



AGENDA

Regular Meeting of Council of the City of Kenora

**Tuesday, June 14, 2016
12:00 p.m.
City Hall Council Chambers**

1. Call to Order

2. Blessing – Councillor Goss

3. Public Information Notices

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

- Amend the 2016 Operating & Capital Budget to apply the additional funds from the Partnership Donations in the amount of \$10,000 to offset the cost of Fire Training Aids
- Adopt a new Tariff of Fees & Charges bylaw to include Burning Permit Fees in Schedule C, Emergency Services

4. Declaration of Pecuniary Interest and the General Nature Thereof

The Mayor will ask if any Member of Council has any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:

- i) On today's agenda or from a previous meeting;
- ii) From a meeting at which a Member was not in Attendance

5. Confirmation of Previous Council Minutes

- May 17, 2016 Regular Council

6. Presentations/Deputations

Approximately five (5) minutes per person/group.

7. Additions to Agenda (urgent only)

8. Appointments

- A member will be appointed to the Lake of the Woods Development Commission
- A member will be appointed to the Kenora Public Library Board

9. Reports from Committee of the Whole

9.1 Corporate Services & Strategic Initiatives

- AMO Board Nomination
- 2016 Municipal Insurance Renewal
- Section 357's

9.2 Fire & Emergency Services

- Fire Training Aids Budget Amendment

9.3 Operations & Infrastructure

- No Reports

9.4 Community & Development Services

- Z01-16 Emergency Shelter
- NCIR Funding Application – Community Improvement Plans
- FedNor Funding Application – Kenora Rowing Club

10. Housekeeping Resolutions

- Ban Door-to-Door Sales
- Deputy Division Registrar Appointments
- Amendment to the Discharge of Firearms bylaw
- FedNor Agreement Amendment for Coney Island Development Project
- Parking Lot Fees Parking Rates
- Parks Set Fines
- Illegal Dumping Set Fines
- Open Air Burning Bylaw
- Tariff of Fees & Charges (Open Air Burning Fees)
- Lake of the Woods Community Foundation Agreement Amendment
- Rural Economic Development Program (RED)
- Various Committee Minutes
- Bridge and Parkade Biennial Inspection Agreement with Stantec Consulting
- Traffic Amendment – No Parking on First St N
- Monthly Water and Wastewater System Summary – April 2016
- Delegate Certain Planning Authorities to the City Planner
- Delegate Authority to the City Planner for Subdivision of Land
- Site Plan Control Delegation of Authority
- Site Plan Control Policy Amendment
- Site Plan Agreement - Fettes

11. Tenders

- None

12. By-laws

Council will give three readings to the following by-laws: -

- Confirmatory

- Fire Training Aids Budget Amendment
- Deputy Division Registrar Appointments
- Amendment to the Discharge of Firearms bylaw
- FedNor Agreement Amendment for Coney Island Development Project
- Parking Lot Fees Parking Rates
- Parks Set Fines
- Illegal Dumping Set Fines
- Open Air Burning Bylaw
- Tariff of Fees & Charges Bylaw – Schedule C – Burning Permit Fees
- Lake of the Woods Community Foundation Agreement Amendment
- Bridge and Parkade Biennial Inspection Agreement with Stantec Consulting
- Traffic Amendment – No Parking on First St N
- Delegate Certain Planning Authorities to the City Planner
- Delegate Authority to the City Planner for Subdivision of Land
- Site Plan Control Delegation of Authority
- Site Plan Control Policy Amendment
- Site Plan Agreement - Fettes

13. Notices of Motion

14. Proclamations

15. Announcements (non-action)

16. Adjourn to a Closed Session

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 (1 matter)**
- ii) Education and Training of Members (1 matter)**

Information on Voting by Mayor & Council under The Municipal Act, 2001

243. Except as otherwise provided, **every member** of a council shall have **one** vote;

245. Any question on which there is a **tie vote shall be deemed to be lost**, except where otherwise provided by any Act;

246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote;

