



APPROVAL BLOCK
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**CITY OF BELLEVILLE**  
**Matthew MacDonald**  
**Director Corporate Services/Clerk**  
**Corporate Services Department**  
**Report No. DCS-2020-08**  
**January 27, 2020**

**To: Mayor and Members of Council**

**Subject: Amended Code of Conduct Policy - Members of Council & Local Boards**

**Recommendation:**

“THAT pursuant to the Director of Corporate Services/Clerk’s Report No. DCS-2020-08, Council approve the ‘Code of Conduct for Members of Council & Local Boards Policy’; and

THAT By-law 2019-48 (Procedural By-law) be amended for Council’s consideration.”

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes. This report aligns with each of the City’s nine strategic themes and the City’s mission statement by providing innovative and efficient services in support of our community’s vision.

**Background:**

At the Regular Council meeting of November 25, 2019 Council received Director of Corporate Services/Clerk’s Report No. DCS-2019-54, Amended Code of Conduct Policy - Members of Council & Local Boards and deferred the amending By-law to January 2020 to allow review and input prior to Council’s consideration.

Since the Council meeting on November 25<sup>th</sup> no additional comment has been received by the Clerk’s office.

Previously at the Regular Council meeting of September 9, 2019 Council considered Director of Corporate Services/Clerk's Report No. DCS-2019-37, 'Code of Conduct for Members of Council & Local Boards Policy and approved the following resolution;

*"THAT the motion regarding the 'Code of Conduct for Members of Council & Local Boards Policy'; and amendment to By-law 2019-48 (Procedural By-law) be **TABLED** pending the revisions to the Draft 'Code of Conduct for Members of Council and Local Boards Policy' as noted and that the Integrity Commissioner review Section 15 "Advice and Opinions" of the Draft 'Code of Conduct for Members of Council and Local Boards Policy' and provide comment on the issues as noted for Council's consideration."*

Subsequent to this, minor amendments to the proposed Code of Conduct for Members of Council and Local Boards Policy were made by staff and clarification was requested of the Integrity Commissioner on the initial submission. The Integrity Commissioner previously provided a response to Council's questions and the amended policy is again before Council for review and consideration.

A condition of the Request for Proposal (RFP) award appointing the City's Integrity Commissioner was the review of the 'Council Code of Conduct', which currently forms part of the Procedural By-law as Schedule A.

At its Regular meeting on June 25, 2019 Council received correspondence from the City's Integrity Commissioner related to his review of the City's current 'Council Code of Conduct' in which it was proposed to amend or replace the current 'Council Code of Conduct' in an effort to ensure compliance with all legislative and regulatory requirements. *The Municipal Act, 2001, Ontario Regulation 55/18* prescribes the subject matters that shall be included in each municipality's Code of Conduct applicable to members of Council and Local Boards (including Committees of Council); gifts, benefits and hospitality; respectful conduct, including conduct toward officers and employees of the municipality or local board; confidential information; and the use of property of the municipality or the local board.

As a result Council directed the Integrity Commissioner to prepare a new Code of Conduct for Members of Council and Local Boards for Council's consideration (attached). The approval and implementation of the proposed Code of Conduct for Members of Council & Local Boards would require an amendment to the City's Procedural By-law 2019-48 removing Schedule "A", being the current 'Council Code of Conduct'.

To ensure that all appointed Committee and Board members that the proposed Code of Conduct would be applicable to if approved by Council are aware of the amendment it is proposed that the Code of Conduct be provided to all of the staff lead/resources to the Committees and Boards with the direction that the Code of Conduct be placed on their next Agenda as an item to be received.

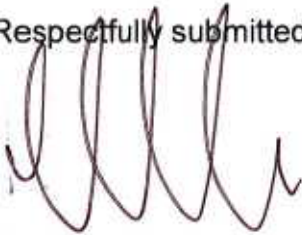
**Financial/Analysis:**

N/A

**Conclusion:**

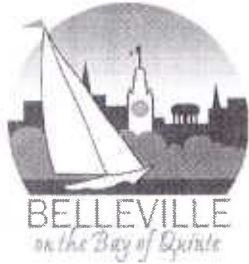
Management is recommending that Council approve the amended Code of Conduct for Members of Council & Local Boards Policy and that By-law 2019-48 (Procedural By-law) be amended for Council's consideration.

Respectfully submitted,



Matthew MacDonald  
Director Corporate Services/Clerk

attachment: Revised Code of Conduct for Members of Council & Local Boards Policy



## **City of Belleville**

**Subject:** **Code of Conduct for Members of Council and Local Boards**

**Dated:** **September 2019**

**Revised:**

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### **1.0 PURPOSE AND POLICY STATEMENT**

The Corporation of the City of Belleville is committed to achieving the highest quality of municipal administration and governance by encouraging high standards of conduct on the part of all elected officials and members of its Local Boards. A code of conduct aims to ensure public trust and confidence in the Municipality's decision making and operations. The public should expect the highest standards of conduct from the members they elect to local government, as well as members serving on Local Boards, Commissions and Committees. In turn, adherence to these standards will protect and maintain the Municipality's reputation and the integrity of its decision-making process.

### **2.0 STATUTORY PROVISIONS REGARDING CONDUCT**

In addition to the Council Code of Conduct, Members are required to comply with existing provincial and federal legislation, including but not limited to:

- a) Municipal Act;
- b) Municipal Conflict of Interest Act;
- c) Municipal Elections Act;
- d) Municipal Freedom of Information and Protection of Privacy Act;
- e) Ontario Human Rights Code;
- f) Ontario Occupational Health and Safety Act;
- g) Criminal Code of Canada; and
- h) The Accessibility for Ontarians with Disabilities Act.

### **3.0 APPLICATION**

This Code of Conduct applies to all Members of Council, including the Head of Council. It also applies equally to all Members of Local Boards, Commissions and Committees of the Municipality, whether or not a Member of that Local Board or Committee is also a Member of Council.

#### 4.0 DEFINITIONS

In this Code of Conduct, the following terms have the meanings set out below:

- a) **“Chief Administrative Officer” or “CAO”** means the employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council.
- b) **“Child”** includes a child born within or outside of marriage and includes an adopted child and a person to whom the Member has demonstrated a settled intention to treat as a child of his or her family.
- c) **“Closed/In-Camera Meeting”** means any meeting of Council, Committee of the Whole, Standing Committee or Board that is closed to the public in accordance with the *Municipal Act, 2001*.
- d) **“Confidential Information”** includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at Closed Meetings, information that is marked as "confidential", information obtained by the Member by virtue of their position as a Member that is not in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.
- e) **“Department Head”** means the person or persons in charge of managing a department and the Staff of that department.
- f) **“Council”** means the Council of The Corporation of the City of Belleville.
- g) **“Ethical” or “Ethically”** means behaving in a manner characterized by honesty, fairness and equality in interpersonal relationships and with respect for the dignity and rights of other people.
- h) **“Family Member”** includes any of the following, whether by birth, marriage or adoption:
  - i. A Spouse of the Member;
  - ii. A Child of the Member;
  - iii. A Parent of the Member;
  - iv. A Sibling of the Member, whether by birth, marriage or adoption;
  - v. A Grandchild, grandparent, aunt, uncle, niece or nephew of the Member;
  - vi. A Parent-in-law of the Member; and

- vii. Any person who lives with the Member on a permanent basis.
- i) **“Gift”** means any cash or monetary equivalent, fee, favour, object of value, service, personal benefit, travel and accommodation or hospitality. A gift does not include remuneration.
  - j) **“Harassment”** includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*, and in accordance with the City's Harassment Policy as amended from time to time.
  - k) **“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority, as defined in section 1 and limited by section 223.1 of the *Municipal Act*, as amended from time to time.
  - l) **“Member”** includes an elected or appointed member of the Municipal Council and all members of Local Boards of the Municipality, subject only to section 4(k) of this Code of Conduct.
  - m) **“Municipality”** means The Corporation of the City of Belleville.
  - n) **“Parent”** includes those persons who demonstrated a settled intention to treat as a Child the Member, whether or not the Member is their natural child.
  - o) **“Sibling”** means a sister or brother of the Member and includes a sibling who is adopted.
  - p) **“Spouse”** means a person to whom the Member is married or with whom the Member is living in a conjugal relationship outside of marriage.
  - q) **“Staff”** includes anyone employed by the Municipality, including full-time, part-time, temporary, casual or seasonal Staff, contract Staff, students and volunteers (in accordance with the *Municipal Act*). Council Members are not considered employees of the Municipality.

## 5.0 CONFIDENTIALITY

- 5.1 Every Member must hold in strict confidence all Confidential Information acquired as a direct or indirect result of the Member's role with the Municipality. Confidential information shall not be disclosed except when required by law, or when authorized by Council or the Chief Administrative

Officer.

- 5.2 Every Member shall keep confidential any information that is:
- a) disclosed or discussed at a meeting of Council, Committee of the Whole or Committee, Board meeting or part thereof, that was closed to the public;
  - b) circulated to members of Council that is marked confidential;
  - c) received in confidence verbally in preparation for an In-Camera meeting.
- 5.3 Any documentation marked confidential shall be kept secure until no longer required in the course of business and shall at that time be destroyed by the member of Council or returned to the office of the Chief Administrative Officer for destruction.
- 5.4 The obligation to keep information confidential applies even if the Member ceases to be a Member for any reason.

## **6.0 GENERAL CONDUCT**

- 6.1 Every Member has the duty and responsibility to treat members of the public, Staff and each other in a respectful manner, without abuse, bullying, Harassment or intimidation.
- 6.2 A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of Staff, or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.
- 6.3 Every Member shall abide by the following principles:
- a) Members shall at all times act Ethically;
  - b) Members shall perform their functions with integrity, accountability and transparency;
  - c) Members shall comply with all applicable legislation, by-laws and Municipal policies, including this Code of Conduct;
  - d) Members acknowledge that the public has a right to open government and transparent decision-making;
  - e) Members shall at all times serve the interests of their constituents and the Municipality in a conscientious and diligent manner and shall approach decision-making with an open mind; and
  - f) Members shall not extend preferential treatment to any individual or organization.

## 7.0 CONDUCT AT MEETINGS

Every Member shall conduct themselves with decorum and professionalism at all Council, Committee, Board and other meetings in accordance with the provisions of the applicable Procedural By-law, this Code, and other applicable law.

## 8.0 CONDUCT AT PUBLIC EVENTS

Members may be requested to make public presentations outside of Council, Committee, Board and other meetings or to attend public events as representatives of the Municipality. At any such event, every Member shall conduct themselves with dignity and decorum, in a manner befitting of a representative of the Municipality.

## 9.0 CONFLICT OF INTEREST

9.1 Members must be familiar with and comply with the *Municipal Conflict of Interest Act*, as amended. It is the responsibility of each Member, not Staff, to determine whether they have a direct or indirect pecuniary interest with respect to matters arising before Council, a Board or Committee. Each Member shall determine whether he or she has a direct or indirect pecuniary interest and shall at all times comply with the Act.

9.2 For purposes of this Code, a pecuniary interest, direct or indirect, of a Family Member of the Member shall be deemed to also be the personal/pecuniary interest of the Member. All Members shall declare a conflict of interest where they or their Family Member has a pecuniary interest in a matter and shall take all of the actions prescribed in the *Municipal Conflict of Interest Act* as if the Act applied to that interest.

9.3 In addition to pecuniary interests, Members must perform their duties impartially, such that an objective, reasonable observer would conclude that the Member is exercising their duties objectively and without undue influence. Each Member shall govern their actions using the following as a guide:

- a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your personal interests and the interests of other Members, Staff, friends, business colleagues or Family Members;
- b) interpret the phrase "conflict of interest" broadly and with the objective of making decisions impartially and objectively;
- c) if there is doubt about whether or not a conflict exists, seek the advice of the Integrity Commissioner or independent



- d) legal counsel at the Member's expense;
- d) do not make decisions that create an obligation to any other person who will benefit from the decision;
- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals;
- f) do not put yourself in the position where a decision would give preferential treatment to other Members, Staff, friends, business colleagues or Family Members, or any organization that might indirectly benefit such individuals; and
- g) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect personal interest.

9.4 Direct or indirect personal interests do not include:

- a) a benefit that is of general application across the Municipality;
- b) a benefit that affects a Member or his or her Family Members, friends or business colleagues as one of a broad class of persons; or
- c) the remuneration of Council, a Member or benefits available to Council or Members.

