

**The Corporation of the Township of Ignace  
By-law 74.2021**

**Being a By-law to Regulate and Govern Hawkers, Peddlers and Buskers**

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**Whereas**, pursuant to the provisions of Part IV of Municipal Act, S.O. 2001.c.25, as amended, provides that a local Municipality may pass By-laws for licensing, regulating and governing business;

**Whereas**, Section 11(2) of the Municipal Act, 2001, provides that a Municipality may pass By-laws respecting; economic, social and environmental well-being of the Municipality; health, safety and well-being of person(s) and property;

**Whereas**, Section 128 of the Municipal Act, 2001, provides that without limiting sections 9 and 11, a local Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**Whereas**, Section 425(2) of the Municipal Act, 2001, establishes that any person who contravenes any By-law of the Municipality passed under the Act, is guilty of an offence;

**And Whereas**, it is the desire of the Council of the Corporation of the Township of Ignace to protect and conserve Municipal and Historical property and the visual aesthetics of Municipal and Historical property as a natural consideration of development, and to foster a community recognition of the value and historical significance of each property and its origins;

**Now Therefore**, the Council of the Corporation of the Township of Ignace enacts as follows:

**1.0 Definitions**

For the purpose of this By-law:

**Busking or Busker** means the activity of playing music, acting or performing in the street or another public place for voluntary donations.

**Chief Building Official (CBO)** means the person appointed by the Council of the Corporation of the Township of Ignace to such position pursuant to the Building Code Act.

**Charitable** shall mean an Ontario organization which provides service to residents and has a registered charitable status number; a registered non-profit organization with charitable purposes which has direct benefits to residents; local churches, schools and service clubs.

**Commercial Patio or Café** shall mean any area on Municipally-owned property where seating is provided for the serving or consumption of food or beverage and does not include as a component, food preparation;

**Confections** shall mean food items rich in sugar and carbohydrates, and includes sweet pastries, cakes, and similar baked goods.

**Confectionary** shall mean the art of making confections.

**Delivery** shall mean the voluntary transfer of possession from one person to another as defined by the "Sale of Goods Act, R.S.O. 1990, c.S.1".

**Goods** shall mean all chattels personal, other than things in action and money, and includes emblements, industrial growing crops, and things attached to or forming part of the land that are agreed to be severed before sale or under the contract of sale as defined by the "Sale of Goods Act, R.S.O. 1990, c.S.1".

**Hawker and Peddler** shall mean a person who travels from place to place, or to a particular place, for an intermittent or one-time period for the purpose or preparation and/or selling or delivering goods in the Municipality afterward; and who carries and displays goods for sale or delivery using a basket, mobile canteen, motorized vehicle, push cart, refreshment stand, wagon and while on foot.

**Hawking or Peddling** shall mean a trade, business or occupation which is operating for the purpose of doing the following on an intermittent or one-time period:

- a) The preparation, delivery and sale of goods, and/or
- b) The display for the purpose of sale of any goods.

It shall be deemed to be carried on within the Municipality if any part of the peddling or hawking is carried on within the Municipality even if the parent trade, business or occupation is being carried out or originates from a location outside the Municipality.

**Mobile Canteen** shall mean a mobile vehicle with or without a trailer from which food is sold, or prepared for sale and consumption to the public.

**Municipality** shall mean the Corporation of the Township of Ignace.

**Municipally-owned Property** shall mean property owned by the Township of Ignace.

**Nuisance** shall mean something or someone that is harmful, offensive, annoying or disagreeable.

**Owner** shall mean a lessee, tenant, and a person occupying or in charge of any property.

**Person** shall mean, without limiting the generality thereof, any individual, body, group, organization or company, whether incorporated or not.

**Provincial Offences Officer (POO), By-law Enforcement Officer (BLEO), Municipal Law Enforcement Officer (MLEO)** shall mean the person appointed, by By-law, and by the Council of the Corporation of Township of Ignace for the purposes of administering and enforcing the provisions of this By-law.

**Public Place** shall mean the following:

- a) A place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, shall include highways, sidewalks, streets any portion of a road allowance, parking lots, public beaches, conservation areas, parks and playgrounds.
- b) School grounds.
- c) Land, premises or buildings owned, managed or maintained by a Municipal, Provincial or Federal Government, or public entity such as a Crown Corporation, Hydro, Utility or Railway Company; and
- d) Yards appurtenant to a building or dwelling or vacant lands but does not include a building or dwelling.

**Refreshment Stand** shall mean a food stand, booth or temporary set-up that is not a restaurant or mobile canteen from which food is sold or prepared for sale and offered for consumption to the public.

## **2.0 Scope and Effect**

- 2.1 No person shall park a mobile canteen, push cart, refreshment stand or wagon upon any public place, or part thereof, within the geographic limits of the Township of Ignace, unless otherwise exempted by this By-law.
- 2.2 No person shall operate as a hawker, peddler or busker (busking) upon any public place, or part thereof, within the geographic limits of the Township of Ignace, unless otherwise exempted by this By-law.
- 2.3 This By-law shall be administered and enforced by the Chief Building Official (CBO), Provincial Offences Officer (POO), By-law Enforcement Officer (BLEO), Municipal Law Enforcement Officer (MLEO) appointed by the Corporation of the Township of Ignace.

## **3.0 Scope and Effect**

- 3.1 No hawker, peddler, busker or other person who goes from place to place or to a particular place within the Township of Ignace with goods, wares or merchandise for sale, or who carry and expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the Municipality afterwards, shall exercise such calling within the Township of Ignace without having first obtained a license to do so as provided herein.

**3.2** Application for a license required by this By-Law shall be made to the Issuer of Licenses for the Township of Ignace who may issue such license in a form approved by the Council upon payment of a fee of One Hundred Dollars (\$100.00), provided that if the applicant has resided continuously within the Township of Ignace for at least one (1) year prior to his/her application, the fee for such license shall be One Hundred Dollars (\$100.00). Schedule "B"

**3.2.1** The applicant must hold a valid registered business number/HST remittance with Revenue Canada.

**3.3** The licensee shall at all times while carrying on his/her business have his/her license with him/her and shall upon demand exhibit it to any Municipal or Peace Officer, and if he fails to do so, is guilty of an offence, unless the same is accounted for satisfactorily, and on summary conviction is liable for a fine of not less than Fifteen Dollars (\$15.00) and not more than Twenty-five Dollars (\$25.00).

**3.4** If a Peace Officer or Municipal Law Enforcement Officer demands the production of a license by any person to whom this By-Law applies and the demand is not complied with, it is the duty of the Peace Officer or Municipal Law Enforcement Officer to issue penalty as set out in Schedule "A" of this By-law.

**3.5** Every license issued pursuant to this By-Law shall expire on the last day of the 12<sup>th</sup> month of its issuance, unless sooner terminated.

**3.6** No license shall be surrendered for a refund at any time.

**3.7** No license issued hereunder shall be transferable from one person/business to another.

**3.8** No person licensed hereunder shall engage in or practice his/her calling by passing from place to place or along the highways of this Municipality except during the times between sunrise and sunset on any day.

**3.9** No person who is licensed to carry on business with or from a motorvehicle shall employ:

**3.9.1** As a helper to assist in selling from such motor vehicle or wagon any person who is not licensed hereunder, or

**3.9.2** More than three (3) helpers on or in connection with each such motor vehicle.

**4.0 Exemptions**

4.1 No license is required hereunder for hawking, peddling or selling goods, wares or merchandise:

- a) To wholesale or retail dealers in similar goods, wares or merchandise.

**5.0 Severability**

If any provision or part of a provision of this By-law is for any reason held to be invalid, it does not affect the validity, effectiveness or enforceability of the other provisions or parts of provisions, as contained in this By-law.

**6.0 Offences and Penalties**

6.1 Any person(s) who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty under the Provincial Offences Act, in accordance with Schedule "A" attached hereto.

6.2 Upon conviction, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**7.0 Effective Date**

This By-law shall come into force on the date of passing thereof.

**8.0 Repeals**

By-law 18.1993 and any other By-law pertaining to Hawkers, Peddlers and Buskers are hereby repealed.

Read a First and Second Time this \_\_\_ day of \_\_\_\_\_, 2021.

Read a Third and Fourth Time this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Lucas, Mayor

\_\_\_\_\_  
Lynda Colby, Clerk

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**The Corporation of the Township of Ignace**

**Schedule "A" to By-law 74.2021**

**Part I of the Provincial Offences Act**

**Set Fine Schedule**

<u>Item Number</u>	<u>Short Form Wording</u>	<u>Provision Creating the Offence</u>	<u>Set Fine</u>
<b>1</b>	Parking a mobile canteen, push cart, refreshment stand or wagon upon a public place, or part thereof, in the Township of Ignace.	Section 2.1	\$150.00
<b>2</b>	Operating as a hawker or peddler upon a public place, or part thereof, in the Township of Ignace.	Section 2.2	\$100.00
<b>3</b>	Operating as a busker upon a public place, or part thereof, in the Township of Ignace.	Section 2.2	\$100.00
<b>4</b>	Operating as a hawker, peddler or busker without a license within the Township of Ignace.	Section 3.1	\$250.00
<b>5</b>	Failure to carry the issued licence on his/her business; have his/her license with him/her and shall upon demand exhibit it to any Municipal Law Enforcement Officer or Peace Officer.	Section 3.3	\$50.00

**Note:** The general penalty provision for the offences listed above is Section 6.0 of By-law 74.2021, a certified copy of which has been filed.



Schedule "B"

Application for Licensing to Operate as a Hawker, Peddler and Busker Within the Township of Ignace as Per By-law 74.2021

Please print clearly and submit the \$100.00 annual fee with your application as outlined in By-law \_\_\_\_\_. Payment can be made by certified cheque, cash or money order payable to the Corporation of the Township of Ignace.

Applicant Information

Name of Operator: \_\_\_\_\_ HST #: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Goods to be Sold/Type of Busking Including Proposed Location of the Event

Multiple horizontal lines for describing goods and location.

For Office Use

Date in Receipt of Application: \_\_\_\_\_ Received By: \_\_\_\_\_

Application Fee Included:  Yes  No Licensing Approved:  Yes  No License #: \_\_\_\_\_

Approved By: \_\_\_\_\_ License Expiration Date: \_\_\_\_\_



The Corporation of the Township of Ignace

Licensing to Operate as a Hawker, Peddler and Busker Within the Township of Ignace as Per By-law \_\_\_\_\_

Name of Operator: \_\_\_\_\_ HST #: \_\_\_\_\_

Name of Business: \_\_\_\_\_

This License is valid only for the

**CORPORATION OF THE  
TOWNSHIP OF IGNACE**

**BY-LAW NO. 75-2021**

**A BY-LAW TO DESIGNATE A SITE PLAN  
CONTROL AREA AND GUIDELINES AND TO  
DELEGATE COUNCILS POWER UNDER SECTION 41  
OF THE PLANNING ACT, R.S.O. 1990, c.P.13.**

**WHEREAS** Section 41 of the Planning Act, R.S.O. 1990, as amended, provides in part that, where in an *Official Plan* an area is shown or described as a proposed site plan control area, the Council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's powers or authority under that Section;

**AND WHEREAS** in the *Township of Ignace Official Plan*, the properties along the Highway 17 corridor within its Settlement Area, as identified in Schedule B, are designated as being with a site plan control area and the Council of the Township of Ignace considers it appropriate to designate this area of the Township of Ignace under site plan control;

**AND WHEREAS** the Township of Ignace requires applications for building construction permits to be accompanied by plans and drawings referred to under Subsection 41(4) of the Planning Act, R.S.O. 1990, and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any facilities, works or matters mentioned in Subsection 41(7) of that Act.