(2) A **failure to vote** under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be **deemed to be a negative vote.**



DEPUTATION REQUEST FORM

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

How to Make a Deputation:

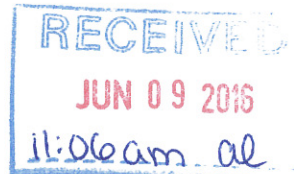
- Determine date and time of Council or Committee meeting you wish to attend.
- Submit this completed and signed form to the City Clerk (deliver/mail/fax or e-mail)
 - at least seven (7) days in advance of any Committee meeting
 - before 10:00 a.m. on date of a Council meeting;
- State your name prior 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



Name:
(person making deputation)

Eric Louns

(please print)

Organization You Represent:
(if applicable)

CO-OT TAXI 1999 LTD

Mailing Address:

76 Carlton Rd

Telephone Number:

807-407-3325

Email Address:

ericlouns@gmail.com

Postal Code:

P9N-0B7

Other Persons Presenting with You on this topic?
(on behalf of same organization)

No

Yes

If yes, Other Names: _____

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

- Please see Protocol Notes on Page 2

Bylaw regarding taxi licensing

I wish to appear before

Council

Committee of the Whole

Other

On the Meeting date:

June 14 - 2016

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:

Eric Louns

(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.

Please present any material, letters or other relevant information concerning your deputation to Council 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.



May 28, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Ban on Door-to-Door Sales

Background Information:

I received an email request from the Clerk with the Township of Wellington North requesting support of a similar resolution banning door-to-door sales in general, and more specifically, the sale or lease of HVAC equipment, water heaters, water filtration systems and other related home energy products and services by door-to-door sales agents.

The City does receive regular complaints regarding door-to-door sales and has no other alternative than to have callers contact the OPP for direction. A ban would give more options for enforcement to the officers responding to calls of this nature. Our most vulnerable citizens are our seniors for door to door sales and support of a complete ban would be one more step to protecting them from this type of intrusion.

Resolution for Council:

Whereas the province implemented a ban on door-to-door sales for electricity and natural gas contracts by passing the Strengthening Consumer Protection and Electricity System Oversight Act, 2015; and

Whereas Ontarians over the last twelve months continue to experience unsolicited, aggressive and misleading sales tactics at their door from companies seeking to sell home energy products, despite this provincial legislation; and

Whereas the door to door agents acting on behalf of these companies misrepresent their purpose and/or identity, often posing as utility inspectors and government agents needing to gain access to the homes of Ontarians; and

Whereas people across Ontario, and in particular vulnerable City of Kenora senior citizen residents, have been targeted by these door to door misrepresentations and misleading sales tactics;

Now Therefore Be It Resolved That the Council of the City of Kenora urges the Provincial Government to ban all door-to-door sales in the home services sector (more specifically the sale or lease of HVAC equipment, water heaters, water filtration systems and other related home energy products and services by door-to-door sales agents) as soon as possible; and further

That a copy of this resolution be sent to all municipalities in Ontario asking for support by passing a similar resolution and forwarding to their MPPs.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes



May 28, 2016

**Housekeeping
Council Briefing**
(direct to Council – does not appear at COW)

Agenda Item Title: Appointment of Deputy Division Registrars

Background Information:

By virtue of the office of the Clerk, the Vital Statistics Act automatically appoints me as the Division Registrar to issue marriage, birth and death records on behalf of the Corporation.

Under Section 38 of the Act, Deputy Division Registrars may be appointed by the Registrar General for the same purpose and it is necessary to include the new five customer service representatives as Deputy Division Registrars for the duties they will now cover.

The bylaw will also cover the same appointments as Lottery Licensing Officers for the City.

By-law number 75-2004 will be repealed with previous appointments.

