

# THE CORPORATION OF THE TOWN OF COBALT

## REGULAR COUNCIL MEETING COBALT COMMUNITY HALL April 1, 2025 at 6:30 p.m. AGENDA

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1. **Call to Order**
2. **Disclosure of Pecuniary Interest and the General Nature Thereof**
3. **Public Meetings**  
None
4. **Deputations/Delegation**  
4.1 Cobalt Public Library – 2025 Budget

5. **Adoption of Meeting Agenda**

DRAFT MOTION

**BE IT RESOLVED THAT** Council approve the agenda of the Regular Meeting dated April 1, 2025 as presented.

Moved by:

Seconded by:

**DISCUSSION  
VOTE**

6. **Adoption of Previous Council Minutes**

DRAFT MOTION

**BE IT RESOLVED THAT** Council approve the following minutes as presented:

Regular Meeting of Council – March 4, 2025

Moved by:

Seconded by:

**DISCUSSION  
VOTE**

## 7. Staff Reports

### DRAFT MOTION

**BE IT RESOLVED THAT** Council accept the staff reports as presented.

Moved by:

Seconded by:

### **DISCUSSION**

7.1 By-Law Enforcement – February 2025

7.2 Cobalt Public Library – Board Minutes – January 25, 2025

7.3 Cobalt Historical Society - Board Minutes – February 10, 2025, Annual General Meeting March 4, 2025, 2025 Annual Report

7.4 Staff Report 2025.04.01.01 – 2023 FIR Review

7.5 Staff Report 2025.04.01.02 – 2025 Budget Update

7.6 Staff Report 2025.04.01.03 – By-Law 2025-10 Hiring By-Law

7.7 Staff Report 2025.04.01.04 – By-Law 2025-11 Fence By-Law

### **VOTE**

## 8. Items for Council consideration

### **8.1 U.S. Tariffs on Canada / Purchasing Policies**

#### DRAFT MOTION

**BE IT RESOLVED THAT** the Town of Cobalt supports the County of Peterborough's Resolution No. 19-2025 which urges the federal and provincial governments to take all necessary actions to protect Ontario's interest in trade negotiations with the U.S. and investigate purchasing policies

Moved by:

Seconded by:

### **DISCUSSION**

### **VOTE**

## 9. Items for Council information

### DRAFT MOTION

**BE IT RESOLVED THAT** Council accept the items for Council information as presented.

Moved by:

Seconded by:

### **DISCUSSION**

9.1 Ontario Blue Box Transition – Circular Materials - April 1, 2025 (Staff Report 2025.04.01.05 – Circular Material – Recycle Program)

9.2 Northeastern Public Health – Board Minutes – January 30, 2025

9.3 Temagami Medical Centre & Family Health Team – Board Minutes – December 10, 2024

9.4 Temiskaming Foundation – Grant Event Invitation

9.5 Story Environmental Inc. – Permission to Access Sasaginaga Lake for Environmental Sampling.

### **VOTE**

**10. By-Laws and Agreements**

**10.1 By-Law 2025-09 To Adopt Amendment No. 1 to By-Law 2025-05 to Appoint Persons to the Cobalt Committee of Adjustment**

DRAFT MOTION

**WHEREAS** The Council of the Corporation of the Town of Cobalt established a Committee of Adjustment in accordance with Section 44 Section 44 of the Planning Act of the Planning Act R.S.O. 1990, c. P. 13 at its February 4, 2025 Regular Meeting;

**AND WHEREAS** Council received Staff Report No. 2025-03.04.02 at the Regular Meetin March 4, 2025 with recommendations to amend By-Law 2025-05 to include 2 members of Council and 1 resident.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt hereby amends By-Law 2025-05 appoints the following members to the Cobalt Committee of Adjustment:

- 1. Councillor Pat Anderson
- 2. Councillor Rene Lafleur
- 3. Suzanne Othmer

**TAKEN AS READ** a first, second and third time and passed this 1<sup>st</sup> day of April, 2025.

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

Moved by:

Seconded by:

**DISCUSSION**

**VOTE**

**10.2 By-Law 2025-10 to Adopt a Recruitment, Selection and Hiring Policy for the Town of Cobalt (Staff Report 2025.04.01.03)**

DRAFT MOTION

**WHEREAS** Section 270 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, states that a municipality shall adopt and maintain policies with respect to the hiring of employees;

**AND WHEREAS** at the Special Meeting of Council on February 12, 2025, Council for the Town of Cobalt directed staff to bring forward a new hiring By-Law;

**AND WHEREAS** Council for the Town of Cobalt reviewed Staff Report 2025.04.01.03;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt adopts a Recruitment, Selection and Hiring Policy for the Town of Cobalt;

**TAKEN AS READ** a first and second time this 1<sup>st</sup> day of April, 2025.

Moved by:

Seconded by:

**DISCUSSION**

**VOTE**

**10.3 By-Law 2025-11 to Provide Uniform Standards for the Construction of Fences within the Town of Cobalt (Staff Report 2025.04.01.04)**

DRAFT MOTION

**WHEREAS** Section 10(2) paragraph 10 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality may pass By-Laws respecting structures, including fences;

**AND WHEREAS** Council for the Town of Cobalt reviewed Staff Report 2025.04.01.04;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt adopts a By-Law 2025-11 to Provide Uniform Standards for the Construction of Fences within the Town of Cobalt;

**TAKEN AS READ** a first, second and third time and passed this 1<sup>st</sup> day of April, 2025.

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

Moved by:

Seconded by:

**DISCUSSION  
VOTE**

**11. Unfinished Business**

**12. New Business**

**12.1 Schedule of Accounts**

DRAFT MOTION

**BE IT RESOLVED THAT** Council receives the following Schedules as presented:

Schedule No. 2025-06 in the amount of \$233,285.34

Schedule No. 2025-07 in the amount of \$21,632.50

Moved by:

Seconded by:

**DISCUSSION  
VOTE**

**13. Mayor’s Report**

**14. Closed Meeting**

None

**15. Business Arising from Closed Meeting**

16. **Confirmation By-Law**

DRAFT BY-LAW

**BE IT RESOLVED THAT** By-Law No. 2025-12 being a By-Law to confirm the proceedings of Council of the Corporation of the Town of Cobalt be taken as read a first, second and third time this 4<sup>th</sup> day of March, 2025;

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

Moved by:

Seconded by:

**VOTE**

17. **Adjournment**

DRAFT MOTION

**BE IT RESOLVED THAT** the Regular Meeting of Council be adjourned at                      p.m.

Moved by:

Seconded by:

**VOTE**



**THE CORPORATION OF THE  
TOWN OF COBALT**

**BY-LAW NO. 2025-09**

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**Being a By-Law to Adopt Amendment No.1 to By-Law 2025-05 to Appoint Persons to the  
Cobalt Committee of Adjustment**

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**WHEREAS** the Council of the Corporation of the Town of Cobalt established a Committee of Adjustment in accordance with Section 44 of the Planning Act of the Planning Act R.S.O. 1990, c. P. 13 at its February 4, 2025 Regular Meeting;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. **THAT** the following members of council shall be appointed to the Town of Cobalt Committee of Adjustment for a period of 1 year
  - Rene Lafleur
  - Pat Anderson
2. **THAT** the following member of the public shall be appointed to the Town of Cobalt Committee of Adjustment for the remainder of the 2022-2026 Council Term:
  - Suzanne Othmer
3. **THAT** Steven Dalley be appointed as Secretary for the Town of Cobalt Committee of Adjustment.
4. **THAT** this By-Law shall come into force and effect upon the final passing thereof.

**TAKEN AS READ** a first, second and third time and passed this 1<sup>st</sup> day of April 2025.

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

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Angela Adshead, Mayor

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Steven Dalley, Clerk



## THE CORPORATION OF THE TOWN OF COBALT

### BY-LAW NO. 2025-10

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#### Being a By-Law to Adopt a Recruitment, Selection and Hiring Policy for the Town of Cobalt

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**WHEREAS** Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise.

**AND WHEREAS** Section 227 of the *Municipal Act* provides it is the role of the officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions.

**AND WHEREAS** Section 270 of the *Municipal Act* requires the council of a municipality to adopt and maintain policies with respect to, among other things, its hiring of employees and the relationship between members of Council and the officers and employees of the municipality;

**AND WHEREAS** Section 281 and 282 of the *Municipal Act* provide that the council of a municipality may establish a sick leave and benefit program for the municipality.

**AND WHEREAS** Municipalities must comply with the *Employment Standards Act* R.S.O. 1990 (the "*Employment Standards Act*"), as amended and the *Occupational Health and Safety Act* R.S.O. 1990 (the "*OHS Act*") as amended.

**AND WHEREAS** Council of the Corporation of the Town of Cobalt decides it in the best interest of the Corporation to establish certain policies related to the recruitment and management of Officers and Employees of the Municipality.

**NOW THEREFORE** the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. That Council adopt a Recruitment, Selection and Hiring Policy for the Town of Cobalt identified as Schedule "A" attached hereto and forming part of this By-Law.
2. That the Town Manager be responsible to keep up to date on changes in law affecting the guidelines and that changes in law which require amendments to the guidelines and/or this By-Law be delivered to Council in a report within thirty (30) days of becoming aware of the changes.
3. That By-Law 2017-009 is hereby repealed.
4. That the Clerk of the Town of Cobalt is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-Law and Schedule as may be deemed necessary after the passage of this By-Law, where such modifications or corrections do not alter the intent of the By-Law.
5. That this By-Law shall come into force and take effect on the date of its final passing.
6. And further that the said By-Law be signed and sealed by the Mayor and Clerk.

**TAKEN AS READ** a first, and second time this 1<sup>st</sup> day of April 2025.

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Angela Adshead, Mayor

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Steven Dalley, Clerk

**TAKEN AS READ** a third and final time and finally passed this 29<sup>th</sup> day of April 2025

\_\_\_\_\_  
Angela Adshead, Mayor

\_\_\_\_\_  
Steven Dalley, Clerk





**THE CORPORATION OF THE  
TOWN OF COBALT**

**SCHEDULE "A" TO BY-LAW NO. 2025-10**

**TO ADOPT A RECRUITMENT, SELECTION AND HIRING POLICY  
FOR THE TOWN OF COBALT**

## **Part 1 General Provisions**

### **1.1 Preamble**

Council acknowledges that a successful public service requires individuals with the appropriate skillset and personal/professional attributes to provide services and achieve the vision/mission/goals/priorities of Council. Council also recognizes that to attract and retain these individuals they must ensure that they support a workplace culture where Officers and Employees feel valued and respected; are included and consistently engaged; and can perform at their best and be successful as a public servant.

The Town of Cobalt is an equal opportunity employer that provides equality of opportunity for employment without discrimination, consistent with The Ontario Human Rights Code and the candidate's ability to successfully perform the duties of the job.