**THEREFORE** the Council of the Corporation of the Township Ignace enacts as follows:

**DEFINITIONS**

1.0 DEFINITIONS

In this By-law, unless a contrary intention appears, or the term is defined in the Zoning By-law:

- 1.1 "Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.2 "Approval Authority" means the Township Council or the delegated official



**The Corporation of the Township of  
Ignace By-law No. 75-2021**

appointed by this By-law to exercise all or any of Council's Authority under Section 41 of the *Act*;

- 1.3 "*Corporation*" means the Corporation of the Township of Ignace;
- 1.4 "*Council*" means the Municipal Council of the Corporation;
- 1.5 "*Delegated Official*" means any of the appointed officers of the Corporation identified in Schedule "A" to this by-law by position occupied;
- 1.6 "*Development*" means:
  - 1.6.1 the construction, erection or placing of one or more buildings or structures on the land, or alteration or redevelopment in the following situations:
    - 1.6.1.1 an interior or exterior addition or alteration to a building or structure on a property that has the effect of increasing the *usability* of the property; or
    - 1.6.1.2 an addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure or the cumulative size of buildings or structures by more than 20% of the gross floor area.
  - 1.6.2 the laying out and establishment of a parking lot resulting in five (5) or more spaces;
  - 1.6.3 the laying out and establishment of sites for the location of three or more trailers as defined in the Municipal Act or of the sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the *Act*; or
  - 1.6.4 an amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the *Corporation*.
- 1.7 "*Facilities*" means site works and works abutting the site as defined in subsection 41 (7) (a) of the *Act*.
- 1.8 "LPAT" means the Local Planning Appeal Tribunal;
- 1.9 "*Official Plan*" means the Corporation of the Township of Ignace Official Plan as amended from time to time;
- 1.10 "*Site Plan Design Guidelines*" means Schedule "A" to this by-law;

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1.11 "Usability" means a change in the use of a property which would:

- 1.11.1 result in a change in the amount of noise, lighting, odour and/or vibration which is generated on the property;
- 1.11.2 alter the ingress/egress of the property;
- 1.11.3 alter the traffic flow on or around the subject property, including the installation of a drive-through;
- 1.11.4 alter the parking requirements;
- 1.11.5 alter the hours of operation.

**DEVELOPMENT SUBJECT TO SITE PLAN CONTROL**

**2.0 SITE PLAN CONTROL AREA**

The properties along Highway 17 Corridor within the Settlement Area of the Township of Ignace, as identified in Schedule B, are designated as a site plan control area. *Development* in the following zones is subject to Site Plan Control: Tourist Commercial (TC), General Commercial (GC), and Special Purpose – Settlement Zone (SPS). If applicable, Site Plan Control applies to development in special zones where the zone symbols are followed by a dash and a number.

Council may also pass a by-law to control commercial, industrial, institutional, recreational, and residential uses including mobile home parks throughout the Settlement Area

**2.1 EXEMPT CLASSES OF DEVELOPMENT**

The following classes of *development* may be undertaken without the approval of plans and drawings otherwise required under subsections 41(4) or 41(5) of the *Act*, and this By-law does not apply to such classes:

- 2.1.1 A single-detached dwelling and any other class of dwelling to a maximum of four dwelling units.
- 2.1.2 An addition or alteration to a building or structure listed in Section 2.1.1.
- 2.1.3 Buildings or structures used for an agricultural use on a farm.
- 2.1.4 Minor additions or alterations that increase the size of a building or cumulative size of buildings by less than 20% of the gross floor area, as set out in Section 1.6.1.2.
- 2.1.5 Utility installations.
- 2.1.6 Public utilities.

**APPROVAL OF PLANS AND DRAWINGS**

**3.0 APPLICATION FOR APPROVAL**

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Every application for site plan approval shall be accompanied by the following plans, specifications, documents and information:

- 3.1 the plans referred to in Paragraph 1 of subsection 41(4) of the *Act*, showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction with the building or structure and all the facilities, works and matters referred to in clause 41(7)(a) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.2 the drawings referred to in Paragraph 2 of subsection 41(4) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.3 a complete application form duly authorized and all required drawings and supporting reports or documents referred to in Section 3.1, 3.2 and 3.3;
- 3.4 the fees, securities and deposits as outlined in the Township User Fee By-law.

**4.0 DEVELOPMENT AGREEMENT**

The application for site plan shall result in the following:

- 4.1 a condition to the approval of the plans and drawings referred to in subsection 41(4) of the *Act*, the owner of the land is hereby required to:
  - 4.1.1 provide in accordance with the *Site Plan Design Guidelines* and at no expense to the *Corporation* the facilities, works or matters mentioned in subsection 41(7)(a) of the *Act* approved in accordance with Section 41 of the *Act* and shown on the plans and drawings; and
  - 4.1.2 maintain in accordance with the *Site Plan Design Guidelines* and at the sole risk and expense of the owner the facilities or works mentioned in subsection 41(7)(b) of the *Act* and shown on the plans and drawings, approved in accordance with Section 41 of the *Act*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.
- 4.2 pursuant to Section 41 (7) ( c) of the *Act*, a requirement to enter into one or more agreements with the *Corporation* in the form in Schedule "A" to this by-law dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this by-law and in accordance with the *Site Plan Design Guidelines*;
- 4.3 where required under an agreement referred to in Section 3.4, security to

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protect the *Corporation* in respect of its liability for holdback and costs under subsection 17(4) of the Construction Lien Act, R.S.O. 1990, c. C.30, as amended, and to assure satisfactory provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this by-law and in accordance with the *Site Plan Design Guidelines*. The security will be equal to the greater of \$2,000.00 or the dollar value of 20 percent of the costs of all site work of the *development*, including but not limited to, asphalt, curbing, servicing and landscaping. In addition, the security shall be equal to the dollar value of 100 percent of the costs of works affecting the municipal road allowance, property or works within or on municipal easements;

- 4.4 if necessary, conveyance of part of the subject land to the *Corporation* for municipal purposes under subsections 41(8) and 41(9) of the *Act*;

**DELEGATION TO APPOINTED OFFICERS**

5.0 DELEGATION OF POWER

- 5.1 Subject to Schedule A of this by-law, all of the Council's powers or authority under Section 41 of the *Act*, except the authority to define any class or classes of development as mentioned in Clause 41(13)(a) of the *Act*, are hereby delegated to and may be exercised by one or more of the appointed officers of the *Corporation* identified in Schedule A to this by-law either by name or position occupied.
- 5.2 The Council hereby appoints each appointed officer to be appointed officers to sign and deliver, together with another one of the appointed officers, for and in the name and behalf of the *Corporation*, and such agreements shall be binding upon the *Corporation* without any further authorization or formality.

**EXERCISE OF COUNCIL'S POWERS**

6.0 EXERCISE OF POWER

The exercise of the powers, authority or appointment delegated or made under Section 5 of this by-law is subject to the following:

- 6.1 The *Approval Authority* shall approve the plans and drawings referred to in subsection 41(4) of the *Act* except where,
- 6.1.1 the proposed facilities, works or matters shown on the plans and drawings do not comply with any applicable zoning by-law or are not

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- substantially in accordance with the *Site Plan Design Guidelines* attached as Schedule "A" to this by-law, or
- 6.1.2 the application submitted as required in Section 3.0 of this by-law is incomplete.
- 6.2 As a condition to the approval of plans and drawings referred to in subsection 41(4) of the *Act*, the *Approval Authority* may require that the owner of the land enter into one or more agreements referred to in Section 3.3 of this by-law, unless otherwise exempted by duly adopted resolution of Council.
- 6.3 The powers or authority under Sections 41(7)(b) and (c) of the *Act* with respect to any of the facilities, works or matters mentioned in Section 41(7)(a) of the *Act* shall be exercised by the *Approval Authority*.
- 6.4 The provisions of the *Site Plan Design Guidelines* be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.

**LAPSING OF APPROVAL**

**7.0 LAPSING OF APPROVAL**

An approval of plans and drawings referred to in subsection 41(4) of the *Act* lapses,

- 7.1 where a building permit is required for the *development*:
- 7.1.1 at the expiration of **one (1) year** from the date of approval if, within the one year period, no building permit is issued for the *development*;
- 7.1.2 and a building permit is issued for the *development* but the owner has not started construction within one year of date of issuance of the building permit or the construction of the *development* has not been completed within **two (2) years** of the date of issuance of the building permit; or
- 7.1.3 upon the revocation at any time of any building permit issued for the *development*; and
- 7.2 where no building permit is required for the *development* but the owner has not started construction within **one (1) year** of date of site plan approval or the construction of the *development* has not been completed within **two (2) years** of the date of site plan approval; or,
- 7.3 where the *Approval Authority* has granted approval to the plans and drawings and a Development Agreement is necessary to implement the *development*, but no Development Agreement has been executed and Registered on Title, within one year of the said approval; or,

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- 7.4 the lapse of an approval is effective upon the date of giving written notice by the *Approval Authority* to the owner by registered mail and posting notice on site, revoking the approval; or, where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated.

**FAILURE TO ACT / REFERRAL / APPEAL**

**8.0 FAILURE TO ACT / REFERRAL TO COUNCIL / APPEAL**

Where the *Approval Authority* does not approve the plans and drawings referred to in subsection 41(4) of the *Act* within **thirty (30) days** after they are submitted to the Municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the Municipality under subsection 41(7) of the *Act* or with any part thereof, including the terms of any agreement required, the owner of the land may, by written notice to the Township of Ignace Clerk and submission of the fee as set out in Section 3.4 to this by-law, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the agreement, be referred to Council, and;

- 8.1 Council shall hear the owner or afford the owner an opportunity to be heard as soon as practicable after the decision of the *Approval Authority*; and
- 8.2 shall consider the report and recommendations of the *Approval Authority* and determine the matter at issue, settle and determine the details of the plans or drawings and approve the same, settle and determine the requirements, including the provisions of any agreement; or
- 8.3 the owner of the land may, by written notice to the Township of Ignace Clerk (or Designate) and to the Local Planning Appeal Tribunal, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the agreement, be referred to the Local Planning Appeal Tribunal. The Local Planning Appeal Tribunal shall hear and determine the matter at issue.

**9.0 EXECUTIVE ACTS AUTHORIZED**

The Mayor and Township Clerk, and Manager of Planning, Development, are hereby authorized to execute on behalf and under the seal of the *Corporation* any document necessary to give further effect to the provisions of this by-law.

**ENFORCEMENT**

**10.0 DEVELOPMENT WITHOUT APPROVED PLANS**

## **The Corporation of the Township of Ignace By-law No. 75-2021**

Every person who, without having plans or drawings approved in accordance with Section 41 of the *Act*, undertakes any *development* in the site plan control area designated by this by-law is, pursuant to Section 67 of the *Act*, upon conviction in a court of law is guilty of contravening Section 41 of the *Act*.

### **11.0 FAILURE TO PROVIDE OR MAINTAIN FACILITIES**

Every person who undertakes any *development* in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in clause 41(7)(a) of the *Act* and that are required by the *Corporation* under that clause as a condition to the approval of plans or drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of law, guilty of contravening Section 41 of the *Act*.

### **12.0 FAILURE TO ENTER INTO AGREEMENT**

Every person who undertakes any *development* in the site plan control area designated by this by-law without entering into one or more agreements with the *Corporation* that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the *Corporation* to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of law, guilty of contravening Section 41 of the *Act*.

### **13.0 PENALTY UPON CONVICTION**

Every person who contravenes any provision of this by-law, upon conviction, is guilty of an offence and is liable to any penalty as provided in the *Act*.

### **14.0 FACILITIES PROVIDED BY THE TOWNSHIP**

Where the owner fails to provide or maintain any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in subsection 41(7)(a) of the *Act* and that are required by the *Corporation* as a condition to the approval of plans or drawing referred to in subsection 41(4) of the *Act*, the Council may by by-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the *Corporation* at the expense of the owner and the expense incurred in doing so shall be recovered:

- 14.1 by use of any deposits or securities furnished to the *Corporation* under Section 3.4 of this by-law;
- 14.2 by action;
- 14.3 in a like manner as municipal taxes;

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14.4 in annual instalments payable by the owner, not exceeding ten years, with interest.

