



**City of Kenora**  
**Committee of the Whole Agenda**  
**Tuesday, April 11, 2017**  
**9:00 a.m.**  
**City Hall Council Chambers**

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**A. Public Information Notices**

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its April 18, 2017 meeting:-

- To amend its 2017 Capital Budget to commit funds from the Roads Reserve in the amount of \$162,063.00 to the Seventh Ave. and Coker Bailey Bridge designs
- To pass a by-law setting out Council remuneration rates for 2016 and 2017
- To amend its 2016 Operating and Capital Budget for an allocation of up to \$291,279.35 to be funded through the Contingency Reserves for costs to repair culverts and roads as a result of the June 25, 2016 flooding event

**B. Declaration of Pecuniary Interest & the General Nature Thereof**

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

**C. Confirmation of Previous Committee Minutes**

**Motion:**

That the Minutes from the last regular Committee of the Whole Meeting held March 14, 2017 and the Special Committee of the Whole Meeting held March 7, 2017 be confirmed as written and filed.

**D. Deputations/Presentations**

- Jackie Hailstone, CIBC – Adoption of 3 Things for Canada
  - Teika Newton – Environmental Advisory Committee

**E. Reports:**

**1. Corporate Services & Strategic Initiatives**

**Item Subject**

**Pages**

- 
- 1.1. Budget Amendment – 7<sup>th</sup> Ave & Coker Bailey Bridge Designs
  - 1.2. Council Remuneration
  - 1.3. Budget Amendment – June 25, 2016 Flooding Event

- 1.4. Park Street Parking Lot Rates
- 1.5. Appointment to Reconciliation Kenora
- 1.6. Mount Evergreen Ski Club Application to RBC Day of Service Grant
- 1.7. Yard Maintenance Bylaw

## 2. Fire & Emergency Services

Item	Subject	Pages
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- 2.1 No Reports

## 3. Operations & Infrastructure

Item	Subject	Pages
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- 3.1 No Reports

## 4. Community & Development Services

Item	Subject	Pages
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- 4.1 Aquatic Centre Improvements Tender Award
- 4.2 Columbarium Inscription - 2017

### Other:

#### Next Meeting

- Tuesday, May 9, 2017

### Proclamation:

- ✓ Rail Safety Week – April 25-30, 2017

### Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session at \_\_\_\_\_ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- i) Personal Matter about an Identifiable Individual (2 matters)
- ii) Educating & Training Members of Council (2 matters)

Adjournment.



# DEPUTATION REQUEST FORM

## To Appear before Kenora City Council or Committee of the Whole of Council

How to Make a Deputation:

- Determine date and time of Council or Committee meeting you wish to attend.
- Submit this completed and signed form to the City Clerk (deliver/mail/fax or e-mail)
  - at least seven (7) days in advance of any Committee meeting
  - before 10:00 a.m. on date of a Council meeting;
- State your name prior to speaking, and provide a copy of materials used in your presentation, if any, to the City Clerk for the official record (either in advance or at the time of the deputation).

### City Clerk's Contact Information:

**By Mail:** 1 Main Street South, Kenora, ON P9N 3X2

**By fax:** 807-467-2009

**E-mail:** [hkasprick@kenora.ca](mailto:hkasprick@kenora.ca)

**Name:**  
(person making deputation)

Jackie Hailstone / CIBC

**Organization You Represent:**  
(if applicable)

(please print)

**Mailing Address:** 111 Main St S Kenora ON

**Telephone Number:** 468-8933

**Email Address:** [jackie.hailstone@cibc.com](mailto:jackie.hailstone@cibc.com)

**Postal Code:** P9N 1T1

**Other Persons Presenting with You on this topic?**  
(on behalf of same organization)  
If yes, Other Names: \_\_\_\_\_

No  Yes

**Topic – include brief statement of issue or purpose for Deputation:**

• Please see Protocol Notes on Page 2

**Adoption of 3 Things for Canada**

**I wish to appear before**

Council  
 Other

Committee of the Whole

**On the Meeting date:** April 11, 2017

### Please Note:

Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.

**Do you have material to leave with Council following your deputation?**  Yes  No  
(If yes, please give to Clerk upon arrival to meeting)

**Signature Required:**   
(Must be signed by applicant to go forward)

...2

## Deputation Protocol

The purpose of the deputation process is to allow individuals or groups an opportunity to make their views known to Council. Council values and welcomes input, comments, and constructive suggestions. Since Council generally has to consider a large number of issues and concerns at any given time, the following Protocol is observed and we thank you for your interest in making a deputation and abiding by the rules:-

### 2.9 Cell phones/Blackberries/Smart Phones

All phones are required to be turned to vibrate during all Council and Committee meetings.

#### 9.7 No Deputant shall:

1. Speak without first being recognized by the Head of Council or Chair
2. Speak disrespectfully of any person
3. Use offensive words or gestures, or make abusive comments,
4. Speak on any subject other than the subject stated on their Deputation Request Form
5. Disobey the Rules of Procedure or a decision of the Council or Committee

#### 9.9 Expulsion

The Head of Council or Chair may cause to expel and exclude any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Clerk may be called upon to seek the appropriate assistance from police officers for this purpose.

#### 9.14

##### Appearance - previous - limitation - new information

Any person appearing before Council who has previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and subsequent appearances.

✓ *Check below:*

I have never spoken on this issue before.

I have spoken on this issue before and the new information I wish to present is as follows:-

### {Committee of the Whole/Property & Planning Meeting}

Committee of the Whole Meetings combined with the Property & Planning Committee immediately following, commence at 9:00 a.m., typically on the 2nd Tuesday of each month, unless otherwise advertised.

Committee Deputations are given approx. 15 minutes each at the beginning of the meeting, subject to the Chair's discretion.

Members of Committee may engage in dialogue with the person making a deputation as a matter of receiving and/or clarifying information.

Please present any material, letters or other relevant information concerning your deputation to Committee either at the time of your deputation or in advance of the meeting.

When a number of people are to appear representing one viewpoint or interest group, it is expected the group speak through a spokesperson, or submit written submissions.

### {Council Meetings}

Regular Council meetings commence at 12:00 p.m., typically on the 3rd Tuesday of each month, unless otherwise advertised.

Deputations before Council are given approx. 5 minutes each at the beginning of the meeting, subject to the Mayor's discretion.

Council will not debate an issue, but will take the information under advisement.