The process for filling job vacancies will be fair, equitable, open and transparent. Collective agreements, legal requirements of employment and Town of Cobalt policies, procedures and guidelines will be followed in all steps of the hiring process. Hiring and promotion will be based on required skills, abilities, qualifications and seniority as applicable.

All things being equal, preference will be given to resident who reside within the Municipal boundaries of the Corporation of the Town of Cobalt.

Council will not tolerate acts of favoritism or discrimination in the selection process. Elected officials, appointed officers or employees shall not attempt to influence the hiring of any applicants.

Council is committed to fostering inclusive employment and employee management practices. Council is also committed to a workplace culture that is focused on continuous and proactive improvement to ensure employee success in the workplace as well as within role professional development.

### **1.2 Related Municipal Policy and Other Applicable Legislation**

- Workplace Violence & Harassment
- Media Policy
- Code of Conduct
- CUPE Local 127 Collective Agreement
- Employment Standards Act
- Ontario Human Rights Act
- Accessibility for Ontarians with Disabilities

### **1.3 Diversity, Equity and Inclusions**

The Town of Cobalt will aim to foster, cultivate, and preserve a culture of diversity, equity and inclusion.

Council recognizes that human capital is the most valuable asset the Town of Cobalt has. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talent that our Officers and Employees invest in their work represents a significant part of not only the workplace culture, but also effective and efficient delivery of Municipal services.

Council will support a workplace that embraces and encourages differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make Officers and Employees unique.

All Officers and Employees have a responsibility to always treat others with dignity and respect and are expected to conduct themselves in a manner that reflects inclusions in the workplace and at work-related functions.

The Town Manager will promote a positive working environment where Officers and Employees collaborates to achieve the Town of Cobalt's goals while cultivating a culture of diversity, equity, and inclusion.

### **1.5 Scope**

This Recruitment, Selection and Hiring Policy applies to union and non-union permanent, temporary, part-time and student hiring for which there is a job competition.

## **Part 2 Responsibilities**

Town Manager shall:

- Develop staffing policies and guidelines, establish the hiring process and monitor that all hiring activity is fair, equitable and complies with the Collective Agreement, Town policies and procedures.
- Approve the appointment, suspension and dismissal of all employees.
- Coordinate the following functional areas:
  - Employee and labour relations,
  - Recruitment and selection
  - Compensation
  - Pension and benefit administration
  - Human resources information management
  - Occupational health and safety
  - Education and training development
- Be responsible for employee files.
- Maintain privacy and confidentiality of information.
- Provide Council with recommendations for approval to create new positions.

## **Part 3 Hiring of Relatives**

Relative means, in conformity with the Ontario Human Rights Code, includes the spouse, child or parent of an employee.

No employee or member of Council will participate in the hiring or discipline of an employee to whom they are a relative. It is the responsibility of employees and members of Council and/or candidates for employment with the Town of Cobalt to declare whether other Town employees are their relatives.

No employee or member of Council may be in the position for the handling of confidential material related to the performance or evaluation of a relative.

A relative of an existing employee, who is identified as being the best candidate, may be hired if there is no direct reporting relationship between the relatives. In cases of promotion or transfers from within or in situations where related employees may, for any reason, come into supervisory relationship, the Town may consider alternatives to avoid that relationship.

## **Part 4 Hiring of Town Manager**

1. When a vacancy occurs, as the result of resignation, promotion, transfer or dismissal of a Department Manager, or a creation of a new position, Council shall conduct a position needs assessment. At a minimum, the position needs assessment will consider:
  - a. The job profile/job description to determine if it is adequate and still meets the needs of the municipality;
  - b. The communication and other internal relationships impacted by the position within the organizational structure and propose changes to the overall organizational structure if necessary;
  - c. If there is still a need for the position or if the position needs to be modified or realigned or changed completely; and
  - d. The most appropriate recruitment strategy to fill the position expediently and with an individual that is the best fit for the organisation.
2. Council will authorize the position to be posted both internally and externally.
3. A hiring committee shall be comprised of all members of Council. Council may wish to have an outside resource to assist in the recruitment and hiring process.
4. Applications received from qualified candidates will normally be reviewed by the hiring committee within one week following the due date advertised in the posting. Candidates for interview will be evaluated and ranked based on the information presented in the applications.
5. The hiring committee will arrange for all interviews to be conducted.
6. Following the completion of the interviews, the hiring committee will complete a scored evaluation of each candidate interviewed and present a recommendation in closed session as per the Municipal Act, Section 239.
7. The Mayor will prepare a written offer of employment to the approved candidate. A successful candidate will be given a letter of offer that gives them a minimum of five (5) calendar days to consider the offer of employment and any terms and conditions set out in the letter of offer. The candidate's signature on the letter offering employment shall indicate acceptance of the conditions of employment.
8. The Mayor shall notify the interviewed candidates that were not successful in being selected for the position.