**15. CITATION**

15.1 This by-law may be cited as the "Site Plan Control By-Law".

**16. FORCE AND EFFECT**

16.1 The provisions of this by-law shall take full force and effect on the date of passing.

**READ A FIRST AND SECOND TIME THIS 20th day of SEPTEMBER, 2021.**

**READ A THIRD TIME AND FINALLY PASSED THIS 20th day of SEPTEMBER, 2021.**

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**MAYOR  
PENNY LUCAS**

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**CLERK  
LYNDA COLBY**



# SITE PLAN APPROVAL GUIDELINES



TOWNSHIP OF IGNACE

**Schedule "A" to By-law No. 75-2021**

The Corporation of the Township of Ignace  
September 3, 2021

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## SECTION 1 – INTRODUCTION

### 1.1 DESCRIPTION

In the Province of Ontario, the Planning Act authorizes municipalities to employ Site Plan Control as a land use tool to ensure the appropriate location of a development on a site and to ensure the safety, attractiveness and compatibility with the surrounding land. This Guideline document has been prepared to inform potential developers and the public about the use of Site Plan Control, the requirements for Site Plan approval in the Township of Ignace and to provide guidelines for site plan preparation and review.

Section 2 of this Guide provides an overview of the Township's Site Plan Approval process. Section 3 identifies the submission requirements for Site Plan application and approval. The more specific objectives for each matter which is subject to Site Plan Control, as well as the guidelines, criteria and standards to be used in order to achieve these goals, are in Section 4 of this guide.

### 1.2 DEFINITION OF "DEVELOPMENT"

For the purposes of Site Plan Control, development is defined in the Planning Act as:

...the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more travel trailers as defined in subsection 168(5) of the Municipal Act 2001, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act, or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of this Act. (S. 41(1) Planning Act, R.S.O. 1990)

In addition to the provisions in the Planning Act, within the Township of Ignace area, the general policies for use of Site Plan Control are contained in the Township of Ignace Official Plan (By-law 67-2020). The Official Plan defines the entire Township as a proposed Site Plan Control Area. Development in the Township is further regulated through the Township of Ignace Zoning By-law, the Township Site Plan Control By-law and other applicable by-laws.

Pursuant to Section 41 of the Planning Act, the Council of the Township of Ignace has enacted a comprehensive Site Plan Control (SPC) By-law. The Township's SPC By-law identifies the development situations and land use classes subject to SPC and exempts certain classes of land use from these controls. This by-law also outlines the requirements for the submission of plans and drawings, and where necessary appropriate studies, prior to permitting "development" on the lands which are subject to Site Plan Control.

### 1.3 SITE PLAN APPROVAL REQUIRED

Site Plan approval is required for all Tourist Commercial (TC), General Commercial (GC), and Special Purpose – Settlement Zone (SPS) uses and types of development in the following situations:

- a) The construction, erection or placing of one or more buildings or structures on the land; or
- b) An interior or exterior alteration to a building or structure on a property that has the effect

- of increasing the usability of the property; or
- c) An addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure in all zones; or
- d) The making or construction of, or addition to, a commercial or industrial parking lot resulting in five or more parking spaces; or
- e) An amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the Township on property which has been designated as a site plan control area in the Site Plan Control By-law which has been adopted by the Township.

It should be noted that all submissions must meet the requirements of the Township Zoning By-law No. 68-2020 and the Township of Ignace Official Plan (By-law No. 67-2020), otherwise planning approval will be required prior to the approval of a site plan application.

The following classes of development are exempted from site plan approval:

- Dwellings: Single-detached dwelling, semi-detached dwelling, duplex dwelling, and converted dwelling containing a maximum of two (2) dwelling units.
- Uses, buildings or structures accessory to the uses listed above, provided they do not generate a requirement for two (2) or more additional parking spaces.
- Utility installations.
- Public utilities.
- Agricultural uses.

Council may also pass a by-law to control commercial, industrial, institutional, recreational, and residential uses including mobile home parks.

**1.4 GOALS OF SITE PLAN CONTROL:**

The principal goals of Site Plan Control are to:

- ensure the safety and convenience of vehicular and pedestrian traffic to, from, and on the site of either existing, new development, and/or redevelopment;
- provide a high standard of landscape amenity, with consideration for accessibility, wayfinding, and buffering of service areas, while retaining natural features, wherever possible;
- reduce the cost to the municipality where development requires the widening of existing roads or the granting of easements for municipal purposes;
- ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons;
- to provide safe and desirable on-site lightning;
- to provide minimum standards, variety, and innovation to building façade;
- improve the quality, safety, and aesthetic appearance of developments for greater enjoyment by the users and tenants;
- to minimize impacts on abutting uses (i.e. residential and commercial) through the use of buffering and privacy screens (i.e. wooden fence and/or natural greenery);
- to protect existing mature trees and/or planting new native trees; and
- improve the image of the Township through well designed individual developments; and
- to ensure proper storm water management, drainage and lot grading for individual developments.

## SECTION 2 – SITE PLAN CONTROL PROCESS

### 2.1 APPROVAL PROCESS

The Township's site plan control process is described below and Figure 1 is a flow chart illustrating the process which can be found on page 5. It can be expected that this process will take approximately **30 days** from submission of a complete application to final approval by the Township if the application conforms to the provisions in the Township of Ignace Zoning (By-law 68-2020) and the policies of the Township of Ignace Official Plan (By-law 67-2020).

#### 1. Pre-application Meeting

The Township encourages the applicant and their agents to meet with the Township staff to discuss the development proposal before submitting any application for Site Plan Approval. The purpose of the meeting is to advise the applicant of the various Official Plan policies and Zoning by-law provisions which apply to the development. The review of these policies and provisions will assist the applicant in the design of the site such as the placement of the proposed buildings, structures and other built features before preparing the required site plan drawings. If it is identified that additional planning approval is required before the proposed site plan could be considered for approval, staff will discuss with the applicant in determining if an application for planning approval should be submitted and considered concurrently with the site plan application.

It is anticipated that any required or additional studies will be identified during the pre-consultation review. If so, the applicant will be expected to provide such studies in conjunction with the completed application.

#### 2. Submit Application

The site plan approval process is initiated by submitting a completed application and the required fee for site plan approval to the Township Ignace Municipal Office. The application form can be found in Appendix 'A' of this document. Additional application forms are available at the local Township office or on-line at [www.ignace.ca](http://www.ignace.ca). The required application fee must accompany the completed application.

For information regarding the application fee please contact the Township of Ignace at 807-934-2202 or online on the Township of Ignace website at [www.ignace.ca](http://www.ignace.ca). A checklist of complete application submission requirements are listed in Appendix 'B'.

#### 3. Township and Agency Review

Township Staff will review the initial submission and will circulate the application to the appropriate agencies for review and comment. The site plan application will be circulated to the following public agencies, as required:

- Township staff including the Chief Building Official, Bylaw Officer, Fire Chief, and Infrastructure and Public Works Manager;
- Ontario Provincial Police – Ignace/Dryden Detachment;
- Northern Water Works Department;
- Applicable local utility companies
- Northwestern Health Unit Health and Emergency Services Department (i.e. Kenora District Services Board), if required
- Ministry of Transportation
- Mary Berglund Community Health Centre Hub, if required
- Ministry of Northern Development, Mines, Natural Resources and Forestry, if required.

Other agencies, including Federal/Provincial ministries, may be circulated depending on the location and scope of the application. The applicant will be notified, in writing, if the circulated agencies require revisions of the site plan drawings or if additional information is required.

**4. Site Plan Meeting**

The applicant will receive an acknowledgement letter, recognizing receipt of the application as well as the notice of a site plan meeting. If required, a site plan meeting will be scheduled for staff, circulated agencies and the applicant, to review the application and agency comments. If required, additional meetings with staff may be held before the requirements for Site Plan Approval have been met.

**5. Final Approval**

For the purposes of Site Plan Approval, in accordance with Section 41(13)(b) of the Planning Act, the authority to approve plans and drawings required for any site plan control area in the Township has been delegated to Town Council through the recommendation of the Manager of Planning, Development, and Engagement Services.

Township Staff will review the proposal and will consider the report and draft Site Plan Agreement. Staff may approve, refuse or modify the application and accompanying plans. Staff may also modify the Site Plan Agreement.

Where "conditional" approval is granted, the developer will modify the drawings and plans in accordance with the direction of Staff. Approval of the application will require the developer to enter into a Site Plan / Development Agreement with the Township. The Site Plan Agreement will include standard development requirements and any necessary special provisions to address all requirements of the review agencies. The approved plans and documents will be incorporated into the Site Plan Agreement. A sample Site Plan Agreement is attached as Appendix "D" to these guidelines.

**6. Agreement Execution**

Once the Final Site Plan Agreement is prepared, the following steps will be undertaken:

- The Manager of Planning, Development, and Engagement Services will have the Final Site Plan Agreement signed by Township Officials (i.e. Mayor and Town Clerk)
- The Manager of Planning, Development, and Engagement Services will advise the applicant the Site Plan Agreement has been approved and signed by the Township. The Applicant will also be advised of any additional deposits that may be required as per the agreement.
- The applicant will provide any additional deposits to the Township Ignace
- Upon receipt of the deposits, the Township will release the signed agreements to the applicant, along with instructions to have the agreement registered on title
- The Applicant will have the agreement registered on title

- The Applicant will provide proof of registration to the Manager of Planning, Development, and Engagement Services, along with an original copy of the agreement (Proof of registration would be a Document General)
- The Manager of Planning, Development, and Engagement Services will advise the Chief Building Official when the signed agreement is returned with proof of registration.

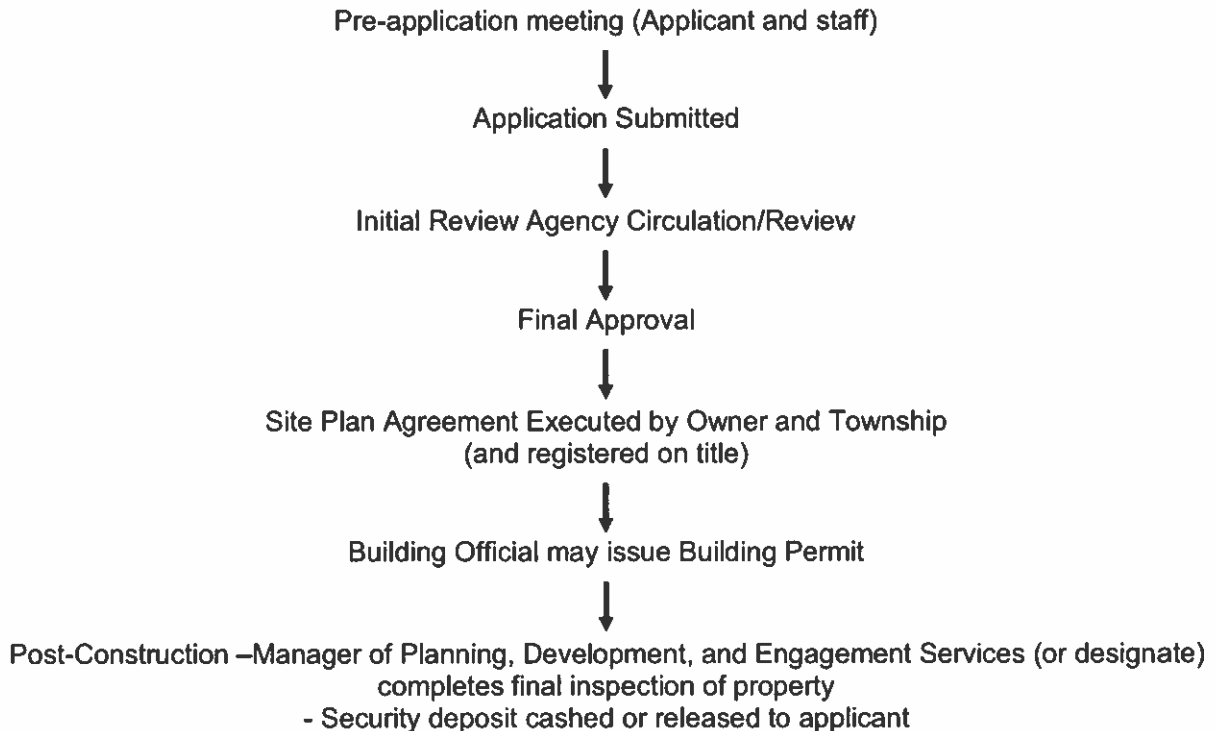
**7. Building Permit**

Construction of either buildings or structures cannot commence until the Site Plan Agreement is registered and building permits are issued, at the expense of the applicant. The Manager of Planning, Development, and Engagement Services will notify the Township Chief Building Official when both the applicant and Township Officials have executed the Agreement, and the required security deposit has been received. The applicant may then apply for a building permit.