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3. State your name prior to speaking, and
4. Provide a copy of materials used in your presentation, if any, to the City Clerk for the official record (either in advance or at the time of the deputation).

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E-mail: [hkasprick@kenora.ca](mailto:hkasprick@kenora.ca)

<b>Name:</b> (person making deputation) <u>Teika Newton</u> <small>(please print)</small>	<b>Organization You Represent:</b> (if applicable) <u>Environmental Advisory Committee</u>
<b>Mailing Address:</b> <u>Site 155 C32 RR1 Kenora</u>	<b>Telephone Number:</b> <u>466-2403</u>
<b>Email Address:</b> <u>teika@teika.ca</u>	<b>Postal Code:</b> <u>P9N 3W7</u>
<b>Other Persons Presenting with You on this topic?</b> <small>(on behalf of same organization)</small>	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
<b>If yes, Other Names:</b> _____	
<b>Topic – include brief statement of issue or purpose for Deputation:</b> <small>• Please see Protocol Notes on Page 2</small>	
<u>Update and recommendations from EAC</u>	
<b>I wish to appear before</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole <input type="checkbox"/> Other	
<b>On the Meeting date:</b> <u>April 5, 2017</u>	
<b>Please Note:</b> <small>Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.</small>	
<b>Do you have material to leave with Council following your deputation?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>(If yes, please give to Clerk upon arrival to meeting)</small>	
<b>Signature Required:</b> <u><i>Teika Newton</i></u> <small>(Must be signed by applicant to go forward)</small>	

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 **Check below:**

I have never spoken on this issue before.

I have spoken on this issue before and the new information I wish to present is as follows:-  
I last provided an EAC update to Council in 2013.

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April 4, 2017

## City Council Committee Report

**To: Mayor and Council**

**Fr: Charlotte Edie, Treasurer**

**Re: Budget Amendment-Seventh Ave. & Coker Bailey Bridge Designs**

### **Recommendation:**

That Council hereby approves a re-allocation of \$162,063.00 to be funded through the Roads Reserves for the design of improvements to the Seventh Ave. and Coker Bailey bridges; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2017 Capital Budget at its April 18, 2017 meeting to commit funds from the Roads Reserve in the amount of \$162,063.00 to the Seventh Ave. and Coker Bailey Bridge designs; and further

That Council gives three readings to a by-law to amend the 2017 budget for this purpose.

### **Background:**

In October 2016 the City applied for the Ontario Community Infrastructure Fund Top-Up program with the intent of using the funds to rehabilitate the Seventh Ave. bridge. Earlier this year the City was informed that the Top-Up funding was denied. As a result the project was put on hold. The design portion of the project, with a budget of \$87,063, will still continue. An alternative option of using Federal Gas Tax funds was budgeted, however this is not a viable option as it is not clear when future funding will be available to complete the project and the Gas Tax funding requires the reporting of project outcomes.

The same argument can be made for the Coker Bailey bridge design. Since we do not know when the actual project will occur we cannot use Federal Gas Tax funds for a project that may not be done for a number of years. This project has a 2017 budget of \$75,000.

As a result both projects will be funded by the Roads Reserve.

### **Budget:**

The design projects totaling \$162,063.00 will come out of the Roads Reserve instead of Federal Gas Tax funding.

### **Risk Analysis:**

The risk assessment is low in that the request is for a reallocation of funds based on new information with respect to capital project funding.

### **Communication Plan/Notice By-law Requirements:**

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

**Strategic Plan or other Guiding Document:**

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in good state of repair to ensure certainty, security and long-term stability of our systems.





March 22, 2017

## City Council Committee Report

**TO: Mayor and Council**

**FR: Karen Brown, CAO**

**RE: Council Remuneration**

### **Recommendation:**

That Council hereby approves Council Remuneration to be set at the following rates effective 1 January 2016:

	<b>Annual Remuneration</b>	<b>Per Diems</b>
Mayor	\$ 32,439	\$ 178
Council	\$ 16,220	\$ 178

; and further

That Council hereby approves Council Remuneration to be set at the following rates effective 1 January 2017:

	<b>Annual Remuneration</b>	<b>Per Diems</b>
Mayor	\$ 32,926	\$ 181
Council	\$ 16,463	\$ 181

; and further

That in accordance with Notice By-law #144-2007, notice is hereby given that Council intends to pass a by-law setting out Council remuneration rates for 2016 and 2017 at its April 18<sup>th</sup>, 2017 meeting; and further

That the appropriate by-law be passed for this purpose.

### **Background:**

The following is an excerpt from the City Council Annual Remuneration Policy (#CC-15-1):

#### **1. Annual Remuneration:**

Annual economic adjustment to Council remuneration will be based on the actual annual percentage adjustment approved for the City's Non-Union Group.

## 2. Remuneration approved by By-law

All annual remuneration increases will be ratified by adoption of the required by-law and provision of any applicable notice in accordance with Council's Notice By-law.

This policy came into effect on January 1, 2015. The last adjustment to the Council remuneration rates were made in 2015.

The average market adjustment that was used for implementing the City's new non-union pay grid in 2016 was 1.7%. A corresponding adjustment of 1.7% to Council remuneration represents the following:

	<b>Annual Remuneration</b>	<b>Per Diems</b>
Mayor	\$ 32,439	\$ 178
Council	\$ 16,220	\$ 178

More recently, Council approved an economic adjustment of 1.5% to the City's non-union pay grid for 2017. A corresponding incremental adjustment of 1.5% to Council remuneration represents the following:

	<b>Annual Remuneration</b>	<b>Per Diems</b>
Mayor	\$ 32,926	\$ 181
Council	\$ 16,463	\$ 181

### **Budget:**

The 2016 cost for the adjustment to Council remuneration (\$2,169) was included in the 2016 budget, and will be accrued and expensed to the 2016 year end. The 2017 cost for the economic adjustment (\$1,945) has been included in the City's draft 2017 operating budget.

### **Communication Plan/Notice By-law Requirements:**

A by-law amending Council remuneration is required. In addition, Council needs to provide notice of its intention to pass a by-law to amend Council remuneration in accordance with Notice By-law #144-2007.

### **Strategic Plan or other Guiding Document:**

City Policy #CC-13-1

### **ERM Assessment:**

Moderate risk in relation to the City's ability to attract a strong pool of candidates to future elections. This is considered a positive risk and should be pursued.