Resolution for Council:

That Council gives three readings to a bylaw to appoint Deputy Division Registrars and Lottery Licensing Officers for the City of Kenora.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes

May 28, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Amendment to Discharge of Firearms Bylaw

Background Information:

In 2011, the City amended its Discharge of Firearms By-law to allow bow hunting south of the by-pass for deer only for a trial period in 2011 with certain restrictions. This amendment was based on a recommendation from the Deer and Wolf Conflict Task Force which was formed following a number of concerns expressed by various members of the public. A report was submitted to Council on behalf of that task force. The contents and justification contained within that report have not been repeated within this one, other than the specific recommendations. It is worth noting that the recommendation was amended from the original report to eliminate the section contemplating allowing feeding of deer within City limits north of the by-pass.

After that report was brought forward, this task force continued to be active in implementing steps that will bring the City to a longer term resolution of the current deer issue within City limits. This included:

- A public consultation session on September 15, 2011 to allow the public an opportunity for feedback into the trial hunting season for 2011
- Survey related to the fall hunt, gauging success of that hunt – the results were reviewed at the task force December 14, 2011 meeting, as well as discussion on changes that could be made in considering future hunts. These surveys have continued on an annual basis in conjunction with the hunt.
- Recommendation approved by Council at their April 2012 meeting approving some updates to the City's Feeding of Wild Animals by-law for minor wording changes following a review which confirmed the enforceability of this by-law.
- May 16, 2012 task force meeting to update on status, provide discussion with regards to a recommendation to Council for a fall 2012 proposed hunt, as well as discuss the opportunity for a cull with representatives of the Ministry of Natural Resources or MNR
- Continued education strategy, including public service announcements from our media partners that provide seasonal information related to deer and related strategies for minimizing deer / human conflicts, as well as extensive distribution of the "got deer?" information pamphlet with pamphlets being made available at several local businesses and other locations. The City continues to engage in public service announcements related to deer population on an as appropriate basis.
- The committee met again on June 28, 2013 following attacks by deer on local citizens. Three citizens attended the meeting to describe the attacks and look for solutions.
- Anecdotal evidence suggests that the heavy snow and extreme cold of the winter of 2013-2014 have resulted in a reduced deer population and fewer fawns being born.

The task force has not met but staff is recommending to City Council to allow a fall bow hunt south of the by-pass within City limits for deer for 2016, as was done in 2015.

The City received feedback during the public consultation session in September 2011 that the City should consider opening up City owned parcels as part of this hunt. The City owns a number of properties that are recreational in nature, as well as properties representing important partnerships. These properties should not be considered eligible for hunting purposes. Once these properties were removed, there were only a few small parcels of City owned land that could be considered. As such, the recommendation is being made to continue to exclude City properties from this hunt.

All other restrictions that applied to the 2012 through 2015 hunts are recommended to remain in force for the 2016 hunt. They are as follows:

- Adhere to hunting regulations as strictly as possible – keep it simple
- Hunting shall be restricted to hunting of deer only south of Highway 17A (the Bypass);
- Firearms restricted to archery equipment to limit distance of firearm discharge
- Only Resident hunters eligible for expanded hunting areas
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property
- Hunters must obtain written permission to hunt on private land
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner
- Remains shall not be disposed of on City property

Given that this amendment has gone through Council annually and continues to be widely supported, administration is recommending a permanent amendment to the bylaw which would allow for hunting south of the bypass with bow only in the outlined area during the provincially permitted hunting season.

Budget:

It is anticipated that all related preparations, with the exception of advertising in advance of the hunt, can be coordinated through internal staff time, resulting in no incremental costs to the City.

Communication Plan/Notice By-law Requirements:

The City will continue to work on its communications strategy with regards to the urban deer issue. In addition, the hunting package information and maps will be updated based on the amendments, once approved by Council, and will be made available in conjunction with the fall hunt. We will continue to request survey responses from hunters and will look at an on-line option for 2016.