**8. Post-construction**

The Township will return the balance of the applicant’s security deposit when the Township’s Chief Building Official has indicated to the Manager of Planning, Development, and Engagement Services, in writing, that all inspections of the property have been completed to ensure compliance with the terms of the Site Plan Agreement. Any works completed on Township property shall be required to be completed and the property returned to its original condition. The applicant will be required to provide any professional reports or ‘as-built’ drawings to confirm the completion of works such as final grading and stormwater management facilities on the subject property, prior to the return of any applicable security. Partial returns may be released depending on the terms of the agreement.

**Figure 1: General Site Plan Review Process**





**9. Appeals**

Under Section 41(12) of the Planning Act, if the Township does not approve a complete application within 30 days after it has been received or the applicant is not satisfied with the any of the requirements made by the Township, including any terms of the required Site Plan Agreement, the applicant may appeal to the Local Planning Appeal Tribunal (LPAT).

Written notice of appeal, including the reasons for appeal and prescribed fees, must be lodged with both the LPAT and the Township Clerk. After receipt of an appeal, the LPAT will schedule a hearing and determine the matters of issue. Once the LPAT has issued a decision/order, the applicant shall enter into a Site Plan Agreement with the Township to implement the LPAT decision. The decision of the LPAT is final and binding on all parties.

**SECTION 3 - APPLICATION REQUIREMENTS**

**3.1 APPLICATION**

The property owner or his/her authorized agent should complete the application found in Appendix A. Where an agent is making the application, the written authorization of the owner must accompany the application. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential. Although hard copies of application forms and drawings must be submitted when applying for site plan approval, additional digital copies can also be accepted electronically. Drawings which accompany a site plan application which are larger than 11"x17" are required to be submitted in standard pdf to [planning@ignace.ca](mailto:planning@ignace.ca).

The application must be accompanied by the required fee payable in cash or cheque made to the "Township Ignace." The application form must be filed and submitted to the following location:

Township Ignace Municipal Office 34 Highway 17 West  
P.O. Box 248  
Ignace, ON P0T 1T0

Phone: 807-934-2202  
Fax: 807-934-2864  
Website: [www.ignace.ca](http://www.ignace.ca)

**3.2 FEES, SECURITIES AND DEPOSITS**

In accordance with the Township Site Plan Control By-law, an applicant may be required to provide the Township with a deposit of cash, certified cheque or irrevocable letter of credit, or any combination thereof, to ensure satisfactory provision and maintenance of the building, structures, facilities and work approved under the site plan approval process. The fees and deposits shall be administered in accordance with the following provisions:

- a) The required application fee shall be submitted payable to the "Township Ignace" Please refer to Appendix C for the application fee and deposit requirements.
- b) The applicant shall provide securities and applicable deposits before the Township issues site plan approval and the Chief Building Official issues any building permits for the development.
- c) The amount of the security for the subject property shall be based on 50% of the estimated cost of the site works (i.e. asphalt, curbing, landscaping, servicing etc.) of the proposed development or \$2,000.00, whichever is greater. The amount of the security shall be listed in the agreement with the applicant.
- d) In addition, a security is required for any works on Township property in the amount of 100% of the estimated cost of the site works. Any construction on Township property or the use of public right of ways during construction must be first approved by the Township through the site plan approval process and outlined in the site plan agreement.
- e) A deposit is required for the review of site servicing, grading and storm water management and as determined by the Township staff. If the collected deposit does not cover the cost of the third-party review, the applicant will be required to pay for any additional/outstanding fees to the Township prior to site plan approval. Alternatively, any monies from the deposit remaining after the third-party review will be returned to the applicant upon site plan approval.
- f) The release of the securities and deposits may be done in phases as each phase of the development is completed. The method by which the release is phased shall be outlined in the agreement with the applicant to the satisfaction of the Township Chief Building Official and/or the Township Clerk.

**3.3 GENERAL REQUIREMENTS FOR DRAWINGS**

The completed application form shall be accompanied by a site plan drawing. At a minimum, the drawings used to describe the proposed development will show the site details, landscaping, services and grading. Additional separate drawings showing the landscape plan, site servicing plan, building elevations and cross section plans shall also be submitted.

Six (6) full size (maximum size of 24"x 36") folded copies of the site plan drawing(s) are required including a digital pdf copy of the full size drawings. Ten (10) additional copies of the plans reduced to 11"x17" are also required for circulation purposes. These drawings shall be prepared by a qualified professional in such a manner as to permit registration at ServiceOntario Land Registry - Kenora Office. A Professional Engineer is required to certify any grading, servicing or construction drawings as required. An Ontario Land Surveyor is required to certify any property boundary dimensions and measurements.

**3.3.1 Drawings Required for Stamping**

Once Site Plan Approval has been granted, three (3) sets of large drawings, a digital pdf of the final plans and three (3) sets of small drawings shall be submitted to be included in the Registered Agreement. Final plans for Site Plan Approval shall be certified by the appropriate professional. The drawings and plans submitted for review must meet the requirements set out below in Sections 3.4 to 3.11 inclusive.

### 3.4 SITE PLAN DRAWING REQUIREMENTS

The site plan requirements are listed in checklist format in "Appendix B" and are required as a minimum submission for site plan approval. Further details are listed below. All submitted drawings are required to be in black and white only unless otherwise specified in these Guidelines.

### 3.5 BUILDING ELEVATION AND CROSS-SECTION DRAWINGS REQUIREMENTS

Building elevation and cross section drawings are required for all commercial, industrial and institutional buildings as well as residential buildings containing more than four units. These drawings must include the following details:

- a) drawing scale;
- b) elevation and details of all facades of the building including type of surface material and paint colour schemes;
- c) all windows, doors, openings and any mechanical equipment attached to or on the roof of the building including the dimensions of these features;
- d) a longitudinal cross-section view through the building to the street line; and
- e) elevations and dimensions of any signs on the building. If a freestanding sign is proposed, an insert drawing is required with the details of the sign.

### 3.6 DESIGN FOR ACCESSIBILITY

In accordance with the Ontarians with Disabilities Act, 2005 the Township aims to make all buildings accessible to persons with disabilities. This new act will be progressively implemented to replace the existing ODA. The legislation will apply to all private and public sector organizations and businesses with the release of five standards relating to accessibility with respects to goods, services, facilities, employment, accommodation and buildings. All site plans shall be required to adhere to the standards released under the Act.

Site plans shall incorporate design features that will make all facilities accessible. Indoor and outdoor design of facilities shall be made safe and convenient by minimizing grade changes and providing such things as disabled parking spaces, suitable curb cuts, ramps and hand-rails.

### 3.7 LANDSCAPE PLAN REQUIREMENTS

The landscape plan(s) encompasses the same area of the site plan and must include:

- a) the location of all existing and proposed trees and/or shrubs which are to be preserved or removed. The symbol of each tree/shrub must reflect the branch spread or canopy of existing trees/shrubs and the proposed trees/shrubs at maturity;
- b) the type and location of screens (e.g. natural green and wooden fences) between adjacent properties
- c) a landscaping table listing all existing and proposed species, including common name, botanical name, quantity, size and condition at planting;
- d) planting specifications and any required instructional drawings; and

- e) all areas to be seeded or covered in grass sod and calculated area thereof, in addition to the percent coverage for the site.

Please refer to Section 4.8 which lists, in detail, the Landscape Plan Guidelines.

### **3.8 SITE SERVICING PLAN REQUIREMENTS**

The Township of Ignace's servicing standards are to be adhered to when designing any new developments within the Township. The servicing standards can be obtained by contacting the Township of Ignace's Public Works Department for the servicing standards. The site servicing plan must also include details of all sanitary sewer, storm drainage, potable water and electricity systems as detailed below:

#### **3.8.1 Sanitary Sewer Systems**

The sanitary sewer features are to be designed in accordance with the Township of Ignace's servicing standards as well as the Provincial standards which can be found at [www.ene.gov.on.ca](http://www.ene.gov.on.ca). Please contact the Township for details regarding servicing standards at 807-934-2202. The following features must be illustrated on the servicing drawing.

- a) Drainage piping - location from building to private drain connections, size and grade.
- b) Private drain connections - existing and new, location, size and grade.
- c) Control manholes to be located at the street line on private property.
- d) All manholes must show invert and finish grade elevations.
- e) Ministry of Environment - "private sewers" are to be designed generally in accordance with Guidelines for the Design of Sanitary Sewage Works, Systems, Storm Sewers (interior), Water Distribution Systems and Waste Storage Facilities.
- f) Northwestern Health Unit requirements - Location and capacity of existing and proposed septic tank(s) and tile bed(s) on the property, if municipal sanitary sewers are not available.

#### **3.8.2 Storm Drainage Systems**

The storm drainage features are to be designed in accordance with the Township Ignace's servicing standards and Ministry of Transportation and the Ministry of Northern Development, Mines, Natural Resources and Forestry standards and specifications. For information regarding the Ministry requirements, please visit their websites at <https://www.ontario.ca/page/ministry-transportation> and <https://www.ontario.ca/page/ministry-northern-development-mines-natural-resources-forestry>, accordingly. The following features must be illustrated on the servicing drawing.

- a) Catch basins - locations, proposed elevations for grates and inverts.
- b) Drainage piping location and all access hole inverts and final grade elevations from building to private drain connections.
- c) Private drain connections - existing and new, location, size and grade, drainage swales (landscaped areas) - elevations along swale, cross sections % grade (slope).
- d) Overland flow - show flow arrows to permit ready identification of overland flow direction, show existing and proposed elevations along property lines, and key points on site and abutting properties.

- e) Flows from adjacent properties - in the event that adjacent private properties drain onto the site being developed, the storm drainage system is to be designed to prevent storm water from backing up and creating a flooding or ponding condition on the adjacent property.
- f) Weeping tiles - identify how flows will be handled should weeping tiles be installed.
- g) Dry well systems and retention systems - display such relevant detail contained in the consulting Engineer's design as will be necessary to ensure that these features are implemented by the contractor.
- h) Sediment and erosion control measures to be implemented before and during construction and post-construction; and
- i) Stormwater management systems and design.

Depending on the site and scale of the development, a stormwater management report may be required in addition to the above servicing drawing requirements.

The Ministry of Transportation controls and approves all development activity along on the Highway 17 Corridor.

### **3.8.3 Water System**

The water system features are to be designed in accordance with Provincial and the Township of Ignace's standards and specifications. The following features must be illustrated on the servicing drawing.

