manager as needed within 14 days of notice.
- (d) Satisfy the Manager that the property will be attended and or monitored for building condition. The maximum time between visits shall be 14 calendar days unless the Manager by notice requires more frequent visits or if the owner has been granted a longer interval by the Manager for a specific period or reason.
- (e) Every owner shall provide a report from a qualified individual as to the condition of the building, when served notice by the Manager that such a report is required, and will be provided within 30 days of that notice.

6.0 ADMINISTRATION AND ENFORCEMENT

- (a) The Manager is authorized to administer and enforce this By-law including but not limited to prescribing the format and content of any forms or other documents

required under this By-law.

- (b) Registration, and other fees under this By-law shall be as approved by Council and amended by Council as required and shall be included in this By-law under Schedule "A".
- (c) A By-law Officer (hereinafter referred to as Officer) may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (i) This By-law
 - (ii) A direction or order made under this By-law or
 - (iii) An order made under Section 431 of the *Municipal Act, 2001*
 - (iv) Court order
- (d) An Officer may for the purposes of an inspection 6.0 (c):
 - (i) Require the production for inspection documents or things relevant to the inspection.
 - (ii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.
 - (iii) Require information in writing or otherwise as required by the Officer, from any person concerning a matter related to the inspection; or
 - (iv) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (e) Any costs incurred by the Town in exercising its authority to inspect under section 6.0 (d) including but not limited to the costs of any examination, test or sample, or photograph necessary for the purposes of the inspection shall be paid by the owner of the property where the inspection took place.
- (f) An Officer, when prevented from inspecting may issue an order to comply and recoup costs and fees for said action under Section 431 of the *Municipal Act* and listed in "Schedule A" of this By-law.
- (g) An Officer will undertake an inspection pursuant to an order by a provincial judge or justice of the peace under section 438 of the *Municipal Act* where the Officer has been prevented or is likely to be prevented from carrying out an inspection under 6.0 (c) or (d).

- (h) Any orders or penalties set out under this By-law shall contain:
- (i) Reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred.
 - (ii) The dates or dates by which there must be compliance with the order.
 - (iii) Orders may be issued once the Officer is satisfied that a contravention of the By-law has or continues to occur.
- (i) Orders in relation to this By-law shall be deemed served after 5 business days from the date of mailing or emailing to the last known address on file by the Officer to the owner of the property where the contravention of this By-law is occurring.
- (i) Orders may be served upon either others affected by the orders or other owners as determined by the Officer and Town.
 - (ii) Orders may be served and deemed served after 5 business days when the order has been placed in a conspicuous place upon the property and building where the contravention is occurring.
- (j) Where an owner does not comply with an order or direction under this By-law, the Manager with assistance by others as needed, may carry out such direction or order at the owner's expense.
- (k) The Town will recover any costs incurred under section 6.0 (j) by adding said costs to the tax roll and collecting them in the same manner as property taxes and such costs will be subject to an interest rate of 1.25% per month commencing on the day the Municipality incurred the costs and ending on the day the costs and interest incurred are paid in full.
- (l) The Manger is authorized to give immediate effect to any direction or order where the costs of carrying out the action does not exceed \$10,000.00. Where the costs do exceed \$10,000.00 the Chief Administrative Officer (hereinafter referred to as CAO) may authorize.
- (m) Every owner who contravenes any provision of this By-law and every director or Officer of a corporation who knowingly concurs in the owner corporations contravention of the provisions, may be subject to answering to the Administrative Municipal Penalty By-law in regards to fees and costs as outlined in Schedule "A" or subject to Ontario Court proceedings where upon guilty of an offence is liable on first conviction to a fine of not more than \$10,000 and on any subsequent offences conviction to a fine of not more than \$25,000.00. Where

the conviction is registered to a Corporation the maximum fine of an initial offence is \$50,000.00 and subsequent offences convictions is \$100,000.00.

Where a person or an owner corporation has been convicted of an offence, the Municipality will request that the court in addition to any other remedy or penalty imposed by this By-law make an order prohibiting the continuation or repetition of the offence that resulted in the conviction

7.0 GENERAL PROVISIONS

- (a) All measurements in this By-law are in metric.
- (b) If a court or a competent jurisdiction declares any provision or provisions of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.
- (c) Registration of properties and adherence to this By-law shall commence on the date the By-law comes into effect.

READ AND PASSED, SIGNED AND SEALED THE XXth DAY OF XXX, 2021.

Mayor

Clerk

Schedule “A”

1. For the purposes of this By-Law, Column 2 in the following table lists the provisions in the By-Law identified in the Schedule, or as amended.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 5 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 2.
4. Column 6 and Column 7 in the following table sets out the Administrative Penalty amount that is payable for each subsequent contravention of the designated provisions listed in Column 2.

Administrative Fees and Penalties for Vacant Building Registry under By-Law xx-2021

Item 1	Designated Provisions 2	Short Form Wording 3	Amount 4	AMP Amount 5	AMP Second Offence (<1 year) 6	AMP Subsequent Offence (< 2 years) 7
1	4.0	Annual fee for registering or renewal of a vacant building or vacant unit within a building to a maximum of three units.	\$1,000.00			
2	4.0 (a)	Failure to register as required		\$75.00	\$175.00	\$425.00
3	4.0 (b)	Failure to re-register as required		\$75.00	\$175.00	\$425.00
4	5.0 (c)	Failing to post signage as required		\$75.00	\$175.00	\$425.00
5	5.0 (d)	Failing to monitor property as required.		\$75.00	\$175.00	\$425.00
6	6.0 (c-g)	Failure to allow or preventing inspection as required.		\$150.00	\$375.00	\$775.00
7	6.0 (j)	Failure to comply with an order or direction.		\$150.00	\$375.00	\$775.00
8	6.0 (k)	Interest shall occur on any fee after the due date at a rate of 1.25% per month.				

AMP = Administrative Monetary Penalty

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STAFF REPORT TO COUNCIL

Report No. 87-2021

Date: September 7, 2021

From: Shawn Merriman, Manager of Building and By-law Services

RE: Administrative Monetary Penalty System By-law

Recommendation:

That Council accept staff report 87-2021 for information and provide feedback to staff prior to September 30, 2021; and

That staff be directed to bring back the By-law to the Council meeting of October 18, 2021, for final review and consideration.

Background / Analysis:

At the Council meeting of May 17, 2021, staff presented Council with a PowerPoint presentation on Property Standards and Associated By-laws. A recommendation to implement an Administrative Monetary was included in the presentation.

The goal of an Administrative Monetary Penalty System (AMPS) By-law is to provide a more efficient, timely and effective resolution to the by-law infractions rather than the current method of proceeding through the provincial court system.

The AMPS is a municipal alternative to the provincial court system that administers and adjudicates by-law offences. Many municipalities have implemented similar by-laws.

Specific areas of feedback requested are as it relates to the review process, charges proposed, and the By-laws in which this system could be used for resolution as an alternative to the current judicial process of the provincial court system.

Fees in general cannot be deemed punitive and hence the fees have been set at a reasonable amount that is justifiable in relation to costs involved and amounts that



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would be expected within the provincial court system regardless of the maximum amounts stipulated.

The attached draft By-law references a Screening Officer and a Hearing Officer. A Screening Officer can be a citizen member or a staff member, who is not appointed as a By-law Officer. In this case it is being put forth that the first review would be conducted by the Chief Administrative Officer acting as the Screening Officer. A member of the Hearing Board must be a citizen member appointed by Council. It is recommend that members of the Hearing Board be appointed to members of the public that are eligible voters in Municipal Elections in the Town of Prescott.