March 31, 2017

## City Council Committee Report

**To: Mayor & Council**

**Fr: Charlotte Edie, Treasurer**

**Re: Flooding Event – June 25, 2016**

### **Recommendation:**

That Council hereby approves an allocation of up to \$291,279.35 to be funded through the Contingency Reserves for costs to repair culverts and roads as a result of the June 25, 2016 flooding event; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2016 Operating and Capital Budget at its April 18th, 2017 meeting for this purpose; and further

That Council gives three readings to a by-law to amend the 2016 budget for this purpose.

### **Background:**

On June 25, the City experienced extraordinary amounts of rain in a short period of time. As a result, many culverts collapsed and roads were damaged. The largest impact was that Veteran's Drive became un-passable. Fortunately, staff reacted quickly to the disaster and with help, established an alternate route and then repaired the road.

At that time, staff was working with Minister of Municipal Affairs and Housing (MMAH) to determine whether the City would qualify for the Municipal Disaster Recovery Program (MDRA). Staff has subsequently been informed that the City did not qualify for the MDRA Program, therefore making it necessary to have the funding come from the City reserves.

**Budget:** Contingency funds of up to \$291,279.35 from reserve in 2016. The actual reserve appropriation may be less pending the completion of year end. It is anticipated that there may be underspending in the 2016 Municipal Paving program. This underspending will be used to cover the flood costs first. The appropriation from reserves will cover any balance remaining.

### **Communication Plan/Notice By-law Requirements:**

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

**Risk Analysis:**

Staff had previously identified this to be a high financial risk to be mitigated through the Municipal Disaster Recovery Program. As a result of the City not qualifying for this program, staff subsequently identified the contingency reserve to cover the cost of damage.

**Strategic Plan or Other Guiding Document:**

2.1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in good state of repair to ensure certainty, security and long-term stability of our systems.





April 1, 2017

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Park Street Parking Lot Rates**

### **Recommendation:**

That Council establish the parking lot fees for the new Park Street Parking Lot based on both long term and short term parking; and further

That long term parking be established at \$50.00 plus HST and the short term parking be in accordance with our metered parking rates at \$1.00 per hour; and further

That three readings be given to a bylaw to amend bylaw #66-2006 to reflect this new parking lot and rates.

### **Background:**

The Operations and Clerks department have been working on a design for the new Park Street Parking lot on the former mall property. The design currently allows for 34 long term parking stalls along the northern side of the property and approximately 87 stalls in the middle of the lot as well as the westerly side of the parking lot. The design is intended to give the most accessible parking stalls to the short term customers and the longer term customers using the further stalls for long term parking during the day.

The parking lot will allow for overnight parking, which is different from our other short and long term parking lots but rates will be in effect from 9 a.m. to 6 p.m., similar to all other lots with short term parking. Long term will have access to their parking stalls 24/7. This will provide options for customers who wish to lease spaces for one month periods during the summer months to leave their vehicles in the downtown area when they are gone to their camps for extended periods, and still have access to their vehicles when they come into the city from camp.

The rates for the new parking lot are based on other parking lots in close proximity and are identical to both the parkade and the Chipman Street lot. The hourly rate is established at the same rate as our other daily lots such as South Harbourfront as well as the McClellan lots and all parking meters.

A new ticket machine will be installed at the entrance of the parking lot and I am in the process of tendering for the purchase of this new machine, along with new machines to replace our current machines which are all in need of replacement. The new machines will be solar powered, removing the need for direct electrical sources to operate the machines, and will accept debit/credit cards for ease of use by our customers. This will improve customer service and meet a need requested on a regular basis by our regular customers and visitors.

The Operations staff will be working on moving the jersey barriers into the lot to begin to clearly identify the parking area. The lines will be painted during the street line painting tender and the long term parking area will be numbered for tenants to clearly identify their parking stall. All of this will take some time, and the parking rates will begin once the area is completely ready for long and short term parking. It is unknown at the time of writing this report the exact date the lot will be ready for service, but staff are working diligently to complete the lot as soon as possible.

**Budget:** This new parking lot has potential to generate revenues in similar comparison to the South Harbourfront Parking lot. In comparison, the uptake of the new lot has potential to serve several local businesses who in the past have accessed this lot for daily parking. The 2017 increased parking revenue is estimated at \$20,000 including monthly and daily revenue.

**Risk Analysis:** The risk associated with these rates is low and we will avoid risk by establishing the rates similar to the other parking lots.

**Communication Plan/Notice By-law Requirements:** A communication plan will be developed for the public once a date has been confirmed that the lot will be ready for use. Direct notice will be given with ample notice that the new rates and parking options will be available to vehicles that regularly park in there currently.

**Strategic Plan or other Guiding Document:**

1-2 - The City will forge strong, dynamic working relationships with the Kenora business community

2-4 - The City will act as the catalyst for continuous improvements to the public realm

2-7 - The City will encourage and support the development of vacant and transitional lands for uses that support our vision



April 11, 2017

## City Council Committee Report

**TO: Mayor and Council**

**FR: Adam Smith, Special Projects and Research Officer**

**RE: Appointment to Reconciliation Kenora**

### **Recommendation:**

That Council hereby appoints \_\_\_\_\_ to Reconciliation Kenora for a term at the pleasure of Council.

### **Background:**

Reconciliation Kenora is a non-profit organization that has recently been incorporated for the purpose of pursuing reconciliation initiatives in Kenora and across the Treaty 3 region.

On March 8<sup>th</sup>, 2017, the organization announced that it was seeking to establish a board of directors with assigned roles and creating a membership base through which it can organize events for the purpose of fulfilling the intent of the Truth and Reconciliation Commission.

Reconciliation Kenora has reserved a place on the board of directors for a member of Council and would like to fill this position in order to move forward in formalizing its governance structure and pursuing its mandate.

**Budget:** None

**Risk Analysis:** As per the City's ERM Policy, appointing a member of Council to the board of Reconciliation Kenora represents a moderate risk to governance. However, staff have identified this to be an opportunity to achieve strategic priorities and have a positive effect on relationships. As such, the recommendation is to pursue this risk/opportunity.