9.5 Every Member has the following obligations:

- a) To make reasonable inquiries when there is reason to believe that a conflict of interest may exist;
- b) To make Council or the Board or Committee aware of the potential conflict of interest and where appropriate declare the conflict of interest;
- c) To refuse to participate in the discussion of Council, the Board or Committee and to not vote on the matter or seek to influence the vote of any other Member where a conflict of interest exists;
- d) To refuse to be involved in any way in the matter once the conflict is identified, including without limitation participating in meetings, facilitating meetings or introductions to Staff or Members or providing advice to any person that would materially advance the matter;
- e) If the matter which creates the conflict of interest is discussed in an In-Camera session, the Member may not

- attend that portion of the In-Camera session where that matter is discussed; and
- f) At a meeting at which a member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk of the Corporation or the Secretary of the Local Board, Commission or Committee, as the case may be.

## **10.0 COMMUNICATIONS AND MEDIA RELATIONS**

- 10.1 Members, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Board or Committee, even if a Member disagrees with a majority decision, so that there is respect for and integrity in the decision-making process.
- 10.2 Information related to decisions and resolutions of Council, a Board or Committee, as the case may be, will normally be communicated to the community by the head of Council, the Board or the Committee Chair, as the case may be, or his or her designate.
- 10.3 It is not the intent of this Code of Conduct to restrict the ability of a Member to express a personal opinion on matters of general interest. In such cases, the Member must make it clear that the comment is not being made as a representative of the Municipality.
- 10.4 In no event should a Member express a position that is disrespectful of the decision of the majority of Council, a Board, a Commission, or a Committee.
- 10.5 Any use of social media in any form by a Member constitutes communication with the public that is governed by this Code of Conduct. Members shall identify in any social media communication that the views expressed by the Member are the views of that Member personally, and do not represent the views of the Municipality.
- 10.6 If Council has taken a position in a Court, Local Planning Appeals Tribunal, or other tribunal, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no Member who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter.

## 11.0 INTERACTION WITH STAFF

- 11.1 The Corporation of the City of Belleville will promote a respectful, tolerant, harassment-free relationship and workplace between members of Council and the officers and employees of the corporation.
- 11.2 Members shall not:
- a) maliciously or falsely injure the professional or ethical reputation of Staff;
  - b) compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or
  - c) use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member.
- 11.3 Operational inquiries and complaints received from the public will be addressed by Members as follows:
- a) Members who are approached by the public with inquiries/complaints regarding operational matters may encourage the party to contact the appropriate department in writing for review/resolution;
  - b) where the Member of the public is reluctant to contact the department directly, the Member may take the person's name, phone number and details of the inquiry/complaint and advise them that the matter will be referred to the CAO for review/resolution;
  - c) where the inquiry/complaint is not resolved to the satisfaction of the member of the public, then the Member may refer the member of the public to the CAO to address any further action required if he/she deems it necessary.
- 11.4 Members may recognize and respect that many members of Staff are bound by professional associations to a code of ethics and professional conduct and that they provide their reports and recommendations objectively, in the best interests of the Municipality and within the requirements of their profession.
- 11.5 Municipal Council, acting as a body, through a Council motion, can dictate that Staff perform such duties as are necessary for the efficient management of the affairs of the community, and/or research such matters as the Council deems necessary. Such direction shall be made through the CAO. Individual Council members do not have authority to direct Staff or the CAO.
- 11.6 Local Board and Committee Members do not have the authority to direct

Staff, with the limited exception of any Staff member assigned by Council to that Board or Committee in an administrative capacity only. Ultimately, Council retains the discretion to assign, remove and direct Staff who provide assistance to any Board or Committee. Requests for Staff changes or resources shall be directed to the CAO who shall make Staffing determinations and consult with Council as necessary.

- 11.7 The role of the CAO and Department Heads is to direct the day to day management of the Municipality and assign duties to the Staff placed under their supervision. To encourage the efficient management of the Municipality, individual Members adhere to the following:
- a) Members will respect and adhere to the policies set by Council, and will under no circumstances take it upon themselves, individually, to circumvent established policies.
  - b) Council, as a body, and Members, as individuals, will liaise with the CAO, Department Heads, or Supervisors only. This requirement is not designed to interfere with the normal flow of information with those Staff members (Administrative Assistants, Clerk, Committee Secretaries) who have been assigned the responsibility of providing information to Members such as meeting times, copies of documents, information on standard operating procedures, etc.
  - c) Questions or issues surrounding operational concerns or complaints, excluding the basic issues covered in paragraph 11.3 above, should be directed to the Department Head or Supervisor.
  - d) Members who still have concerns about operational issues, after addressing them with the Department Head or Supervisor, should raise these concerns with the CAO.
  - e) Members who still have concerns about operational issues after addressing them with the CAO should raise these concerns at the appropriate Committee.
  - f) Should information be required by individual Members, a request must be made of the appropriate Department Head who will then decide which Staff member will obtain the data. In the extended absence of the Department Head, or in the case of an urgent matter where the Department Head or Supervisor is not available, inquiries should be directed through the CAO.
  - g) Members should respect the time of Staff and should refrain from engaging them in extensive conversations, emails or phone calls that would divert Staff from their duties.

## 12.0 USE OF MUNICIPAL PROPERTY

- 12.1 No Member shall use or permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with the discharge of Municipal duties or associated community activities of which Council has been advised, unless the use is reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, etc., where the Municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- 12.2 This policy does not apply to the use of Municipal property and facilities where such use is universally known to be available to other residents upon request and on equal terms.
- 12.3 No Member shall obtain financial gain from the use of Municipally developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the Municipality.
- 12.4 Municipal property and resources, including facilities, purchasing provisions, equipment, supplies, Staff (during working hours), and services will not be used for any election campaign activities, before or after Nomination Day. This also prohibits a Member from using:
  - 12.4.1 City-owned electronic devices, including corporate information technology assets, infrastructure, or data (i.e. computers, wireless devices, portals, corporate email, web pages, social media - including Facebook, Twitter and Instagram and blogs), telephone, and voicemail;
  - 12.4.2 City symbols and trade-marks, including on printed and electronic campaign materials;
  - 12.4.3 Communications, publicity, photographic or video material, websites or domain names containing the name, photograph or identity of a registered candidate;
  - 12.4.4 Signs, election promotion in City owned buildings, unless the location is rented according to City procedures and fees, which have been paid from the candidate's election account.
- 12.5 Members will not undertake campaign-related activities on municipal property unless permitted by the returning officer or their designate.

12.6 Members will not use the services of Staff for election-related purposes during hours in which those persons receive compensation from the Municipality. For purposes only of this provision, Staff shall include any person under contract with the Municipality or receiving remuneration from the Municipality for any service.

### **13.0 EXPENSES**

13.1 Members are required to adhere to any relevant policies, procedures and guidelines with respect to any expenses including, but not limited to, mileage reimbursement, conference and seminar attendance, and corporate promotional products.

13.2 Falsifying of receipts or signatures by a Member is a serious breach of this Code of Conduct and the Criminal Code of Canada and could lead to prosecution.

### **14.0 GIFTS AND HOSPITALITY AND OTHER BENEFITS**

14.1 The objective of the Gift provisions is to ensure that Members make Council decisions based on impartial and objective assessments of each situation, free from influence of Gifts, advantages, or benefits of any kind.

14.2 Any stipend paid to a Member is intended to fully remunerate the Member for service to the Municipality.

14.3 Members are prohibited from soliciting, accepting, offering or agreeing to accept any Gifts, advantages, or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of duties of office or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Member.

14.4 Members are prohibited from accepting, directly or indirectly, Gifts, advantages, or benefits of any kind that are offered by persons, groups or organizations having dealings with the Municipality.

14.5 The above policy does not preclude Members from accepting:

- a) Token gifts, souvenirs, mementoes or hospitality received in recognition for service on a committee, for speaking at an event or for representing the Municipality at an event;
- b) Political contributions that are otherwise offered accepted and reported in accordance with applicable law;
- c) Food and beverages at meetings, banquets, receptions,

- d) ceremonies or similar events;
- d) Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards, commissions and committees;
- e) A stipend from a board or commission that the Member serves on as a result of an appointment by Council;
- f) Reimbursement of reasonable expenses incurred in the performance of office;
- g) Reimbursement of reasonable expenses incurred, and honorariums received in the performance of activities connected with municipal associations;
- h) Gifts of a nominal value that are received as an incident of protocol or social obligation that normally and reasonably accompany the responsibility of the office;
- i) Services provided without compensation by persons volunteering their time for election campaigns, provided the services are properly valued in accordance with the *Municipal Elections Act*.

14.6 Where it is not possible to decline unauthorized Gifts, Members shall immediately report the matter to the CAO. The Gift shall become the property of the Municipality and the CAO may require that the Gift be retained by the Municipality or be disposed of for charitable purposes in the CAO's sole discretion.

## 15.0 ADVICE AND OPINIONS

15.1 Members may request advice or opinions from the Integrity Commissioner with respect to:

- a) The obligations of the Member under the *Municipal Conflict of Interest Act*;
- b) The obligations of the Member under this Code; or
- c) The obligations of the Member under a procedure, rule or policy of the Municipality governing the Ethical behavior of the Member.

15.2 Every request for advice or opinion shall be submitted in writing to the Clerk, who shall forward the request to the Integrity Commissioner for a response. In the event that the Member wishes to keep the content of the request confidential, he/she can submit their request directly to the Integrity Commissioner, and advise the Clerk that a request has been made.

15.3 The Integrity Commissioner shall not provide to any Member any advice or opinion with respect to the obligations of another Member.

15.4 Members shall be mindful of the cost to the Municipality to obtain the advice or opinion of the Integrity Commissioner and shall not abuse this

entitlement.

- 15.5 The advice and opinions received by any Member are personal to the Member and are considered confidential. No opinion or advice may be shared by the Integrity Commissioner without the written permission of the Member who requested the opinion or advice. The Member has no obligation to share the advice received from the Integrity Commissioner with any other Member or individual.
- 15.6 The Member may grant permission to share part of an opinion or advice, but in circumstances where the Member shares only a portion of an opinion or advice the Integrity Commissioner may release all or a part of the opinion or advice without the consent of the Member.
- 15.7 Council may require any Member to undertake training with the Integrity Commissioner where Council determines that the Member has requested opinions and advice more frequently than is reasonable in the circumstances. The nature of the training will be to better explain the Member's obligations under this Code and the *Municipal Conflict of Interest Act* to better enable the Member to govern his or her conduct without seeking advice unnecessarily.

## **16.0 ROLE OF THE INTEGRITY COMMISSIONER**

- 16.1 The Integrity Commissioner shall be appointed by By-law of the Municipality.
- 16.2 The Integrity Commissioner shall operate independently of Council in accordance with all of the authority and powers granted by the *Municipal Act* and the *Public Inquiries Act*.
- 16.3 The Integrity Commissioner may delegate his or her duties and powers to any person, other than a Member. The delegation shall be in writing, shall be disclosed to the Clerk and shall set out the precise delegation, including the duration of the delegation.
- 16.4 Any delegation shall be at the sole discretion of the Integrity Commissioner, provided that the delegate is qualified and capable of independently undertaking the work.
- 16.5 The Integrity Commissioner shall make an assessment prior to undertaking any investigation as to whether the complaint gives rise to the need for another entity to undertake an investigation. In those circumstances where the allegations disclose a potential Criminal Code offence or the breach of other legislation (other than the *Municipal Conflict of Interest Act*), the Integrity Commissioner shall refer the investigation to



the appropriate entity and shall not conduct his or her own investigation unless the entity determines that no investigation is required.

- 16.6 The Integrity Commissioner shall prepare and submit to Council an Annual Report that shall include at a minimum:
- a) A break-down of costs incurred for the following categories of work performed (advice/investigations/dispute resolution/training);
  - b) A summary of the nature of requests made and the resolution of the matters, without providing any Confidential Information in the Report; and
  - c) Any recommendations for improvements to this Code or processes or any procedure, rule or policy of the Municipality governing the Ethical behavior of Members.

## 17.0 ENFORCEMENT AND SANCTIONS

17.1 Every Member shall comply with the Code of Conduct and the MCI. Any breach of the Code or the MCI may be the subject of an investigation or inquiry by the Integrity Commissioner.

17.2 Every Member has an obligation to cooperate with any investigation or inquiry.

17.3 The *Municipal Act* authorizes Council to impose one or more of the penalties listed below, if so desired, on a Member that has contravened the Code of Conduct:

- a) A reprimand; or
- b) Suspension of the remuneration paid to the Member in respect to his or her services as a Member of Council, local Board or Committee, as the case may be, for a period of up to 90 days.