It is recommended that the By-law be implemented following a notice and education period after the date of passing, meaning that the By-law would not be in effect until January 1, 2022. The reasons for the postponed implementation, is to allow for the creation of forms, to set the policies, and to educate the public on the new system. In addition, the appointment of the Hearing Board is required prior to implementation.

Alternatives:

Council may wish to change aspects of this system as they see fit.

Financial Implications:

There will be some additional revenue created by the implementation of this system, however additional time will be need to administer and follow up with those that wish to use it.

Attachments:

- Draft By-law



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Information Purposes		
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Strategic Plan		

Submitted by:

Shawn Merriman
Manager of Building and By-law Services

THE CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW NO. xx-2021

A BY-LAW TO ESTABLISH A SYSTEM OF ADMINISTRATIVE PENALTIES FOR NON-COMPLIANCE WITH BY-LAWS OF THE TOWN OF PRESCOTT

WHEREAS pursuant to Section 434.1 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, states a municipality may require a person to pay an administrative penalty for failing to comply with a by-law of the municipality passed under this act;

AND WHEREAS pursuant to section 102.1(1) of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, states a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws within Schedule "B" attached;

AND WHEREAS pursuant to Section 391 of the *Municipal Act, 2001, c.25, as amended* a municipality may impose fees or charges on persons for services provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Town of Prescott deems it desirable and necessary to promote compliance with its by-laws through a system of administrative penalties;

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

DEFINITIONS

1.0 In this By-law:

- (a) "Administrative Fee" means any fee specified in this By-law or set out in the Fees and Charges By-Law.
- (b) "Administrative Penalty" means an administrative penalty established by this By-law or set out in the attached Schedule "B" to this By-law for a contravention of a Designated By-law.
- (c) "By-Law Enforcement Officer" shall mean a municipal law enforcement officer of the Corporation of the Town of Prescott who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.

- (d) "Chief Administrative Officer" means the Chief Administrative Officer for the Corporation of the Town of Prescott.
- (e) "Clerk" means the Clerk for the Corporation of the Town of Prescott.
- (f) "Council" means the Council of the Corporation of the Town of Prescott.
- (g) "Day" means any calendar day.
- (h) "Designated By-Law" means a by-law, or a part or provision of a by-law, that is designated for the purposes of this by-law.
- (i) "Hearing" means a review of a Screening Decision by a Hearing Board.
- (j) "Hearing Non-appearance Fee" means an Administrative Fee established by Council from time to time in respect of a Person's failure to appear at the time and place scheduled for a review before a Hearing Board and listed in Schedule "A" attached.
- (k) "Hearing Decision" means a decision made by the Hearing Board following a Hearing.
- (l) "Hearing Board" means three members of the public that are eligible to vote in Municipal Elections for in the Municipality of the Town of Prescott, that are duly appointed by Council to perform the functions of a Hearing Board in accordance with Part 4 of this By-law.
- (m) "Holiday" includes, New Years Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day appointed by proclamation of the Governor General or Lieutenant Governor as a public holiday, and when any of these holidays falls on a weekend, the day that is appointed as such either prior or after.
- (n) "Late Payment Fee" means an Administrative Fee established by Council from time to time in respect of a Person's failure to pay an Administrative Penalty within the time prescribed by this By-law and listed in Schedule "A" attached.
- (o) "Manager" means the person from time to time occupying the office of the Manager of Building and By-law Services of the Corporation of the Town of Prescott, or such successor office as the case may be, and includes any individual who has been authorized to temporarily act during that person's absence or a vacancy in the office.
- (p) "Mitigating or Extenuating Circumstances" means situations that do not provide an excuse or justify the infraction, but which in fairness and mercy may be considered as reducing the degree of responsibility.

- (q) "Municipality" means the Corporation of the Town of Prescott.
- (p) "Parking By-Law(s)" means any by-laws enacted by the Corporation of the Town of Prescott to regulate the parking, standing, or stopping of vehicles.
- (q) "Penalty Notice" means a notice given to a Person pursuant to Part 2 of this By-law.
- (r) "Penalty Notice Date" means the date a Penalty Notice is issued by a By-Law Enforcement Officer or Police Officer
- (s) "Person" shall include an individual, partnership, company and corporation.
- (t) "Police Officer" means a Chief of Police or other Police Officer but does not include a Special Constable or By-law Enforcement Officer.
- (u) "Screening Non-appearance Fee" means an Administrative Fee established by Council from time to time in respect of a Person's failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule "A" attached.
- (v) "Screening Officer" means the Chief Administrative Officer of the Corporation of the Town of Prescott, who performs the functions of a Screening Officer in accordance with Part 3 of this By-law.

2.0 PENALTY NOTICE

- (a) A By-law Enforcement Officer or Police Officer who is satisfied that a Person has failed to comply with a Designated By-law may issue a Penalty Notice to that Person requiring the Person to pay an Administrative Penalty.
- (b) A Penalty Notice shall include the following information:
 - (i) the Penalty Notice Date;
 - (ii) a Penalty Notice Number;
 - (iii) the date on which the Administrative Penalty is due and payable, which shall be a minimum of fifteen (15) days from the Penalty Notice Date.
 - (iv) the identification number and signature of the By-Law Enforcement Officer or Police Officer;

- (v) the short form wording describing the contravention wording as listed or referred to in Schedule “A” or “B” of this by-law or other particulars reasonably sufficient to indicate the contravention;
 - (vi) the amount of each Administrative Penalty and the total amount when more than one penalty has been assessed.
 - (vii) information respecting the process by which the Person may exercise the right to request a Screening Review of the Administrative Penalty;
 - (viii) a statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the municipality unless cancelled pursuant to Screening Review or Hearing process.
- (c) By-Law Enforcement Officers or Police Officers cannot accept payment for said offence. Officers may accept payment of an Administrative Penalty or Administrative Fee at the Municipal Office for events in which they were not involved.
 - (d) A Person who is served with a Penalty Notice shall pay the Administrative Penalty on or before the due date in the Penalty Notice, subject to the provisions of Section 3 and 4 of this By-law.

3.0 REVIEW BY SCREENING OFFICER

- (a) A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Section 3(d).
- (b) If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may prior to the penalty due date request that the Screening Officer extend the time to request a Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in Section 3(d).
- (c) If a Person has not requested an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date;
 - (i) the Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;

- (ii) the Administrative Penalty shall be deemed to be confirmed on the sixteenth (16th) day or the next business day following the Penalty Notice Date; and
 - (iii) the Administrative Penalty shall not be subject to any further review, including a review by any Court.
- (d) A Person's Request for a Screening Review or a request for an extension of time to request a Screening Review are exercised by:
 - (i) a submission on the prescribed form to the Screening Officer of a Request for Review by Screening Officer or a request for an extension of time to request a Screening Review; or
 - (ii) attending in person at the location listed on the Penalty Notice to make a Request for Review by the Screening Officer or a request for an extension of time to request a Screening Review; or
 - (iii) calling the telephone number listed on the Penalty Notice to make a Request for Review by the Screening Officer or a request for an extension of time to request a Screening Review.
 - (iv) Emailing the account listed on the Penalty Notice to make a Request for Review by the Screening Officer or a request for an extension of time to request a Screening Review.
- (e) A Request for Review by the Screening Officer or a request for an extension of time to request a Screening Review shall include the Penalty Notice Number and the Person's contact information.
- (f) A Screening Review shall only be scheduled, and an extension of time to request a Screening Review shall only be granted, by the Screening Officer if the Person makes the request within the time limits set out in Sections 3(a) or 3(b) of this Bylaw.
- (g) On request for an extension of time to request a Screening Review, the Screening Officer may only extend the time to request a Screening Review where the Person demonstrates, on a balance of probabilities, the existence of Mitigating or Extenuating Circumstances that warrant the extension of time.
- (h) Where an extension of time to request a Screening Review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed on the due date set out in the Penalty Notice.
- (i) Upon receipt of a Request for Review by the Screening Officer within the

time limits set out in Sections 3(a) and 3(b) of this By-law, the Screening Officer shall schedule a Screening Review and shall notify the Person using the contact information provided on the Request for Review by the Screening Officer.

