

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG
	BY-LAW NUMBER 023-2025

BEING A BY-LAW TO AMEND EMERGENCY CARE ESTABLISHMENT BY-LAW 018-2024

WHEREAS on February 28th, 2024, Council passed By-law 018-2024 being a by-law to license, regulate and govern emergency care establishments in the Town of Cobourg; and

WHEREAS subsection 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“Municipal Act”) 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 subsection 11 (2) of the *Municipal Act* permits a lower-tier municipality to pass by-laws respecting matters, such as the health, safety and well-being of persons and the protection of persons and property; and

WHEREAS section 128 of the *Municipal Act* permits a municipality to pass by-laws prohibiting and regulating with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS pursuant to the provisions of Part IV – Licences of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality; and

WHEREAS subsection 151 (1) of the *Municipal Act* provides that a municipality may establish a system of Licences with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refuse, revoke or suspend a licence, impose conditions on a licence, and license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

WHEREAS pursuant to sections 150 (1) to 153 of the *Municipal Act* a local municipality may exercise its power to license, regulate and govern any business and events carried on within the municipality; and

WHEREAS subsection 425(1) of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

WHEREAS section 426 of the *Municipal Act* provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act; and

WHEREAS subsection 436 (1) of the Municipal Act provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and

WHEREAS section 429 (1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act; and

WHEREAS section 444 of the Municipal Act provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention; and

WHEREAS the Council of the Corporation of the Town of Cobourg considers it desirable and necessary to amend Emergency Care Establishment By-law 018-2024 to limit the number and location of Emergency Care Establishments that can be licensed and operated within the Town of Cobourg.

NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:

1. That the following sections be added to the Emergency Care Establishment By-law:
 - 4.7 There shall be no more than two (2) Emergency Care Establishment licences issued by the Town at any one time.
 - 4.8 Notwithstanding section 4.7 the Director may issue more than two (2) Emergency Care Establishment licences for the purpose of ensuring the equal distribution of Emergency Care Establishments operating within the other lower-tier municipalities in Northumberland County.
 - 4.9 An Emergency Care Establishment licence shall not be issued for any Emergency Care Establishment which is located or proposed to be located within 100 metres from any existing licensed Emergency Care Establishment. For the purposes of this section, the distance shall be measured from the perimeter of the Property for which the licence is sought to the perimeter of the next nearest Property on which an Emergency Care Establishment is situated.
2. That this By-law shall come into effect on the day of passing.

READ and finally passed in Open Council this 30th day of April, 2025.

"Lucas Cleveland"

Lucas Cleveland, Mayor

"Brent Larmer"

Brent Larmer, Clerk