## **Part 5**

### **Hiring of Management / Non-Union Positions**

1. When a vacancy occurs, as the result of resignation, promotion, transfer or dismissal of a Department Manager, or a creation of a new position, the Town Manager shall conduct a position needs assessment and report to Council. At a minimum, the position needs assessment will consider:
  - a. The job profile/job description to determine if it is adequate and still meets the needs of the municipality;
  - b. The communication and other internal relationships impacted by the position within the organizational structure and propose changes to the overall organizational structure if necessary;
  - c. If there is still a need for the position or if the position needs to be modified or realigned or changed completely; and
  - d. The most appropriate recruitment strategy to fill the position expediently and with an individual that is the best fit for the organisation.
2. The Town Manager will authorize the position to be posted both internally and externally.
3. The Town Manager will form a hiring committee. For clarity, Council will not be part of a hiring committee for employees who do not report directly to Council unless requested by the Town Manager and approved by resolution of Council.
4. Applications received from qualified candidates will normally be reviewed by the Town Manager and the hiring committee within one week following the due date advertised in the posting. Candidates for interview will be evaluated and ranked based on the information presented in the applications.
5. The Town Manager will arrange for all interviews to be conducted by the hiring committee.
6. Following the completion of the interviews, the hiring committee will complete a scored evaluation of each candidate interviewed and present a recommendation to the Town Manager.
7. The Town Manager shall approve a candidate to fill the vacancy.
8. The Town Manager will prepare a written offer of employment to the approved candidate. A successful candidate will be given a letter of offer that gives them a minimum of five (5) calendar days to consider the offer of employment and any terms and conditions set out in the letter of offer. The candidate's signature on the letter offering employment shall indicate acceptance of the conditions of employment.
9. The Town Manager shall notify the interviewed candidates that were not successful in being selected for the position.

## **Part 6 Hiring of Union (CUPE) Employees**

Hiring of Union (CUPE) employees will be in accordance with the CUPE Local 127 Collective Agreement.

## **Part 7 Offer of Employment – Terms and Conditions**

### Reference Check

All candidates will be subject to reference and internet checks. Candidates are required to provide a minimum of three (3) employment related references and sign a form acknowledging that their listed references may be contacted along with other individuals who they have not listed and that they will be subject to an internet search that will include social media sites.

Reference and internet checks will be conducted prior to any offer being made to a candidate. The Town Manager will ensure that all reference checks conducted internally are done by two (2) individuals. A minimum of two (2) past employers will be contacted.

### Criminal Records Check

Many positions at the Town of Cobalt are safety or security sensitive or are otherwise assumed by the Town of Cobalt by placing a high degree of trust in the integrity of its employees. As a provider of a public service, it is incumbent on the Town of Cobalt to exercise its due diligence by ensuring, to the extent reasonably possible, that employees who provide such service do not pose a risk to vulnerable individuals or the Municipality's interest.

To minimize risk to the Town of Cobalt, Council directs the Town Manager to ensure that police background checks are conducted as a condition of hiring of an employee. Dependent upon the nature of the position and identified risks associated with the position the employee will be required to provide either a criminal record check or vulnerable sector screening check before commencement of employment or being permitted to volunteer for the Municipality.

Employees may be required to provide a renewed police background check if required by law at designated intervals. Additionally, any individual being assigned or promoted into a position requiring vulnerable sector screening check where it was not required or submitted at the start of their employment will be required to provide such prior to starting their new position.

### Driver's Abstract

An employee requiring a driver's licence in good standing as identified in their job description will be required to provide a driver's abstract check within thirty (30) days of a conditional offer of employment and will be required to have a valid driver's licence in good standing for employment purposes.

If an employee does not maintain their driver's licence in good standing, progressive discipline up to and including termination of employment could result.

### Pre-Employment Health Examination

Where necessary, a pre-employment health examination will be required to determine physical fitness for employment.

The cost of providing the required documentation(s) will be borne by the applicant.

## **Part 8 Separation**

Council is committed to the retention of valued employees until their retirement. However, Council recognises that from time-to-time employees choose to leave the workplace or may be involuntarily required to leave. Of utmost importance is that any time there is a departure of an employee from the workplace that the focus should be on helping the employee to depart with as much grace, pride and confidence as possible. This is of the utmost importance when the individual is not an optimal fit for the position or within the workplace culture.

### Voluntary Departure

Any employee will be considered to have voluntarily left the employment of the Town of Cobalt if they:

- Have given notice two (2) weeks that they are leaving their employment with the Town of Cobalt (unless more is required in their employment contract);
- Have given notice eight (8) weeks that they are retiring from their employment with the Town of Cobalt (unless more or less notice is provided for in their employment contract);
- Have failed to attend work without notice or approved leave for a period of more than three (3) consecutive days (with legal advice);
- Have failed to attend work without notice or approved leave for a period of more than three (3) consecutive days after a statutory or non-statutory leave (with legal advice).



## Involuntary Departure

### *Temporary Layoffs*

The Town Manager may need to layoff some or all employees without notice. The Town Manager will give as much notice as possible or practical that such a layoff will occur and will advise the potential length of the layoff and the reason for the layoff.

### *Termination*

The Town of Cobalt may need to end the employment relationship with an employee with or without cause. Every effort will be made to alleviate the negative experience of such an action by helping the individual take the next steps of their employment career. The Town Manager, if possible, will notify Council prior to any employee termination. The Town Manager will adopt procedures for with cause and without cause termination which at a minimum will include:

- Letters of termination will be given to the employee in person.
- The individual will be treated with respect when they are advised on the ending of the employment relationship;
- Upon termination of employment, an employee shall promptly deliver to the Town of Cobalt any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning the Municipality's services and programs, developments, and equipment. This includes intellectual or other property made or prepared by the employee. An employee may with written permission, retain samples of their work if such work is already in the public domain; and
- These considerations may be included in all employment contracts if agreed to by the employment lawyer drafting or reviewing the employment contract.