- (j) Where a Person fails to attend, in person or electronically at the time and place scheduled for a Screening Review:
 - (i) the Person shall be deemed to have abandoned the request for a Screening Review;
 - (ii) the Administrative penalty as set out in the Penalty Notice shall be deemed to be confirmed on the sixteenth (16th) day or the next business day following the Penalty Notice Date;
 - (iii) the Administrative penalty shall not be subject to any further review, including a review by any Court; and,
 - (iv) the Person shall pay to the Municipality a Screening Non-appearance Fee, if applicable, and any other applicable Administrative Fee(s).
- (k) Upon conducting the Screening Review, the Screening Officer shall interview the Person before making a decision.
- (l) Upon conducting a Screening Review, the Screening Officer may decide to:
 - (i) affirm the Administrative Penalty; or
 - (ii) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds if established by the Person on the balance of probabilities:
 - (a) the Person did not contravene the Designated By-law(s) as described in the Penalty Notice;
 - (b) the existence of Mitigating or Extenuating Circumstances; or
 - (c) the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve a clearly demonstrated financial hardship.
- (m) After a Screening Review by Screening Officer, the Screening Officer shall deliver a Screening Decision to the Person, in accordance with

Part 6 of this Bylaw.

- (n) A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

4.0 REVIEW BY HEARING BOARD

- (a) A Person may make a Request for Review by Hearing Board within 7 days of issuance of the Screening Decision.
- (b) If a Person has not made a Request for Review by the Hearing Board within 7 days of issuance of the Screening Decision, the Person may make a Request for Review by Hearing Board before the due and payable date for the Administrative Penalty listed either on the Penalty Notice or, if the Screening Officer extended the time for payment, on the Screening Decision.
- (c) If a Person has not made a Request for Review by a Hearing Board in accordance with Sections 4(a) and 4(b):
 - (i) the Person shall be deemed to have waived the right to Request for Review by the Hearing Board; and
 - (ii) the Administrative Penalty and any Administrative Fee(s) as set out in the Screening Decision shall be deemed to be confirmed; and
 - (iii) the Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.
- (d) Person's Request for Review by a Hearing Board is exercised by:
 - (i) a submission on the prescribed form to the Screening Officer during the Screening Review of a Request for Review by Hearing Board; or
 - (ii) a submission on the prescribed form to the Corporation of the Town of Prescott for a Request for Review by Hearing Board or a request for an extension of time to request a Hearing; or
 - (iii) attending in person at the location listed on the Screening Decision to make a Request for Review by Hearing Board or a request for an extension of time to request a Hearing; or
 - (iv) calling the telephone number listed on the Screening Decision to make a Request for Review by Hearing Board or a request for an

extension of time to request a Hearing.

- (v) Emailing the account listed on the Screening Decision to make a Request for Review by Hearing Board or a request for an extension of time to request a Hearing.
- (e) A Request for Review by Hearing Board or a request for an extension of time to request a Hearing shall include the Penalty Notice Number and the Person's contact information.
- (f) A Hearing shall only be scheduled by the Hearing Board if the Person makes the request within the time limits set out in Sections 4(b) or 4(c) of this By-law.
- (g) Upon receipt of a Request for Review by the Hearing Board within the time limits set out in Sections 4(a) and 4(b) of this By-law, the Hearing Board shall schedule a Hearing and shall notify the Person using the contact information provided on the Request for Review by Hearing Board.
- (h) Where a Person fails to appear at the time and place scheduled for a Hearing:
 - (i) the Person shall be deemed to have abandoned the Request for Review by the Hearing Board;
 - (ii) the Screening Decision and the Administrative penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - (iii) the Screening Decision and the Administrative penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and,
 - (iv) the Person shall pay to the municipality a Hearing Non-appearance Fee, Late Payment Fee, and any other applicable Administrative Fee(s).
- (g) At a Hearing, the Hearing Board by majority decision, may:
 - (i) confirm the Screening Decision; or
 - (ii) cancel, reduce or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - (1) where the Person establishes on the balance of probabilities that they did not contravene the Designated By-law(s) as described in the Penalty Notice;

- (2) the existence of Mitigating or Extenuating Circumstances; or
 - (3) where the Person establishes on the balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee(s), is necessary to relieve clearly demonstrated financial hardship.
- (h) A Hearing Board shall not make any decision respecting a review of a Screening Decision unless the Hearing Board has given the Person and a representative of the municipality an opportunity to be heard at the time and place schedule for the Hearing.
- (i) All Hearings by a Hearing Board shall be conducted in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.
- (j) A Hearing Board has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.
- (k) After a Hearing is complete, the Hearing Board shall deliver a Hearing Decision to the Person, in accordance with Part 6.0 of this By-law.
- (l) The decision of the Hearing Board is final.

5.0 PROHIBITED COMMUNICATION AND UNDUE INFLUENCE

- (a) No individual shall attempt to directly or indirectly, communicate with or influence a Screening Officer or a member of the Hearing Board respecting the determination of an issue in a proceeding that is or will be pending before the Screening Officer or Hearing Board, except the Person who is entitled to be heard in the proceeding or the Person's lawyer or licensed representative, and only by the Person or the Person's lawyer or licensed representative during the Screening Review or Hearing Review in which the issue arises.
- (b) Nothing in Section 5(a) prevents a Screening Officer or Hearing Board from seeking or receiving legal advice from the Corporation of the Town of Prescott's legal counsel, under the guidance and direction of the Chief Administrative Officer.

6.0 SERVICE OF DOCUMENTS

- (a) The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-Law, when served in any of the following ways, is

deemed effective:

- (i) immediately, when a copy is personally delivered to the Person to whom it is addressed;
 - (ii) on the seventh (7th) day following the date a copy is sent by registered mail or by regular mail to the Person's last known address; or
 - (iii) on the seventh (7th) day following the date a copy by electronic mail (i.e. email) was sent to the Person's last known electronic mail address.
- (b) For the purposes of administration of this this By-law or any Designated By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Municipality as may be required by a form, practice, or policy under this By-law.

7.0 ADMINISTRATION

- (a) The Clerk, the Manager, or any individual designated by either for this purpose in writing, shall administer this By-law and establish any additional practices and procedures necessary to implement this By-law and may amend such practices and procedures from time to time as the is necessary, without amendment to this By-law provided that such practices and procedures are not in conflict, or are inconsistent with this by-law.
- (b) The Manager, or any individual designated by the Manager for this purpose in writing, shall prescribe all forms and notices, including the Penalty Notice, Request for Review by the Screening Officer and Request for Review by the Hearing Board, necessary to implement this By-law and may amend such forms and notices from time to time as necessary, without amendment to this By-law, provided that the contents of such forms and notices are not in conflict, or inconsistent with this by-law.
- (c) An Administrative Penalty, including any Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the Municipality owed by the Person.
- (d) Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the municipality a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).
- (e) Where a Person makes payments to the municipality of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by

negotiable instrument, for which there are insufficient funds available in the account on which the instrument is drawn, the Person shall pay to the municipality the NSF Fee set out in the Fees and Charges By-law.

- (f) Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Board, any Administrative Fee(s) are also cancelled.
- (g) Any time limit that would otherwise expire on a Holiday or outside normal Town hours of Monday to Friday 8:30 am to 4:30 pm is extended to the next business day.
- (h) A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Screening Officer or the Hearing Board, as applicable.
- (i) Any unpaid fee or penalty owed to the Town may be added to a property owned by the individual as lien of priority status under the Municipal Act and regarded like property taxes.
- (j) Any schedule attached to this By-law forms part of this By-law.