17.4 The Integrity Commissioner may also recommend that Council impose any of the following sanctions in relation to a breach of the Code of Conduct:

- a) Written and/or verbal public apology;
- b) Return of property or reimbursement of its value or of monies spent;
- c) Removal from membership of any Committee or Board;
- d) Removal as chair of a Committee or Board;
- e) Other sanctions that are reasonably connected to the breach of the Code of Conduct and which the Integrity Commissioner believes in his or her sole discretion are necessary to modify the behavior of the Member.

## 18.0 NO REPRISAL OR OBSTRUCTION IN THE ENFORCEMENT OF THE CODE

Every Member must respect the integrity of this Code of Conduct and inquiries and investigations conducted under it, and shall co-operate in every way possible in securing compliance with its application and enforcement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of any of his or her responsibilities, including without limitation destroying or failing to disclose relevant information.

## 19.0 COMPLAINT PROTOCOL

Appendix I outlines the informal and formal complaint procedure that shall be followed for complaints under the Code of Conduct and MCIA.

### (a) Code of Conduct

Any person who has reasonable grounds to believe that a Member has breached this Code of Conduct may proceed with a complaint and request an investigation. Complaints must be submitted within ninety (90) days after the alleged violation occurred or the alleged violation came to the attention of the complainant. No complaint may be filed under any circumstances where the alleged violation occurred more than six (6) months prior to the complaint being filed.

### (b) Municipal Conflict of Interest Act

An elector, as defined in section 1 of the MCIA, or a person demonstrably acting in the public interest may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a Member, and such request must be made within six weeks after the applicant became aware of the alleged contravention.

### (c) Election Period

On or after Nomination Day until the end of Voting Day in the year of a municipal election:

- i. no complaint under the Code or application under the MCIA shall be filed;
- ii. the Integrity Commissioner shall not report to the Municipality about an ongoing investigation or inquiry;
- iii. the Municipality shall not consider whether to impose any penalty recommended by the Integrity Commissioner pursuant to a Code of Conduct investigation;
- iv. the Municipality shall not make recommendations to the Integrity Commissioner on whether or not he should apply to a judge for a

determination of whether or not a Member contravened the MCIA pursuant to an inquiry under the MCIA;

- v. Where an inquiry under the MCIA or investigation under the Code of Conduct has not been completed before Nomination Day in an election year, the Integrity Commissioner shall terminate the inquiry or investigation on that day;
- vi. An inquiry or investigation terminated pursuant to paragraph (v) shall not be recommenced unless the applicant/complainant, or the Member whose conduct is at issue, applies in writing to the Integrity Commissioner to recommence the inquiry or investigation within six weeks after voting day in a regular election;
- vii. In the event that an applicant under the MCIA became aware of the alleged contravention within the period of time starting six (6) weeks before Nomination Day in an election year, the applicant may apply to the Integrity Commissioner within six (6) weeks after Voting Day, provided that the applicant includes in their written request for an inquiry a statutory declaration attesting to the fact that they became aware of the contravention not more than six (6) weeks prior to Nomination Day.

**APPENDIX I**  
**COMPLAINT PROTOCOL FOR COUNCIL AND LOCAL BOARD CODE OF**  
**CONDUCT**

***Part A: Informal Complaint Procedure***

**Step 1 – Conflict Resolution by Individuals**

1. Informal complaints can be addressed by any person who believes that the activity of a Member has breached this Code of Conduct or the *Municipal Conflict of Interest Act*, but the person does not want to initiate a formal complaint. Any person may:
  - a) Advise the Member that his or her behavior or activity appears to constitute a contravention;
  - b) Encourage the Member to acknowledge and agree to stop the prohibited behavior or activity and avoid future occurrences of the prohibited behavior or activity;
  - c) Where the Member agrees to cease the behavior, confirm in writing that the agreement is satisfactory;
  - d) Where the Member's response is not satisfactory, advise the Member of your dissatisfaction with the response; and
  - e) Consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B where informal resolution has not been successful.
  
2. Individuals are encouraged to pursue the informal complaint procedure as the first means of remedying behavior or an activity that they believe amounts to a contravention.

## ***Part B: Formal Complaint Procedure***

### **Step 2 – Preliminary Review, Investigation or Inquiry by the Integrity Commissioner**

#### **Complaint under the Code of Conduct**

1. Any individual who identifies or witnesses behaviour or an activity by a Member that they believe is in contravention of this Code of Conduct may file a formal complaint with the Integrity Commissioner for the Municipality by submitting in writing the prescribed complaint form to the Clerk accompanied by the prescribed fee.
2. Every complaint must be accompanied by the prescribed fee in the amount of \$150.00.
3. In the event that the Integrity Commissioner determines that a complaint is frivolous, vexatious or contains insufficient grounds to support an investigation under the Code of Conduct, the complainant shall forfeit the fee. If the Integrity Commissioner finds that there are sufficient grounds to support an investigation under the Code of Conduct, 50% of the fee shall be refunded, based on the decision of the Integrity Commissioner.
4. Every complaint shall include the following:
  - a) Information that sets out the reasonable and probable grounds for the allegation that the Member has contravened this Code of Conduct and shall reference the specific section(s) of the Code of Conduct alleged to have been contravened;
  - b) The date(s) that the complainant became aware of the facts;
  - c) Names of any witnesses in support of the allegation must be identified in the complaint;
  - d) An attestation from the complainant that they believe the facts as set out in the complaint are true to the best of their knowledge and belief and that they make those statements as if they were under oath.

The Integrity Commissioner may request additional information from the complainant.

5. The Clerk shall forward the complaint to the Integrity Commissioner. The Clerk shall also provide notice to Council by way of confidential internal communication that a complaint has been filed, but no details of the complaint shall be provided other than the fact that a complaint was received under the Code of Conduct.
6. If the complaint is not, on its face, a complaint with respect to non-compliance with

this Code of Conduct or the complaint is covered by other legislation or complaint procedure under another policy, the Integrity Commissioner shall refer the complaint or the complainant to the appropriate entity for investigation, advise the complainant in writing, suspend the investigation until after the matter has been finally disposed of (if deemed necessary), and report the suspension of the investigation to Council.

7. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation and, where this becomes apparent in the course of an investigation, shall terminate the investigation. The Integrity Commissioner shall communicate this position in writing to the complainant and the Member identified in the complaint.
8. The Integrity Commissioner will conduct a preliminary review of the complaint. As part of the preliminary review of the complaint, the Integrity Commissioner will:
  - a) provide the complaint and supporting material to the Member who is the subject of the complaint. A request will be included that the Member provide any written response to the Integrity Commissioner within 10 days;
  - b) provide a copy of any response from the Member to the complainant within 10 days. A request will be included that the complainant provide any written response to the Member's response within 10 days;
  - c) Provide a copy of any response from the complainant to the Member within 10 days. A request will be included that the Member provide any written response to the complainant's response within 10 days;
  - d) Take any other steps that the Integrity Commissioner deems necessary to complete the preliminary review;
  - e) The Integrity Commissioner may extend deadlines at his or her discretion.
9. At any time during the process, if the Integrity Commissioner believes that an opportunity to resolve the matter is appropriate; efforts may be pursued to achieve a resolution at his or her discretion.
10. If following the preliminary review the Integrity Commissioner deems it necessary, he or she may conduct an investigation. During the investigation:
  - a) The Integrity Commissioner may speak to anyone, access and examine any documents or electronic materials and may enter any work location of the Municipality relevant to the complaint for the purpose of investigation or potential resolution;
  - b) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation;
  - c) The Integrity Commissioner shall retain all records related to the complaint

- and investigation; and
  - d) The Integrity Commissioner may extend deadlines set through the investigation process at his or her discretion.
11. The Integrity Commissioner has all the powers set out in the *Municipal Act* and the *Public Inquiries Act* when undertaking an investigation.

**Application for Inquiry under the Municipal Conflict of Interest Act ("MCIA")**

12. An elector as defined in section 1 of the MCIA, or a person demonstrably acting in the public interest, may submit an application to the Integrity Commissioner to conduct an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of the MCIA by filing with the Clerk a completed and signed prescribed application form and paying the prescribed fee of \$150.00.
13. The Clerk shall forward applications to the Integrity Commissioner. The Clerk shall also provide notice to Council by way of confidential internal communication that an application has been submitted, but no details of the application shall be provided other than the fact that an application for an inquiry was received under the MCIA.
14. No application may be submitted more than six (6) weeks after the applicant became aware of the alleged contravention. An application shall include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application. The Integrity Commissioner may require further information from the applicant to determine if the six-week timeline has been satisfied.
15. Every application shall include the following:
- a) The statutory declaration set out in paragraph 14;
  - b) Information that sets out the reasonable and probable grounds for the allegation that the Member has contravened the MCIA and shall reference the specific section(s) of the MCIA alleged to have been contravened;
  - c) The date(s) that the applicant became aware of the facts;
  - d) Names of any witnesses in support of the allegation(s) must be identified in the applications;
  - e) An attestation from the applicant that they believe that the facts as set out in the complaint are true to the best of their knowledge and belief and that they make those statements as if they were under oath.

The Integrity Commissioner may request additional information from the applicant.

16. In the event that the Integrity Commissioner determines that an application is frivolous, vexatious or contains insufficient grounds to support an inquiry under the

MCIA, the Integrity Commissioner will not conduct an inquiry and the applicant shall forfeit the fee. The Integrity Commissioner shall communicate this position in writing to the applicant and the Member identified in the application. If the Integrity Commissioner finds that there are sufficient grounds to support an inquiry under the MCIA, 50% of the fee shall be refunded, based on the decision of the Integrity Commissioner.

17. The Integrity Commissioner will conduct a preliminary review of the application. As part of the preliminary review of the complaint, the Integrity Commissioner will:
  - a) Provide a copy of the complaint and supporting material to the Member who is the subject of the complaint. A request will be included that the Member provide any written response to the Integrity Commissioner within 10 days;
  - b) provide a copy of any response from the Member to the complainant within 10 days. A request will be included that the complainant provide any written response to the Member's response within 10 days;
  - c) Provide a copy of any response from the complainant to the Member within 10 days. A request will be included that the Member provide any written response to the complainant's response within 10 days;
  - d) Take any other steps that the Integrity Commissioner deems necessary to complete the preliminary review;
  - e) The Integrity Commissioner may extend deadlines at his or her discretion.
18. Following the completion of the preliminary review, the Integrity Commissioner will conduct an inquiry as he or she deems necessary.
19. The Integrity Commissioner has all the powers set out in the *Municipal Act* and the *Public Inquiries Act* when undertaking an inquiry.

#### **Reports and Recommendations of the Integrity Commissioner (Code of Conduct and MCIA)**

20. The Integrity Commissioner shall report to Council generally no later than 90 days after the official receipt of the complaint (180 days in the case of a complaint under the MCIA). If the investigation/inquiry process takes more than 90 (180) days, the Integrity Commissioner shall provide an interim report and must advise the parties of the date the report will be available.
21. Reports for completed investigations or inquiries shall be submitted to Council prior to Nomination Day in the year of a municipal election.
22. The Integrity Commissioner may, after completing an inquiry under the MCIA, apply to a judge in accordance with the MCIA for a determination under the Act as to whether or not the Member has contravened section 5, 5.1 or 5.2 of the MCIA.

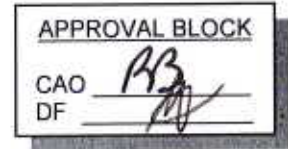


- a) Prior to making an application to a judge, the Integrity Commissioner shall present to Council a proposal to make the application and allow Council to provide recommendations to the Integrity Commissioner as to whether such an application should be made;
  - b) The Integrity Commissioner is not bound by the advice or recommendation of Council and shall refer the matter to a judge in his or her sole discretion;
  - c) The Integrity Commissioner shall advise the applicant if he or she will not be making an application to a judge in accordance with this section;
  - d) After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.
23. If the Integrity Commissioner does not commence an investigation or inquiry following the preliminary review of a Code of Conduct complaint or an application under the MCIA, no report will be generated unless the Integrity Commissioner deems it be in the public interest to do so.
24. After completing an investigation under the Code of Conduct, the Integrity Commissioner shall prepare a report which will:
- a) make findings of fact and conclusions as to whether a breach of this Code of Conduct occurred;
  - b) make recommendations to Council; and
  - c) include written reasons for the decision.
25. After completing an inquiry under the MCIA, the Integrity Commissioner shall prepare a report to Council which will:
- a) state whether or not the Integrity Commissioner has reasonable grounds to believe that the Member has breached the MCIA; and
  - b) state whether or not the Integrity Commissioner will be making an application to a judge for a determination in accordance with paragraph 22.
26. A final report from the Integrity Commissioner shall be published by the Municipality by posting the report on the Municipal website and making a copy available to all Members of Council and the Members of the Board or Committee, as applicable.
27. If the Integrity Commissioner determines that there has been no contravention of this Code of Conduct or the MCIA, or makes a finding of blameworthiness, the Integrity Commissioner may so state in the report and may make appropriate recommendations.
28. Where a Member has sought and followed advice from the Integrity Commissioner and is subsequently the subject of a complaint or application, the Integrity

Commissioner may refer to the earlier advice and, provided that the facts as set out in the earlier advice are applicable, determine in a summary manner that there has been no breach of this Code of Conduct or the MCIA.