## THE CORPORATION OF THE TOWN OF COBALT

### BY-LAW NO. 2025-11

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#### Being a By-Law to Provide Uniform Standards for the Construction of Fences within the Town of Cobalt

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**WHEREAS** in accordance with “purpose provision” in Section 2 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the specific natural powers conferred on municipalities by Sections 135 through 147 of the aforementioned Act supplement the powers provided under Section 11 of the same Act to provide municipalities with broad and flexible well-being of their respective municipalities;

**AND WHEREAS** pursuant to Section 10(2) paragraph 10 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality may pass By-Laws respecting structures, including fences;

**AND WHEREAS** the Municipalities may enact By-Laws provisions that create offences, impose fines, authorize orders to achieve compliance or discontinue contraventions, authorize inspections, authorize remedial work and provide for the collection of remediation costs pursuant to Part XIV of the Municipal Act;

**AND WHEREAS** Section 4235 (1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, authorizes a municipality to pass By-Laws providing that a person who contravenes a By-Law passed under this Act is guilty of an offence;

**AND WHEREAS** the Council of the Town of Cobalt deems it desirable to establish regulations concerning fences for the municipality.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. That the Council adopts a By-Law to provide uniform standards for the construction of fences within the Town of Cobalt identified as Schedule “A”, attached hereto and forming part of this By-Law.
2. That the Clerk of the Town of Cobalt is hereby authorized to make minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-Law and Schedule as may be deemed necessary after the passage of this By-Law, where such modifications or corrections do not alter the intent of the By-Law.

3. That this By-Law shall come into force and take effect on the date of its final passing.

**TAKEN AS READ** a first, second and third time and passed this 1<sup>st</sup> day of April, 2025.

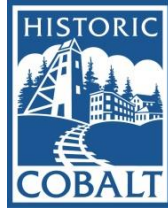
**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

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Angela Adshead, Mayor

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Steven Dalley, Clerk



**THE CORPORATION OF THE  
TOWN OF COBALT**

**SCHEDULE "A" TO BY-LAW NO. 2025-11**

**TO PROVIDE UNIFORM STANDARDS FOR THE CONSTRUCTION  
OF FENCES WITHIN THE TOWN OF COBALT**

## **Part 1 General Provisions**

### **1.1 Short Title**

This By-Law shall be cited as the "Fence By-Law"

### **1.2 Scope**

The provisions of this By-Law shall apply to all properties within the geographical limits of the Municipality of Cobalt.

### **1.3 Enforcement**

This By-Law shall be enforced by a By-Law Enforcement Officer or a Police Officer.

### **1.4 Administration**

In this By-Law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the feminine gender shall include the masculine and, further, the converses of the foregoing also applies where the context so requires.

Any person may apply to the Committee of Adjustment for a minor variance from the requirements of this By-Law. The Committee may grant a minor variance if, in its opinion, the general intent and purpose of the Fence By-Law are maintained or of the Committee is satisfied, after allowing input from the applicant and property owners within 60 metres (200 feet), that the variance is appropriate. The Committee may attach reasonable terms and conditions to a minor variance. A minor variance shall be invalid if the terms and conditions are contravened.

### **1.5 Enforcement**

In the event that the Municipality receives complaints regarding a fence, the Municipal Law Enforcement Officer shall inspect such fence. If, in the opinion of the Municipal Law Enforcement Officer, the fence does not meet the provisions of the By-Law, the Municipal Law Enforcement Officer shall require, in writing, the owner, agent or person responsible for the fence to comply with the provisions of the By-Law. Failure to comply shall be considered a contravention of the By-Law which is subject to the penalty set out in Section 8 of this By-Law.

Notice in writing is deemed delivered when it has been:

- a) Personally served;
- b) Sent by regular mail to the address of the owner, as shown on the last revised assessment roll, on the fourteenth (14) day after mailing; and/or
- c) When posted on the offending fence.

### **1.6 Severability**

If a court of competent jurisdiction declares any section or subsection of this By-Law invalid, the remainder of this By-Law shall continue in force unless the court makes an order the contrary.

## Part 2 Definitions

Definition of words, phrases and terms used in this By-Law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-Law.

- 2.1 “**Alter**” shall mean, when used in reference to a building or structure, to change, extend, enlarge, or renovate any one or more of the interior or external dimensions or walls or roof thereof. When used in reference to a fence, the word “alter” may also mean change or cause to change in character or composition.
- 2.2 “**Building**” means a structure occupying an area consisting of a wall, roof and floor or any of them or a structural system serving the function thereof.
- 2.3 “**By-Law Enforcement Officer**” shall mean a By-Law Enforcement Officer appointed by the Corporation of the Town of Cobalt.
- 2.4 “**Corner Lot**” shall mean a lot situated at the intersection of two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.
- 2.5 “**Council**” shall mean the Council of the Corporation of the Town of Cobalt.
- 2.6 “**Driveway**” shall mean a vehicle access provided between a street and a parking area/space or a loading space.
- 2.7 “**Driveway Visibility Triangle**” means the triangular area formed by measuring 4.5 metres (15 feet) down the driveway and 4.5 metres (15 feet) down the side lot line abutting a street, regardless of whether or not the DVT on the subject lot or the adjacent neighbour’s property (see Appendix 1).
- 2.8 “**Electrical Fence**” means a fence through which electricity passes.
- 2.9 “**Erect**” includes alter, construct, plant, grow, place and relocate.
- 2.10 “**Exterior Side Yard**” means the yard of a lot located between a front yard and a rear yard commencing at an exterior side lot line and extending to the building and is adjacent to a street.
- 2.11 “**Fence**” includes a railing, wall, line of posts, wire, masonry, gate, boards or pickets or other similar substances, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, and includes a continual hedge, but does not include a retaining wall.
- 2.12 “**Fence – open type construction**” means a fence constructed so that its vertical surface area is unobstructed, enabling motorists and pedestrians to have a clear view through such fence (e.g. a fence of chain link construction, wrought iron, etc.)
- 2.13 “**Fence – solid type construction**” means a fence constructed so that its vertical surface is obstructed, preventing motorists and pedestrians from having a clear view through such fence.
- 2.14 “**Front Yard**” means a yard extending across the full width of the lot between the front lot line and the nearest wall of the building on the lot.