The authority under this By-law to issue Administrative Penalties is in addition to any other rights the Municipality may have to enforce its By-laws, except that if a Penalty Notice is issued to a Person under this By-law, that Person shall not be charged with an offence in respect of the same contravention.

7.A PARKING BY-LAWS

- (a) A By-Law Enforcement Officer shall provide reasonable notice to the owner of a vehicle in respect of which a Penalty Notice is issued under a Parking By-Law, which notice may include personal service, notice by regular mail to the registered address of the owner of the vehicle, or such other means by which the notice is likely to come to the vehicle owner's attention.
- (b) If an administrative penalty related to Parking By-Laws is not paid within fifteen (15) days after the date that it becomes due and payable the municipality may file a certificate of default in a court of competent jurisdiction and, once filed, the certificate is deemed to be an order of the court and may be enforced in the same manner as an order of the court.
- (c) A certificate of default shall be in the form approved by the Attorney General.
- (d) Costs incurred in obtaining and enforcing the deemed order shall be added to the order and collected under the order.

- (e) One certificate of default may be filed with the court in respect to two or more administrative penalties imposed on the same person.
- (f) If, after a certificate of default has been filed with the court, every penalty to which the certificate relates is paid in full. the municipality shall,
 - (i) notify the court in writing; and
 - (ii) if a writ of execution has been filed with the sheriff, notify the sheriff in writing.
- (g) If an administrative penalty related to Parking By-Laws is not paid within fifteen (15) days after the date that it becomes due and payable to the municipality, the municipality may notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person named in the default notice nor issue a new permit to that person until the penalty is paid.
- (h) Plate denial applies only to the permit related to the vehicle to which the administrative penalty relates.

8.0 DESIGNATED BY-LAW

Designated By-laws are those By-laws or portions thereof as set out in Schedule "B" to this By-law.

9.0 SEVERABILITY

Should any provision, or any part of a provision, of this By-law to be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of the Council that such provision, or any part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

10.0 INTERPRETATION

The provisions in Part VI of the *Legislation Act*, 2006, S.O. 2006, c.21, Sched. F, shall apply to this By-law.

11.0 EFFECTIVE DATE

This By-law shall come into force and effect on January 1, 2022.

READ AND PASSED, SIGNED AND SEALED THE xx DAY OF OCTOBER, 2021.

Mayor

Clerk

DRAFT

**By-law xx-2021
Schedule “A”**

1. For the purposes of this By-Law, Column 2 in the following table lists the provisions in By-Law xx-2021 identified in the Schedule, or as amended.
2. Column 3 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 4 in the following table sets out the Administrative Penalty amount that is payable for contraventions of the designated provisions listed in Column 2.
4. Column 5 and Column 6 in the following table sets out the Administrative Penalty amount that is payable for each subsequent contravention of the designated provisions listed in Column 2.

Administrative Fees and Penalties under By-Law xx-2021

Item	Designated Provisions	Short Form Wording	AMP Amount	AMP Second Offence (<1 year)	AMP Subsequent Offence (< 2 years)
1	2	3	4	5	6
1	3.0 (j)(iv)	Failing to appear before a screening officer	\$100.00	\$200.00	\$500.00
2	4.0 (h)(iv)	Failing to appear before a hearing board	\$200.00	\$400.00	\$1000.00
3	7.0 (d)	Late Fee administrative charges	\$50.00	\$100.00	\$400.00
4	7.0 (e)	Returned payment or rejected transaction process.	\$50.00	\$100.00	\$400.00
5	7.0 (d)	Interest shall occur on any fee after the due date at a rate of 1.25% per month.			

AMP – Administrative Monetary Penalty

Schedule "B"

1. For the purpose of this By-Law, Column 2 shall list the known as name of the By-listed in Column 3.
2. Column 3 in the following table lists the Designated By-Law identified in the Schedule, as amended.
3. Column 4 in the following table sets out the purpose of the By-law listed in Column 3.
4. For the purpose of this bylaw any fines or penalties listed in the bylaw's listed in the table below shall be administered using the Administrative Monetary Penalties System as defined in the By-law.

Item	Known as By-law	By-Law #	By-Law Purpose
1	2	3	4
1	Parking	47-2017	A regulation of traffic and parking within the Town of Prescott
2	Animal Control	05-2021	A regulation to provide for the licensing, registering, keeping of animals, and prohibiting their running at large within the Town of Prescott
3	Property Standards	23-2000	A regulation to prescribe the standards of maintenance and occupancy of all properties in the Town of Prescott
4	Taxi	04-2014 as amended 38-2018	A regulation for licensing and governing vehicles used for hire in transporting passengers including the owners and drivers of any taxicab, accessible taxi cab, limousines or associated ride services.
5	Vacant Building	XX-2021	A regulation for the registering and inspection of vacant buildings and state of condition to be maintained within the Town of Prescott.

		Date Req'd
Information Purposes	X	Sept. 7 '21
Policy / Action Req'd		
Strategic Plan		

STAFF REPORT TO COUNCIL

Report No. 88-2021

Date: September 7, 2021

From: Matthew Armstrong, Chief Administrative Officer & Treasurer

RE: Accessibility Improvement Options for Downtown Businesses

Recommendation:

For information.

Background / Analysis:

Earlier this year, Council requested a report from staff that outlines ways in which businesses in the Downtown can improve accessibility to their establishments.

The Ontario Business Improvement Area Association produced a handbook entitled The Business of Accessibility – How to Make Your Main Street Business Accessibility Smart. A key feature to this handbook is that it provides no cost and low-cost options for businesses to become more accessible and inclusive to all customers. This handbook is available through the Province of Ontario Ministry for Seniors and Accessibility website.

There are three major areas for accessibility that businesses should consider.

- Welcoming and friendly staff who have accessibility training
- Easy to access information on the accessibility of the business's space, products and services
- Accessibility considerations given to the design and layout

This Handbook will be shared with all businesses in Prescott as well as targeted communication of the Community Improvement Plan Grants for those properties that qualify.

		Date Req'd
Information Purposes	X	Sept. 7 '21
Policy / Action Req'd		
Strategic Plan		

Furthermore, Prescott's Business Development Officer is currently investigating options for portable accessibility ramps and cost-effective accessibility enhancements that could be utilized by businesses throughout Prescott who don't have the ability to install permanent accessibility solutions, due to financial and/or physical space constraints.

