

## **ADDENDUM Note**

Please note that the Agenda for the Coordinated Committee Meeting to be held on May 11, 2017 has the following additions:

### **3. Community Services Section**

#### **d.i) Departmental Staff Reports**

- **Amend Parking By-law – Designated Areas for Free ATV & Motorcycle Parking**

The mentioned DRAFT By-law has been added.

- **Amend Parking By-law- Non-Resident & Electronic Passes**

The mentioned DRAFT By-laws have been added.

- **Temporary Exemption Taxi Licensing- Electric Elements Event**

The mentioned DRAFT By-law has been added.

## THE CORPORATION OF THE TOWN OF WASAGA BEACH

### BY-LAW 2017-XX

A By-law to amend By-law No. 2005-71 being a By-law to establish rates and regulations for the parking of vehicles within the Town of Wasaga Beach

**WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

**AND WHEREAS** Council of The Corporation of The Town of Wasaga Beach passed By-law No. 2005-17, to establish rates and regulation for the parking of vehicles within the Town of Wasaga Beach, and deems it expedient to amend the said by-law to establish specific areas where the parking of ATV's and/or Motorcycles, and to exempt those authorized user from paying for parking.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That By-Law No. 2005-17, is hereby amended, by inserting the following at "A DEFINITIONS" section A-1:

A-1.1 **"Designated Parking Space"** means a Parking space or other delineated area, that is signed to permit "ATV's and/or Motorcycles" the use of that space without paying for parking in that area but subject to all other by-law provisions and any special conditions stated on the sign.

2. That By-Law No. 2005-17, is hereby amended by adding the following after the "A DEFINITIONS" section A-13, :

A-14 **"ATV"** shall have the same meaning as all definitions established in the Town's All-Terrain, Multi-Purpose Off-Highway Utility and Recreational Off-Highway Vehicles By-law 2015-69.

3. That By-Law No. 2005-17, is hereby amended by adding the following after the "C RESTRICTIVE PARKING" section C- 21;

21.(a) Notwithstanding the requirements of Part C "RESTRICTIVE PARKING" above, the owner or operator of a properly licensed ATV or Motorcycle, may park that vehicle in a designated "Free Parking" without the requirement to purchase & display a validation permit or purchase parking time through an Electronic Payment "App.", when parked wholly within the designated space and conforming to any limitations, if any, by the authorizing sign.

21.(b) Owners or operators of ATV's or Motorcycles that utilize the designated "free parking" spaces must park in such a way as to maximize the number of vehicles that can park in a designated space and all vehicles must be wholly contained within the marked space.

21.(c) Owner's or operators of ATV's or Motorcycles that utilize the designated "free parking" space may, where time limitations are imposed that restrict the number of minutes that may be used in any one day, park a licensed vehicle only for the maximum time permitted once in any single calendar day.

21.(d) Owners or Operators of ATV's or Motorcycles that utilize the designated "free parking" spaces must adhere to all other parts of this by-law and cannot utilize these spaces for parking during a time a road or lot closure is in effect unless otherwise permitted by the Town.

4. That this by-law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 30<sup>TH</sup> DAY OF MAY, 2017.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Andrea Fay, Clerk

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

**BY-LAW 2017-XX**

A By-law to amend By-law No. 2016-177 being a by-law to establish fees and charges to be collected by the Town

**WHEREAS** Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** under Section 391 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control;

**AND WHEREAS** Council of The Corporation of the Town of Wasaga Beach deems it expedient to amend By-law No. 2016-177, to include an electronic non-resident parking pass for municipal lots;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That By-Law No. 2016-177, is hereby amended, by inserting the following under Schedule "D" MUNICIPAL LAW ENFORCEMENT, LICENSING & PARKING below Resident Parking Permit:

Electronic Non-Resident's Parking Pass for Municipal Lots	\$49.95 per season
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2. That this by-law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 30<sup>TH</sup> DAY OF MAY, 2017.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Andrea Fay, Clerk

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## THE CORPORATION OF THE TOWN OF WASAGA BEACH

### BY-LAW 2017-XX

A By-law to amend By-law No. 2005-71, being a by-law to establish rates and regulations for the parking of vehicles within the Town of Wasaga Beach

**WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** under Section 11 of the *Municipal Act, 2001*, as amended, provides that a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

**AND WHEREAS** Council of The Corporation of The Town of Wasaga Beach passed By-law No. 2005-17, to establish rates and regulation for the parking of vehicles within the Town of Wasaga Beach, and deems it expedient to amend the said by-law to authorize a new method of accepted payments and validation of parking in municipal lots, through the use of Electronic Payment "App." on mobile devices and/or over the internet, through a third-party services supplier;

**AND WHEREAS** Council of The Corporation of The Town of Wasaga Beach passed By-law No. 2005-17, to establish rates and regulation for the parking of vehicles within the Town of Wasaga Beach, and further, deems it expedient to amend the said by-law to establish an seasonal pass for municipal lots that is only available through the Electronic Payment "App." and authorized for a one-year trial basis for 1,000 permits,

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That By-Law No. 2005-17, is hereby amended, by inserting the following at "A DEFINITIONS" section:

A-13 Electronic Payment means a confirmed purchase of a predetermined amount of "validation parking time" in any municipal lot' for the stated purchase period subject to lot closure times periods or non-availability of certain lots from time to time for Town approved purposes nor does it

guarantee a lot parking space will be available. Cannot be used as validation for parking in any municipal parking space at on-street locations.