Resolution for Council:

That Council hereby approves an amendment to the Discharge of Firearms By-law #148-2010 to authorize an extension to the areas in which deer hunting is allowed within City limits for the provincially designated deer hunting season as approved by the Ministry of Natural Resources, with the following restrictions:

- Hunting shall be restricted to hunting of deer only south of Highway 17A (the Bypass);

- Firearms authorized to be used for hunting within City limits south of the by-pass shall be restricted to archery equipment as defined per the rules and regulations of the Fish and Wildlife Conservation Act;
- Hunters eligible to hunt within City limits south of Highway 17A (the By-pass) shall be restricted to those eligible to hunt under the Resident – Open Season, as defined within the Ontario hunting regulations;
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting shall only be permitted on parcels of land of an area of five (5) acres (metric equivalent is 2.023428 hectares) or greater;
- Hunting shall be prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property which lies within the designated hunting areas and related size restrictions;
- Hunters must obtain written permission to hunt on private land from the property owner and display written permission at request of a law or by-law enforcement officer;
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner and remains shall not be disposed of on City property; and further

That three readings be given to a by-law for this purpose.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes



June 8, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Coney Island Development Project Amendment

Background Information:

As a result of tenders coming in over budget and in response to the City's request for an amendment to the FedNor agreement, an amending agreement was developed by FedNor and is ready for signing.

The agreement amends the end date of the project from March 31, 2016 to December 31, 2017.

This is a housekeeping report for execution of the amendment only.

Resolution for Council:

That Council gives three readings to a bylaw to authorize an amendment to the FedNor funding agreement for the Coney Island Development Project; and further

That the CAO be authorized to execute this agreement.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes



May 12, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title:

Parking Lot Fees & Regulations Bylaw Amendment

Background Information:

At the April 19, 2016 Council meeting, Council approved a rate increase for parking meters. To be consistent for hourly parking rates, the two metered parking lots should also be included in this rate increase. These rates are established by a separate bylaw, being the Parking Lot Fees & Regulations Bylaw (66-2006, as amended).

This is simply a housekeeping report to amend an additional bylaw to reflect the new parking rates in parking lots in addition to the already approved parking meters. The rates would be exactly the same as the bylaw amendment from April as follows:

\$1.00 per hour

\$0.25 per 15 minutes

Quarters, loonies and toonies only.

Nickels and dimes register \$0.00

These parking lots include the Kenora South Harbourfront lot, known in the bylaw as Lot "E", plus the McClellan Avenue lot, known as Lot "T" in the bylaw.

For housekeeping purposes, we also removed the daily parking machine from the Chipman Street parking lot several years ago and this is a monthly only lot now, which the bylaw amendment will be updated to reflect this change as a monthly rental lot only.

Resolution for Council:

That Council gives three readings to a bylaw to amend bylaw number 66-2006, a bylaw which establishes our parking lot fees and regulations to reflect new hourly parking rates for the South Harbourfront and McClellan Avenue parking lots.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes



May 28, 2016

**Housekeeping
Council Briefing**
(direct to Council – does not appear at COW)

Agenda Item Title: Parks Bylaw #34-2015

Background Information:

Council approved the Parks bylaw in March 2015 and the set fines approved by Council were sent to the Attorney Generals office for approval.

I received notice from the Law Office in late May that the Ministry of Attorney General Crown Law office had concerns with the set fines presented and made suggestions for changes to these set fines. These changes were passed onto the department for review and report back to me and or Council for amendment. With staff vacancies in this department, the report was not completed.

The required amendments are relatively small in nature and do not change the intent of the bylaw, only the details the Ministry's office requires for approval.

Resolution for Council:

That Council authorizes amendments to the set fines schedule for the Parks bylaw number 34-2015 as recommended by the Ministry of Attorney General.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes

The Corporation of the City of Kenora

By-law Number 34 – 2015

A By-Law to Regulate Parks in the City of Kenora

Whereas s.11 of the Municipal Act, 2001, S.O. 2001, c.25 provides that a municipality may pass bylaws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

Now Therefore the Council of the Corporation of the City of Kenora enacts as follows:-

1. Short Title

1.1 This by-law may be cited as the “Parks By-Law”.

2. Definitions

Definitions: In this By-law, unless stated otherwise, certain terms shall be defined as indicated in the lettered paragraphs of this section. When words appear in capital letters, the meanings prescribed in this section shall apply. When the words appear in regular case, they should be read as having their ordinary meanings.