Accessibility Checklist

Entrances

Area of Focus	No Cost	Low Cost	Medium Cost
Accessible door hardware		X	
Automatic door opener			X
Non-slip, temporary ramps		X	
Good lighting		X	
Permanent sloped ramp			X
Hand railings			X
Colour contrast on door frame		X	
Signs, logos, or coloured strips on glass and glazed doors		X	
Doorbell		X	
Use secondary entrance if more accessible	X		
Directional signage	X		
Permanent, sloped entrance			X
Unobstructed paths of travel	X		
Smooth, non-slip paths		X	

Signage

Area of Focus	No Cost	Low Cost	Medium Cost
Large, clear font	X		
Plain language	X		
Good contrast	X		
Clearly visible	X		
Not obstructed or covered	X		
Not blocking paths	X		
Short, simple information	X		

		Date Req'd
Information Purposes	X	Sept. 7 '21
Policy / Action Req'd		
Strategic Plan		

Consistent placement	X		
Non-reflective	X		
Use pictograms	X		

Websites

Area of Focus	No Cost	Low Cost	Medium Cost
Post images of your building	X		
Include ALT text to describe pictures	X		
Clear explanation for links	X		

Customer Service

Area of Focus	No Cost	Low Cost	Medium Cost
Staff trained on accessible customer service		X	
Multiple ways for customers to give feedback	X		
Appropriate and respectful language	X		
Let customers know that they can ask for assistance	X		
Never pet a service animal	X		
Have a pen and paper on hand	X		
Electronic payment devices with accessible features		X	
Online shopping		X	
In-home service	X		
Weekly delivery service		X	
Quick pick-up	X		
Appointment option	X		

		Date Req'd
Information Purposes	X	Sept. 7 '21
Policy / Action Req'd		
Strategic Plan		

Building Interior

Area of Focus	No Cost	Low Cost	Medium Cost
Sufficient and well placed lighting		X	
Good Visual Contract		X	
Paths of travel free from obstacles	X		
Easy navigation for wheelchairs, scooters, and walkers	X		
Goods within easy reach	X		
Price tags in large font	X		
Accessible signage and wayfinding information		X	
Seasonal / transition mats level with the floor surface	X		

Documents

Area of Focus	No Cost	Low Cost	Medium Cost
Minimum 12 point, sans serif fonts	X		
No highly stylized typefaces	X		
Left justify all text	X		
Good visual contrast between text and background	X		
Avoid putting text over images	X		
Use images to support your text	X		

Alternatives:

None



		Date Req'd
Information Purposes	X	Sept. 7 '21
Policy / Action Req'd		
Strategic Plan		

Financial Implications:

The Town offers Community Improvement Plan grants to Downtown property owners. One of the grants available is for making accessibility improvements. This grant is a matching grant of 50% up to a maximum of \$5,000. Therefore, if accessibility improvements cost a total of \$10,000, the Town would provide \$5,000 as a grant. Since 2018, the Town has approved \$83,500 in accessibility grants through the Community Improvement Plan, of which \$75,500 have been for the Downtown Area.

Environmental Implications:

- None

Attachments:

- The Business of Accessibility – How to Make Your Main Street Business Accessibility Smart

Submitted by:

Matthew Armstrong
Chief Administrative Officer & Treasurer

The Business of Accessibility

How to Make Your Main Street Business Accessibility Smart



Produced by
The Ontario BIA
Association

The Business of Accessibility

How to Make Your Main Street
Business Accessibility Smart

Produced by
The Ontario BIA Association

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) requires businesses with one or more employees to meet a number of accessibility requirements in the areas of customer service, information and communications, employment, and the built environment. The AODA Design of Public Spaces (DOPS) does not only apply to a building's physical structure and businesses are not required to do retrofits. However, there are many ways businesses can be more accessible and inclusive of all customers.

This handbook offers no cost and low cost suggestions, gathered from those with first-hand experience, to inspire businesses to become more inclusive of people with access needs.

The Ontario BIA Association (OBIAA) acknowledges the guidance provided by the Accessible Main Street Project Advisory Committee, the project leadership of Constance Exley (Accessibility Services Canada), and the financial support of the Ontario Government.



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www.OBIAA.com

1-866-807-2227



This handbook was produced with support from the Government of Ontario.

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*Often the greatest limitation of a person’s ability
is the attitudes of other people.*

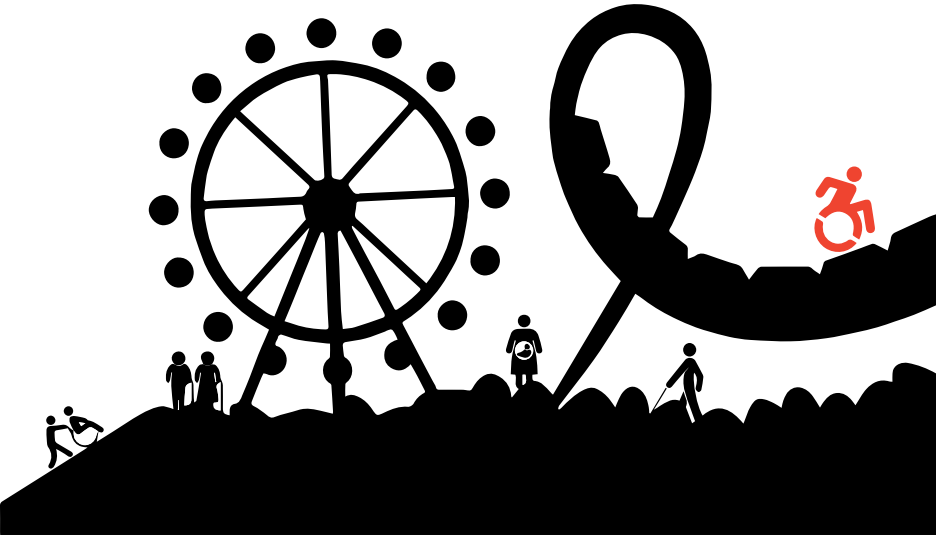
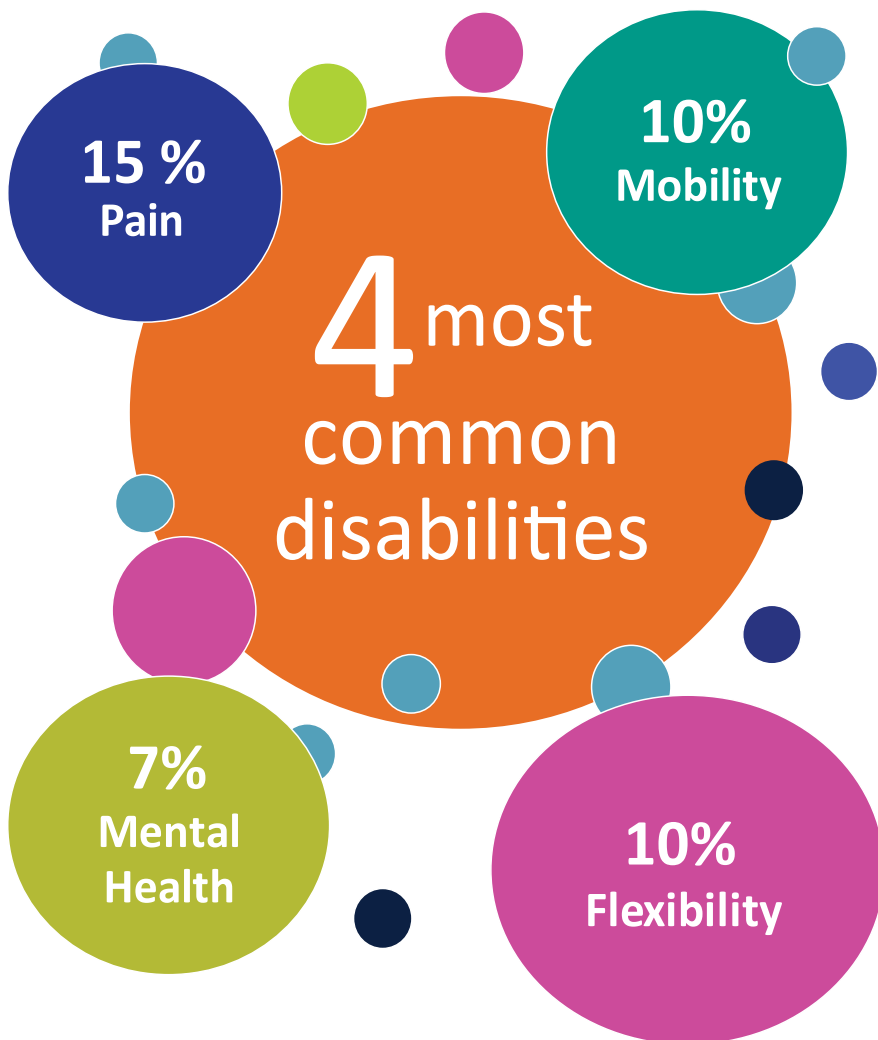


Illustration: [Accessibility Services Canada](#)



53% of the population in Ontario has a disability or is related to someone who has a disability.¹

¹ <https://tgam.ca/2Ep8WsW>

Accessibility Matters

As a business, your success depends on making sure that your customers have a positive experience. Taking measures to improve the accessibility of your business will make you more attractive to people who have access needs, as well as their friends, families, and colleagues.