- 2.15 **“Ground Level”** means level of the grade adjacent to the fence excluding any gardens, flower planters or built up landscaping to allow the fence to be higher than regulated under this By-Law.
- 2.16 **“Hedge”** means the fence formed by a row of closely planted shrubs or bushes.
- 2.17 **“Height”** is measured from the ground where the fence posts are embedded, or other supporting structures are located to the top of the fence.
- 2.18 **“Interior Side Yard”** means a side yard other than an exterior side yard”.
- 2.19 **“Legal Non-Conforming”** means a fence that is not recognized in this By-Law but which lawfully existed before this By-Law was passed.
- 2.20 **“Lot”** means any parcel of land which can be occupied or used or otherwise disposed of separately and apart from any abutting lands, whether or not such parcel is described in a registered deed or shown on a registered plan of subdivision.
- 2.21 **“Lot Line”** means the line marking the legal boundary of a lot.
- 2.22 **“Maintain”** means to carry out repairs of any part or parts of a fence so that it can properly perform the intended function.
- 2.23 **“Municipality”** means the Municipality of Cobalt.
- 2.24 **“Non-Residential Lot”** means either a lot located within a zone that does include ‘dwelling’ as a primary permitted use within the Town of Cobalt Zoning By-Law OR a lot located within a zone that does include a ‘dwelling’ as permitted use but it contains, as a main structure, a non-residential or structure.
- 2.25 **“Owner”** means the person who holds legal title to a piece of property or has an equitable interest in the same.
- 2.26 **“Person”** means an individual, firm, corporation, association or partnership.
- 2.27 **“Rear Yard”** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- 2.28 **“Setback”** means the distance between the lot line of the nearest main wall of any building and extending the full width or length of the lot.
- 2.29 **“Side Yard”** means a yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest wall of any building or structure on the lot.
- 2.30 **“Sight Triangle”** means a triangular space on a corner lot formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines, as defined in the current comprehensive zoning By-Law passed by the Municipality pursuant to the provisions of the *Planning Act*, as amended. (See Appendix 1)
- 2.31 **“Zoning By-Law”** means the current comprehensive zoning By-Law passed by the Municipality pursuant to the provisions of the *Planning Act*, as amended.

### **Part 3 Regulations**

- 3.1** No permit is required for a fence that complies with the requirements of this By-Law.
- 3.2** Notwithstanding the provisions of this By-Law, a fence that lawfully existed prior to the effective date of this By-Law shall be deemed to comply with this By-Law.
- a) Nothing in this By-Law shall prevent the alteration, strengthening, or restoration of any legal non-conforming fence to a safe condition provided that major alterations, including the length or height of the fence, repairs or replacement of any portion of the fence is not required.
  - b) Nothing in this By-Law shall prevent the reconstruction of any legal non-conforming fence damaged by forces beyond the control of the owner provided that the fence shall only be reconstructed to the extent of its pre-damaged state and the fence shall only be reconstructed to the extent of its pre-damaged dimensions and height.
- 3.3** Swimming pool enclosure fences requirements are set out under the current comprehensive swimming pool By-Law, as amended
- 3.4** No person shall erect or cause or permit to be erected or maintain a fence unless it is:
- a) Reasonably uniform in colour and pattern;
  - b) Constructed of materials that are specifically designed or commonly used for fencing purposes;
  - c) Non-reflective in nature.
- 3.5** No person shall erect or cause or permit to be erected or maintain any fence that is not:
- a) In good repair; and
  - b) Sufficiently sturdy so as not to present a hazard through risk of toppling or collapse or through risk of portions coming loose that could become a hazard.
- 3.6** Notwithstanding any of the regulations set out in this By-Law, no person shall erect, construct or permit to be erected or constructed a fence that, in the opinion of the By-Law Enforcement Officer:
- a) Obstructs pedestrian or vehicular traffic; or obscures clear visibility of normal approaching pedestrian or vehicular traffic.
  - b) Obscures the use of a fire hydrant or interfere with the operations of the Town of Cobalt Fire Department. Not less than a two (2) meter clear space shall be maintained around the circumference of a fire hydrant.
  - c) Obstruct the use of a legal right-of-way or easement over an intervening lot or a private common element unless a fence is a permitted encroachment.
  - d) Obstructs or interferes with natural or engineered drainage of the property on which it's erected on or any adjacent property.
- 3.7** No person shall erect or cause or permit to be erected or maintain a fence that is located within a sight triangle in such a manner as to impede vision in excess of a height of 1.0 meters above the centre line grade in the triangular area as regulated in the Town of Cobalt's Zoning By-Law as may be amended from time to time.



#### **Part 4 Residential Fences**

- 4.1** No person shall erect, cause or permit to be erected any fence on a Residential Lot except in accordance with the following:
- a) A fence within a front yard shall not exceed a height of 0.91 metres (3 feet) measured from the ground level if a solid type construction or a maximum height of 1.8 metres (6 feet) measured from the ground level if of an open type construction.
  - b) A fence within any rear yard or side yard shall not exceed a height of 2.1 metres (7 feet) measured from the ground level within the exception of a boundary fence between a Residential Lot and a Non-Residential Lot where the abutting property is being used for a commercial, institutional or industrial purpose, in which case Section 5 may apply.
  - c) Despite Section 3b), where a front yard abuts a rear yard of an adjacent corner lot, a fence not exceeding a height of 2.1 metres (7 feet) may be erected along that portion of the lot line between said lots, having regard to the sight triangle requirements in Section 3.6.
  - d) Any residential lot containing more than 3 dwelling units and less than 11 is required to construct and maintain a fence of solid type construction along the rear and side yards having a height of 1.8 metres (6 feet), having regard to the sight triangle requirements of Section 3.6, with the exception of the boundary fence between a residential lot and non residential lot where the abutting property is being used for commercial, institutional or industrial purpose, in which case Section 5 may apply.