### **Confidentiality/Records**

29. The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation or inquiry, except as required by law and as required by this complaint protocol.
30. The Integrity Commissioner shall retain all records related to complaints and applications, and any related investigations or inquiries.
31. At the time of the Integrity Commissioner's report to Council, the identity of the person who is the subject of the complaint shall not be treated as Confidential Information if the Integrity Commissioner finds that it is necessary to disclose that person's identity.



**CITY OF BELLEVILLE**  
**Matthew MacDonald**  
**Director Corporate Services/Clerk**  
**Corporate Services Department**  
**Report No. DCS-2020-06**  
**January 27, 2020**

**To: Mayor and Members of Council**

**Subject: Disposal of Surplus Land - 41 Octavia Street - former  
Community Resource Center Quinte (CRCQ)**

**Recommendation:**

“THAT pursuant to the Director of Corporate Services/Clerk’s Report No. DCS- 2020-06 the property known as 41 Octavia Street be declared surplus to the City’s requirements; and

THAT Management be directed to initiate a commercial listing of 41 Octavia Street (former CRCQ) with the City’s contract Realtor.”

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes. The recommendation within this report aligns with the City’s strategic theme “Industrial and Commercial Development”. It aligns with the associated strategic objectives to “Encourage remediation and redevelopment of underutilized lands”.

**Background:**

The subject property located at 41 Octavia Street is most commonly known as the former Queen Mary Public School. The CRCQ was a board made up of representatives of each of the tenants in the building (Loyola Learning Center, Canadian Mental Health, Community Partners for Success, Komputers for Kids, Sexual Assault Center, Quinte United Immigrant Service).

In March of 2002 the building was leased to the Community Resource Center Quinte (CRCQ) for a 10 year term. A new lease was signed in 2014 with the

CRCQ for a 5 year term which expired on March 31, 2019. As of September 1, 2019, the last tenant relocated to a new site and the building has been vacant.

The property consists of approximately 5.10 acres with frontage on Catherine Street (148.76 feet), Octavia Street (341.12 feet) and Isabel Street (220.26 feet).

The building itself is an older former school (circa 1929), encompassing approximately 41,832 square feet on 4 floors and would require significant repairs to be a viable building to have tenants in with considerable ongoing maintenance costs due to the character of construction and building condition.

All City Departments and relevant external utilities were canvassed for comments in regards to this disposal with no negative comments being received.

### **Financial:**

The 2019 annual municipal property taxes are \$11,291.03 (municipal portion \$7,773.20, Education \$3,517.83) based on an MPAC Assessed Value of \$943,000.

The City has an appraisal on the subject property which returned a value of \$485,000 completed in late 2019, which represents a slightly devalued amount resulting from the building which if demolished would very likely see an increased property value as a result of the anticipated cost and complexity of demolition.

The City's contract realtor has provided an estimate of listing value on the property of \$550,000 – 599,000.

### **Conclusion:**

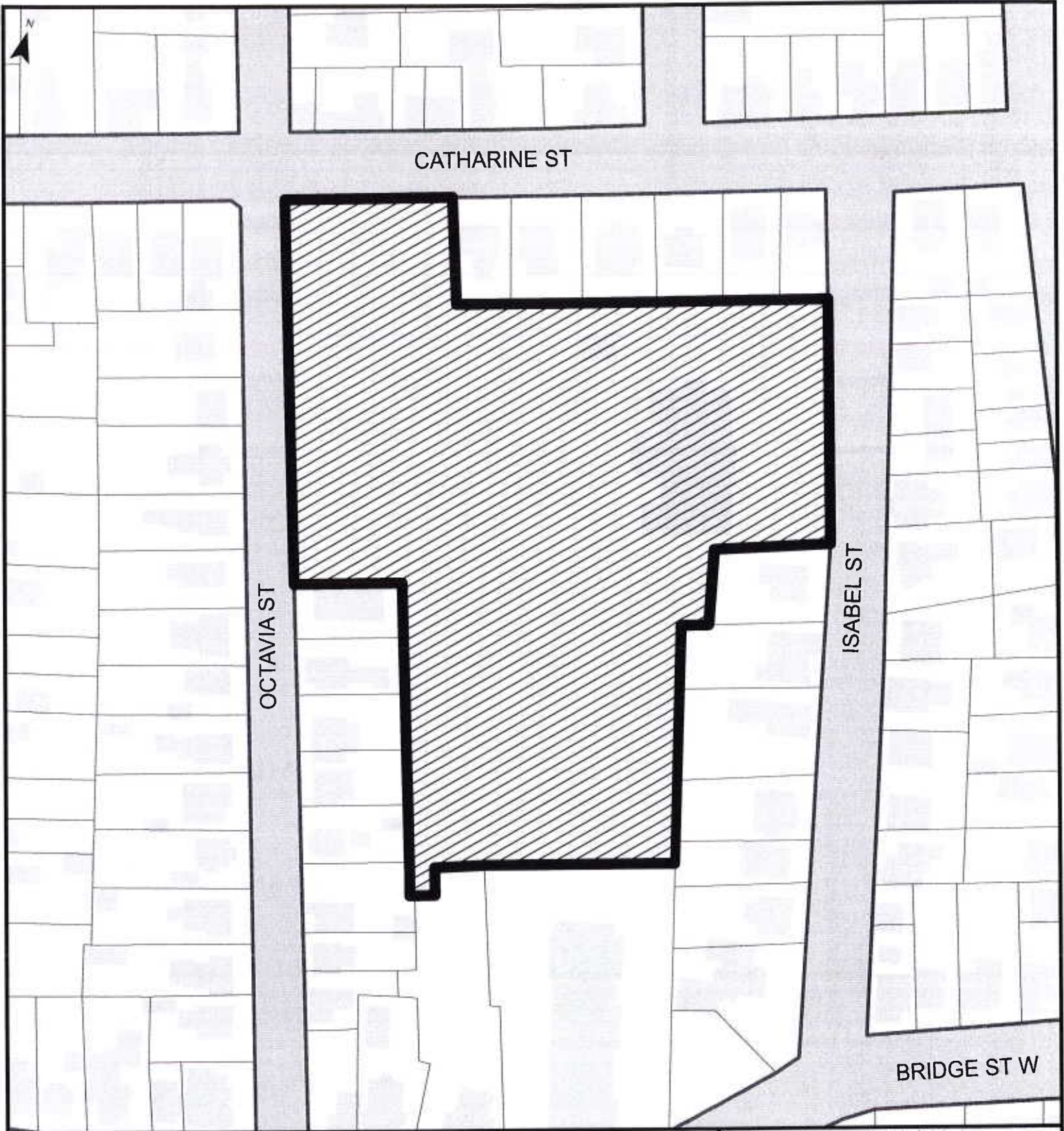
With Council's direction, the Property Section will direct the City's contract Realtor to prepare a listing agreement to offer the property for sale.

Respectfully submitted,



Matthew MacDonald  
Director Corporate Services/City Clerk

attachment: map

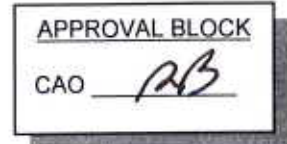


**CITY OF BELLEVILLE**  
 ENGINEERING & DEVELOPMENT  
 SERVICES DEPARTMENT

# LOCATION MAP

41 OCTAVIA ST  
 BELLEVILLE, ONTARIO





**CITY OF BELLEVILLE**  
**Matthew MacDonald**  
**Director Corporate Services/Clerk**  
**Corporate Services Department**  
**Report No. DCS-2020-05**  
**January 27, 2020**

**To: Mayor and Members of Council**

**Subject: Disposal of Surplus Land – Gifford Road**

**Recommendation:**

“THAT pursuant to the Director of Corporate Services/Clerk’s Report No. DCS-2020-05 the unopened laneway between Lots 15 and 16, Concession 9, former Township of Thurlow, now City of Belleville, be declared surplus to the City’s requirements; and

THAT Management be directed to prepare a by-law to stop-up, close and convey the subject property to the abutting property owner.”

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes. The recommendation within this report aligns with the City’s strategic theme “Industrial and Commercial Development” and the City’s strategic objective to “ensure suitable serviced lands are available to meet the needs of all potential industrial and commercial investments and encourage remediation and redevelopment of underutilized lands”

**Background:**

At the In Camera portion of the January 14, 2019 Regular Meeting of Council management was directed to “initiate the process to declare the unopened portion of Gifford Road, as surplus to the City’s requirements.”

Since that time all of the City’s Departments and external utilities have been canvassed for comments. No negative responses were received.

This unopened laneway bisects privately owned land fronting on Bethel Road. The property owner has requested a stop-up and close of the laneway due to traffic and crop damage by a wide variety of recreational vehicles using the laneway to travel through to Clearview Road. This creates a safety issue with his family and animals as well as extensive crop damage and trespassing.

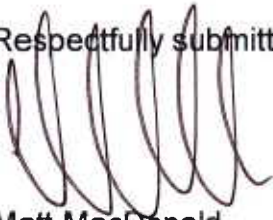
**Financial:**

The benefitting property owner has agreed to bear any costs associated with this stop up and closure process. A survey has been completed to identify the portion to be stopped up and closed.

**Conclusion:**

With Council's approval the Corporate Services Department through the Property Section will complete the process of declaring this unopened laneway as surplus to the City's requirements and conveying to the abutting property owner.

Respectfully submitted,



Matt MacDonald  
Director of Corporate Services

attachment: Map

**PLAN OF SURVEY**

PART OF LOT 16  
CONCESSION 9  
TOWNSHIP OF THURLOW  
NOW IN THE CITY OF BELLEVILLE  
COUNTY OF HASTINGS

METRIC SCALE 1 : 1000

KEITH WATSON O.L.S.

OMETRE :  
DISTANCES AND COORDINATE POINTS ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NO.	DESCRIPTION	CONTENTS/REMARKS	DATE	BY
1	PART OF LOT 16	CONCESSION 9		
2				