2.1 “**Animal**” means any creature, not human.

2.2 “**Sign**” means any authorized sign, notice or other device placed or erected in or upon a Park or Trail, under the authority of this By-law.

2.3 “**Bicycle**” means a vehicle propelled by human power on which a person can ride regardless of the number of wheels it has.

2.4 “**By-law Enforcement Officer**” means a person employed by the City of Kenora as a By-Law Enforcement Officer or a Municipal Law Enforcement Officer under section 15.(1) of the Police Services Act RSO 1990 Chapter P-15 or includes a Police Officer for the Province of Ontario.

2.5 “**Campground**” means a park which has been designated as a site which daytime or overnight camping is permitted.

2.6 “**City**” means the Municipal Corporation of the City of Kenora.

2.7 “**Control**” includes care and custody.

2.8 “**Council**” means the Council of the City of Kenora.

2.9 “**Designated Area**” means an area defined or constructed for a specific use, which may include signed conditions. The Parks Supervisor has the ability to designate area for specific uses as the need arises.

- 2.10 **“Designated Trail”** means a trail which has been designated by The City and includes; land dedicated to trail use, a posted map, signage, and the trail must be on municipal property or formal lease, and joint use agreement or reciprocal agreement.
- 2.11 **“Firearm”** means any gun or other firearm, air-gun, pellet gun, spring-gun, shotgun, cross-bow, long-bow, and any other barreled weapon from which any shot, bullet, missile or other projectile may be discharged.
- 2.12 **“Municipality”** means The Corporation of the City of Kenora.
- 2.13 **“Organized Sport or Activity”** means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms
- 2.14 **“Park”** means land and land covered by water, and all portions thereof, owned by or made available by lease, agreement, or otherwise to the Municipality, that is or hereafter may be established, dedicated, set apart or made available for use as public open space, golf course or municipal cemetery, including any and all buildings, structures, facilities, erections and improvements located in or on such land, save and except where such land is governed by other by-laws of the Municipality.
- 2.15 **“Parking area”** means a part of the park that is designated and intended to park Motor Vehicles.
- 2.16 **“Permit”** means any written authorization of the various City Departments for rental of a specific park or parks.
- 2.17 **“Person”** means any corporation, firm, partnership, association, or registered company, as well as a natural person.
- 2.18 **“Post” or “Posted” or “Signed”** refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and “Posted area” means an area where such signs are erected.
- 2.19 **“Service Animal”** includes a guide dog or other trained Service Animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment.
- 2.20 **“Trail”** means a multi-purpose thoroughfare controlled by The City including Designated Recreational Trails and set aside for use by pedestrians, cyclists and persons using wheeled conveyances, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous.
- 2.21 **“Vehicle”** means:
(i) cars, trucks, boats, all-terrain vehicles, motorcycles, snowmobiles or other devices which are or may be propelled by a motor; and

(ii) trailers, campers, non-power boats or other devices which may be towed behind other vehicles; but

(iii) does not include Bicycles or mobility devices.

3. General

- 3.1 Number/Gender: All words and personal pronouns relating to words contained in this By-Law shall be read and constructed with the number and gender of the person referred to in each case.
- 3.2 Headings: The headings of sections, paragraphs, clauses, and/or sentences in this By-Law are inserted for ease of reference only and do not affect the interpretation of this By-Law.
- 3.3 Severability: In the event that any of the provisions of this By-Law are deemed invalid or void, in whole or in part, by any court or tribunal of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 3.4 Schedules: The schedules and/or attachments to this By-Law form an integral part of it.
- 3.5 Nothing in this By-Law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and regulations.