#### **Part 5 Non-Residential Fences – Commercial, Institutional and Industrial**

- 5.1** No person shall erect, cause or permit to be erected a fence on a non-residential lot within a commercial, institutional or industrial zone as defined in the Zoning By-Law except in accordance with the following:
- a) A fence within any yard shall not exceed a height of 2.7 metres (9 feet).
  - b) The owner of any property used for commercial, institutional or industrial purposes may install and maintain fencing which shall be constructed in such a fashion as to block the view and such fence shall be no less than 1.2 metres (4 feet) and not more than 2.7 metres (9 feet) in height where such a property abuts a residential lot and is used for parking, access, and exiting of vehicles by tenants, employees or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of the abutting residential property unless otherwise considered necessary by the Municipality as provided for in the site plan agreement.
  - c) Where outside storage is proposed and permitted in the Zoning By-Law, the owner shall enclose such outside storage areas with fencing at least 1.52 metres (5 feet) in height, which fencing shall be constructed in such a fashion as to block the view of items stored.

#### **Part 6 Barbed Wire and Electrical Fences**

- 6.1** No person shall erect or cause to be erected a barbed wire fence on any lot in the Municipality of Cobalt.
- 6.2** No person shall erect or cause to be erected an electrical fence on any lot in the Municipality of Cobalt except in accordance with the following:

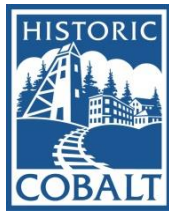
- a) Approved invisible fencing running under ground used for the purpose to contain household pets.

**Part 7**  
**Access to Fence for Maintenance**

- 7.1** An owner or occupant of land, or an employee or agent of the owner or occupant of land, may enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any fence on the land of the owner or occupant provided that:
- a) The owner or occupant enters the adjoining land only to the extent necessary to carry out repairs or alterations.
  - b) The person exercising the power of entry displays, or on request produces proper identification.
  - c) The owner or occupant provides reasonable notice of the proposed entry to the occupier of the adjoining land; and
  - d) The owner or occupant of land, in so far as is practicable, restores the adjoining land to its original condition and provide compensation for any damages caused by the entry or by anything done on the adjoining land.