PLAN 21R-2556

REVISED THE SURVEY

DATE January 15, 20

*Diana C...*

REGISTRATION FOR LAND REGISTRY

FOR THE LAND TITLE

SYSTEM OF ONTARIO

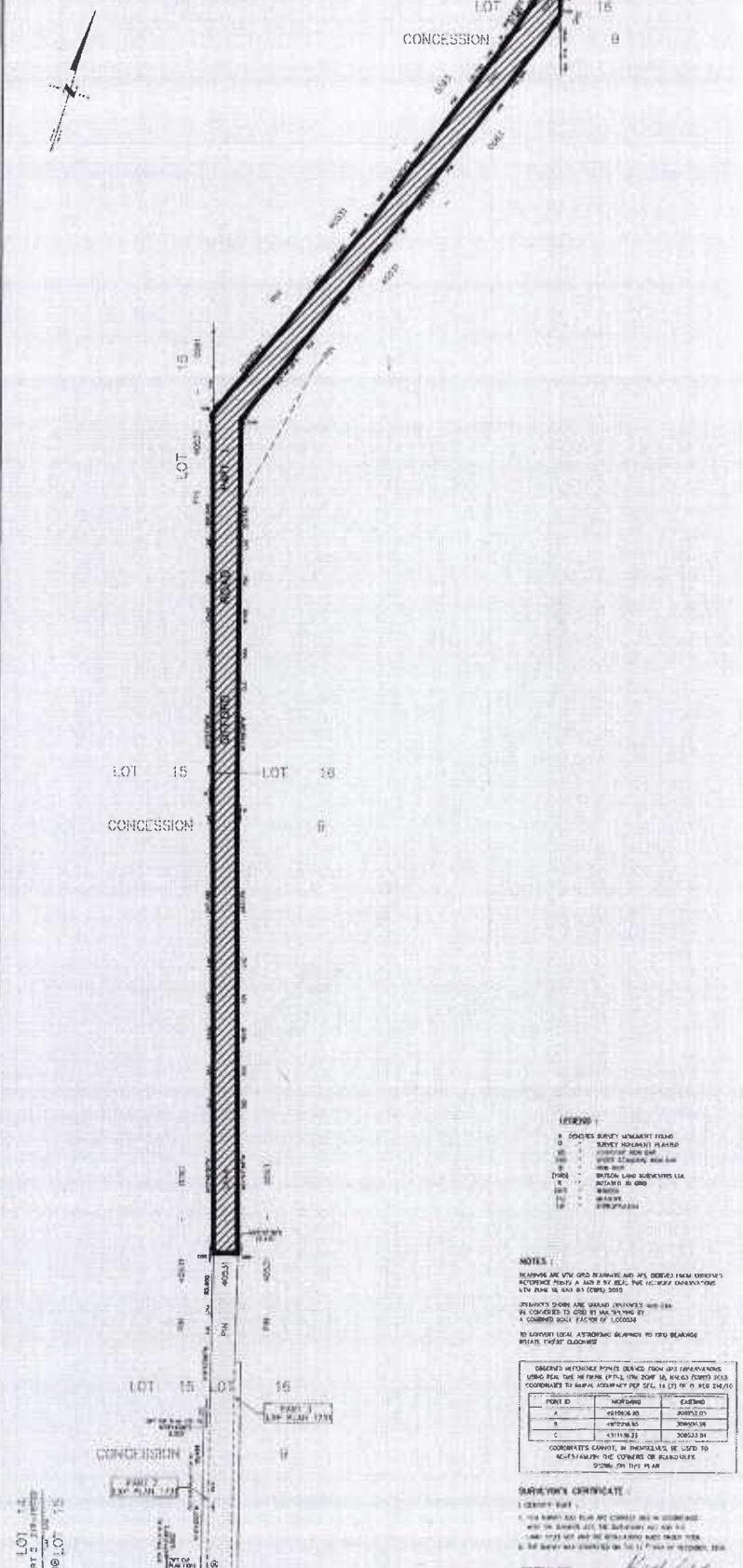
SECTION 275 (1) OF THE REGISTRY ACT

DATE FEBRUARY 18, 20

*Keith Watson*

KEITH WATSON

ON-TARIO LAND SURVEYOR



**LEGEND:**

8	CONVEY SURVEY INSTRUMENT FOLIO
Q	SURVEY INSTRUMENT PLAT
M	CORNER BENCH MARK
W	WIRE STAKE
B	BENCH MARK
(Red)	WATSON LAND SURVEYS LTD. PROPERTY
(Blue)	WATSON LAND SURVEYS LTD. PROPERTY
(Green)	WATSON LAND SURVEYS LTD. PROPERTY
(Purple)	WATSON LAND SURVEYS LTD. PROPERTY
(Yellow)	WATSON LAND SURVEYS LTD. PROPERTY
(Pink)	WATSON LAND SURVEYS LTD. PROPERTY

**NOTES:**  
 1. BEARINGS AND DISTANCES ARE GIVEN FROM SPERMAN'S TRIANGULATION. A LINE IS BY REF. TO THE HIGH LEVEL POINT ON THE N.W. CORNER OF LOT 15 (CORN. 5018).  
 2. DISTANCES FROM ARE GIVEN IN METERS TO THE NEAREST MILLIMETER.  
 3. ALL COORDINATES TO ONE IN A TRAIL OF 1:200,000.  
 4. FOR LOCAL ADJUSTMENT BEARINGS TO THE BEARING POINTS, REFER TO DRAWING.

COORDINATE POINTS DERIVED FROM SPERMAN'S TRIANGULATION. THE POINTS ARE GIVEN IN METERS TO THE NEAREST MILLIMETER. COORDINATES TO LOCAL DATUM PER SEC. 24 (2) OF O. REG. 218/06.

POINT ID	NORTHING	EASTING
A	451004.85	265250.07
B	451004.85	265250.07
C	451118.11	265250.07

COORDINATES CANNOT BE EMPLOYED IN INDIVIDUAL BEARINGS. COORDINATES SHOULD BE USED TO CHECK THE CORNER OR BENCHMARK POINTS ON THIS PLAN.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THE ABOVE PLAN AND COORDINATE POINTS ARE CORRECTLY AND ACCURATELY SURVEYED AND SHOWN ON THIS PLAN.  
 2. THE DISTANCES AND BEARINGS ARE CORRECTLY SURVEYED AND SHOWN ON THIS PLAN.  
 3. THE COORDINATE POINTS ARE CORRECTLY SURVEYED AND SHOWN ON THIS PLAN.  
 4. THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY.

DATE FEBRUARY 18, 20  
*Keith Watson*  
 KEITH WATSON  
 ON-TARIO LAND SURVEYOR

25 FRANKLIN STREET  
 BELLEVILLE, ONT. N6A 1G9  
 (519) 362-1001  
**WATSON**  
 LAND SURVEYS LTD.  
 PROJECT #J 21R-2556





APPROVAL BLOCK
CAO <u>RB</u>

**CITY OF BELLEVILLE**  
**Joseph Reid, General Manager**  
**Transportation and Operations Services**  
**Report No. GMTOS-2020-04**  
**January 27, 2020**

**To: Mayor and Members of Council**

**Subject: Updated Parks and Open Space By-law**

**Recommendation:**

“THAT pursuant to the General Manager of Transportation and Operations Services’ Report No. GMTOS-2020-04 regarding a new Parks and Open Space By-law, that a by-law be prepared for Council’s consideration.”

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes. This report aligns with the “Culture and Recreation” strategic theme to “Plan and develop a parks system with facilities and services that promote health and wellness and address the needs of an aging population and our youth”.

**Background:**

The use of the City’s parks and open spaces is regulated by various federal, provincial, and municipal laws. The City’s existing Parks By-law 9567 is circa 1974. This new by-law will clearly establish rules for the shared public use and enjoyment of the City’s parks and open spaces while protecting the natural environment.

The by-law will establish a system to allow enforcement of the by-law by staff, police and by-law enforcement officers; will prohibit certain activities such as camping on parkland and littering; and set parameters for failure to adhere to the by-law. The current by-law has not been effective in addressing issues related to the City’s Parks system. This by-law will provide the City with greater control and guidelines.

The by-law was developed with extensive input from City departments and has been reviewed by Solicitor Ms. Suzanne Hunt of Templeman LLP who has provided the final draft Parks and Open Space By-law for consideration.

**Financial/Analysis:**

Input will be solicited from residents through to Mid-February 2020 with a finalized by-law prepared for Council's consideration in March 2020. There are no budgetary or financial implications associated with the recommendation in this report.

**Conclusion:**

Management is recommending that the new Parks and Open Space By-law be prepared for Council's consideration and that the by-law be given a first reading to allow for public input.

Respectfully Submitted,

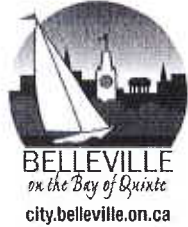


Joseph Reid  
General Manager

Attachments

Schedule 1 – draft Parks and Open Space By-law

Schedule 2 – 1974 Parks By-law



**THE CORPORATION OF  
THE CITY OF BELLEVILLE**

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**The Corporation of the City of Belleville**

**By-Law Number**

*BEING A BY-LAW for the use, regulation and government of Parks and Public Places under the Authority of the City of Belleville*

---

**WHEREAS** Section 10(2) paragraph 6, of the *Municipal Act, 2001*, permits a municipal council to pass by-laws and to make regulations for the health, safety and well-being of persons;

**AND WHEREAS** Section 11(3) of the *Municipal Act, 2001*, as amended, provides that the council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage; and

**AND WHEREAS** Section 35 of the *Liquor Licence Act R.S.O. 1990, c. L-19* as amended, provides that the council of a municipality may by by-law designate recreational areas within the municipality owned or controlled by the municipality as places where possession of liquor is prohibited.

**AND WHEREAS** it is desirable to regulate, protect and govern the use of parks and public spaces in the City of Belleville; and

**AND WHEREAS** all public properties are for the use, benefit and pleasure of the public and it is necessary to prevent any person from improperly interfering with such use, benefit and pleasure.

**NOW THEREFORE**, the Council for the Corporation of the City of Belleville hereby enacts as follows:

**Article 1 – Definitions**

- 1.1 **“By-law Enforcement Officer”** means any Police Officer, Provincial Offences Officer, Municipal Bylaw Enforcement Officer, or any Employee of the municipality appointed by Municipality to enforce its By-Laws;
- 1.2 **“Bicycle”** includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor assisted bicycle;

- 1.3 “**Control**” means ownership or possession;
- 1.4 “**Council**” means the Council of The Corporation of the City of Belleville;
- 1.5 “**Designated Area**” means an area within a park designed on constructed for a specific use or purpose, which may include posted conditions;
- 1.6 “**Director**”, or there designate, means the individual appointed by Council as Director to supervise and administer this bylaw;
- 1.7 “**Exotic animal**” means an animal not indigenous to Canada and also includes all domestic wild animals;
- 1.8 “**Firearm**” means any barreled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person , and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm.
- 1.9 “**Liquor Licence**” (liquor) means a licence pursuant to the *Liquor Licence Act, R.S.O 1990, Chapter L. 19* and the regulations thereunder;
- 1.10 “**Liquor**” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;
- 1.11 “**Loiter**” means being in a park or public place and obstructing, harassing or intimidating or disturbing the peace of other persons so as to inhibit their enjoyment;
- 1.12 “**Motor vehicle**” means a motor vehicle within the meaning of the *Highway Traffic Act, R.S.O. 1990, C.H.8*, as may be amended from time to time;
- 1.13 “**Municipality**” means the Corporation of the City of Belleville;
- 1.14 “**Nuisance**” means unreasonably interfering with any person’s use or enjoyment of a park or public place;
- 1.15 “**Organized sport or activity**” means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;
- 1.16 “**Park**” means any area owned, leased or used by the City that is devoted to active or passive recreation and includes a playground, playing field, ball diamond, sports field, beach including but not limited to the area of the water under the control or supervision of the City, recreation centre, community building, facility, square, garden, water, pedestrian walkway or any other area and includes any lane or walkway or public parking area leading thereto;

- 1.17 **“Permit”** means any written authorization or permission from Council, or the Director where such authority has been delegated;
- 1.18 **“Public place”** means any municipally owned or leased building or lands to which the public is ordinarily invited or permitted access in the City of Belleville but does not in any case include a highway;
- 1.19 **“Service Animal”** means an animal for a person with a disability if, (a) the animal can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or (b) the person provides documentation from a health professional listed in section 80.45(4)(b) of *Integrated Accessibility Standards, O Reg 191/11* confirming that the person requires the animal for reasons relating to the disability;
- 1.20 **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;
- 1.21 **“Weapon”** means anything used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person.

## Article 2 – Prohibitions

### 2.1 Restricted Areas

While in any park or public place, no person shall enter into areas posted to prohibit or restrict admission of the public.

### 2.2 Conduct

While in any park or public place, no person shall:

- i. cause or permit any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive;
- ii. cast or throw anything with the intent to endanger or cause injury or damage to any person or property;
- iii. urinate or defecate in any park or public place except in a washroom or temporary portable washroom; or
- iv. Use photographic devices in any washroom and/or change room, such as cellular devices and cameras and other visual recording Devices.

### 2.3 Firearms and Offensive Weapons

Unless authorized by permit, while in any park or public place, no person shall be in possession of or use any firearm or weapon of any kind.

### 2.4 Fireworks

While in any park or public place, no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks, unless authorized by a permit issued by the City.

### 2.5 Injury and Damage

No person shall in any park or public place:

- i. climb any tree, building, structure or equipment, unless it is equipment designed for climbing and is intended for use as recreational climbing equipment;
- ii. break, injure, deface or remove the whole or any part of any flowers, bushes trees or other vegetation;
- iii. break, injure, deface or vandalize any building, structure, equipment or other property of the municipality;
- iv. unless authorized by permit, climb on or remove the whole or any part of rocks, boulders, rock faces or remove any soil, sand or wood from the park or public place;
- v. in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect; or
- vi. drive, park or walk in an area posted to prohibit driving, parking or walking.

### 2.6 Waste and Pollution

No person shall in any park or public place:

- i. dispose or dump garbage, household or commercial waste, litter, tree trimmings, or any other refuse, except that which is generated through the normal use of the park or public space and shall only deposit same in receptacles provided for such purpose;
- ii. dispose of or dump garden refuse except in a designated area therefore;

- iii. unless authorized by permit, dump or deposit snow, fill, soil, building or construction materials; or
- iv. dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse of any kind of material, toxic or otherwise.