4. Scope

- 4.1 This By-law shall apply to all Parks and Trail areas in the Municipality.
- 4.2 The Manager of the Parks Supervisor shall have overall charge and control of the operation of the parks areas.
- 4.3 The Parks Supervisor shall have general supervision and charge of the operation of the parks areas and all persons employed therein and all works of whatsoever nature carried out therein. The Parks Supervisor shall report to the Manager of the Parks Supervisor on all matters concerning parks areas.

5. Conduct

5.1 Conduct

While in a Park or Trail no person shall;

- 5.1.1 indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use of profane or abusive language;
- 5.1.2 cast, throw, or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property;

- 5.1.3 create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or
- 5.1.4 create a nuisance or in any way interfere with the use and enjoyment of the Park or Trail by other persons; or
- 5.1.5 no person shall enter any portion of any washroom, bathhouse, or change room in any Park or Trail set apart for the opposite sex, unless under the age of six and accompanied by a parent or guardian of the opposite sex.

5.2 **Firearms**

While in a Park or Trail no person shall be in possession of or use any Firearm of any kind unless authorized by the Parks Supervisor.

5.3 **Firearms Exemption**

Exemption to the firearms includes the following;

- 5.3.1 By Law Enforcement Officer for the City of Kenora authorized and in the actual and bona fide performance of his or her duties.
- 5.3.2 A Police Officer when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.3.3 A staff member of the Correctional Services of Canada.
- 5.3.4 An inspector or agent of the Ontario Society for the Prevention of Cruelty to Animals when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.3.5 A Conservation Officer or a Deputy Conservation Officer of the Ministry of Natural Resources or person duly designated and authorized by the Ministry of Natural Resources for the Province of Ontario to manage nuisance bears under the provincial Bear Wise Program, and any other person authorized to enforce the Ontario *Fish and Wildlife Conservation Act*, R.S.O. 1997, or the *Firearms Act*, R.S.C. 1995, c.39.

5.4 **Fireworks**

While in a Park, no person shall ignite, discharge or set off any fireworks except as a fireworks display authorized by the Council of the City of Kenora.

5.5 **Injury and Damage**

While in a Park or Trail no person shall;

- 5.5.1 Climb any building, structure or equipment, unless it is equipment designed for climbing;

- 5.5.2 Destroy, or cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface; any tree, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood;
- 5.5.3 Destroy, or cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface; any monument, bridge, wall, seat, bench, structure or any article of Park equipment thereof;
- 5.5.4 In any manner disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is an area Posted to that effect; or
- 5.5.5 Drive, park or walk in an area signed to prohibit same.

5.6 **Waste and Pollution**

While in a Park or Trail no person shall;

- 5.6.1 Dispose or dump garbage, litter, tree trimmings, or like refuse, except that which is generated through the normal use of the Park and shall only deposit same in garbage receptacles provided for such purpose;
- 5.6.2 Dispose of or dump garden refuse;
- 5.6.3 Dump or drain onto any soils or into any waters of any pool, pond, lake, stream, fountain or watercourse of any kind of material, toxic or otherwise, which may have the effect of polluting same.

5.7 **Protection of Wildlife**

While in a Park or Trail no person shall;

- 5.7.1 kill, attempt to kill, trap, hunt, pursue or in any manner disturb any animal, bird, waterfowl, fish, worms or other wildlife;
- 5.7.2 fish, attempt to fish on a designated beach or docks on a designated beach area;
- 5.7.3 feed any waterfowl or wildlife.

5.8 **Encroachment**

- 5.8.1 Unless authorized by the City of Kenora, no person shall encroach upon or take possession of any Park by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping thereon.

5.8.2 The By-law Enforcement Officer may, by notice in writing, order a person who creates, allows or contributes in any way to the existence or continuance of an encroachment to;

- a. Stop the encroachment,
- b. Demolish or remove the encroachment, or
- c. Take any other measure specified in the notice to eliminate the encroachment or alter the nature of the encroachment within the time specified in the notice.

5.8.3 If a person fails or refuses to comply with an order directed to him by the Bylaw Enforcement Officer under this Section, the By-law Enforcement Officer or his designate may take any action necessary to carry out the order at the expense of the person in default, and the City may recover the expenses thereof with the costs, by action or in like manner as municipal taxes.