A- 14 Electronic Payment “App.” means the electronic computer program that is supplied to the public and Town by a 3<sup>rd</sup> Party and is accessed by the user of the internet to purchase authorized parking “Validation Time” for one identifiable license plate that is selected by the purchaser. The program identifies or accepts location inputs to establish the correct parking rate per hour, or portion thereof, to purchase “Validation Time” and then calculates and establishes the correct expiry time for the purchase event for the license plate requested by the user at the time of purchase.

2. That By-Law No. 2005-17, is hereby amended by adding the following after the “A DEFINITIONS” section A- 8, “Parking Ticket Dispenser”:

8.1 Notwithstanding the definition of a Parking Ticket Dispenser set out above, any reference to a Parking Ticket Dispenser in this by-law shall, alternatively mean and include, a purchase made by use an Electronic Payment “App.” for a specific license plate being displayed on a vehicle where the e-mail receipt and electronic purchase record available to the Town will be also deemed to constitute a Validation Ticket.

3. That By-Law No. 2005-17, is hereby amended by adding the following after the “C RESTRICTIVE PARKING” section C- 15;

15(a) Where the permit referred to in subsection 15 above, is purchased using the Electronic Payment through an Electronic Payment “App.” and the purchase is confirmed by electronic record to the purchaser and the Town, neither a Validation Ticket printed from a parking ticket dispenser, nor a physical “paper” copy is required to be displayed.

4. That this by-law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 30<sup>TH</sup> DAY OF MAY, 2017.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Andrea Fay, Clerk

## THE CORPORATION OF THE TOWN OF WASAGA BEACH

### BY-LAW 2017-XX

A By-law to amend By-law No. 2007-38 being a by-law to license, regulate and govern businesses carried on within the Municipality

**WHEREAS** Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** under Section 11 of the *Municipal Act, 2001*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

**AND WHEREAS** Section 151 and Section 160 of the *Municipal Act, 2001*, provides that a local municipality may provide for a system of licenses with respect to a business and may pass by-laws licensing businesses under any section of the *Municipal Act* or any other Act;

**AND WHEREAS** By-law No. 2007-38, currently requires licenses to be issued to operate a business, only after having satisfied the requirements set out in the Schedules of the By-law;

**AND WHEREAS** Council of The Corporation of the Town of Wasaga Beach deems it expedient to amend By-law No. 2007-38, to enable temporary businesses or classes of business, that can provide needed or essential services to support Designated Special Events, be exempted from the licensing requirements;

**AND WHEREAS** Council of The Town of Wasaga Beach, further deems it desirable to provide an exemption provision up to five (5) days, available to businesses that lawfully operate in Simcoe County and can provide such desired enhancements for safety and services required during a major special event;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:**

1. That By-Law No. 2007-38, is hereby amended, by inserting the following at "F LICENCE REQUIRED" subsections:



1(a) Notwithstanding the requirements to obtain a license to operate a business described in Schedule "A", the Business Licensing Officer or Sr. Municipal Law Enforcement Officer may exempt any person(s), corporation or class of business from the requirements of Section 1 above, for a period not to exceed 5 consecutive days, where such exemption is likely to provide an enhanced service level that directly supports or enhances visitor experience at or in relation to Designated Special Events,

1(b) The utilization of this temporary licensing exemption under this Section, is subject to any terms and conditions that that maybe imposed and/or required by the Licensing Officer or Sr. Municipal Law Enforcement Officer, to ensure the purpose(s) of the exemption can be accomplished and does not unduly frustrate other licensed Businesses,

1(c) Any such terms and conditions shall be posted on the Town's website a minimum 48 hours prior to an Designated Special Event but may be modified by an Officer giving verbal or written directions to any specific person(s), companies or businesses, at any time and such persons must comply immediately with all terms & conditions and additional directions received,

1(d) Where an Officer has reasonable grounds to believe that anyone availing the use of such temporary exemptions is not abiding by the terms and conditions imposed for the temporary exemption or is creating a nuisance or operating in any manner that could give rise to a suspension or revocation if an actual license had a license been issued under By-law 2007-38, then the Officer may prohibit any continued such business activity by that entity or their associates or agents at any time and may commence a prosecution for operating a business without a license or not in accordance with the terms and & conditions of a temporary exemption,

1(e) The operation of a business under a temporary license exemption does not establish any tenure or right to be issued any future license for a same or similar business and refusal on such grounds is not appealable to anyone,

1(f) Anyone who utilizes a Designated Special Event- temporary exemption from the licensing requirement, does so at their own risk and peril and the Town shall not be subject to any action or damages or compensation for any real or projected losses, damages, or other distresses claimed, for any reason, including situations where the person has been prohibited or refused to be permitted to operate said temporary business,

1(g) Where an Officer believes that anyone is not operating a business in accordance with the Terms & Conditions of the temporary exemption or in a manner that described in subsection 1(d) above that could lead to a prosecution, the onus is one the person(s) or entity wanting to claim the

exemption to licensing by utilizing a temporary exemption, to prove to the satisfaction of the Officer that they are in compliance in all respects,

1(h) Any business that avails themselves of a temporary exemption, or operates in contravention of By-law 2007-38, must operate in accordance with all other municipal by-laws and polices, as well as all provincial and federal statutes and regulations made thereunder.

2. That By-Law No. 2007-38, is hereby amended, by inserting the following at "B DEFINITIONS" clause:

1(7)(a) "**Designated Special Event(s)** means any event that has been approved by the Town, and by the anticipated size, nature and potential impacts of the event, it is prudent to attract additional services that are likely to provide enhanced safety and service levels that directly supports or enhances visitor experience and does not unduly frustrate existing businesses.

3. That this by-law shall come into force and effect on the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 30<sup>TH</sup> DAY OF MAY, 2017.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Andrea Fay, Clerk