**Communication Plan/Notice By-law Requirements:** N/A

### **Strategic Plan or other Guiding Document:**

- 3-7 The City will continue to build and strengthen our working relations with our Treaty 3 First Nations Partners. Kenora is committed to ongoing outreach to our First Nations Partners and building relationships, including joint meetings to identify issues of common concern and to discuss pathways for closer collaboration.
- 3-8 The City will review the Truth and Reconciliation Commission recommendations with the intent of identifying opportunities that will further strengthen relationships with our Treaty 3 Partners, including cultural sensitivity training



April 3, 2017

## City Council Committee Report

**To: Mayor and Council**

**Fr: Charlotte Edie, Treasurer**

**Re: Mount Evergreen Ski Club Application to RBC Day of Service Grant**

**Recommendation:**

That the Council of the City of Kenora supports Mount Evergreen Ski Club's request to name the City of Kenora as a sponsor in their application for funds through the RBC Day of Service Grant in the amount of \$2,000 to be used to clean up the Mount Evergreen Ski Hill.

**Background:**

Under prevailing income tax legislation the RBC Day of Service Grant program is restricted to providing grants to organizations that have charitable status. As a result, the Mount Evergreen Ski Club must have a sponsor to apply for grants through this program. The grant would assist with a 2 day end of season cleanup program.

The grant supports and recognizes teams of employees (6 people, including at least 3 RBC employees) who respond to a one-time community need with a charitable community organization, on their own time. The 6 individuals have already committed their time.

**Budget:** There is no expected budget impact as a result of this report.

**Risk Analysis:** The risk associated with this report is a positive risk and it is low. The funding obtained by the Ski Club will be used to assist the Club with its maintenance.

**Communication Plan/Notice By-law Requirements:**

Mount Evergreen Ski Club, Vanessa Nowe - RBC.





April 3, 2017

## City Council Committee Report

**To: Mayor and Council**

**Fr: Heather Lajeunesse, Deputy Clerk**

**Re: Yard Maintenance Bylaw**

### **Recommendation:**

That Council hereby authorizes a new Yard Maintenance, Storage and Anti-littering Bylaw which regulates yard maintenance, storage and litter on property; and further

That an application be made to the Regional Senior Justice, Ontario Court of Justice, Northwest Region, for an Order approving the set fines for the offences under the new bylaw which is attached as "Schedule A" to this Resolution; and further

That the City Clerk is authorized to make any changes that may be required by the Ministry of the Attorney General or the Regional Senior Justice to obtain such set fine order; and further

That bylaw number 76-2005 be hereby repealed.

### **Background:**

In early 2016 By-law Enforcement staff met with their new supervisor and identified several bylaws where set fines were not in place to allow them to lay charges for less complex contraventions to our City bylaws. Set fines have been successfully applied for and approved for several of these bylaws to date. By-law Number 76-2005, known as the "Tidy Yard" bylaw, which regulates Litter, Yard Waste and Property Maintenance was identified one of these that needed set fines attached.

When we met with the solicitor to determine and review the fines it was then recognized that there were some problems with the current bylaw and several amendments to it since originally adopted in 2005. We were then presented with the following options:

1. Pass an amending by-law to rectify the problems referred to above (this was the least desirable option as we would be applying for set fines and providing a collection of by-laws to do so and will be filing this "collection" during court proceedings instead of filing one by-law).
2. Pass a new by-law which consolidates By-law 76-2005 and all amendments made to it in amending by-laws to date and which fixes any of the problems that have arisen as a result but no other issues that may exist within By-law 76-2005, as amended.
3. Conduct a complete review of By-law 76-2005 and draft a new by-law that reflects Kenora's current needs after such review has been done.

Being that the current bylaw is more than ten years old and this bylaw is one that has been regularly enforced since the City hired its by-law enforcement staff in 2009, it was

decided to proceed with a complete review as the bylaw was in apparent need of updating to ensure its accuracy and in keeping with current legislation. While the option was more costly upfront and took the most time to complete it may not be the most costly in the long run as a new bylaw has been drafted that is less prone to challenge in court proceedings and provides the enforcement officers with a solid comprehensive tool to proceed with enforcement of yard maintenance matters within the City of Kenora. Also, the City's Property Standards bylaw Number 160-2000 has been under review together with the Yard Maintenance bylaw as it also requires updating for accuracy and to meet current legislation. These bylaws often work in conjunction with each other when dealing with property standards and yard maintenance matters and there are many similarities so it is important that the information is consistent between the two bylaws. The updated Property Standards draft bylaw is almost complete and will come forward to Council for approval in May.

In addition the set fines will be applied for under the new Yard Maintenance bylaw. The proposed set fine schedule for the by-law appears as a separate attachment to this report.

**Budget:** N/A

**Risk Analysis:**

As per the requirements in the City's ERM Policy, there is low governance risk and this would be managed by routine procedures. The proposed updated bylaw may be subject to comments from its governing body (eg. management or Council), limited attention by media, with a limited impact on public confidence.

**Communication Plan/Notice By-law Requirements:** Resolution & bylaw required

**Strategic Plan or other Guiding Document:**

2-4 The City will act as the catalyst for continuous improvements to the public realm

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER -- - 2017

A BY-LAW RESPECTING YARD MAINTENANCE,  
STORAGE AND LITTER ON PROPERTY

Being a by-law to regulate yard maintenance, storage and litter on property and to repeal By-law No. 76-2005, as amended.

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Kenora to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS section 127 of the *Municipal Act, 2001* authorizes the City of Kenora to require the owner or occupant of land to clean and clear the land, not including buildings, and to clear refuse or debris from the land, not including buildings;

AND WHEREAS section 127 of the *Municipal Act, 2001* further authorizes the City of Kenora to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS section 128 of the *Municipal Act, 2001* authorizes the City of Kenora to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the City of Kenora, are or could become or cause public nuisances;

AND WHEREAS section 131 of the *Municipal Act, 2001* authorizes the City of Kenora to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the City of Kenora to pass by-laws providing that a person who contravenes a by-law of the City of Kenora passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Kenora, among other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

NOW THEREFORE, the Council of the City of Kenora enacts as follows:

## **PART I – APPLICATION AND INTERPRETATION**

### **Short Title**

1. This By-law may be referred to as the "Yard Maintenance, Storage and Anti-littering By-law".

### **Definitions**

2. In this By-law,
  - a) "building" means any structure used or occupied or intended for supporting or sheltering any use or occupancy;
  - b) "City" means The Corporation of the City of Kenora or the geographic area of the City of Kenora as the context requires;
  - c) "commercial waste" is waste generated as a result of carrying out a business and includes garbage and rubbish produced by customers of the business;
  - d) "deposit" means to throw, dump, place or set down;
  - e) "domestic waste" means waste comprising of garbage and rubbish such as bottles, cans, clothing, compost, disposables, food packaging, food scraps, newspapers, magazines, yard trimmings, cleaning solvents, paint, and pesticides that originate from a private home or apartment;
  - f) "excavation" means an area where soil has been removed thereby leaving a depression or hole within the surrounding land, and includes, without limiting the generality of the foregoing, uncovered wells and cisterns;
  - g) "farm" means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998* and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;
  - h) "front yard" means the area of the yard that is between the front wall of the main building on the property and the front property line; the front yard



- extends across the entire width of the property, extending to the boundary out from the building wall;
- i) "highway" includes a common and public highway, street, avenue, parkway, driveway access, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the grassed areas, boulevards, ditches, curbs, gutters and sidewalks and all other areas between the lateral property lines thereof;
  - j) "inoperative machinery" includes but is not limited to machinery that is unable to be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated;
  - k) "inoperative vehicle" includes but is not limited to a motor vehicle that:
    - (i) is unable to be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, in particular with missing wheels, tires, body components or windows; or
    - (ii) does not have affixed to it a number plate with a current permit validation as required under the *Highway Traffic Act*;
  - l) "land" includes land covered by water;
  - m) "natural garden" means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape;
  - n) "normal farm practices" means normal farm practices as defined in the *Farming and Food Production Protection Act, 1998*;
  - o) "noxious weed" means a noxious weed designated under the *Weed Control Act* including any weed designated as a local or noxious weed under a by-law of the City passed under that Act;
  - p) "officer" means a person appointed by the City of Kenora to enforce this By-law and any police officer;

- q) "ornamental plant" means a plant deliberately grown for beautification, screening, accent, specimen, colour or other aesthetic reasons but does not include any variety of turf grass;
- r) "owner" means the registered owner, owner in trust, a mortgagee in possession, a person who is managing or receiving the rent of the property, a lessee or a person who is in control of the property and includes a person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);
- s) "property" means land, buildings or structures or any combination of these;
- t) "rear yard" means the yard that is between the rear wall of the main building on the property and the rear property line; the rear yard extends across the entire width of the property, extending to the boundary out from the building wall;
- u) "residential property" means property that is occupied by at least one person as his or her residence;
- v) "side yard" means the yard that is between any side wall of the main building on the property and the side property line that wall faces; the side yard is contained between the rear yard and the front yard;
- w) "unsafe container" means any container having a volume of greater than 0.5 m<sup>3</sup> which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;
- x) "waste" means garbage, refuse, debris, litter, yard waste or any materials or substances that appear to be discarded or abandoned and for greater certainty, includes, whether of value or not:
  - i) accumulations of litter, remains, rubbish, trash;
  - ii) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
  - iii) paper;
  - iv) cartons;
  - v) dilapidated furniture or any indoor furniture;

- vi) crockery, dishes, pots, pans, glass, cans, containers;
  - vii) garden refuse and trimmings;
  - viii) material from or for construction and demolition projects;
  - ix) domestic waste;
  - x) commercial waste;
  - xi) dead or dying trees, branches or shrubs;
  - xii) tree cuttings or twigs, branches and brush cut or otherwise severed from any shrub or tree;
  - xiii) waste lumber, excepting only cut and stacked firewood for use in a fireplace on the property;
  - xiv) inoperative motor vehicles or machinery;
  - xv) motor vehicle parts or machinery parts;
  - xvi) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
  - xvii) earth or rock fill;
  - xviii) clothing or other household linens lying in an unprotected condition;
  - xix) objects or conditions that may create a health, fire or accident hazard;  
and
  - xx) animal waste products, animal feces, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land;
- y) "watercourse" means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously occurs, but does not include a swale shaped or graded in earth materials and stabilized with site suitable vegetation for the conveyance of storm water runoff; and
- z) "yard" means an area of land on a property over which no building is erected.

### **Specific Interpretation Rules**

3. The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation
4. References to items in the plural in this By-law include the singular, as applicable, and vice versa.
5. Unless the context otherwise demands, words importing any gender shall be interpreted to mean any or all genders.
6. The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them.
7. The term “used” when referring to land, buildings or structures is interpreted as including “intended to be used”.
8. Reference to a building, structure, yard or land includes that building, structure, yard or land in whole or in part.
9. In this By-law, the word "metre" may be represented by the abbreviation "m" and the word "centimetre" may be represented by the abbreviation "cm".
10. Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.
11. Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.
12. If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

### **Legislation**

13. References to legislation in this By-law are printed in italic font and are references to Ontario Statutes. Where the year of the statute appears as part of

its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Municipal Act, 2001* incorporates a reference to Ontario Regulation 584/06 passed under that statute.

## **PART II – VEGETATION**

14. Every owner shall keep grass, weeds and other vegetation in their yard clean and cleared up.
15. Every owner shall maintain all hedges, bushes and shrubs in their yard from becoming overgrown and unkempt.
16. For the purpose of section 14, to “clean” or “clear up” means:
  - i) to keep all grass and other plants cut to a height of equal to or less than 20 cm, except:
    1. ornamental plants;
    2. trees or shrubs;
    3. cultivated fruits and vegetables; or
    4. plants buffering or otherwise forming part of a natural feature such as a watercourse.
  - ii) to remove all noxious weeds, provided that nothing in this subparagraph authorizes the use of any herbicide contrary to any other law in force in Ontario; and
  - iii) to maintain the yard so as to prevent instability including but limited to the erosion of soil.

17. Sections 14 and 15 do not apply to:
- a) crops being grown on a farm;
  - b) a natural garden; or
  - c) a property located in any of the following zones under the City of Kenora Zoning By-law:
    - i) RU (rural);
    - ii) OS (open space);
    - iii) (WD) (waste disposal);
    - iv) (EP) (environmental protection); and
    - v) (HL) (hazard land).
18. Every owner shall eliminate vegetation or unnatural landscaping features in their yard which:
- (a) adversely affect the safety of the public;
  - (b) adversely affect the safety of vehicular or pedestrian traffic;
  - (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
  - (d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or
  - (e) interfere with the use of a highway, public sidewalk or lane.

### **PART III – PONDING**

#### **Ponding of Water**

19. Every owner shall keep their yard graded, filled up or otherwise drained so as to prevent excessive or recurrent ponding of water on their property.