## 2.7 Protection of Wildlife

While in any park, no person shall:

- i. subject to the provisions of section 2.19, kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, or other wildlife;
- ii. touch, injure or remove any nest or egg, except when a permit has been provided; or
- iii. allow a pet to kill, attempt to kill, maim, injure or disturb any animal, bird, waterfowl, fish, or other wildlife.

## 2.8 Feeding birds and water fowl

While in any park or public place, no person shall feed any birds or waterfowl.

## 2.9 Encroachment

No person shall encroach upon or take possession of any park or public place by any means whatsoever, including the construction, installation or maintenance or any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping, thereon unless authorized by Council.

## 2.10 Liquor

While in any park or public place, no person shall consume, serve or sell alcoholic beverages unless in accordance with a valid licence issued by the Alcohol and Gaming Commission of Ontario, and approved by Council.

## 2.11 Drugs

- i. While in any park or public place, no person shall consume or have on their person a drug as listed in schedules I, II, III, IV and V of the *Controlled Drugs and Substances Act* SC 1996, c 19, unless permitted by the Regulations thereunder.

- ii. While in any park or public place, no person shall smoke or hold lighted tobacco or cannabis or use an electronic cigarette, unless permitted by the provisions of the *Smoke-Free Ontario Act, 2017*, SO 2017, c 26, Sch 3 and the Regulations thereunder.

#### 2.12 Campfires and Barbecues

While in any park or public place, no person shall:

- i. light, build or stoke an open fire or bonfire;
- ii. unless authorized by permit, use charcoal or solid fuel portable barbecues.

#### 2.13 Organized Gatherings and Picnics

While in any park or public place, no person shall:

- i. unless authorized by permit, hold a picnic, gathering or event where more than fifteen persons are present; or
- ii. interfere with a picnic, gathering or event authorized by permit.

#### 2.14 Amplifiers and Loud Speakers

Except in accordance with the municipality's noise by-law and unless authorized by permit, no person or group shall operate loudspeakers or amplifying equipment in any park or public place.

#### 2.15 Tents or Structures

- i. Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park or public place; or
- ii. Unless authorized by permit, no person shall camp or stay overnight in any park or public place

#### 2.16 Bathing and Swimming

No person shall in any park or public place swim or bathe in any fountain, pond, lake or stream, except in a designated posted area.

#### 2.17 Use of Wash and Change Rooms

No person shall enter any portion of any washroom, bathhouse, or change room that is set apart for the opposite gender in any park or public place that does not



correspond to their lived gender identity. This shall not apply to children who are six (6) years of age or younger and who are, at the time accompanied by a parent, guardian, caregiver or caretaker.

#### 2.18 Organized Sports or Activities

- i. While in any park or public place, no person or group shall interfere with an organized sport or activity authorized by permit.
- ii. In addition to the prohibition set out in subsection (a), while in any park or public place, no person or group shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.

#### 2.19 Fishing

While in a park or public place, no person may fish, except in a designated or posted area. Nothing in this by-law contravenes any Treaty rights.

#### 2.20 Golfing

While in any park or public place, no person shall play or practice golf or strike a golf ball.

#### 2.21 Model Aircraft, Drone, Rockets and Kites

- i. Unless authorized by permit, while in any park or public place, no person shall operate any powered models of aircraft, drone, rockets, watercraft or vehicles.
- ii. The flying of kites is prohibited in parks and public places within the vicinity of overhead power lines.

#### 2.22 Gliders, Helicopters and Hot Air Balloons

Unless authorized by *Canadian Aviation Regulations* and by permit, no person shall tether, launch or land any hot air balloon, helicopter, hang glider, ultralight aircraft, parachutes or similar conveyance in any park or public place.

#### 2.23 Ice Skating

- i. Ice skating is not permitted in parks or public places unless posted to permit the activity;
- ii. No person shall skate in such a manner as to interfere with or endanger any other person using the surface;
- iii. No person shall skate in any area when posted "closed"; or
- iv. No person shall skate on any storm water management collection pond.

2.24 Skiing, Tobogganing and Sledding

No person shall toboggan, snowboard, skiboard or sled in any park or public place unless posted to permit the activity.

2.25 Roller Skates and Skate Boards

While in a park or public place, no person shall:

- i. Roller skate, skateboard, roller blade or use a scooter in any area unless posted to permit the activity; or
- ii. Obstruct, inconvenience or endanger other users of the park or public place while operating or utilizing traditional or in-line roller skates, skateboards, scooters or like conveyances.

2.26 Tennis

No person shall enter, walk, or play upon a designated area for tennis in any park or public place, except in accordance with the posted rules and regulations.

2.27 Other Activities

No person shall while in a park or public place:

- i. wash, clean or service, a motor vehicle except in the event of an emergency;
- ii. pick, collect or gather worms for commercial gain;
- iii. cause a nuisance in a park or public place within the City of Belleville, or
- iv. loiter in a park or public place.

2.28 Bicycles

While in any park or public place, no person shall obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

2.29 Speed

While in a park or public place no person shall operate:

- i. any vehicle on a roadway at a speed in excess of the posted limit; or

- ii. a bicycle at a speed in excess of 20 kilometers per hour, unless it is on a public roadway.

### 2.30 Exotic Animals

Unless authorized by permit, no person having control or possession of an exotic animal shall bring into or permit such animal to enter a park or public place unless the animal is a trained service animal.

### 2.31 Sale of Merchandise, Trade or Business

- i. Unless authorized by permit for a special event which does not include a licence issued under the City's Licencing By-law No. \_\_\_\_\_, no person shall, while in a park or public place, sell or offer or display for sale:
  - ii. any food, drink or refreshment; or
  - iii. any goods, wares, merchandise or articles including promotional materials, souvenirs and novelties; or
  - iv. any art, skill, service or work.
- b. While in a park or public place, no person shall practice, carry on, conduct or solicit for any trade, occupation, religion, business or profession.

### 2.32 Circular and Advertisements

Unless authorized by permit, no person shall:

- i. while in any park or public place distribute, discard, or display and handbill, notice, or other circular, bill or advertisement; or
- ii. post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill, advertisement or paper in a park or public place, including trees; or
- iii. post, affix or attach any handbills, notices or other circular on any vehicle in a park or public place.

### 2.33 Permits and Licenses

- c. Permits issued for activities contemplated in this by-law may be subject to such fees as Council shall from time to time establish.
- d. Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity, letter of credit and insurance coverage.

- e. The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority.
- f. No permit shall be issued if the activity for which the permit is requested would contrive any legislation.
- g. A permit shall be obtained to install a gate on a fence line abutting the City owned property.

#### 2.34 Posting of Signage

The Director is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions hereof.

#### 2.35 Closure of Parks

- a. The Director is authorized to close off for such period or periods as the Director deems appropriate any park or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.
- b. Unless authorized by permit, all parks shall close at 11:00 p.m. and remain closed until 6:00 a.m.

#### 2.36 Exclusions and Exemptions

- c. This by-law shall not apply to:
  - i. Drivers or operators of ambulances, police or fire department vehicles, while engaged in the performance of their duties; or
  - ii. employees or agents of the municipality while engaged in works or services undertaken for or on behalf of the municipality; or
- d. a park or public place that is owned or under the jurisdiction of a board established by the Council or by statute, the members of which are appointed by Council.

### **Article 3 – Enforcement**

#### 3.1 Penalties

- a. Any person who contravenes any provision of this By-law is deemed to be guilty of an offence and, upon conviction, is subject to a fine of:

- i. Not more than \$5,000 for a first offence; and
  - ii. Not more than \$25,000 for any subsequent offence.
- b. A subsequent offence means any conviction for an offence under this bylaw after a person's first conviction.
- c. Any By-law Enforcement Officer or employee of the municipality is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- d. In addition to any other authority they may have, any By-law Enforcement Officer may issue an order to any persons believed by such officer to be contravening or to have contravened any provision of this By-law;
  - i. to desist from the activity constituting such contravention;
  - ii. to remove from the park any animal or thing owned by or in the control of such person which the By-law Enforcement Officer or employee believes is or was involved in such contravention; or
  - iii. to leave the park immediately.
- e. Any person who fails to comply with an order issued under section 3.1 is guilty of an offence.
- f. The Director may immediately revoke a permit issued pursuant to this by-law where the person to whom the permit was issued causes or permits any contravention of any provision of this by-law.
- g. A By-law Enforcement Officer upon discovery of any vehicle parked or standing in contravention of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act. R.S.O. 1990, c.R.25, as may be amended from time to time, or any successor acts thereto.

### 3.2 Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

### 3.3 Short Title

The short title of this by-law shall be the "Parks By Law"

By-law read a first, second and third time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**Mitch Panciuk, Mayor**

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**Matthew MacDonald, City Clerk**

DRAFT

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 9567

A BY-LAW TO REGULATE PUBLIC PARKS IN THE CITY OF BELLEVILLE.

WHEREAS all properties under the management and control of the Board of Park Management are for the use, benefit and pleasure of the Public, and it is necessary to prevent any person from improperly interfering with such use, benefit and pleasure;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

In this By-law:

- (a) "City" means the Corporation of the City of Belleville.
- (b) "Board" means the Board of Park Management of the Corporation of the City of Belleville.
- (c) "Committee" means the Recreation-Arena Committee of the Corporation of the City of Belleville.
- (d) "Parks" means all lands, buildings, structures or equipment of any nature or kind under the jurisdiction and control of the Board of Park Management.

Games

- (a) Where signs have been erected, no person shall engage in playing any games, including but not limited to baseball, cricket, croquet, football, golf, rugby, soccer, tennis, or any game involving the projecting of any objects through the air such as archery, nor any foot races or horse races in any Park or part thereof designated by signs or markers.
- (b) Team games shall be played only in areas of the Parks specifically designated by the Board; and prior permission shall be obtained for such games from the Committee.
- (c) No person shall interfere with the conduct of any authorized team game being played in the Parks, nor attempt to otherwise use the area so permitted.

Picnics and Camping

- (a) Where more than fifty (50) persons are attending a picnic a reservation and permit shall be obtained from the Committee, which permit shall indicate the location designated for the picnic.
- (b) No person shall camp or lodge in any park; construct any tents, except in specific areas as designated for such purposes by the Board.

Fires

No person shall light any fire in any Park, except in safe containers or in facilities specifically provided by the Board, and in areas designated by the Board.

Swimming

- (a) No person shall use or enter any swimming pool or wading pool in any park except with the permission of the Committee and subject to the conditions attached to such permission.

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- (b) No person shall swim, bathe or wade in any fountain, pond, lake or stream in any Park except in areas specifically designated for such purpose by the Board.
- (c) No person shall throw any article in any pool, fountain, pond, lake or stream in any Park that is likely to endanger any person or pollute the waters.

Vehicles In Parks

- (a) All vehicles as defined in the Highway Traffic Act RSO 1970 Chapter 202, other than baby carriages and the like, shall be operated only on roads or paths as laid out and designated by the Board and no vehicles shall be parked or left standing in any place other than designated parking areas except only vehicles operated pursuant to instructions from the Board.
- (b) All such vehicles shall be operated according to the rules of the road as set out in the Highway Traffic Act. No bicycles shall be operated in any park at a speed of over five (5) miles per hour except as otherwise permitted; nor shall any other vehicle be operated in any Park at a speed over 15 miles per hours, except as otherwise permitted.
- (c) Overnight parking of vehicles in such parking areas is prohibited.
- (d) It is unlawful to park any vehicle in any designated parking area unless the occupant or occupants of the vehicle are using that part in which the designated parking area is located.

Ice Skating

- (a) No person shall race or speed on any ice rink in any park so as to endanger or interfere with any other person using the rink, except during the conduct of races under the Management and Program of the Committee.
- (b) No person shall use long nosed racing skates unless such skates are protected by toe guards.
- (c) No person shall carry anything that is, or is likely to be, dangerous to any other persons on a rink, except hockey sticks or such like on rinks at such times as are set aside by the Committee.