It is true that many people benefit from a step-free building, or one that has a ramp, including wheelchair users, parents with strollers, or delivery providers. It is also true that many of your customers have access needs that have nothing to do with ramps, for example someone with hearing loss, dementia, or diminishing vision, or a concussion.



Everyone knows that Canada's population is aging. 33% of boomers will retire with at least one disability¹ and the demand for greater accessibility will continue to increase.

People with disabilities and aging consumers are a large and growing group. They want to spend money in their communities and they are very loyal to businesses that meet their needs. Businesses would do well to attract these potential customers by removing as many access barriers as possible, especially since many barriers can be so easy to remove once you know about them.

Accessibility encompasses more than renovations. Simple no-cost, low-cost modifications can quickly improve access and we invite you to consider the tips and best practices offered in this booklet, as well as the resources provided at the end.

¹ <https://bit.ly/2tJY9oh>

Frequently Asked Questions

Who is this handbook for?

For any business, professional, or organization and its staff. Everyone has a role to play in making a business welcoming of all customers.

Why is accessibility important to my business?

Accessibility = business! People with access needs will choose a business where they feel welcome and where they can easily get the products and services they want. Remember: **A happy customer tells a friend but an unhappy customer tells everyone!**

Do I have to make my business accessible?

Yes, actually you do. The Accessibility for Ontarians with Disabilities Act (AODA) requires all organizations with one or more employees to meet a number of accessibility requirements in the areas of customer service, employment, training, information, communications, and more. As well, the Ontario Human Rights Code requires you to accommodate individuals with disabilities ‘to the point of undue hardship’. However, you do not need to retrofit your space. For more information on your legal obligations, see the Resources section at the end of this handbook.

My business is in a building with a lot of steps so I can’t be accessible to people with disabilities. Or can I?













Many people, with or without a disability, would benefit from a ramp but many of your customers have access needs that have nothing to do with steps. This includes customers who have hearing loss, are partially sighted, have a learning disability, or live with chronic pain.

About 1% of Ontarians use a wheelchair or scooter as their primary mode of transportation so access issues are not always about door widths, ramps and elevators.¹

¹ <https://bit.ly/2SzWWtJ>

Three Features of an Accessible Business

1. **Welcoming and friendly staff** who have had accessibility training. (Customer Service)
2. **Easy to access information** on the accessibility of the business's space, products and services. (Information and Communications)
3. **Accessibility considerations** given to the design and layout. (Built Environment)

	Permanent	Temporary	Situational
Touch	 One arm	 Arm injury	 New parent
See	 Blind	 Cataract	 Distracted driver
Hear	 Deaf	 Ear infection	 Bartender
Speak	 Non-verbal	 Laryngitis	 Heavy accent

Microsoft Inclusive Design Toolkit

Who benefits from accessibility?

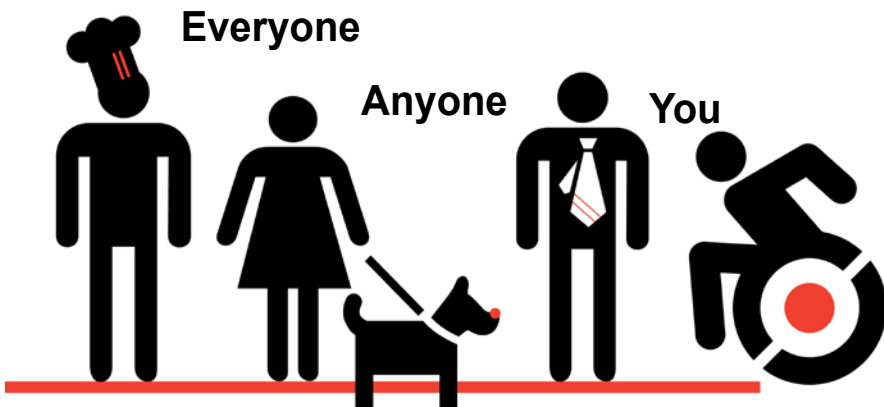


Illustration: [Accessibility Services Canada](#)



Heritage & Second Floor Businesses

There are many businesses in Ontario that operate in a heritage building or on a second floor. While most of those buildings do not have an elevator or an accessible entrance, such barriers do not affect 90% of people with disabilities. Examples of common access needs include requiring large print, needing additional lighting or a reduction in background noise.

If you are thinking of making some renovations to a heritage building, work with accessibility and conservation specialists, as well as individuals with disabilities, to find the most appropriate, barrier free renovations. Your municipal Planning and Building Departments and local Accessibility Advisory Committee can also be tremendously helpful in coming up with creative solutions.



Shortly after Savon Dubois opened its business in Uxbridge, owner Anne Dubois got a ramp made to address the step at her entrance. As luck would have it, Savon Dubois is connected to its neighbour, Blue Heron Books, by an inside, accessible door. This has allowed the bookstore to welcome customers who had previously not been able to get in because of the three steps at their door.

Building Exterior

Doorway Tips



- Use lever door handles.
- Choose doors that can be opened with one hand only.
- Make doorways as wide as possible. 38 inches is the required minimum width for a wheelchair.
- Make door frames colour contrasting to the walls or surfaces around them.
- Put signs, logos, or coloured strips on glass and glazed doors.
- Install a doorbell with appropriate signage if you don't have automatic doors.
- Use a secondary entrance if you have one that is wider and step-free. Post directional signage.

Entrance Tips

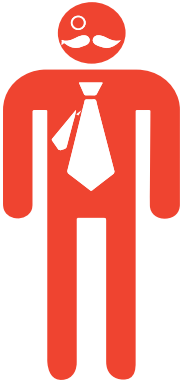
- Create a permanent, sloped entry way.
- Make your own temporary ramp or get a lightweight and roll-up ramp from suppliers, such as MobilityBasics.ca, StopGap, or Staples.
- Have good lighting and no shadows.

Path of Travel Tips

- Make sure the path from the parking area is smooth, level, and non-slip.
- Sandwich boards, freestanding movable signs, merchandise racks, etc. should be avoided if possible or placed outside the path of travel.
- Planters can be used to draw attention and direct attention to your entrance but ensure that they are out of the main path of travel and do not narrow the entrance way.



Customer Service



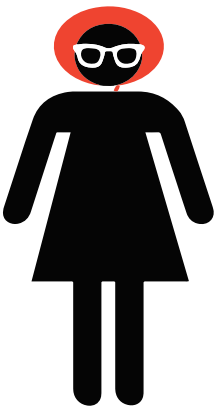
Between 2016 and 2041, the number of seniors aged 65 and over is projected to more than double.

Aging baby boomers account for 33% of the population but 55% of the discretionary income.¹

¹ <https://bit.ly/2N7wyZu>



1/3 of Ontarians over the age of 65 have a disability.



70% of disabilities are non-apparent.²

² <https://bit.ly/2HN7vo8>

Be creative about the ways you can serve customers who cannot get into your location.

- Offer online shopping on your accessible website.
- Serve a customer outside if it is a small item.
- Shop for the customer and bring the goods to them.
- Offer in home service.
- Let customers call you with a list of what they want and have their shopping ready for a quick pick up.
- Offer a weekly delivery service or alternate drop off location.
- Allow a customer to book an appointment instead of waiting in line.