### **PART IV - WASTE**

20. Every owner shall keep their yard free and clear of all waste.
21. No person shall use a yard for the depositing of waste.
22. Subject to section 23, sections 20 and 21 do not apply to:
  - a) property used by the City for the purpose of depositing waste; or
  - b) property used for the purpose of depositing waste under federal, provincial or municipal authority.
23. No person other than the City or a person with prior federal, provincial or municipal authority shall deposit waste on property described in section 22.
24. Every owner shall ensure that all waste which accumulates on their property is:
  - a) when not placed out for collection in accordance with applicable City by-laws, in containers:
    - i) provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
    - ii) maintained in good condition without holes or spillage;
    - iii) closed or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and



- b) not allowed to accumulate for longer than 10 days.
25. Every owner of a property where an exterior bulk or roll-off container disposal system is used shall ensure that the containers are:
- a) equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
  - b) large enough to contain all waste generated between collections by the owner and any occupants served; and
  - c) not loaded beyond the top of the container.
26. Every owner shall:
- a) have not more than 2 compost heaps on their property; and
  - b) ensure that each compost heap in the yard of their property:
    - (i) has a maximum size of 1 m<sup>3</sup>;
    - (ii) is located a minimum of 1 metre from any property line;
    - (iii) is enclosed on all sides by concrete blocks or lumber, or be maintained within a 205 litre or smaller container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting; and
    - (iv) is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract vermin or other animals to the compost.

## **PART V – INOPERATIVE VEHICLES AND MACHINERY**

27. Subject to sections 28 and 29, no person shall use a property for the storage of an inoperative vehicle or inoperative machinery, or parts of a vehicle or machinery.

28. Section 27 does not prohibit the storage of an inoperative vehicle or inoperative machinery, or parts of a vehicle or machinery, where:
- a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;
  - b) the inoperative vehicle, inoperative machinery or parts of a vehicle or machinery are stored in an enclosed building for a purpose other than:
    - (i) wrecking or dismantling of them or salvaging parts from them for sale or other disposition; or
    - (ii) a vehicle repair or machinery repair business purpose; or
  - c) the storage in a yard is of a single vehicle which is fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.
29. Section 27 does not prohibit the keeping of inoperative agricultural machinery and inoperative agricultural vehicles on a farm provided that the inoperative agricultural machinery or inoperative agricultural vehicles are placed or arranged so as not to create a safety or health hazard to persons on the property, and, in particular, so as not to block emergency access to or from the property.

## **PART VI – RESIDENTIAL STORAGE**

### **Rules for Domestic Storage of Materials on Residential Property**

30. No owner shall undertake or allow the domestic storage of materials in the front yard of their residential property.
31. Domestic materials other than waste may be stored in a rear yard or a side yard of a residential property subject to the following rules:

- a) the storage of these materials shall not exceed 25% of the area of the side or rear yard in which it is being stored;
  - b) the storage shall be undertaken through the use of neat piles; and
  - c) the storage shall be undertaken in a manner which does not create an unsafe condition.
32. No owner shall undertake or allow the domestic storage of materials in a side yard or a rear yard on their residential property in a manner contrary to that prescribed in section 31.
33. Sections 30 - 32 do not apply to residential property exceeding 1.67 hectares in size.
34. Sections 30 - 32 do not apply to prevent the temporary storage of materials or debris on a residential property resulting solely from the construction, demolition or alteration of a building, provided that:
- (a) it is removed frequently and in its entirety from the property; and
  - (b) it does not cause an unsafe condition.

**Storage of Boats, Recreational Vehicles, Trailers or Similar Vehicles on a Residential Property**

35. No boats, recreational vehicles, trailers or similar vehicles shall be parked or stored in any portion of a front yard of a residential property.
36. Despite section 35 or any other by-law, parking and storage of any boats, recreational vehicles, trailers and similar vehicles not exceeding a total length of eleven (11) metres shall be permitted in a front yard:
- a) in a residential driveway between May 1<sup>st</sup> and October 31<sup>st</sup>; or
  - b) in a residential driveway at any time of the year in the case of a property where:

- a. there is no reasonable place to park or store such vehicle or combination of vehicles in either a side yard or a rear yard due to the severity of yard slopes or due to natural features such as watercourses, wetlands, cliffs or rock cuts in such yards;
- b. it is not possible to park or store such vehicle or combination of vehicles in either a side yard or a rear yard without such vehicle or combination of vehicles being within .6 metres of a lot line; or
- c. it is not possible to park or store such vehicle or combination of vehicles:
  - i. in a side yard without such vehicle or combination of vehicles being within .6 metres of a lot line; and
  - ii. it is not possible to park or store such vehicle or combination of vehicles in a rear yard because:
    - 1. there is no public road or laneway which provides access to the rear yard; and
    - 2. the side yard is too small in size to permit such vehicle or combination of vehicles to be transported through the side yard to the rear yard.

## **PART VII – UNSAFE CONTAINERS**

- 37. No owner shall place, keep or store an unsafe container in their yard.
- 38. No person shall place or discard an unsafe container on any public or private property.

## **PART VIII – LITTER**

- 39. No person shall deposit waste on any public or private property without authority from the owner of the property.

40. No person shall deposit waste on a highway except in accordance with the City's by-laws respecting garbage collection or other authority received from the City.

#### **PART IX – DRAINS AND WATERCOURSES**

41. Every owner of a property on which there is a private drain shall keep such drain operational and in repair.
42. No owner shall obstruct or permit the obstruction of a private drain on their property, provided only that the subsequent connection of their property's private sewage system to the City's sanitary sewer in a manner approved by the City shall be permitted as a replacement to a private sanitary drain.
43. No owner of property shall obstruct, or cause or permit the obstruction of a watercourse on their property.

#### **PART X – HEALTH AND SAFETY**

44. Every owner shall ensure that any well, cistern, cesspool, privy vault, pit or excavation on their property:
  - a) in active use, is secured by a fence with warning signs;
  - b) not in active use, is permanently sealed or secured by a fence, cover or other means.
45. Every owner shall keep the yard of their property clean and free from any objects or conditions that might create a health, fire or accident hazard or an unsafe condition.