- a) Location and size of all existing or proposed water pipes and mains, valves, shutoffs and blow-offs.
- b) Location of existing and proposed fire hydrants in the vicinity which will service the development.
- c) Location of existing and proposed private water wells on the subject property, if applicable.

### **3.8.4 Electrical System**

The electrical system features are to be designed in accordance with the electrical distribution authority (Hydro One or Erie Thames Powerlines) and the Township of Ignace's servicing standards and specifications. The following features must be illustrated on the servicing drawing.

- a) Transformer and vault location.
- b) Primary, secondary and service wire and/or cable location.
- c) Service entrance and meter location on any buildings or structures.

## **3.9 FIRE DEPARTMENT ACCESS**

Access to buildings for emergency services as required by the Ontario Building Code, shall be shown on the site plan.

## **3.10 ROAD WIDENING(S) AND SIGHT TRIANGLE(S)**

All road widening(s) and site triangles to be dedicated to the Township and/or Ministry of Transportation are to be shown on the site plan. These lands are to be free of buildings, structures and signs. All road widening(s) and site triangles will be deeded free and clear of all legal encumbrances to the municipality. Any costs associated with the dedication of road widening(s) and site triangles are to be incurred by the applicant and will be reviewed by the Ministry of Transportation for compliance and approval.

### 3.11 EASEMENTS

An easement provides the right to use private land for a specific purpose. A title search prior to developing plans will identify existing easements and their specific use, size and location.

In order that any municipal and utility installations traversing the site can be properly installed and maintained by the appropriate authority, municipal service easements and utility easements are required for any water mains, sanitary and storm sewers, drains telephone, electricity, gas and cable services that traverse the site.

The site plan shall show both existing easements and any easements to be granted to the Township, applicable Ministry, or applicable utility provider. The easements shall be free of all buildings and structures. The treatment of the easement(s) including the placing of fill, vehicular access and landscaping, shall be with the approval of the Township, applicable Ministry, or utility company to which the easement is conveyed.

## SECTION 4 – SITE PLAN CONTROL OBJECTIVES AND GUIDELINES

### 4.1 BUILDING LOCATION AND FACILITY DESIGN - ALL DEVELOPMENTS

#### 4.1.1 Location of Buildings and Facilities

The objectives of site plan control for building and facility location are to demonstrate the extent to which the massing and conceptual design of new developments:

- a) minimize conflicts with adjacent land uses;
- b) provide a comfortable and pleasing environment for the intended uses in terms of building orientation, form and siting;
- c) are consistent with or complimentary to existing buildings that are to be retained;
- d) are consistent with or complimentary to existing streetscapes;
- e) comply with Zoning By-law provisions; and
- f) manage drainage and lot grading on the subject site and mitigate the effects of development on adjacent properties.

#### 4.1.2 Building Orientation

Objectives for proper orientation of buildings on a development site include the following:

- a) Where possible, buildings should reinforce the prevailing street pattern by aligning with the established building line or street edge. Buildings may be set back from or placed at an angle to the existing street edge if they are of community importance.
- b) Where possible public views, into, through and out of a development site, should be maintained and improved. Community identity can be achieved by ensuring views of community features such as churches, heritage buildings, bodies of water, valleys, open space and bridges are preserved.
- c) New development next to parks, open space and streets should be designed to blend with the open area.
- d) Buildings should be oriented to maximize energy conservation.

### 4.1.3 Building Form

The scale and character of new development should reflect the existing neighbourhood pattern and/or adjacent heritage buildings. The following features of the surrounding neighbourhood should be reflected in the new development:

- building height;
- ground level treatments;
- ground level views;
- roof treatments;
- frontage widths;
- continuity of street face;
- facades;
- scale of doors, windows and other openings;
- canopies;
- lighting; and
- landscaping.

The form created by the building should produce a sense of physical security by controlling ingress and egress as well as providing visual surveillance of all public or common areas.

The applicant is encouraged to consider aesthetic characteristics of adjacent development and incorporate similar features into the design of new buildings and structures such as:

- the compatibility of materials, textures and colours; and
- the unique architectural details such as cornices, railings, lintels, arches, ironworks and chimneys.

## 4.2 PARKING, DRIVEWAY AND LOADING FACILITIES GUIDELINES – ALL DEVELOPMENTS

The requirements for parking surface material, space size and number, as well as aisle and driveway widths are provided in the Township of Ignace's Zoning By-law 68-2020.

### 4.2.1 Parking Areas

To ensure appropriate design for vehicle access and loading, all parking spaces are to be painted with lines to delineate the location and size of spaces. Consideration may be given to alternative surface materials such as cobblestone which allow precipitation to percolate into the soil, for any parking spaces provided over the minimum number required.

To ensure adequate parking areas are provided that have orderly circulation and an attractive community appearance:

- a) Delineate parking rows to confine traffic to designated parking aisles or driveways.
- b) Minimize access to and from parking aisles along main internal driveways.
- c) All accessible parking is to be clearly marked with signage in conformity with the Accessibility Design Standards as stated in the Township Official Plan. The spaces should be designed to minimize the need for persons with disabilities to cross internal driveways. Accessible parking spaces should accommodate cars or vans which have lifts or ramps installed on either the side or rear of the vehicle. Parking spaces should be designed to provide space for the lift

or ramp and maneuvering space for the person with a disability. Specific details are set out in the Township of Ignace Official Plan which are available at the Township offices or on the Township of Ignace website at [www.ignace.ca](http://www.ignace.ca). At this time, the Design Standards are not mandatory, but are encouraged for all new or redeveloped buildings and facilities.

- d) Clearly identify the types of designated parking areas for employees, visitors and the public.
- e) Public parking should not conflict with shipping, loading, garbage removal or utility areas.
- f) To ensure that parking is not the dominant visual element in the streetscape, screen larger parking areas with buildings, landscaping or low walls, while still maintaining some visibility to provide public safety by means of public surveillance.

#### **4.2.2 Parking Space Requirements**

As previously mentioned, requirements for the number of parking spaces for specific types of uses and the size of spaces are set out in the Township Zoning By-law 68-2020.

The number of parking spaces designated to accommodate persons with disabilities shall be also in accordance with the Township of Ignace's Zoning By-law 68-2020

#### **4.2.3 Internal Driveways**

To ensure proper flow of traffic:

- a) Delineate main internal driveways with raised curbs.
- b) Avoid lengthy straight sections and use speed bumps to discourage high speeds.
- c) Ensure adequate visibility of intersecting traffic movements in the design of driveways and parking aisle intersections.
- d) For large commercial or industrial developments, main internal driveways should be located away from building entrances in order to minimize pedestrian and vehicle conflicts.
- e) Aisles designed for one-way or two-way circulation should be clearly marked.
- f) Driving lanes should widen at drop-off areas near buildings.
- g) Turning radii shall be provided at the end of dead-end driveways.

#### **4.2.4 Off-Street Loading Facilities**

To ensure loading facilities are effective:

- a) Sufficient space should be provided on a property to permit delivery vehicles to make all maneuvers for "off-street" away from fire routes which are to be designed to support emergency vehicles.
- b) Separate access or internal driveways should provide access to loading facilities which abut the building to be served.
- c) For commercial developments or other integrated development, the use of joint loading facilities to serve all or several individual businesses will be encouraged.

Site Plan designs should ensure that adequate waste storage facilities and enclosures are provided to permit:



- a) the storage of garbage and recyclable materials between collections thereby avoiding health, safety, and litter problems;
- b) for the efficient and safe collection of garbage by collection vehicles; and
- c) adequate separation from other land uses including residential uses.

**4.3 GARBAGE STORAGE HANDLING AREAS – ALL DEVELOPMENTS**

**4.3.1 Design Features**

To ensure proper design and siting of waste storage facilities include the following:

- a) Location and accessibility – waste disposal areas should be located at the building service entrance or rear yard which can be easily accessed by the waste collection vehicle.
- b) Collection Platform Material – a concrete pad or other structurally adequate impervious material is required to mitigate any seepage of liquid waste
- c) Enclosure Wall Material and Height – the enclosure should be constructed with low maintenance durable material.
- d) Street-fronting Townhouses should have an individual waste and recycling storage area within or immediately associated with each unit. Common exterior storage facilities are not recommended and will only be permitted where the applicant demonstrates that individual storage facilities are not feasible.
- e) Apartments – waste and recycling are to be centrally stored in specifically designed common storage facility.

**4.4 SNOW REMOVAL AND STORAGE AREAS – ALL DEVELOPMENTS**

To ensure proper snow removal and storage areas, include the following:

- a) Location of snow storage – snow storage areas should be identified on the site plan outside of a parking area, garbage storage and pedestrian access to the building.
- b) Design – parking areas, outdoor amenity areas, pedestrian access ways should be designed to ensure accessibility of snow removal equipment.

**4.5 ACCESS – ALL DEVELOPMENTS**

To ensure the orderly and safe movement of traffic with minimum interference with pedestrian traffic:

- a) the number of access driveways shall be minimized;
- b) individual residential driveways on to arterial streets should be avoided;
- c) access for development on a corner lot should be as far from the intersection of the two streets as possible;
- d) where required, the site plan shall make provisions for the joint use of common driveways between abutting properties.

**4.6 PEDESTRIAN FACILITIES GUIDELINES – ALL DEVELOPMENTS**

To ensure the provision of safe and convenient pedestrian circulation:

- a) Install public sidewalks across the frontage of the site in accordance with the Township standards. Please contact the Township of Ignace at 807-934-2202 for the required public sidewalk standards.
- b) On-site walkways should join building(s), access points to parking areas, recreational areas and public sidewalks.
- c) Link building entrances to sidewalks and parking areas by means of a safe, convenient and well-lit walkway system.
- d) Clearly identify walkways that cross vehicular lanes.
- e) Provide continuous pedestrian walkways between entrances of units in buildings with multiple tenancies.
- f) Increase the width of the walkway where pedestrian activity is greater, such as at building entrances
- g) Protect pedestrian areas from vehicular intrusion with landscaping or curbs.
- h) Minimize grade changes between the public sidewalk and private pedestrian areas.
- i) Design pedestrian facilities for maximized accessibility from the public sidewalk to, at least, one main building entrance and one main parking area by incorporating sidewalk ramps of a proper gradient and surfacing material. Compliance with the Ontario Building Code will be required.

**4.7 SITE LIGHTING GUIDELINES – ALL DEVELOPMENTS**

The type, location, height, intensity and direction of lighting shall be shown on the site plan. Lighting should be kept internal to the site and not adversely affect adjacent residential properties, or adjacent public streets, which could pose a vehicular safety hazard. Illumination patterns and levels must be designed to ensure that the site is not illuminated more than necessary.

Exterior lighting recommendations must adhere to Ministry of Transportation and guidelines and policies.

**4.8 LANDSCAPING AND BUFFERING FEATURES GUIDELINES – ALL DEVELOPMENTS**

Landscaping requirements, in the form of planting strips, are outlined in the Township of Ignace’s Zoning By-law 68-2020 and must be shown on the Site Plan or if required, a separate Landscape Plan.

**4.8.1 Definitions**

For the purposes of these guidelines, the following definitions are applicable:

"Landscaping" is comprised of deciduous and/or coniferous trees, shrubs, organic and herbaceous ground cover, berms, water courses, retaining walls, fences, outdoor furniture, and other materials or objects that may be used to enhance the function and/or aesthetics of the landscaped area.

"Landscaped Open Space" - means the open unobstructed space at grade on a lot and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or

within any building or structure.

The following landscaping design requirements may be required on the landscape plan at the discretion of Township staff.

**4.8.2 Screening and Ornamental Planting**

The two basic types of landscaping are "Screening" and "Ornamental Planting." The function of each type overlaps. Screening can also be Ornamental and vice versa. Screening and ornamental plantings can include items such as plants, hedges, walls, fences, berms and herbaceous or organic ground cover.