5.9 **Restricted Areas**

While in a Park or Trail, no person shall enter into an area in a Park or a Trail where it is posted to prohibit or restrict admission to the public.

5.10 **Alcohol**

5.10.1 While in a park no person shall consume, serve, display or sell alcoholic beverages unless in compliance with the alcohol policy of the Municipality and as authorized by a Rental Permit and with the approval of the Liquor Licence Board of Ontario.

5.10.2 No persons shall enter or remain in any park while intoxicated.

6. **PARK USE**

6.1 **Campfires and Barbeques**

While in a Park or Trail no person shall;

6.1.1 light, build or stoke a fire or bonfire unless in a designated area or pit within a campground;

6.1.2 use a portable barbeque unless posted to allow same or in a designated campground;

6.1.3 use fuel other than charcoal or briquettes in a barbeque provided by the Municipality; or

6.1.4 leave a fire unattended or leave the site of the fire before the fire is completely extinguished.

6.2 **Organized Gatherings and Picnics**

While in a Park or Trail no person shall;

6.2.1 hold an organized gathering or event without obtaining a Parks Rental Permit;

6.2.2 Interfere with an organized gathering or event authorized by a Parks Rental Permit.

6.3 Amplifiers and Loud Speakers

While in a Park or Trail no person shall;

6.3.1 operate loud speakers or sound amplifying equipment unless authorized by a Parks Rental Permit;

6.3.2 operate, or use, any radio, tape player, compact disc player, car radio, or any other sound reproducing system in a manner which disturbs or interferes with other persons in or near a Park or Trail.

6.4 Camping and Lodging

Unless in a designated Park (Campground) which allows camping, no persons shall dwell, camp, or lodge in a Park that is not designated as a Camp Ground.

6.5 Tents and Structures

Unless authorized by Parks Rental Permit, no person shall place, install or erect any temporary or permanent tent or structure in any Park or Trail.

7. ORGANIZED GAMES AND ACTIVITIES

7.1 Organized Sports or Activities

While in a Park or Trail no person shall;

7.1.1 Arrange or engage in an Organized Sport or Activity, except in a Designated Area which has been Posted; or

7.1.2 Interfere with any Organized Sport or Activity occurring within a Designated Area.

7.2 Golfing and Archery

While in a Park or Trail, no person shall play or practice golf or archery except in a Designated Area.

7.3 Model Aircraft and Rockets

While in a Park or Trail, no person shall operate any powered model of aircraft, rockets or Vehicles unless authorized is given by the City of Kenora to do so.

7.4 Skiing, Tobogganing and Sledding

No person shall ski, toboggan, snowboard, skibob or sled in any area in any Park signed to prohibit same.

7.5 Roller Skates and Skateboards

While in a Park or Trail, no person shall;

7.5.1 Operate or utilize skateboards, roller skates or in-line roller skates or like conveyances where signed to prohibit or otherwise restrict the use of the same;

7.5.2 Obstruct, inconvenience or endanger other users of the Park while operating or utilizing skateboards, roller skates, in-line roller skates or like conveyances.

7.6 Tennis

No person shall enter, walk or play upon a Designated Area for tennis in Park except in accordance with the Posted rules and regulations.

8. VEHICLES

8.1 Roadways

8.1.1 The Council of the City of Kenora is authorized to establish appropriate rules to regulate the use of Park roadways;

8.1.2 Except as provided in respect to section 8.4 with respect to Bicycles, no person shall while in a Park drive, operate, pull or ride any Vehicles except on a roadway or parking area.

8.2 Vehicle – Parking

While in a Park or Trail no person shall;

8.2.1 park or leave a Vehicle except in a Designated Area for parking;

8.2.2 park or leave a Vehicle between the hours during which a Park is closed, as set out in Section 11.2, except in a Designated Area allowing for such overnight parking;

8.2.3 stop or park a Vehicle in a Designated Area for parking, except in a parking space and in accordance with signed conditions;

8.2.4 stop or park a Vehicle in a designated disabled parking space, unless a disabled person parking Permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990 c.H.8, as may be amended from time to time, is properly displayed on or in the Vehicle;

8.2.5 use any parking space except while using the Park or Trail;

8.2.6 park in a designated fire route.