**PART XI – ADMINISTRATION AND ENFORCEMENT**

46. The City Clerk is assigned the responsibility of administering and enforcing this By-law and may assign duties to such persons as are necessary to carry out the provisions of this By-law.
47. Persons appointed or assigned for the purposes of administering or enforcing this By-law are officers, have the authority to carry out the duties assigned to officers under this By-law, and may enforce the provisions of this By-law.
48. An officer may enter on property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - a) this By-law;
  - b) a direction or order made under this By-law; or
  - c) a prohibition order made under s. 431 of the *Municipal Act, 2001*.
49. An officer may, for the purposes of an inspection under section 48:
  - a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) require information in writing or otherwise as required by the officer from any person concerning a matter related to the inspection; or
  - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

50. An officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under sections 48 and 49;
51. If an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
52. An order under section 51 shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contraventions and the location of the property on which the contravention occurred; and
  - b) the date or dates by which there must be compliance with the order.
53. If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred to do work to correct the contravention.
54. An order under section 53 shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
  - b) the work to be completed; and
  - c) the date or dates by which the work must be completed.
55. An order to discontinue contravening activity made under section 51 or an order to do work made under section 53 may be served:
  - a) by regular, registered or certified mail to the last known address of, as the case may be, the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the



contravention occurred, in which case it shall be deemed to have been given on the third day after it was mailed;

- b) by an officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred, in which case it shall be deemed to have been given on the day of the placement of the placard on the property; or
  - c) personally, as the case may be, on the person who contravened the By-law or who caused or permitted the contravention or the owner of the property on which the contravention occurred.
56. Where a person does not comply with a direction, an order or a requirement under this By-law to do a matter or thing, the City Clerk, with such assistance by others as may be required, may carry out such direction, order or requirement at the person's expense.
57. Without limiting its right to pursue other remedies, the City may recover the costs of doing a matter or thing under section 56 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
58. Any person who contravenes an order made under section 444 of the *Municipal Act, 2001* is guilty of an offence.
59. Any person who contravenes an order made under section 445 of the *Municipal Act, 2001* is guilty of an offence.
60. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or other penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

**PART XII - REPEAL, COMING INTO FORCE, ETC.**

61. By-law No. 76-2005, and all by-laws which amended By-law No. 76-2005, are repealed as of the day this By-law comes into force.

62. This By-law comes into force on the date of its passing.

By-Law read a First & Second Time this -- day of , 2017.

By-Law read a Third & Final Time this -- day of , 2017.

THE CORPORATION OF THE CITY OF KENORA:-

Per: \_\_\_\_\_ MAYOR  
David S. Canfield

Per: \_\_\_\_\_ CLERK  
Heather Kasprick

**THE CORPORATION OF THE CITY OF KENORA**

BY-LAW NO. -----

Being a by-law respecting yard maintenance, storage and littering in the City of Kenora.

**PART I SET FINE SCHEDULE**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1.	Vegetation [Grass] [Weeds] on property not clean and cleared up	Section 14	\$85.00
2.	Fail to maintain [hedges] [bushes] [shrubs]	Section 15	\$85.00
3.	Vegetation [unnatural landscaping features] adversely affecting public safety	Section 18(a)	\$100.00
4.	Vegetation [Unnatural landscaping features] adversely affecting vehicular [pedestrian] traffic	Section 18(b)	\$100.00
5.	Vegetation [Unnatural landscaping features] obstructing view for vehicular [pedestrian] traffic	Section 18 (c)	\$100.00
6.	Vegetation [Unnatural landscaping features] conceal(s) [interfere(s) with] fire hydrant [water valve(s)] [municipal facility(facilities)]	Section 18(d)	\$100.00
7.	Vegetation [Unnatural landscaping features] interfere(s) with use of highway [public sidewalk] [lane]	Section 18(e)	\$100.00
8.	Fail to prevent excessive [recurrent] ponding	Section 19	\$200.00
9.	Fail to keep yard free and clear of waste	Section 20	\$250.00
10.	Waste deposited in yard	Section 21	\$250.00
11.	Unauthorized depositing of waste at waste disposal site	Section 23	\$250.00
12.	Waste on property not placed in containers in accordance with requirements	Section 24(a)	\$250.00
13.	Waste allowed to accumulate on property for longer than 10 days	Section 24(b)	\$250.00
14.	Exterior bulk [roll-off] container cover [not readily	Section 25(a)	\$250.00

	operable] left open		
15.	Exterior bulk [roll-off] container not large enough to contain all waste	Section 25(b)	\$250.00
16.	Exterior bulk [roll-off] container loaded beyond top of container	Section 25(c)	\$250.00
17.	More than 2 compost heaps on property	Section 26(a)	\$85.00
18.	Compost heap exceeds maximum size	Section 26(b)(i)	\$85.00
19.	Compost heap less than 1 metre from property line	Section 26(b)(ii)	\$85.00
20.	Compost heap improperly enclosed	Section 26(b)(iii)	\$85.00
21.	Compost heap allows offensive odours to affect the neighbourhood or attracts vermin or other animals to the compost	Section 26 (b) (iv)	\$85.00
22.	Improper storage of inoperative vehicle [machinery] [parts of a vehicle] [parts of machinery]	Section 27	\$250.00
23.	Storage of materials in front yard	Section 30	\$250.00
24.	Storage of materials exceeding twenty-five percent of area of yard in which they are being stored	Section 31(a)	\$250.00
25.	Storage not in neat piles	Section 31(b)	\$100.00
26.	Storage creating unsafe condition	Section 31(c)	\$250.00
27.	Domestic storage of materials in side [rear] yard not in accordance with requirements	Section 32	\$250.00
28.	Boat [recreational vehicle] [trailer] stored in front yard	Section 35	\$250.00
29.	Unsafe container in yard	Section 37	\$250.00
30.	Unsafe container placed [discarded] on public [private] property	Section 38	\$300.00
31.	Deposit waste on public [private] property	Section 39	\$300.00
32.	Deposit waste on highway	Section 40	\$300.00
33.	Private drain not operational [in repair]	Section 41	\$250.00
34.	Obstruct [permit the obstruction of] a private drain	Section 42	\$250.00
35.	Obstruct [permit the obstruction of] a watercourse	Section 43	\$250.00

36.	Well [cistern] [cesspool] [privy vault] [pit] [excavation] in active use not properly secured	Section 44(a)	\$300.00
37.	Well [cistern] [cesspool] [privy vault] [pit] [excavation] not in active use not properly sealed or secured	Section 44(b)	\$300.00
38.	Fail to keep property clean and free from object(s) [condition(s)] that might create health [fire] [accident hazard] [an unsafe condition]	Section 45	\$300.00
39.	Fail to comply with an order to discontinue activity	Section 58	\$300.00
40.	Fail to comply with a work order	Section 59	\$300.00

Note: The penalty provision for the offences indicated above is Section 60 of By-law No. \_\_\_\_\_, a certified copy of which has been filed, and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

## PART II SET FINE SCHEDULE

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1.	Recreational vehicle [trailer] parked in front yard	Section 35	\$250.00

Note: The penalty provision for the offences indicated above is Section 60 of By-law No. \_\_\_\_\_, a certified copy of which has been filed, and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.