Animals

- (a) Where prohibited and signed, no animal shall be led or let loose in any park except in specified areas. In such specified areas, dogs shall be led by a leash or chain of a length not exceeding six feet. In such specified areas, horses may be ridden or led by a lead not exceeding six feet. All animals in Public Parks shall be the responsibility of the owner.
- (b) No horse shall be ridden in any Park, that is not well broken in and wearing a bridle and under the personal control of the rider. Horseback riding is prohibited in any park or part thereof unless specifically so designated by the Board. Horses shall be ridden at a speed not exceeding a walking pace, and shall be ridden or led only on roads, driveways and paths provided for such purpose, and shall be hitched or fastened only at such place or places specifically provided for such purpose.
- (c) The racing of horses including harness racing is prohibited in any Park unless specifically permitted by the Board, and is subject to such rules and regulations for such racing as the Board may stipulate.



THREE TO BY-LAW NUMBER 9567Fire Arms, Fire Works, Offensive Weapons etc.

No person shall bring on to any park, or carry, or discharge any fire arm, air gun, bow and arrow, axes, knives, sling shots, fire works of any kind except with the written permission of the Board, and subject to any other by-laws of the Corporation of the City of Belleville.

Sale of Merchandise or Trade or Business

No person shall sell or offer for sale, or expose any merchandise of any nature or kind, for immediate or future delivery, or any art, skill or service to be exercised or performed immediately or in the future, or solicit any trade, occupation or business of any kind, in any Park, without the written permission of the Board.

Gambling and Intoxicating Beverages

- (a) Unless otherwise permitted, no person shall play or bet at or against any game of any nature or kind, whether for money or money's worth, except games which are for charitable purposes permitted by the Criminal Code of Canada and then only with the written permission of the Board.
- (b) No intoxicating beverage may be sold, brought into or consumed in any Park, except with the written permission of the Council of the City and fully in accordance with all Federal, Provincial and Municipal laws and by-laws applicable thereto.
- (c) No person in an intoxicated condition shall enter or use any Park.

Protection of Parks

No person shall, in any Park:

- (a) Climb, break, injure, deface, move or remove any building, structure or equipment, or any growing plant of any kind, or mark or write upon any building, equipment or structure, except with the written permission of the Board.
- (b) Distribute any hand bills or circulars or post any bills, notices or advertising device of any kind or nature, except with the written permission of the Board.
- (c) Disturb, molest, move, attempt to kill or kill, any bird, or animal, or remove or injure any bird's nest or eggs except with the written permission of the Board.
- (d) Enter any place where a sign prohibiting admittance or trespassing is displayed, or where admision is otherwise restricted or prohibited.
- (e) Indulge in any riotous, bolsterous, threatening or indecent conduct, or use abusive, threatening or profane language, or accost, or annoy or in any way interfere with any other person.
- (f) Create a nuisance by loitering, spying, frightening, annoying or generally making himself or herself objectionable to other persons; the parks being considered a public place for the purposes of any law or statute to this effect.
- (g) Add or drop or leave at any place in any part, except in receptacles provided for that purpose, any refuse, paper, bottle, can or rubbish of any nature or kind.

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- (h) When signs are erected as approved by the Board, prohibiting the use of any parks or any part or parts thereof, frequent any parks or any such part or parts thereof between 11 PM and 5 AM the following day, except as a participant or spectator of any function approved by the Board, or except as otherwise permitted, and upon the completion of such activity shall promptly leave the Park Property.

The provisions of this By-law shall be administered by the Board of Park Management of the Corporation of the City of Belleville.

The Police Department of the City of Belleville shall enforce the provisions of this By-law.

(1) Where a vehicle is found parked in contravention of the parking provisions of this By-law the Police Officer so finding the vehicle shall attach to the vehicle a parking ticket in the form of a serially numbered notice stating:

- a. The permit number and a concise description of the vehicle.
- b. That the vehicle is unlawfully parked.
- c. The date, time and place of the alleged offence.
- d. That the owner or operator thereof may report to the office of the Municipal Treasurer within 7 days exclusive of Sundays and holidays, from the day the ticket is attached, to make a voluntary payment of the penalty.
- e. That in the case of a vehicle found parking in contravention of the provisions of this By-law the owner or operator thereof may deposit the sum of \$2.00 in any one of the fine depositories within 7 days, exclusive of Sundays and holidays, from the day that the ticket is attached, and
- f. That in the event of failure to make payment in accordance with sub-paragraph (d) or (e) above a summons will be issued under The Summary Convictions Act.

(2) The owner or operator of a motor vehicle found parked in contravention of the provisions of this By-law may deposit the sum of \$2.00 in any one of the fine depositories in accordance with the instructions shown thereon and within 7 days exclusive of Sundays and holidays, from the day when the ticket is attached to the motor vehicle, and the said sum will be accepted as payment in full of the penalty in respect of the alleged offence.

(3) The owner or operator of a vehicle found parked in contravention of any of the parking provisions of this By-law, may report to the office of the Municipal Treasurer within 7 days, exclusive of Sundays and holidays, from the day the ticket is attached to make voluntary payment, and in such case he shall pay to the Municipal Treasurer, in respect to the various offences hereinafter set forth, the sums indicated and such payment will be accepted as payment in full of the penalty for the alleged offence and a receipt therefore shall be given to the person making the payment.

The sums to be paid are as follows:

- (a) For any parking violation - \$2.00

(4) If voluntary payment is not made as provided in subsection (2) and (3) above, any person violating any of the parking provisions of this By-law shall be subject to a penalty of not more than \$5.00 plus costs, and all such penalties and

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costs shall be recoverable under The Summary Convictions Act.

16. Unless otherwise provided in this by-law, any person who contravenes any of the provisions of this By-law is liable upon conviction therefor to a fine not exceeding the sum of \$1,000. for each offence, exclusive of costs.

THIS BY-LAW SHALL come into force and take effect immediately on and after the passing thereof.

Read a first time this 21st day of January 1974.

Read a second time this 21st day of January 1974.

Read a third time and finally passed this 21st day of January 1974.



\* *A.R. Jeffrey*  
MRS. AR JEFFREY

\* *Adam S. Stalker*  
ADAM S. STALKER, CLERK



APPROVAL BLOCK	
CAO	<i>RB</i>
DF	<i>[Signature]</i>
PS	<i>[Signature]</i>
DRCCS	<i>[Signature]</i>

**CITY OF BELLEVILLE**  
**Peter Lyng, Facilities Manager**  
**Recreation, Culture & Community Services**  
**Report No. FM-2020-01**  
**January 27, 2020**

**To: Mayor and Members of Council**

**Subject: Purchase of One New Ice Resurfacer**

**Recommendation:**

“THAT in accordance with Section 30.3 Sole and Single Sourcing – Approval and Reporting of the City’s Purchasing By-law Number 2020-09, the quotation from Zamboni Company be accepted for the supply of 1-2020 Model 526 Zamboni in the amount of \$96,475.75 plus \$12,541.85 for a total amount of \$109,017.60, and that the Mayor and City Clerk be authorized to sign the Acceptance Agreement on behalf of the Corporation of the City of Belleville and that the City Clerk be authorized to fix the Corporate Seal.”

**Strategic Plan Alignment:**

The City of Belleville’s Strategic Plan identifies nine strategic themes. The report aligns with one strategic theme, the Culture and Recreation theme.

**Background:**

The City of Belleville has maintained a small fleet of Zamboni ice resurfacers, dating back to the City’s first Zamboni in 1969. The City currently has six (6) Zambonis. Five (5) are located at the Quinte Sports & Wellness Centre and one (1) is stored at the Memorial Arena for use on the harbour during the winter by the Parks staff.

**Financial/Analysis:**

A Zamboni has a service life of approximately 12 years. Zamboni unit 292-03 was purchased in 2003 and has 16 years of service and it is no longer reliable due to frequent break downs. The ice resurfacer is the most important tool that facility staff uses on a daily basis.

Having all ice resurfacers supplied by the same supplier has multiple benefits:

- Operational and safety training is universal throughout the Department
- Daily maintenance is consistent
- The end users receive a consistent quality of ice
- Maintenance is simplified with all units being the same, parts and accessories are common. A small inventory of parts will cover all machines.

A good sheet of ice is imperative for our staff and the safety of our users. The City has maintained an inventory of Zamboni brand ice resurfacers for years because of the reliability of the units and quality of ice it makes. The Zamboni brand ice resurfacer is designed for one specific task and offers the operator great feedback and control.

The 2020 Capital Budget (Item 20-1.025) has an allocation of \$125,000 to replace Unit 292-03 with a new ice resurfacer. This purchase (quote attached as Schedule A) is below the approved capital budget.

**Conclusion:**

In recommending the sole source purchase of the Zamboni ice resurfacer, staff is satisfied that the value for service and long term costs has been achieved. Zamboni is one of the most recognizable names in the world of ice making and is the official ice resurfacer of the NHL.

Respectfully submitted,



Peter Lyng  
Facilities Manager

Attachments: Schedule A - Quote from Zamboni Company

**ZAMBONI COMPANY LTD.**

38 Morton Ave. East, P.O. Box 1388, Brantford, ON, N3T 5T6 | P 519 758 5000 | F 519.758.0500 | zamboni.com

September 3<sup>rd</sup>, 2019

Sent Via Email

City of Bellville  
Quinte Sports and Wellness Centre

ATTN: Peter Lyng, Facilities Manager  
Ph:613-967-3230  
Em: plyng@belleville.ca

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**PROPOSAL**

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**MODEL:** Zamboni 526

**QUANTITY:** One (1)

**CAPACITY:** **Full Size**

- Snow Tank  
100 cubic feet (actual volume)  
125 cubic feet (compacted)
- Ice Making Water Tank  
160 Imperial gallons
- Wash Water Tank  
60 Imperial gallons
- Total Water Capacity  
220 Imperial gallons

**ENGINE:** **Mitsubishi 2.4 Litre**

- Four-cylinder SOHC, liquid cooled, 59 HP @ 2500 rpm.
- Emission Certified (LPG & Gasoline)
- Coil on Plug Ignition System
- 5000 Hour Belt Life
- CAN Communication Protocol

**ZAMBONI®**

**ENGINE:**  
(Cont'd)

- Engine is approved for LPG and CNG use by Power Solutions International Inc. and comes with hardened valve seats.
- Load sensing governor enables true "hands-free" operation by driver.
- All exhaust piping is stainless steel.

**TRANSMISSION: Sundstrand Hydrostatic Pump and Motor:**

- Continuously variable pump and motor are axial piston-type and offer volumetric efficiencies as high as 95%.
- Maximum drawbar pull even at low speeds and full hydrodynamic braking.
- Allows the use of a smaller and more efficient engine while still providing superior on-ice power.
- Hydrostat enables the conveyor augers to operate at full speed, regardless of vehicle speed, even when slowing for corners.

**DRIVETRAIN:**

**Dana/Spicer Axles**

- Front - Model 44, rated 4,300 lb. capacity.
- Rear - Model 60, rated 6,200 lb. capacity and is a rigid, full-float design.
- Because the 526 uses Spicer/Dana axles that are optimized for our chassis, we offer the industry's highest manufacturer approved axle capacities.
- Our chassis/axle combination is the key to the Zamboni 526 having a turning radius of 16 feet, a full 3 feet tighter than most other machines.

**ODG Transfer Case**

- Rugged cast iron housing for rigid gear and bearing support. Heat-treated alloy steel gears are helical cut for greater strength and lower noise.
- Hydrostatic motor is wet-mounted to the housing for long shaft life.

**Chassis**

- 2" X 5" structural steel tubing for high strength and long service.

**HYDRAULICS: Sundstrand Gear Pump** for high efficiency, flow and speed. This design is also very quiet and has been proven in many rugged applications.

- Direct drive "piggy-back" mounts for trouble-free service. No belts or pulleys.
- Powerful 28 G.P.M. double-pump has separate pump sections for the vertical and horizontal augers for the best conveyor performance in the industry.
- **Permco Motors** for the conveyor system are cast iron gear-type and provide exceptional durability.

*Proposal Page 2*

**HYDRAULICS:  
(Cont'd)**

- **Charlyn Steering Motor** provides very smooth power steering with little effort.
- **Donaldson Filters**, 22 micron and 16 micron, ensure a clean environment for all hydraulic components.
- Large 21 gallon tank enhances hydraulic fluid travel to rid the oil of entrapped air and increase heat dissipation.

**SNOW TANK  
AND AUGERS:**

- Large snow capacity and tank design provides all areas of the snow tank to be completely filled, even the top and rear corners.
- The 526's snow tank incorporates a smooth bottom and sides, allowing for the snow to slide out with the least amount of residue and at a much lower height.
- Both 10 inch large diameter augers are double-flighted to ensure good performance even during heavy shaving and the augers are epoxy coated for durability.

**CONDITIONER:**

- Zamboni Ice Resurfacers have a well-deserved reputation for producing the finest sheet of ice, even after many years of being in use.
- A unique design of spring and hydraulic down pressure is used for superior shaving results.
- Performance will continue for the life of the machine by using replaceable bushings and springs.