**4.8.3 Plant Selection**

Native plant species are encouraged where feasible. The selection of landscaping and plant material shall be based on the following criteria:

- a) Year Round and Seasonal Interest
  - i) colour,
  - ii) height and shape of planting through to maturity
- b) Maintenance – fertilizing; pruning and watering; plants that drop large seed pods or shrubs with thorns or sharp edges shall be planted away from pedestrian walkways.
- c) Function - wind protection, seasonal shading and vandal resistance
- d) Physical Conditions - proximity to buildings in terms of shadow and obstruction of sunlight; roads and vehicular access ensuring sight lines are not obstructed and salt spray and snow storage areas do not damage plantings; and municipal services and utilities ensuring root systems do not obstruct utilities above or below ground.

**4.8.4 Preservation of Existing Landscape Elements**

Consideration should be given to the preservation, retention and improvement of existing landscape elements such as major trees and watercourses.

**4.9 TREE PROTECTION STANDARDS – ALL DEVELOPMENTS**

Tree preservation and protection is encouraged through careful site planning including the appropriate location of buildings, facilities and servicing. In general, when trees are to be saved in a construction area, the following recommendations have to be followed to ensure the longevity of those trees:

- a) Where deemed necessary, a tree preservation report will be required and prepared by a qualified professional. This report shall include detailed tree inventories, assessments, discussion of alternatives and recommendations.
- b) A snow fence or other barrier should be placed around the tree to at least the "drip line" of the tree. The "drip line" is the outer extent of branches, regardless of tree maturity.
- c) No excavation shall be carried out within the "drip line" of trees to be preserved. Root loss must be minimal.
- d) No heavy equipment shall be driven over the tree lawn area within the drip line, to alleviate soil compaction around the tree roots.
- e) No soil or construction materials shall be piled within the drip line area or around the trunks of trees to be preserved.

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#### **4.10 GRADING OF STORM AND SURFACE WATER, AND WATER WASTEWATER SYSTEM REQUIREMENTS – ALL DEVELOPMENTS**

Proper grading and disposal of storm and surface should be constructed in order to optimize:

- a) safe, convenient and functional access for pedestrians and vehicles to all areas of the site;
- b) preservation of the natural features of the site where feasible;
- c) the prevention of storm water from entering the sanitary sewer system;
- d) proper site drainage such that storm water is contained within the site and directed to an internal storm drainage system, thereby preventing drainage onto adjacent properties.

All designs for the conveyance of storm and surface water are to be prepared by a qualified professional. When deemed necessary by the Township, these designs are to be certified and the drawings appropriately stamped.

##### **4.10.1 Storm Water Retention Systems**

- a) Flows - The flows from a development site are to be restricted to those flows that were allowed for the site in the design of the storm sewer.
- b) Retention Systems – The Township may determine that a storm water retention system is required as a method of temporary on-site storage of storm water. The applicant will be required to have a professional engineer, who is competent in storm water management practices, submit to and have approved by the Township, the design of a storm water retention system. The approved method is to be displayed on the site plan submitted for site plan approval. Additional supporting documentation may be required.
- c) Certification by Engineer - Upon completion of construction, the applicant will be required to have the professional engineer certify that the retention system was constructed in accordance with the approved design.
- d) Dry Well System - If no storm sewer is available or the storm sewer cannot be extended, the Township may consider the use of a dry well system provided that the applicant provides a report from a qualified geotechnical engineer that confirms that the soils are suitable for a dry well system and that an appropriate separation can be maintained from all buildings. The Chief Building Official may also require the installation of a drain extending from the dry well to the street line for a future connection to a storm sewer.

##### **4.10.2 Waste Water Systems**

Sampling access holes may be required to permit monitoring by the Township and Northern Waterworks. These access holes shall be displayed specifically on the site plan and shall be located on the private drain connection(s) within the development site at the street line.

#### **4.11 ADDITIONAL GUIDELINES FOR COMMERCIAL DEVELOPMENT**

In general, commercial uses can have impacts on other more sensitive land uses. New commercial uses and expanding uses must have minimal impacts on nearby sensitive land uses

##### **4.11.1 General Guidelines**

The design should meet the following objectives:

- a) Ensure development is sited such that adjacent properties maintain sunlight exposure, have visual privacy, protection from the new development's lighting, noise, odour and vibration.
- b) Screen certain site elements, such as loading areas, snow storage areas, transformers, meters, garbage enclosures and roof-top mechanical equipment from public view.
- c) Avoid building designs with large flat surfaces. Incorporate angles, differing setbacks, peaked rooflines, canopies, and coloured trim to provide interesting, attractive facade(s).
- d) Provide safe, convenient access for persons with disabilities to all major building entrances by means of minimal grade changes, curb cuts, ramps and railings.
- e) Provide screening and buffering between existing residential uses and commercial developments.

#### **4.11.2 Commercial Development in the Ignace Shopping Plaza Area**

Within the Ignace Shopping Plaza Areas, locate any new buildings either at the same setback line of existing/neighbouring store fronts and/or at the minimum setback line from the parking lot and to a width equal to the maximum frontage of the property to:

- a) Provide frequent and convenient pedestrian connections between buildings and the public sidewalk.
- b) Provide protection for pedestrians from inclement weather with shelters, canopies and windbreaks at building entrances and along storefront facades.
- c) Minimize the public view of off-street parking areas and servicing facilities.

#### **4.12 ADDITIONAL GUIDELINES FOR RESIDENTIAL DEVELOPMENTS**

The following guidelines address residential development proposals which require Site Plan Approval.

##### **4.12.1 General Building Orientation**

- a) Consideration should be given to locating residential buildings close to the north lot line to increase solar access to open spaces on the site.
- b) The proposed building(s) should not excessively shade adjacent private or public property. In the case of multiple storey apartment buildings, a shadow study may be required to ensure that adjacent properties are not negatively affected by the proposed development.
- c) The long axis of apartment buildings and multiple residential buildings should be to ensure that most of the dwelling units would receive sunlight during some part of the day.
- d) Residential buildings exceeding 4 storeys should be sited with one of the longest walls parallel to and not more than 6.0 m (20 feet) from a driveway that can accommodate fire equipment.
- e) Common areas and, in particular, children's play areas should be located centrally to provide visual surveillance.

##### **4.12.2 Separation Spaces**

Separation spaces generally refer to the space between buildings on the same site. Setbacks refer to the space between a building and the street line or property line. Separation spaces are also required for fire protection under the Ontario Building Code. Separation spaces between buildings and property lines should address:

- a) Sunlight - Space should be provided around dwellings to ensure the provision of daylight. New housing should be located so not to deprive existing dwellings and private outdoor spaces in the surrounding areas of adequate sunlight or daylight.
- b) Ventilation - The space around the unit should be sufficient to permit natural ventilation of the dwelling.
- c) Noise and Privacy - Physical separation and/or screening should be provided between the dwelling unit and adjacent users and activities to permit the occupant to enjoy rest and privacy without undue interference from external noise. Windows and entrances of a dwelling unit should be separated and/or screened from adjacent buildings and activities to permit residents to make full use of their interior living spaces.
- d) Application of Separation Space - The minimum separation space in front of any window or opening should be applied along the full length and height of the exterior wall. Separation spaces should be free of buildings, roadways, communal parking areas and any communal amenity areas intended for active use.

#### 4.12.3 Private Outdoor Amenity Areas

Private Outdoor Amenity Areas are intended to provide private outdoor areas directly related to the dwelling unit that can effectively extend the living area of the unit and may include landscaped open areas, patios, balconies, communal lounges, swimming pools, recreation facilities and any other areas which may be used for recreational or aesthetic purposes. Outdoor amenity areas shall not include any driveway or parking area. Private outdoor amenity areas should address:

- a) Type of Occupancy - The amenity space should reflect the anticipated type of households that will occupy the dwelling units.
- b) Accessibility - For ease of maintenance, an on-grade private outdoor space should be accessible from the front of the unit without requiring access through a living or dining room. A private outdoor space above grade should be easily accessible from a principle habitable room such as a living room.
- c) Separation and Screening - Separation, in the form of distance or separation screening, between private outdoor spaces and adjacent uses should be provided. Where screening is used to provide separation between abutting privacy areas at the same grade, this screening should be at least 1.5 m (5.0 ft) high.
- d) Parking Separation - Common parking lots should not be closer than 3.0 m (9.8 ft) to a private outdoor space and should be oriented so that headlights and fumes are not directed towards the private outdoor space by using a parallel parking arrangement or by screening with planting or fencing.

#### 4.12.4 Children's Play Areas

All Multi-family residential development shall have an area set aside within the site for the exclusive use by children as a play area. This play area shall consider the following factors in the design:

- a) Size and Location - The area shall be located away from parking areas, driveways and garbage bins. If located adjacent to a property line, the area shall be fenced with a six-foot privacy fence.
- b) Surface - The areas shall be level and be landscaped with grass and perimeter trees.

**4.12.5 Proximity to Railway Lines and Other Sources of Noise**

Applicants may be required to provide, in conjunction with site plans, an acoustical engineering study outlining on-site noise measurements, methods of evaluation, noise sources and abatement measures. New residential development which is proposed to locate in proximity to railway lines or other major sources of noise will be required to meet Provincial Noise Guidelines for residential development to ensure an acceptable acoustical environment is provided for future occupants. Where noise abatement measures are required, site plans and/or landscaping plans shall incorporate the necessary remedial measures.

The applicant will be responsible for any costs associated with having the study reviewed by an independent acoustical engineer on behalf of the Township of Ignace.

APPENDIX "A"  
TOWNSHIP SITE PLAN APPLICATION FORM

FILE NO. \_\_\_\_\_  
REC'D: \_\_\_\_\_  
DATE APPLICATION CONSIDERED  
COMPLETE: \_\_\_\_\_

TOWNSHIP OF IGNACE  
SITE PLAN APPROVAL APPLICATION FORM

The undersigned hereby request the Township of Ignace to consider a Site Plan Control application pursuant to Section 41 of the Planning Act on the lands hereinafter described.

1. BACKGROUND INFORMATION

a) Applicant/Agent:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City: \_\_\_\_\_ Postal Code \_\_\_\_\_  
Contact Person E-mail: \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

b) Registered Owner: (if other than applicant)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City: \_\_\_\_\_ Postal Code \_\_\_\_\_  
Contact Person E-mail: \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

c) Location of Subject Land:

Lot Number(s) \_\_\_\_\_ Plan No. or Concession \_\_\_\_\_  
Part Number(s) \_\_\_\_\_ Reference Plan \_\_\_\_\_  
Lot Number(s) \_\_\_\_\_ Registered Plan \_\_\_\_\_  
Street Address (or 911 Number) \_\_\_\_\_  
The subject land is located on the \_\_\_\_\_ side of the street between \_\_\_\_\_ and \_\_\_\_\_  
Assessment Roll Number: \_\_\_\_\_

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d) Existing \_\_\_ New Development \_\_\_ Expansion of Existing Development \_\_\_\_\_

If new, is any demolition of existing buildings on the site proposed? Yes \_\_\_ No \_\_\_

Are there previous site plan or development agreements registered against these lands?

Yes \_\_\_(File no. \_\_\_) No \_\_\_

e) Existing use of Subject property

\_\_\_\_\_

\_\_\_\_\_

f) Proposed uses of land and buildings

\_\_\_\_\_

\_\_\_\_\_

**Official Plan Designation**

Schedule “ \_\_\_-1” Township Land Use Plan \_\_\_\_\_

Schedule “ \_\_\_-2” District of \_\_\_\_\_ Land Use Plan \_\_\_\_\_

Other Schedules and Appendices \_\_\_\_\_

g) Zoning By-law

Existing Zoning \_\_\_\_\_

Requested Zoning \_\_\_\_\_

If related to a recent or current Zone Change application, please indicate the

File No. \_\_\_\_\_ Status \_\_\_\_\_

**2. SITE INFORMATION**

**Note:** Under Parts 2(a) and 2(b) below, where the proposed dimension / feature does not meet the By-law regulation, a Minor Variance(s) or Zoning By-law Amendment will be required. A decision on the Site Plan application cannot be made without first securing approval of the required Minor Variance(s) or Zoning By-law Amendment.