March 31, 2017

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Aquatic Center Improvements Tender Award**

### **Recommendation:**

That the City of Kenora receive and accept the bid price submitted by Sierra Construction, and amended based on revised scope of work, in the amount of \$449,607,00 plus applicable taxes, and further that the City of Kenora approve Sierra Construction to proceed with the Aquatic Center Improvements.

### **Background:**

Tenders closed on March 23rd, 2017 with bids submitted as follows:

Sierra Construction	\$770,887.00
Chris Poate	\$847,000.00

The bids were reviewed by City staff and it is recommended we accept the low tender by Sierra Construction.

### **Budget/Finance Implications**

The approved capital budget for the project was for \$545,000.00 which includes for 3 capital projects included in the 2017 capital program and are as follows.

KRC Pool Lighting Replacement	\$ 90,000
Tile Pool Deck	\$400,000
Pool Painting and Surge Tank Repairs	\$ 55,000

The City Has some options as follows;

The total project budget of \$545,000.00 leaves a short fall of \$225,887.00 to complete all work included in the tender documents.

### **Option 1**

The City of Kenora can however complete all projects listed above with one simple change to the tendered document. By changing the flooring from the proposed tile floor to what we currently have (Epoxy Flooring) the contract will be within budget and the project would be able to proceed as planned. The total value of the project would be reduced to \$449,607.00 and the successful contractor is on board and agrees to accepting the change. The existing epoxy flooring is currently 13 years in age and by removing and installing new the City should be good for 15 to 20 year life expectancy of the pool deck.



### **Option 2**

Increase the project budgets by the \$ 240,000.00 and complete the project as tendered with Tile Floor.

### **Option 3**

Reduce the original scope of work by removing the flooring and proceeding with the Pool Lighting Replacement, Competition Pool Repairs and Painting and Surge Tank Repairs only at a project cost of \$273,242.00.

The need to complete some repair work in the Aquatic Center is a must in 2017 as more and more items are requiring repairs. The Aquatic Center is only shut down each year for a very short time period and it is the only time that repairs can be made. This is the 3<sup>rd</sup> time that the Pool Deck Replacement project has been tendered (2014, 2016, and 2017) with no repair taking place and deterioration excellerating on the concrete walls of the surge tank and completion pool, the lighting and pool deck surface.

It is recommended by City Staff that the Kenora Council receive and accept the low bid by Sierra Construction and proceed with **Option 1** to reduce the original bid of \$770,887.00 by deleting floor tile and substituting with acrylic floor to the new total of \$449,607.00.

**Risk Analysis:** As per the requirements in the City's ERM Policy, there is a high financial, governance and operational risk and senior management have been informed. The risk could be mitigated by proceeding with all repairs during a shut down period in July and August of 2017.

### **Communication Plan/Notice By-law Requirements:**

Resolution required.

Distribution: Finance, Recreational Services Division Lead, Aquatic Facilitator and Facilities Division Lead.

### **Strategic Plan or other Guiding Document:**

1.10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.

2.1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in good state of repair to ensure certainty, security and long-term stability of our systems

2.2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue.

2.9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.



**Date: March 17, 2017**

## **City Council Committee Report**

**To: Mayor & Council**

**Fr: James Tkachyk, Parks and Facilities Division Lead**

**Re: On-Site Lettering of the Solid Granite Columbaria**

### **Recommendation:**

That Council hereby accepts the quote from M.C. Delandes Monuments & Memorials in the amount of \$350.00 (primary inscription) and \$150.00 (2<sup>nd</sup> & supplement inscriptions) on each individual niche (plus applicable taxes) be accepted for a three (3) year term – 2017, 2018 and 2019.

### **Background:**

M.C. Delandes Monuments & Memorials have been awarded the On-site lettering of the solid granite columbaria for the 2014, 2015 and 2016 term as well as the 3 year term prior (2011, 2012 and 2013). The contract went to public tender for the next 3 year term and M.C. Delandes Monuments & Memorials submitted the only bid.

### **Budget:**

There is a \$25.00 increase to The primary and supplement inscription fees. The prices will be good for the 3 year term. Reserve Inscription Account – Customer pays for the inscription.

### **Risk Analysis:**

As per the requirements in the City's ERM Policy, there are service delivery and financial risks identified with the award of the tender that should be considered low. If the City does not accept the tender, the ability to deliver services could become difficult to arrange when required and financial costs could constantly increase. The financial risk in accepting this recommendation would be mitigated by an increase in user fees from the current rate of \$599.00 to \$650.00 for the 3 year term of the contract.

### **Communication Plan/Notice By-law Requirements:**

Charlotte Edie, Finance  
Heather Kasprick, City Clerk  
James Tkachyk, Parks and Facilities Division Lead  
Dwayne German, Parks Technician  
Carole Bruneau, Cemeterian



# P R O C L A M A T I O N

## Public – Rail Safety Week April 25 – 30, 2017

Whereas Public – Rail Safety Week is to be held across Canada from April 24 to 30, 2017; and

Whereas it is in the public's interest to raise citizens' awareness on reducing avoidable accidents, injuries and damage caused by collisions at level crossings or incidents involving trains and citizens; and

Whereas Operation Lifesaver is a public/private partnership whose aim is to work with the rail industry, governments, police services, the media and other agencies and the public to raise rail safety awareness; and

Whereas Operation Lifesaver has requested City Council to adopt this proclamation in support of its ongoing effort to save lives and prevent injuries in communities, including our municipality;

Therefore be it Resolved That I, David S. Canfield, Mayor for the City of Kenora do hereby proclaim April 25 to 30, 2017 as national **Public – Rail Safety Week** in and for the City of Kenora and request its observance by all citizens of our municipality.

Proclaimed at the City of Kenora this 11th day of April, 2017

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**Mayor David S. Canfield**