**HUMAN  
ENGINEERING:**

- The operation of the 526 very simple. The operator sets the engine speed with the "hands-free" governor and drives the machine with a foot control. However, unlike an automotive transmission, the 526 will provide full power and speed to the augers at all times, even while slowing for corners. And the 526 will ensure the snow tank is compacted and completely filled.
- Speed is controlled by the single foot pedal, equipped with a "dead-man" safety feature to dynamically brake the vehicle to a stop if the operator's foot leaves the pedal.
- Operator compartment has an ergonomic layout and includes a modern steering wheel with spinner knob.
- Engine and hydraulic compartment is easily accessed even with the snow tank down.
- Wiring and looms are well routed and protected. Wires are individually labelled for easier service and trouble-shooting.



**FACILITY  
ENGINEERING:**

- Zamboni Ice Resurfacers offer unparalleled shaving and snow conveyor performance. A quality sheet of ice is among an arena's primary selling features.
- Zamboni has the tightest turning radius in the industry, enabling operators to resurface deeper into their corners.
- The snow tank on the 526 is designed in an enlarged package with a flat bottom and sides. This gives the 526 a low front-dumping height. This is important for both dumping indoors as well as outdoors in adverse conditions.
- Our unique engine and hydrostatic transmission enables the 526 to use a smaller, more efficient engine and can provide significant fuel savings.
- The Ontario Ministry of Labour has recommended in a "Hazard Alert Bulletin" that arena ventilation be determined by horsepower of the ice resurfacers, which is less than 50% of the larger engines used in competitive machines. This can translate to considerable energy and facility savings.

**MANUFACTURERS**

**STATEMENT:**

The Model 526 is proudly designed and manufactured in Brantford, Ontario, by Zamboni Company Ltd., a Canadian company.

**WARRANTY:**

Twenty-four (24) months or 2,000 hours, whichever comes first, parts and labour. Mileage and travel time are not covered under warranty.

**SAFETY  
STANDARDS:**

The 526 is engineered to meet or exceed O.S.H.A. and A.N.S.I. safety labelling requirements.

**PRICE:** 2020 Zamboni 526 ..... \$ 95,525.75

- Dual Fuel (CNG & LPG) Carburetion ..... Included  
(Note: Propane tanks are not supplied)
- CNG Steel Retest Tanks ..... Included
- Board Brush ..... Included
- Wash Water System ..... Included
- Poly Ice Making Water Drain ..... Included
- Poly Ice Making Water Sight Gauge ..... Included
- Back-Up Alarm ..... Included
- Oil Cooler ..... Included
- Extra Tail and Brake Light ..... Included
- Tire Wash ..... Included
- White Wheels ..... Included
- Poly Snow Tank Liner ..... Included
- Advertising Racks ..... Included
- Closed Loop Fuel Management System ..... Included
- Plastic Conditioner Runner ..... Included
- Spare Tire and Rim ..... Included
- Retractable Seat Belt ..... Included
- Two Blades ..... Included
- Tool Kit, Blade Angle Gauge ..... Included
- Towel Saver Kit ..... Included
- Paint: Choice of (2) Std. Colours ..... Included

UNIT COST: \$ 95,525.75  
TRANSPORTATION: \$ 950.00

SUB TOTAL: \$ 96,475.75


ADD H.S.T. (13% of Sub Total): \$ 12,541.85

**NET TOTAL: \$ 109,017.60**

**F.O.B.:** Brantford, Ontario

**TERMS:** Net 30 Days. Shipment 330 days or less from receipt of order.  
Note: Pricing is in effect for 60 days.

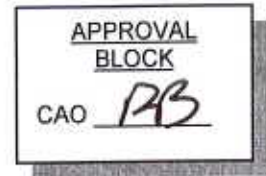
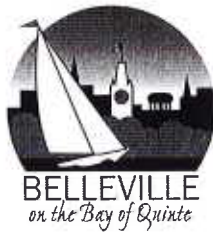
**THANK YOU:**

  
\_\_\_\_\_  
Scott Douglas for  
Marty Elliot  
Sales Account Representative

9/3/2019  
Date

Zamboni Company Ltd.  
38 Morton Avenue East, P.O. Box 1388  
Brantford, Ontario N3T 5T6  
Phone: (519) 758-5000 Fax:(519) 758-0500

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**CITY OF BELLEVILLE**  
**Karen Poste, Manager**  
**Economic and Strategic Initiatives**  
**Report No. ECDEV 2020-03**  
**January 27, 2020.**

**To: Mayor Panciuk and Members of Council**

**Subject: Census Metropolitan Area (CMA) Name change**

**Recommendation:**

**“THAT Report No. ECDEV 2020-03 regarding a change to the Census Metropolitan Area (CMA) name from ‘Belleville CMA’ to ‘Belleville-Quinte West CMA’ be approved and a letter supporting the name change be forwarded to Statistics Canada.”**

**Strategic Plan Alignment:**

The City of Belleville’s current Strategic Plan identifies nine strategic themes. Although this report does not directly impact any of the strategic themes for Belleville, it will help raise name recognition for a neighbouring community which could positively impact all communities in the region.

**Background:**

Census Canada publishes their census data both at an individual community level and at a Census Metropolitan Area (CMA) level. CMA’s are determined by studying local commuter patterns and are intended to recognize communities of interest or centres of population concentration. Belleville is identified currently as part of the ‘Belleville CMA’. This CMA currently includes all of Belleville, Quinte West, Tyendinaga Township and the Municipality of Stirling Rawdon.

The City of Quinte West is interested in having the CMA name changed to include their community and is requesting that the CMA be called the “Belleville – Quinte West” CMA for the next census study planned for 2021. The name change will support a better understanding of the geographic area this CMA covers. From a Statistics Canada point of view, in order to have a community name be part of the CMA label, the community must have a population of at least 10,000. Tyendinaga Township and Stirling-Rawdon do not meet the minimum population requirement, but Belleville and Quinte West do.

In order to make a change to the CMA name, Statistics Canada requires a letter of support from both the Cities of Belleville and Quinte West. Quinte West Council recently approved their letter of support for the name change.

**Financial:**

No financial impact is anticipated as a result of this report

**Analysis:**

Changing the name of the local CMA to include the City of Quinte West will help clarify the geographic area that is covered by the Belleville CMA. The current name could be misleading and including Quinte West in the title will provide more clarity and name recognition for our westerly neighbours.

**Conclusion:**

Staff have reviewed the request and have consulted with Statistics Canada and have no objection or concerns with the proposed name change. Staff recommends that the City of Belleville provide a letter to Statistics Canada which indicates Belleville supports the change of our CMA name to "Belleville-Quinte West CMA" for the next census study.

Respectfully submitted,



Karen Poste, AMCT  
Manager, Economic & Strategic Initiatives.



**CITY OF BELLEVILLE**  
**Karen Poste, Manager**  
**Economic and Strategic Initiatives**  
**Report No. ECDEV 2020-04**  
**January 27, 2020**

<u>APPROVAL</u> <u>BLOCK</u>	
CAO	<u>PB</u>
GMTOS	<u>3</u>
DF	<u>[Signature]</u>

**To: Mayor Panciuk and Members of Council**

**Subject: 2020 Pop-Up Shop Location**

**Recommendation:**

**“THAT Report No. ECDEV 2020-04 regarding the location of Pop-up Shops for 2020 be received and Further That Council approve West Zwick’s Park as the preferred location for the Pop Up Shops in 2020.”**

**Strategic Plan Alignment:**

The 2020 Pop-Ups on the Bay Project supports the themes of Culture and Recreation, Industrial and Commercial Development and Tourism and Waterfront Revitalization.

Specifically, it supports the following strategic objectives:

- Promote and support the development of attractions, events, facilities and services that will draw visitors to the community
- Encourage the creation of a vibrant waterfront based on recreation and entertainment, accented with unique commercial and residential opportunities
- Plan and develop a parks system with facilities and services that promote health and wellness and address the needs of an aging population and our youth
- Support the creation of new or expanding businesses and the encouragement of entrepreneurship.

**Background:**

In January 2019, Belleville Council supported a project to launch a two-year pilot project to establish pop-up shops at Jane Forrester Park during the 2019 and 2020 summer seasons. In early May 2019, due to flooding and road closures in the immediate area of Jane Forrester Park, the Pop-Ups were moved to West Riverside Park. While this location was not affected by flooding and was close to biking trails within the City, the location did not provide sufficient foot traffic to support the vendors and was not easily visible to residents and visitors.

Three pop-up vendors located in the park including, Doug's Bicycle, The Golden Scoop and Brick Oven Pizza. Attracting a water based vendor was difficult in this location as no access to the Bay of Quinte could be easily secured for any vendor and the river was not deemed a suitable location for most water sports/activities. Moving forward for 2020 staff have been reviewing all location options in an effort to select the best, long term location for the Pop Up project.

Obtaining Council input on the preferred location for the project before the RFP is issued is important to ensure the City attracts the right kind of vendor to the location.

**Financial:**

\$150,000 funding for phase 1 and phase 2 of the Pop Up Shop project was approved during the 2019 capital budget deliberation process. \$103,000 remains available to fund phase two of the project and no additional funding is being requested.

**Analysis:**

In planning Phase II of the Pop-Ups project, consideration has been given to the possibility that our original site, Jane Forrester Park, could again be compromised by a repeat of the high water levels of 2019. As such, staff has identified two additional options with high visibility for residents and tourists and proximity to water and trails.

In 2019, the RFP for the Pop Ups was published identifying Jane Forrester Park as the location for the proposed development. When Bay of Quinte flooding occurred, the Riverside Park location was identified as the preferred alternative and the vendors agreed to relocate part way through the planning process. The last minute location change caused several problems for the project and the vendors, and staff would like to avoid the potential for a last minute change of location in 2020 by assessing all options in advance, assuming flooding will be an issue. Current opinions on the water level issue indicate that flooding could occur in 2020 and that it could continue to be a threat on an ongoing annual basis.

Staff from Operations, Recreation, Parks, IT and Economic Development have met on several occasions to review the various location options for the Pop Ups. The following chart identifies the benefits and potential drawbacks of Jane Forrester Park and the two additional sites: West Zwick's Park and 138 Front Street, now a paved lot (site of the former Cabaret).

Although there may be a physical location at Jane Forrester Park that could accommodate the Pop Ups even if there is a flood, staff are concerned that the City's messaging to have residents avoid that area of the city in the event of a flood, could significantly reduce resident and visitor traffic in the area, adversely impacting the Pop Up vendors.

	Tourist Visibility	Foot Traffic	Trail Access	Bay Access	Possible Flooding	Electricity	Toilets	Permanent location	Other Considerations
SITE 1: Jane Forrester Park	✓	✓	✓	✓	Yes, on road and boat launch and possibly on pier	✓	✓	✗	Could support boaters at Meyers Pier Marina  Could take business from Pier Restaurant and canteen
SITE 2: West Zwick's Park	✓	✓  Non- event days may see lower foot traffic	✓	✓	No, some flooding at water's edge but not at proposed site or parking	✓	✓	✓	Could support and benefit from events on site – Lions Club concerts, Waterfront, Canada Day – but the organizers would need to be aware.
SITE 3: 138 Front Street (site of former Cabaret)	✓	✓	✓	✗	No	Would cost \$5,000	✗	✗	This would take needed parking spaces.  Clerk's office has asked to be reimbursed for lost parking revenue  BDIA is in favour but some downtown owners may oppose

### Conclusion:

The intent of the Pop-ups on the Bay project was to animate the City's valuable waterfront and to provide options for access to the City's water assets and to generate additional economic activity on the water. The project was seen to be an effective way of documenting and assessing the business potential of certain kinds of waterfront development and could help start or incubate new tourism products for the City. A location near Jane Forrester Park was originally thought to be the prime location, but unfortunately the record high water levels in the Great Lakes basin have necessitated a change to the original plan. No one can predict future water levels but staff feel it is prudent to at least in the short term, assume these high water levels could be a factor

moving forward. Although no perfect options exist, staff are of the opinion that the Zwick's Park location shown on the attached map is the best location for the Pop Ups.

Respectfully submitted,



Karen Poste, AMCT  
Manager, Economic & Strategic Initiatives.





**CITY OF BELLEVILLE**  
ENGINEERING & DEVELOPMENT  
SERVICES DEPARTMENT

# LOCATION MAP

**ZWICKS PARK**

**PROPOSED  
2020 POP UP SHEDS**