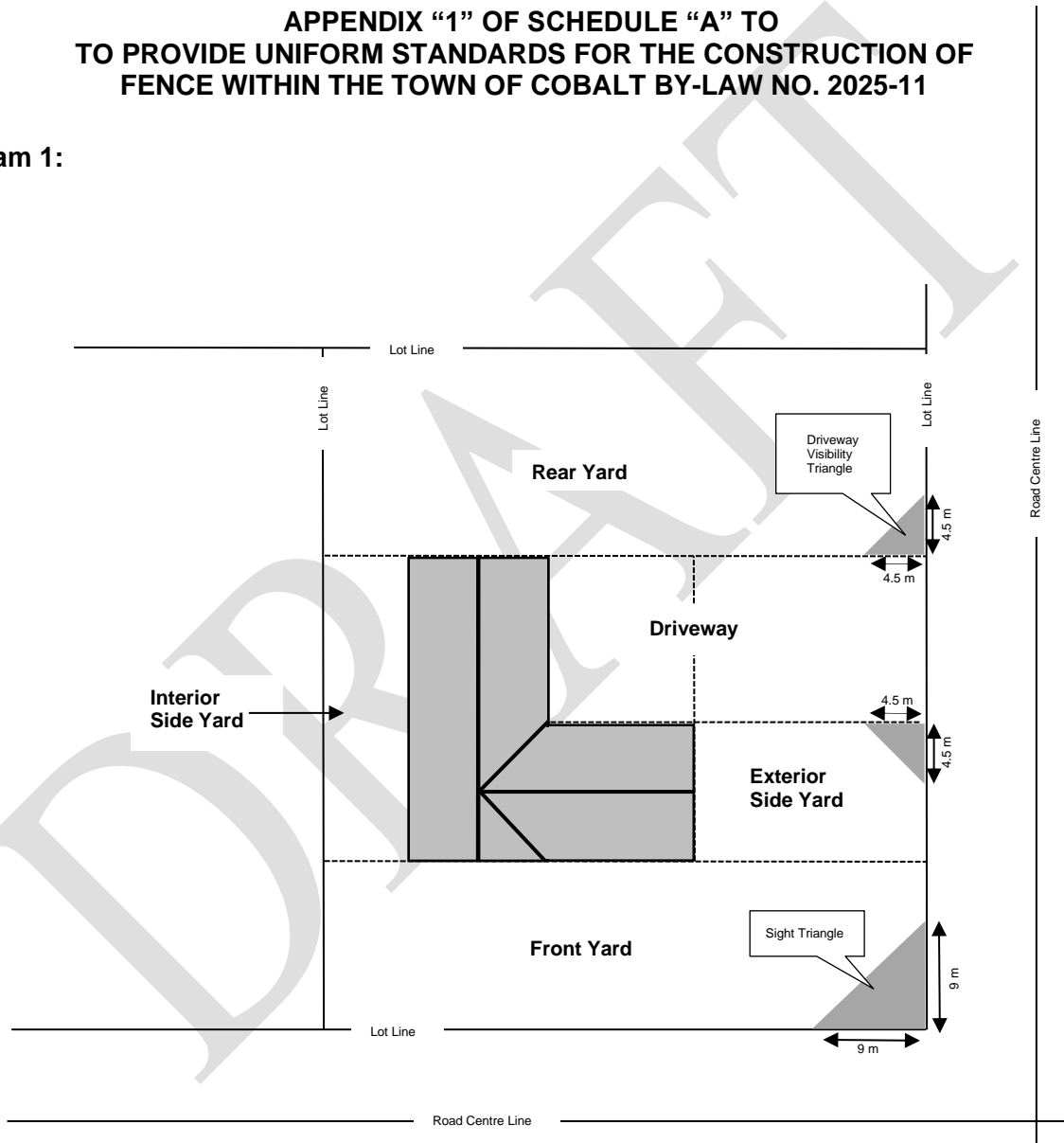
**Part 8**  
**Penalty**

- 8.1** Any person who contravenes any provisions of this By-Law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, as amended, and as set out in Appendix "2" attached hereto. All such fines shall be recovered under the Provincial Offences Act. Appendix "2" being the Set Fine Schedule and attached hereto shall constitute part of this By-Law.
- 8.2** In addition to the foregoing penalty, failure to comply with the provisions of this By-Law may result in the Municipality undertaking to complete the work and any costs associated with the work shall be billed to the registered owner in a like manner as taxes.
- 8.3** in the case of an immediate safety hazard, where the designated official has been compelled to remove said hazard, the work and any costs associated with the work shall be billed to the registered owner in a like manner as taxes.
- 8.4** Any structure, which contravenes any requirement of this By-Law may be removed or altered at the instance of the Corporation, pursuant to the provisions of the *Municipal Act, R.S.O. 2001*, Section 445, as amended.
- 8.5** Where a conviction is entered under this section, in addition to any other penalty provided by law, the court in which the conviction was entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.



THE CORPORATION OF THE TOWN OF COBALT  
APPENDIX "1" OF SCHEDULE "A" TO  
TO PROVIDE UNIFORM STANDARDS FOR THE CONSTRUCTION OF  
FENCE WITHIN THE TOWN OF COBALT BY-LAW NO. 2025-11

Diagram 1:





**THE CORPORATION OF THE TOWN OF COBALT  
APPENDIX “2” OF SCHEDULE “A” TO  
TO PROVIDE UNIFORM STANDARDS FOR THE CONSTRUCTION OF  
FENCE WITHIN THE TOWN OF COBALT BY-LAW NO. 2025-11**

**PART 1 – Provincial Offences Act**

Short Form Wording and Set Fines

Item	Short Form Wording	Provisions Create or Defining Offence	Set Fine
1	Erect a fence restricted colour, pattern and/or materials	Section 3.3	\$300.00
2	Failure to erect or maintain a fence that is sturdy and in good repair	Section 3.5	\$300.00
3	Erect a fence that obstructs pedestrian or vehicular traffic	Section 3.6 (a)	\$300.00
4	Erect a fence that obstructs a fire hydrant	Section 3.6 (b)	\$300.00
5	Erect a fence that obstructs legal right-of-way or easement	Section 3.6 (c)	\$300.00
6	Erect a fence that obstructs natural or engineered drainage	Section 3.6 (d)	\$300.00
7	Erect a fence within a sight triangle	Section 3.7	\$300.00
8	Erect a residential fence in excess of height restrictions	Section 4.1	\$300.00
9	Failure to construct or maintain a 1.8m (6ft) fence of solid type materials	Section 4.1 (d)	\$300.00
10	Erect a non-residential fence in excess of height restrictions	Section 5.1	\$300.00
11	Failure to install or maintain visual barrier on non-residential fence	Section 5.1 (b)	\$300.00
12	Erect a fence with barbed material	Section 6.1	\$600.00
13	Erect an electric fence	Section 6.2	\$600.00

**Note: the general penalty provisions for the offences listed above is Schedule A section 8.1 of By-Law 2025-XX, a certified copy of which has been filed.**



## THE CORPORATION OF THE TOWN OF COBALT

### BY-LAW NO. 2025-12

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#### Being a By-Law to Confirm the Proceedings of Council of the Corporation of the Town of Cobalt

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**WHEREAS** pursuant to Section 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the powers of a municipality shall be exercised by its Council;

**AND WHEREAS** pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, a municipal power, including a municipality's capacity rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of the Corporation of the Town of Cobalt at this Session be confirmed and adopted by By-Law.

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Cobalt hereby enacts as follows:

1. **THAT** the actions of the Council of The Corporation of the Town of Cobalt in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Cobalt, documents and transactions entered into during the April 1, 2025 Council meeting, are hereby adopted and confirmed, as if the same were expressly embodied in this By-Law.
2. **THAT** the Mayor and proper officials of The Corporation of the Town of Cobalt are hereby authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Cobalt during the said meetings referred to in paragraph 1 of this By-Law.
3. **THAT** the Mayor and the Chief Administrative Officer or Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-Law and to affix the Corporate Seal of The Corporation of the Town of Cobalt to all documents referred to in said paragraph 1.

**TAKEN AS READ** a first, second and third time and passed this 1<sup>st</sup> day of April, 2025.

**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

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Mayor

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Clerk