

12 Black Bear Path
Seguin On, P2A 0B2



Otter Lake Ratepayers' Association

September 20, 2016

Township of Seguin
5 Humphrey Drive
Seguin On P2A 2W8

Attention: Mayor Bruce Gibbon and Councillors Graves; Buszynski; Osborne; Adams; Collins; and Hepworth.

Re: By-law No. 2016-056 being a By-law to provide for the maintenance of property in a clean, clear and safe condition

Dear Mayor Gibbon and Members of the Township of Seguin Council:

A similar by-law was brought forward by the Township of Seguin (the "Township") a number of years ago but was not passed at that time. Since then other municipalities in the area, for example, Huntsville, Barrie, etc. have passed similar by-laws that provide for the maintaining of land in a clean, clear and safe condition and therefore, the Township is catching-up with those municipalities. Given the Township's moto "The Natural Place to Be", seeing garbage, etc. on property within the Township does not make one think that Seguin Township is "The Natural Place to Be". Further, the Otter Lake Ratepayers' Association ("OLRA"), does not want to see properties that would be considered an eye sore because of debris, etc. especially where that debris poses a safety concern or an environmental hazard to Otter Lake (both Big and Little Otter Lake).

During the summer of 2016, OLRA conducted a survey of its members and the top three concerns of the members who responded were as follows: (1) lake water quality, (2) ecology of Otter Lake and area, and (3) maintaining lake property values. Therefore, both OLRA and the Township are aligned with respect to the environment first mandate and support this proposed by-law.

OLRA has noted some matters that the Township should consider as part of its public meeting/consultation process.

OLRA feels that the Township should review certain language in the proposed by-law 2016-056 and has suggested some edits as follows:

1. The proposed by-law is currently drafted such that it would apply "to protect the environmental integrity of **private property** within the Township"¹. OLRA recommends that the Township consider leading by example and expand this by-law, or create another, to include "the environmental integrity of **all property** within the Township". This would include property owned by the Township, other government agencies, etc. The Town of Huntsville's By-law Number 2007-55, its "Clean Yards By-Law" covers both "private and public lands" and

therefore, OLRA recommends that the Township expand this by-law to reflect all lands. As noted in the proposed by-law, “the Township’s Strategic Plan has identified 3 key Strategic Directions (the 3E’s) including the Environment”¹ and these 3 key strategic directions should apply to **all property** within the Township and **not** just private property.

2. It is noted that the Township would “enact a by-law that would only be engaged under **specific circumstances** to protect ...”² but the proposed by-law does not define what “specific circumstances” the Township has in mind. OLRA feels that these circumstances should be more clearly communicated to residents of the Township and detailed in an appendix to the proposed by-law.
3. In addition, the proposed by-law notes “that the municipality may enter on land at any **reasonable time** for the purpose of carrying out an inspection ...”³ but again the word “reasonable” could mean something different to different people. To avoid problems if this by-law is passed, the Township needs to clarify terms within this by-law, such as reasonable, so that there is no confusion at a later stage.

It is not clear to OLRA whether the following items have been completed or contemplated by the Township but knowing would provide residents assurances that all bases have been covered, for example:

1. With regards to the financial analysis the Township completed with respect to the enforcement of this proposed by-law, will additional staff be required to fulfill this mandate? If so, will that add to the annual operating costs and therefore, the mill-rate that residents of Seguin Township will pay each year forward? OLRA would like to see this financial analysis and the impact on the mill rate presented as part of public meeting scheduled for October 3, 2016.
2. What qualifications will the proposed “Officer”⁴ have that will permit him/her to “determine what constitutes an environmental, health, fire or safety hazard”⁵ if this by-law is passed?

Lastly, as part of the upcoming public meetings, OLRA suggests that the Township ask for input from neighbouring municipalities that have similar by-laws to share its successes/failures, implementation costs and the like with the broader public.

Many thanks for your careful consideration of this matter.

Art Coles

President

Otter Lake Ratepayers Association

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¹ As per the second “AND WHEREAS”.

² As per the fourth “AND WHEREAS”.

³ As per the ninth “AND WHEREAS”.

⁴ As per subsection 1.8.

⁵ As per subsection 4.4.