Invite customers to contact you if they are having difficulty accessing your goods or services.

Illustrations: [Accessibility Services Canada](#)

Service Animals

Service animals assist people with a wide range of disabilities and illnesses, including autism, diabetes, epilepsy, anxiety and post-traumatic stress disorder (PTSD). The most common type of service animal is a guide dog, but other animals can also serve in this role, such as rabbits, horses, cats, and parrots. Service animals don't always wear a vest or harness and, if necessary, you can ask for proof in the form of documentation. Note that if you have a no-pet policy, it cannot apply to a service animal.



Don't Assume...

- That a person with a disability needs assistance. Always ask first.
- That only people with white canes or accompanied by service animals have low or no vision.
- That a person who is unable to speak clearly is unable to understand.
- That a person having difficulty speaking or is slurring words is inebriated. There could be many reasons, including a stroke or a recent trip to the dentist.
- That your staff know how to provide accessible customer service to people with various access needs. Train them - it's the law!

Customer Service Tips

- Never pet a service animal. They are working!
- Use electronic payment devices with accessible features, such as tactile and colour contrasting buttons, large print numbering, flexible cord (or cordless) for seated user, and voice activated.
- Have a pen and paper on hand to use as an alternative form of communication.
- Use 'people first' language, e.g. a person with vision loss.

Space Layout and Design

Consider redesigning the layout of your restaurant or shop, where possible, to allow your customers to comfortably circulate. In cases where your space has limitations, be ready to offer alternatives. For example, a staff member could offer to describe the layout of the space or read aloud the menu (or price tags). Keep aisles free from obstacles, such as boxes waiting to be unpacked.



Colour Contrast

Colour contrast and brightness are easy ways to increase the accessibility of your space - inside and out. The more visually different the colours, the greater the contrast.

Consider colour contrast in these areas:

- Door openings
- Walls
- Paths of travel
- Counters
- Signage
- Floor
- Display tables
- Steps

Aim for a colour and brightness contrast of at least 50%, but higher is better. The colour and brightness (overall lightness or darkness) contrast on signs should be at least 70%. See the Resources section for a colour contrast checker.

Service Counters and Waiting Areas

By law, all businesses must make both service counters and waiting areas accessible if they are building a new one or making major changes to an existing one. Service counters, either indoors or outdoors, can be desks or counter spaces where people have face to-face conversations with staff to receive service, such as reception desks, ticketing windows, food service counters and check-out counters. Check the Resources section of this handbook to get more information on your AODA requirements in this area.

Learn about the accessibility requirements for buildings such as entrances, ramps, elevators and washrooms in Ontario's Building Code.

Customer Service Tips

- Have seating available for customers waiting for service.
- Organize your space so there is room for wheelchairs, scooters, and walkers to circulate easily.
- Have clear sight lines between the entrance and the counter so that staff can easily see when a customer needs assistance.
- Place goods, particularly the most popular ones, within reach of someone using a wheelchair or create a catalogue of your stock.
- Post a sign to tell customers when an accessibility feature is temporarily unavailable and who to contact for more information.
- Use a ramp inside your space if there are stairs.
- Create a queuing path that has a different surface or texture, and colour contrasts with the surrounding floor.
- Provide accessible signage and other wayfinding strategies.
- Print price tags and product labels in a minimum of 14pt font.



Mary Be Kitchen is a new business in Toronto's Yonge and St. Clair neighbourhood. Great attention and thought was given to accessibility in a number of areas, including a gradual, permanent, ramp to the front door, an automatic front door opener, a spacious interior layout and accessible washroom.

Mary Be Kitchen is one of many Toronto businesses profiled on [AccessTO.ca](https://www.accessTO.ca)



Seasonal Tips

- Occasional mats (e.g. runners used in bad weather) should be level with the floor surface and/or have a gently beveled edge, so as not to create a tripping hazard.
- Keep walkways, stairs, ramps and entrances clear of snow and ice.
- Use sand, not salt which is harmful to service animal paws.
- Ensure surfaces are firm and slip resistant.

Accommodations

Accommodations are required by law under the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act. Invite your customers to tell you if they want your information in alternative formats. For example, say “please ask us for this information in alternative formats” instead of “this information is available in alternative formats upon request”. And, don’t assume ‘alternative formats’ always means Braille - it could mean large print or in audio format.



The wheelchair accessible symbol was updated by the Accessibility Icon Project to display an active, engaged image, with focus on the person with disability.



A Day Downtown in a Wheelchair

Terry Guiel, ED of the Downtown Peterborough BIA, spent a day in a wheelchair to better understand the accessibility barriers people were

facing. “I found out quickly how hard it is to find a change room large enough for a wheelchair. I learned about fears of knocking over something expensive because the aisles are too close together. Curbs, railroad tracks and bumpy sidewalks actually hurt your insides. Some stores I couldn’t even enter, no matter how much I wanted to.”

Read more Terry’s experience and insights: <https://bit.ly/219AI78>

Information and Communications

Designing marketing materials, signage and websites that are both accessible and attractive is relatively easy if you follow a few key principles. Don't underestimate the impact that small changes, like increased font size, proper placement, and plain language can have.

Print and Digital Tips

- A minimum of 12 points (Arial equivalent), preferably 14-16 points for printed materials.
- Use easy-to-read fonts, such as sans-serif fonts (e.g., Helvetica, Verdana, Arial).
- Avoid using highly stylized typefaces.
- Avoid using lots of capital letters for more than a couple of words.
- Avoid underlining, all caps and italicizing large volumes of text.
- Left justify all text. Do not centre or fully justify.
- Aim for good visual contrast between text and background.
- Avoid putting text over images.
- Keep a good balance between space given to images versus text.
- Use images to support your text.
- When creating a Braille document, Grade 1 is recommended.



Website Tips

- Post images of your building (rooms, entrance, reception, customer area, key facilities and spaces) and your service (e.g.menu).
- Include a text alternative to describe each picture. Check that all the images on your website have ALT text.
- Give a clear text description or add a sentence to explain what the link is about. For example 'click here for details about our upcoming events.'

Signage Tips

- Use a plain (sans serif) font such as Arial, Helvetica and Verdana.
- Use good colour contrast between the sign background and the text.
- For people with vision loss, white lettering on a dark background is generally easier to read than dark lettering on a white background.
- Keep information short and simple.
- Use consistent placement of signs, generally at eye-level but above head level to be seen from a distance.
- Ensure signage is non-reflective.
- Ensure signs around your space are clearly visible and not obstructed or covered.
- Provide signage at each decision point where a choice of paths is available.
- Use symbols and pictograms, especially for common features, like exits and washrooms.
- Use Sentence case - an initial uppercase letter and then lowercase text.
- Avoid small font sizes – a minimum of 16 point for large print information and notices, and still bigger for signs, depending upon viewing distance.



Lighting

Lighting preferences and needs can vary from person to person. The same level of light may be fine for a fully sighted person, excessive for someone with glaucoma and too low for someone with macular degeneration. However, generally people require more light as they age and for some people sufficient lighting helps to prevent injuries and falls when navigating a space. People with hearing loss also need adequate lighting to lip-read and people with vision loss rely on good lighting to maximize their ability to see finer detail.



Lighting Tips

- Use uplighting and indirect lighting, reflecting light onto a ceiling or wall so as to not create strong shadows or glare.
- In general, provide illumination that is 25 to 50 percent higher than the standard illumination levels.
- Check light fixtures from all angles to ensure no glare or reflection.
- Place lights so that they are evenly distributed. Have task lighting in key places, such as counters and entry key pads.
- Put lighting on dimmers so that they can be adjusted as needed.
- Install blinds to prevent the glare of sunlight.
- Offer customers clip-on lights or a lighted magnifying glass for greater illumination.

