

## TOWNSHIP OF MCKELLAR

Special Council Meeting Minutes

July 30, 2012

Present: Reeve Peter Hopkins and Councillors Tamara Black, Jim McColl and Ted Stroud  
Regrets: Jury Naklowych

Staff: Clerk Administrator, Shawn Boggs

Moved by: J. McColl

Seconded by: T. Black

12-202 That the Township of McKellar accept the minutes of the July 16, 2012 Council meeting as circulated.

Carried

Moved by: J. McColl

Seconded by: T. Black

12-203 That the Township of McKellar authorize the Reeve and Clerk to execute the attached Unopened Road Allowance Improvement Agreement between R. Downey and the Township for access to Lot 25, Concession 1.

Carried

Council discussed and reviewed the numerous comments that were received regarding the Noise By-law and the Fireworks By-law. The Clerk was directed to amend the Noise By-law by making the following changes to the by-law:

1. adding "reasonable" between "any" and "time" in Section 6.1 as well as adding "with cause or by complaint" after "time" in the first line.
2. Adding a new Section 7.3 as follows:

"7.3 A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection 7.1 unless the municipality is acting under an order under Section 438 of the Municipal Act, or a warrant under Section 439 of the Municipal Act, or in the circumstances described in Section 437(d) or (d) of the Municipal Act."
3. Adding a new Section as follows:

"11.2 Schedules "A", "B" and "C" attached hereto form part of this By-law." and renumbering as required.
4. In Schedule "A", #2 and #3 were changed to "May to October" under MONTH.
5. In Schedule "A", "organized Veterans' events" was added to #9.
6. In Schedule "B", "an animal engaged in agriculture and hunting" was added after "other than" in #7.
7. In Schedule "B", "other than at a children's campground where normal practice may include such noise" was added after "merchandise" in #8
8. In Schedule "B", Section 9(e) WAS DELETED.
9. In Schedule "B", a new Section 9(e) was added as follows:

"(e) the above sections do not apply to generators if there is a power outage or the generator is the sole source of available power."
10. In Schedule "C", the prohibited period of time was changed to 11:00 p.m. to 6:00 a.m. in Sections 1, 2, 3, 4 and 6.
11. In Schedule "C", Sections 9 and 10 were moved to Schedule "B".
12. In Schedule "C", Section 8, "and 9:00 a.m. on Sundays" was removed.
13. In Schedule "C", Section 5 and 7 were removed and Schedule "C" is renumbered accordingly.
14. In Schedule "C", and new Section 7 as follows:

7.	The detonation of fireworks without a fireworks permit, or during a fire ban or extreme fire conditions, or on any day other than 3 days before or after the following statutory holidays: Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day, New Year's Day, Family Day and Good Friday.	11:00 p.m. one day to dusk the next day
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The Clerk was directed to make the following changes to the Fireworks By-law:

1. Cite Section 121(b) of the Municipal Act in the preamble
2. Cite Section 7.1(1)(a) of the Fire Protection and Prevention Act in the preamble
3. Add a new Section 4.1, 4.2 and 4.3 limiting the setting off of consumer fireworks to statutory holidays without a permit and limit the setting off of fireworks to persons 18 or over without direct supervision and renumber accordingly.
4. Delete "might" in Section 4.2.
5. Change "automobile" to "motorized vehicle" in Section 4.4
6. Delete Section 6 and replace section with a permit system
7. Add a new Section 7.3 as follows:  
"7.3 A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection 7.1 unless the municipality is acting under an order under Section 438 of the Municipal Act, or a warrant under Section 439 of the Municipal Act, or in the circumstances described in Section 437(d) or (d) of the Municipal Act."
8. Add a new Section 8.3 as follows:  
"8.3 A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection 8.1 unless the municipality is acting under an order under Section 438 of the Municipal Act, or a warrant under Section 439 of the Municipal Act, or in the circumstances described in Section 437(d) or (d) of the Municipal Act."

The Clerk was directed to post the revised By-laws on the web site when the changes have been made.

Council discussed the concerns that have been received regarding Council transparency and opened up the floor to public comments.

Council also discussed the draft 2012-2014 Council initiatives. It was agreed that the draft document would be brought to Council for consideration at the August 13, 2012 regular Council meeting.

Moved by: Ted Stroud

Seconded by: J. McColl

12-204

That the Township of McKellar adjourn to meet again on August 13, 2012 or at the call of the Reeve. Meeting adjourned at 8:02 p.m.

Carried

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Reeve

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Clerk