**a) Zoning Provisions**

REGULATION  
By Zoning By-law 68-2020

PROPOSED

Lot Frontage	_____	_____
Lot Depth	_____	_____
Lot Area	_____	_____
Lot Coverage	_____	_____

Front Yard	_____	_____
Rear Yard	_____	_____
Interior Side Yard	_____	_____
Exterior Side Yard (corner lot)	_____	_____
Landscaped Open Space (%)	_____	_____
No. of Parking Spaces	_____	_____
No. of Loading Spaces	_____	_____
Width of Planting Strip	_____	_____
Driveway Width	_____	_____
Handicap Spaces	_____	_____
Other (Specify)	_____	_____
Minimum Distance Separation (MDS) if applicable.		
To Barn	_____	_____
To Manure Storage Facility	_____	_____

Off-Street Parking and Loading Facilities

Total number of off-street parking spaces existing:	_____
Number of off-street parking spaces proposed (include existing & proposed):	_____
Number of off-street loading facilities existing:	_____
Number of off-street loading facilities proposed (include existing & proposed):	_____

**b) Proposed Building Size:**

Ground Floor Area of Existing Buildings(s)	_____
Ground Floor Area of Proposed Development	_____
Total Ground Floor Area (including existing & proposed)	_____
Number of Storeys proposed	_____
Building Height Proposed	_____
Total Gross Floor Area Proposed (including existing and proposed)	_____

3. COMPLETE AS APPLICABLE

Note: If the application includes a combination of residential, commercial, industrial, institutional or open space development on the same site, the applicable sections must be completed.

a) Multiple Family Residential

Landscaped Area \_\_\_\_\_ m<sup>2</sup> (or ft<sup>2</sup>)
Conversion or Addition to Existing Residential Buildings Yes \_\_\_ No \_\_\_
Amenity and/or Children's Play Area Yes \_\_\_ No \_\_\_

UNIT BREAKDOWN

Table with 3 columns: Type, Number of Units, Floor area of Unit Type (m2 or ft2). Rows include Bachelor, One-Bedroom, Two-Bedroom, and Three-Bedroom.

Other Facilities provided (e.g. play facilities, underground parking, games rooms, swimming pool, etc.)

b) Commercial / Industrial Uses

Describe Type of Business Proposed \_\_\_\_\_
No. of Buildings Proposed \_\_\_\_\_
Conversion or Addition to Existing Building \_\_\_ Yes \_\_\_ No
If yes, describe \_\_\_\_\_
Gross Floor Area (breakdown by type of use - office area, retail, storage etc.) \_\_\_\_\_
Seating Capacity (if applicable) \_\_\_\_\_
Number of employees - Initially \_\_\_\_\_ In future (5 yrs) \_\_\_\_\_
Open Storage Required Yes \_\_\_ No \_\_\_
If yes, describe type, location, area m2 (ft2) and buffering provided (if any) \_\_\_\_\_
Phasing of development/construction if any \_\_\_\_\_

If residential use proposed as part of, or accessory to commercial/industrial use, please complete Sec. 3 a).

**c) Institutional, Open Space or Other Uses**

Proposed Use \_\_\_\_\_

No. of Beds (if applicable) \_\_\_\_\_

Gross Floor Area by Type of Use (office, common rooms, storage, etc.) \_\_\_\_\_

Landscaped Area \_\_\_\_\_ m<sup>2</sup> (ft<sup>2</sup>)

**4. AUTHORIZATION**

NOTE: The property owner or the authorized agent must complete the application. Where an agent is making the application, the written authorization of the owner must be completed below. If the application is being made under an agreement of purchase and sale, a copy of the agreement must be attached and will remain confidential.

**Authorization of Owner(s) for Applicant/Agent to Make the Application**

I/We, \_\_\_\_\_, am/are the owner(s) of the land that is the subject of this application for site plan and I/we authorize \_\_\_\_\_, to make this application on my/our behalf.

\_\_\_\_\_

\_\_\_\_\_

DATED

Signature of Owner(s)

5. DECLARATION:

I/We, \_\_\_\_\_ of the \_\_\_\_\_ of  
 (Name) (Township/City)  
 \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
 (Name of municipality) (District) (Name of District)

DO SOLEMNLY DECLARE THAT:

All of the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of the Canada Evidence Act.

\_\_\_\_\_  
 Signature of Owner/Applicant

DECLARED before me at the \_\_\_\_\_ of \_\_\_\_\_  
 (Township/City) (Name of municipality)

in the \_\_\_\_\_ of \_\_\_\_\_  
 (District) (Name of District)

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
 A Commissioner for Taking Affidavits, etc

**APPENDIX "B" - CHECKLIST FOR SITE PLAN DRAWING REQUIREMENTS**

The following is a checklist of the information to be provided on the site plan drawing.

- Site plan at a maximum scale of 1:200 and a minimum scale of 1:300.
- All measurements must be in metric.
- Location/key map at a 1:2000 scale with north arrow.
- Applicant's and owner's name, address and telephone number.
- Project name, municipal address and legal description (Lot and Plan number)
- Site Plan and Building Statistics:
  - Zoning Category / Symbol
  - Lot Area
  - Lot Coverage – proposed and permitted
  - Gross Floor Area – proposed and required
  - Gross Leasable area (if applicable)
  - Landscaped Open Space Area – proposed and required
  - Paved Area
  - Parking spaces – proposed and required
  - Loading spaces
  - Accessible parking spaces provided
- All bearings and dimensions of the property.
- Adjacent land uses, zoning and existing structures.
- Adjacent street names.
- Above ground utilities;
- Existing municipal sidewalks.
- Dimensions of all buildings and structures.
- Building setbacks to lot lines and rights-of-way (including overhead canopies).
- Centre line setback of buildings from major roads
- Existing and proposed easements, rights-of-way and site triangles
- Location/dimensions of parking spaces (including accessible), aisles and loading spaces.
- All vehicular entrances (widths and radii).
- Dimensioned landscape amenity areas.
- Existing and proposed grades around the perimeter of the site and critical points within site, including the base of existing trees to be preserved.
- Finished floor elevations of existing and proposed buildings.
- Retaining walls (top and bottom of wall spot elevations, material)
- Building entrances, including spot elevations at entrances to indicate flush thresholds.
- Existing natural features and vegetation.
- Type and location of all hard surface areas – walkways, stairs, ramps.
- Garbage storage and handling areas.
- Snow removal and storage areas.
- Sign locations.
- The location and turning radii for Fire and Emergency Service access route.
- Professional stamp (engineer or architect).
- Property dimensions certified by an Ontario Land Surveyor

**APPENDIX "C" - APPLICATION FEE**

The application fee for Site Plan Approval in the Township of Ignace is \$2,000.00 plus a deposit of \$2,000.00, payable to the "Township of Ignace."

The deposit shall be drawn upon by the Township for Engineering and Legal expenses related to development of the Site Plan Agreement.

Additional deposits may be required under Section 3.2 and will be specified in the Site Plan Agreement and will be payable prior to Final release of the agreement for registration.

A minimum deposit of \$1,000 must be maintained with the Township until such time as Section 2.8 in the Guidelines is satisfied, which is in addition to any other deposits that may be required under the Site Plan Agreement.

**APPENDIX “D” – SAMPLE SITE PLAN AGREEMENT**

**TOWNSHIP OF IGNACE**

**SITE PLAN CONTROL AGREEMENT**

**THIS AGREEMENT**, made in Duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 2020

**BETWEEN:**

**XXX Ontario Inc.**  
hereinafter called the 'Owner'

**OF THE FIRST PART**

- and -

**The Corporation of the Township of Ignace,  
a Municipal Corporation within the District of  
Kenora,**  
hereinafter called the 'Township'

**OF THE SECOND PART**

**WHEREAS** the Owner represents that they are the Registered Owner of those lands and premises in the Township of Ignace described in Schedule “A” to this Agreement and have applied to the Township of Ignace for site plan approval under the Planning Act, R.S.O, 1990, and amendments thereto;

**AND WHEREAS** the Owner acknowledges that the lands are subject to Site Plan Control pursuant to the provisions of Section 41 of the Planning Act, R.S.O., 1990, and pursuant to Township of Ignace Site Plan Control By-law No. 75-2021;

**AND WHEREAS** the Township is of the opinion that such land development is not proper and in the public interest unless the Owner agrees to perform the covenants herein set forth;

**WITNESSETH** that, in consideration for the approval of the said plans and as a condition of such approval, the parties hereto covenant and agree one with the other as follows:



1. The lands affected by this Agreement are the lands described in Schedule "A" attached hereto and are hereinafter referred to as "the subject lands";
2. The Owner has obtained an approved Site Plan from the Township, indicating the locations of the structure(s) to be built, the access ways, the parking areas and appropriate on-site drainage, fencing, among other details. Said Site Plan is attached hereto as Schedule "B".
3. The Owner agrees to the following:
  - a) to retain a qualified Professional Engineer to oversee the implementation of the site plan, including but not limited to the installation of drainage, water and sanitary sewer connections (if necessary) and final grading, for the duration of the construction of the structure(s), and that the said Professional Engineer shall provide reports to the Township regarding the implementation of the site plan at the discretion of the Township and at the sole expense of the Owner;
  - b) that prior to commencing any site alteration activity, or building construction, the Owner will secure all the necessary approvals for installation of municipal services onto the subject lands, if necessary for the development.
  - c) that prior to the erection of any buildings or structures that are subject to the provisions of the Building Code Act, the Owner shall supply the appropriate structural plans, and detailed site and grading plans, in order to obtain the building permits required;
  - d) that all work and services required under this Agreement shall be carried out in good and workmanlike manner in accordance with good trade practices so as to cause a minimum of nuisance to the neighbours;
  - e) all landscaped materials are to be maintained at all times to at least the minimum standards established in the Agreement. Any removal or loss of landscaped materials shall be replaced and maintained to achieve basic compliance with this Agreement;
  - f) that all necessary precautions shall be taken during site alteration and construction activity to avoid the raising of dust, creating unnecessary noise and other nuisances and to provide for the public safety, so far as is practicable;
  - g) to grant to the Township as the case may be, and their servants, agents and contractors, a license to enter the subject lands for the purpose of inspection of the works and the lands or for any other purpose pursuant to the rights of the Township under this Agreement;
  - h) that any damage to Township property adjacent to the subject lands, that has been deemed to have occurred as a direct result of development activity on the subject lands, either during or after site alteration and construction, will be repaired and/or returned to a condition satisfactory to the Township, at the sole expense of the Owner. Any deposit required for this purpose, as identified in Schedule "C" to this Agreement, shall be returned to the Owner, in accordance

with the provisions listed in Schedule "C" and at the discretion of the Township, as the case may be;

- i) Any new entrance shall be approved by Township of Ignace Public Works Department.
4. This Agreement will be registered on the Title of the subject lands and the Owner shall be solely responsible for the expenses associated with the preparation and registration of this Agreement and compliance with all the provisions hereof. The Owner shall be required to provide to the Township a registered copy of the Agreement prior to the issuance of any building permit.
5. The Owner covenants and agrees that upon the approval of the plans set out in Section 2 of this agreement, and following registration of this Agreement on the Title, the Owner shall carry out all works shown on the said plans in accordance with said plans at the sole expense of the Owner, and such work shall proceed in a timely manner.
6. The Owner agrees to reimburse the Township for all reasonable engineering and legal costs incurred by the Township for the preparation and supervision and enforcement of this Agreement, and such payment is to be made within thirty(30) days of the receipt of any associated invoice from the Township.
7. All applicable Township Development Charges shall be paid prior to the issuance of any building permit.
8. If applicable, all fees and charges levied by the Township of Ignace relating to the installation of sanitary sewers or municipal water services shall be paid prior to the issuance of any building permit.
9. The Owner covenants and agrees that no later than twelve (12) months after occupancy of the proposed development on the subject lands, or the expansion of such use, as applicable:
  - a) The Owner shall provide to the Township two (2) copies of the "as constructed" drawings, printed in full size drawing format, that accurately illustrate the works and services; the buildings; the engineered site grading and drainage features; and, the landscaping and parking features as required to be constructed for the proposed development on the subject lands.
  - b) The "as constructed" drawings shall be prepared and certified by the Owner's Engineer (or other professional), as required for each drawing. The "as constructed" drawings shall be accompanied by the Engineer's (or other professional's) Certificate of Completion, indicating the proposed development has been completed in accordance with the approved plans.
  - c) The Owner further covenants and agrees that, only upon receipt of the Engineer's certificate of completion and the "as constructed" drawings, together with a written request from the Owner to the Township, shall the Township be required to provide a refund of the deposit submitted with the application for Site Plan Control.
  - d) The Owner further acknowledges that failure to meet the above-noted requirements (for the "as constructed" drawings, Engineer's Certificate of Completion and Owners' written request) within the prescribed time period shall constitute a breach of the terms of this agreement. The Township shall provide, in writing, notice of the deposit forfeiture to the

Owner, whereupon the deposit that was provided to the Township in support of the application shall be forfeited immediately to the Township and no further refund of this deposit shall be provided by the Township to the Owner.