Accessibility is a journey

Almost everyone will experience a disability at some point in their lives -

whether due to aging, a chronic disease, illness, or an injury. With seniors and people with disabilities representing 40% of Ontario's income over the coming years, a focus on access and inclusion is a smart and sustainable business investment.¹



1. Start with small, easy to implement changes. Make a plan for how you will accomplish other tasks in due course.
2. Get feedback from your customers on the changes you've made and ask if they have any other suggestions.
3. Let your customers know that they can ask for assistance with their access needs. Together you can find a suitable solution.
4. Ensure you are compliant with the Accessibility for Ontarians with Disabilities Act (see the Resources section to get more information).
5. Talk to your local BIA, fellow business owners, and disability organizations to identify other access barriers and the best ways to remove them.
6. Set aside a budget every year to make more costly accessibility improvements. Explore municipal, provincial and federal grants to match your budget.
7. And, tell your customers the ways in which you are accessible, including your service and delivery options, on-site wayfinding, amenities, website, signage, staff training, entrance, etc.

¹ <https://bit.ly/2N7wyZu>

All Access Downtown Guelph



Celebrating Accessibility in Downtown Guelph

The Downtown Guelph BIA has been working hard to increase the accessibility of its main streets and businesses. The BIA, in partnership with GAP (Guelph Accessibility Project) and the City of Guelph's "Age Friendly" initiative, held a one-day event to profile and celebrate the significant improvements made in their downtown's accessibility. The BIA created and distributed a map to the public which highlighted accessible parking, washrooms, curb cut-outs and benches. They also created an Accessibility Toolkit for their business members with excellent customer service tips.

OBIAA Accessibility Awards

People with disabilities and seniors hold the key to the economic and social prosperity of businesses and communities across Ontario. 53% of Ontario's population has a disability or is related to someone who has a disability. As business owners, residents, neighbours and friends, we are all being called on to be more responsive, creative, inclusive and forward-thinking.

For many years now, OBIAA has had a focus, along with its BIA members, to support main street businesses to become accessible - meeting their AODA obligations, diversifying their staff team, and removing built environment barriers. In 2015, OBIAA created an annual "Main Street Accessibility" Award to recognize demonstrated leadership by BIAs and businesses.

New in 2019!

OBIAA is a champion for accessibility. We strive to encourage and help our BIAs and their Business Members to become more accessible. What started as a category specific award is now a criteria for all Awards submissions.



Collingwood BIA was the first recipient of the "Main Street Accessibility" Award for their Streetscape Revitalization Project. This photo shows the redesigned sidewalks that allow for a clear, uninterrupted path of travel.

Accessibility Checklist

Entrances

	No Cost	Low Cost	Medium Cost
Accessible door hardware		■	
Automatic door opener			■
Non-slip, temporary ramps		■	
Good lighting		■	
Permanent sloped ramp			■
Hand railings			■
Colour contrast on door frame		■	
Signs, logos, or coloured strips on glass and glazed doors		■	
Doorbell		■	
Use secondary entrance if more accessible	■		
Directional signage	■		
Permanent, sloped entrance			■
Unobstructed paths of travel	■		
Smooth, non-slip paths		■	

Signage

	No Cost	Low Cost	Medium Cost
Large, clear font	■		
Plain language	■		
Good contrast	■		
Clearly visible	■		
Not obstructed or covered	■		
Not blocking paths	■		
Short, simple information	■		
Consistent placement	■		
Non-reflective	■		
Use pictograms	■		

Websites

	No Cost	Low Cost	Medium Cost
Post images of your building	■		
Include ALT text to describe pictures	■		
Clear explanation for links	■		

Customer Service

	No Cost	Low Cost	Medium Cost
Staff trained on accessible customer service		■	
Multiple ways for customers to give feedback	■		
Appropriate and respectful language	■		
Let customers know that they can ask for assistance	■		
Never pet a service animal	■		
Have a pen and paper on hand	■		
Electronic payment devices with accessible features	■	■	
Online shopping			
In-home service	■		
Weekly delivery service		■	
Quick pick-up	■		
Appointment option	■		

Building Interior

	No Cost	Low Cost	Medium Cost
Sufficient and well placed lighting	■		
Good visual contrast		■	
Paths of travel free from obstacles	■		
Easy navigation for wheelchairs, scooters, and walkers	■		
Goods within easy reach	■		
Price tags in large font	■		
Accessible signage and wayfinding information	■		
Seasonal/transition mats level with the floor surface	■		

Documents

	No Cost	Low Cost	Medium Cost
Minimum 12 point, sans serif fonts	■		
No highly stylized typefaces	■		
Left justify all text	■		
Good visual contrast between text and background	■		
Avoid putting text over images	■		
Use images to support your text	■		

Resources

Accessibility Legislation

Accessibility for Ontarians with Disabilities Act, 2005:

<https://bit.ly/2eKrmcN>

Ministry for Seniors and Accessibility: <https://bit.ly/1WUIE9>

Ontario Building Code (Section 3.8): <https://bit.ly/2GJdcas>

Ontario Human Rights Code: <https://bit.ly/1O4Rmfs>

Accessibility Resources

Ontario BIA Association: <https://bit.ly/2NoOhJN>

Dos and don'ts on designing for accessibility: <https://bit.ly/2caeHyl>

Illustrated Technical Guide to the Design of Public Spaces:

<https://bit.ly/2SZBNOM>

Clearing Our Path: Creating accessible environments for people impacted by blindness: <https://bit.ly/2Vi7xeC>

Facility Accessibility Design Standards (Mississauga, 2015):

<https://bit.ly/31yfqR4>

Technical Guide: Design of Accessible Public Spaces:

<https://bit.ly/2F6VuM4>

The Business Case to Build Physically Accessible Environments:

<https://bit.ly/2HoajHH>

WebAIM: Colour Contrast Checker: <https://bit.ly/2ALPtTp>

Guide for Small Business: Making Your Business Accessible for People with Disabilities: <https://bit.ly/2tEt2KE>

A Day Downtown in a wheelchair (Peterborough BIA):

<https://bit.ly/2I9AI7B>

Accessibility Services Canada: <https://accessibilitycanada.ca/>



Published 2019

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TTY: 416-325-3408 or 1-800-268-7095

Email: webpubont@ontario.ca

Accessible PDF version is available at www.OBIAA.com

Contact your local BIA for additional support and resources.

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 40-2021

**A BY-LAW TO ADOPT THE PROCEEDINGS OF THE COUNCIL
MEETING HELD ON SEPTEMBER 7, 2021**

WHEREAS, Section 5(3) of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that Council's powers shall be exercised by by-law; and

WHEREAS certain actions of Council do not require the enactment of a specific by-law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Town of Prescott enacts as follows:

1. Subject to Paragraph 3 of this by-law, the proceedings of the above-referenced Council meeting, including all Resolutions, By-laws, Recommendations, Adoptions of Committee Reports, and all other motions and matters decided in the said Council Meeting are hereby adopted and confirmed, and shall have the same force and effect, as if such proceedings were expressly embodied in this by-law.
2. The Mayor and Clerk are hereby authorized to execute all such documents, and to direct other officials of the Town to take all other action, that may be required to give effect to the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law.
3. Nothing in this by-law has the effect of conferring the status of a by-law upon any of the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who complied with the provisions of Section 5 of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50 respecting the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law shall be deemed to have complied with said provisions in respect of this by-law.

READ AND PASSED, SIGNED AND SEALED THE 7th DAY OF SEPTEMBER, 2021.

Mayor

Clerk