- e) The Owner further covenants and agrees that the forfeiture of the deposit to the Township, should this event occur, in no way releases the Owner from their obligation to provide the required Certificate(s) of Completion and the "as constructed" drawings for this development.
10. The Owner acknowledges that any changes in land use, or any changes to the approved Site Plan drawing(s), attached as Schedule "B" to this Agreement, will require further review and approval by the Township and other applicable authorities, if necessary, prior to the commencement of any site alterations or the approval of any building permit(s) associated with those proposed changes. If necessary, an amendment to this Agreement will be required to be entered into to identify the change(s) and address any additional concerns of the Township.
  11. The Owner acknowledges that this Agreement is entered into under the provisions of Section 41(7)(c) of the Planning Act, R.S.O. 1990, as amended, and that any expenses of the Township arising out of the enforcement of this agreement may be recovered in the following manner:
    - a) by use of any cash, deposit or security furnished to the Corporation under Section 3.2.2 of this by-law; or,
    - b) by action; or,
    - c) in a like manner as real property taxes, pursuant to the Municipal Act, 2001.
  12. The parties hereto agree that this Agreement and everything contained herein shall enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of each of the parties hereto as the case may be and shall constitute a covenant running with the lands described in Schedule "A" attached hereto.
  13. The Owner covenants and agrees that the right of the Township to enter into this Agreement and to enforce each and every term, covenant and condition thereof shall not be called into question directly or indirectly in any proceeding whatsoever  
  
in law or in equity or before any administrative or other tribunal and that the Township may plead this provision in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.
  14. All words importing the singular only shall include the plural; words importing the masculine only shall include the female and words importing a person shall include a corporation.
  15. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the respective parties have executed this Agreement.

Signed, Sealed and Delivered in the Presence of

\_\_\_\_\_  
Witness

\_\_\_\_\_  
I have the authority to bind the Corporation

\_\_\_\_\_  
Witness

\_\_\_\_\_  
I have the authority to bind the Corporation

**CORPORATION OF THE TOWNSHIP OF IGNACE**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

We have authority to bind the Corporation.

**SCHEDULE "A"**

ALL AND SINGULAR that certain parcel of tract of land and premises situate, lying and being in the Township of Ignace, in the District of Kenora, being composed of:

**Legal Description and PIN for property**

**SCHEDULE "B"**

**ADD SITE PLAN**

**SCHEDULE "C"**

**Deposit for Works on Adjacent Lands Owned by the Township**

The following provisions apply with respect to Deposits to be provided by the Owner to the Township for the purposes of security associated with any works, services or other matters related to the proposed development that affect adjacent municipal lands, including road allowances.

1. A deposit shall be paid to the Township by the Owner, in the amount of:  
\$2,000.00 – Received.
2. The deposit represents 100% of the value of construction of the proposed works, services or other matters to be constructed within the adjacent municipal road allowance, with such works, services and other matters having been deemed necessary for the purposes of the approved development.
3. Should the Owner fail to ensure satisfactory development, execution and completion of the works, services and other matters within the municipal road allowance necessary for the approved development, the Township may, at its discretion, draw upon the deposit as set out in clause 1 of Schedule "C" in order to complete and/or remedy any outstanding items, as required to be constructed or established in accordance with the approved site plan.
4. Should the Township decide to draw upon the Deposit, it shall provide appropriate advance notice, in writing, at least one (1) week prior to taking such action, to the Owner prior to drawing from the deposit. Said notice shall specify the outstanding issues to be remedied and the amount of the deposit that is to be used to affect such remedy. Should the Owner satisfactorily remedy the outstanding issues prior to the Township's action, then the Owner shall immediately provide necessary certificates, as prepared by their Professional Engineer, noting that such outstanding remedies have met the requirements of the approved site plan.
5. Upon receipt by the Township of the Certificate of Completion and the "as built drawings", pursuant to section 10 of this Agreement, the deposit shall be returned to the Owner, less any Township costs paid out of the deposit.
6. Partial returns of the deposit may be released in advance of the receipt of the Certificate of Completion, but in no case shall the full amount of the deposit be returned in advance of the owner meeting the provisions of Section 10 of this Agreement.
7. The Township shall not pay any interest on the deposit.

**The Corporation of the Township of Ignace**

**By-law 76.2021**

**Being a By-law to amend By-law 40.2009 to Establish a Policy for Closed Meeting Investigation as set out in the Municipal Act, 2001 as amended (the "Act") allows Municipalities to Appoint a Person to Investigate, in an Independent Manner, Complaints made to him/her by any Person as to Whether the Municipality or Local has Complied with Section 239 or a Procedure By-law under Section 238(2) in Respect of a Meeting or Part of a Meeting that was Closed to the Public, and to Report on the Investigation.**

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**Be It Resolved That** all sections containing the word "Administrator/Treasurer" will be changed to Clerk, along with any spelling and grammatical errors.

**Read a First and Second Time this 20<sup>th</sup> Day of September, 2021.**

**Read a Third and Finally Passed this 20<sup>th</sup> Day of September, 2021.**

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**Penny Lucas, Mayor**

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**Lynda Colby, Clerk**



**POLICY**

*The Corporation Of The Township Of Ignace*

*Policy Manual*

<b>Section: Council</b>	<b>Subject: CLOSED MEETING INVESTIGATION</b>
<b>Effective: December 16, 2009</b>	
<b>Approved by:</b>	<b>By-Law # 40/2009</b>
	<b>Catalogue # C-04</b>

**C-04 CLOSED MEETING INVESTIGATION**

**1. PREAMBLE**

- a) Section 239.2(1) of The Municipal Act, 2001, as amended (the "Act") allows municipalities to appoint a person to investigate, in an independent manner, complaints made to him or her by any person as to whether the municipality or a local has complied with Section 239 or a procedure by-law under Subsection 238(2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.
- b) The Corporation of the Township of Ignace (the "Municipality") can appoint a Municipal Closed Meeting Investigator (the "Investigator") and authorize him to conduct investigations upon receipt of a complaint in respect of meetings or parts of meetings that are closed to the public. (If the Municipality does not appoint its own Investigator, as per Section 239.1(b) of the Municipal Act, 2001, as amended, the Ontario Ombudsman can conduct an investigation.) The Investigator will determine compliance with the Act or the Municipal Procedure By-Law and will report on the results of such investigations.
- c) This document sets out the Municipal Policy and Procedures relative to the investigator and the investigation. Reference should also be made to the Agreement between the Municipality and the Investigator (the "Agreement").

**2. POLICY STATEMENT**

- a) The Municipality shall ensure that requests for investigations submitted under Section 239 of the Act are dealt with in a fair, open and expeditious manner.
- b) The Municipality and all individuals interviewed shall cooperate fully with the Investigator.

**POLICY**

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- c) The Municipality shall ensure that the Final Report received from the Investigator is placed on an agenda for consideration during an open session of Council and/or Committee of the Whole.
- d) This Policy applies to all Boards, Committees, and Commissions appointed by the Council of the Municipality, with the exception of the Ignace Public Library Board.
- e) This Policy is available on the Municipal website, from the Township office and from the Investigator.

**3. COMPLAINT PROCEDURE**

- a) Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act or the Municipal Procedure By-Law for meetings or parts of meetings that are closed to the public. All complaints will be treated as confidential at all times.
- b) All complaints must be submitted on the Municipality's "Closed Meeting Complaint Form." The Complaint Form may be downloaded from the Municipal website or obtained at the Township office or from the Investigator.
- c) All complaints **MUST** contain the following information:
  - Name of Municipality;
  - Complainant's name, mailing address, telephone number and e-mail address and fax number (if applicable);
  - Date and time of the Closed Meeting that is the subject of the complaint;
  - Nature and background of the particular occurrence;
  - Any activities undertaken (if any) to resolve the concern;
  - Any other relevant information; and
  - The original signature of the complainant.

The complainant is to provide as much information as possible about the issue.

**POLICY**

*The Corporation Of The Township Of Ignace*

*Policy Manual*

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Failure to submit the required information will delay the process. A complaint form that is not considered complete by the Investigator will not be accepted and the Investigator will notify the complainant of such.

- d) All complaints shall be submitted by the complainant directly to the Meeting Investigator in a sealed envelope. E-mailed or faxed complaints will not be accepted.
- e) To maintain the integrity of the process, Municipal Staff **IS NOT** to complete the forms or forward complaints on a complainant's behalf. Each complaint is to be treated confidentially and is to be directed/referred to the Meeting Investigator.
- f) If a complaint is submitted directly to the Municipality or received in the mail, the following procedures shall apply:
  - The complaint shall be forwarded to the Administrator Treasurer, who shall take appropriate measures to reseal the complaint (if opened in the mail), or to ensure it remains sealed, and its contents remain confidential.
  - Assign a Reference Number and record the number on the envelope.
  - Log the Reference Number together with the date and time received.
  - Contact the Investigator and obtain direction regarding the complaint letter, i.e. put in mail or pick up.
  - Forward complaint, as per Investigator's instructions, logging the date mailed to or picked up by the Investigator.
  - Upon receipt of the complaint, the Investigator will notify a complainant forthwith of the receipt of their complaint.

**POLICY**

**The Corporation Of The Township Of Ignace**

**Policy Manual**

<b>Section:</b> Council	<b>Subject:</b> CLOSED MEETING INVESTIGATION
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- g) The Municipality shall provide the Investigator with the information necessary to complete his/her review, upon request, including, but not limited to:
- o A certified copy of the Notice of Meeting (where applicable);
  - o A certified copy of the Meeting Agenda;
  - o A certified copy of the Meeting Minutes;
  - o A certified copy of relevant resolutions (if any);
  - o Other relevant information as required or requested.
- h) i) Inquiries with regard to process are to be directed to the Administrator Treasurer or [admintreasurer@tbaytel.net](mailto:admintreasurer@tbaytel.net) , or the Investigator in accordance with Section 3(b) of this Policy.
- ii) Inquiries with regard to the status of a complaint or requests to submit a complaint are to be directed to the Investigator in accordance with Section 3(b) of this Policy.
- i) The Administrator Treasurer is responsible for compliance with this Policy, subject to confidentiality provisions of the process.