8.3 **Vehicle - Other activities**

No person shall make use of any roadway or Designated Area for parking in any Park for;

8.3.1 Washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any Vehicle;

8.3.2 Instructing, teaching or coaching any person in the driving or operation of a Motor Vehicle, unless written permission is granted by the Parks Supervisor or;

8.3.3 Playing of any games and/or sports.

8.4 **Vehicle - Bicycles**

While in any Park or Trail, no person shall;

8.4.1 ride, operate or be in possession of any Bicycle where signed to prohibit same, or

8.4.2 obstruct, inconvenience or endanger other users of the Park while riding or operating a Bicycle.

8.5 **Vehicles – All Terrain Vehicle**

No person shall ride, drive or be in the possession or control of an all-terrain vehicle in any Park or Trail except in a Designated Area.

9. **ANIMALS**

9.1 **Animals**

Unless authorized in writing by the Parks Supervisor, all animals (including horses and ponies), EXCEPT domestic dogs and cats are prohibited in all Parks.

9.2 **Domesticated Animals**

Unless posted otherwise or authorized in writing by the Parks Supervisor; domesticated animals (which includes dogs and cats) are prohibited from all beach areas, sports fields (which include ball fields), playgrounds areas, gardens, landscaped areas or other areas signed to prohibit same and/or disturb any wildlife or damage any Park resources.

9.3 **Care & Control**

Domesticated animals (which include dogs and cats) must be in the care and control of the owner and leashed at all times on all trails and designated park areas.

9.4 **Service Animals**

Service Animals accompanying their owners are allowed on all Park areas (which includes, beaches, sports fields, playground areas).

9.5 Leash and Excrement

While in a park or trail, every person as owner or person having Control of any dog, or cat or other domesticated animal shall;

9.5.1 ensure that he/she is on a leash or chain not exceeding two (2) meters in length;

9.5.2 pickup and remove forthwith excrement left by a dog, or cat or other domesticated animal and dispose of it in a sanitary manner in a receptacle for doggy litter or in some other suitable container;

9.5.3 The provisions of section 9.5.1 and 9.5.2 do not apply to a person who has Control of a Service Animal where it is being used to aid a person with visual, hearing or other impediment.

9.6 Danger Animals

No person, as owner or person having control of a dog or cat or other domesticated animal, shall bring in or permit such dog, or cat or other domesticated animal to enter any Park if that animal may or does constitute a danger or frightens other Park users. This applies if the owner or control person has previously been advised by a police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law to not bring the dog, or cat or other domesticated animal into a Park. This also applies if the owner or control person has been convicted of an offence related to the conduct of the dog or cat or domesticated animal under the Dog Owners' Liability Act, R.S.O. 1990, c.D.16 or this By-law or any other municipal by-law.

9.7 Animal Control By-Law

The provisions of the Animal Control By-law shall apply, as will all necessary modifications, to dogs participating in a dog show, competition or training class or special event.

10. COMMERCIAL ENTERPRISES

10.1 Merchandise for Sale

While in a Park or Trail, unless authorized by License, no person shall, sell or offer or display for sale;

10.1.1 any food, drink or refreshment;

10.1.2 any goods, wares, merchandise or articles including promotional material, souvenirs or novelties;

10.1.3 any flowers, fruits or vegetables;

10.1.4 any art, skill service or work.

10.2 Business Solicitation

While in a Park or Trail, unless authorized by License, no person shall, practice, carry on, conduct or solicit for any trade, occupation, business, profession or charity.

10.3 Circulars and Advertisement

Unless placed on an existing event board, no person shall;

10.3.1 post, nail, attach, stencil or otherwise fasten or erect any Poster, sign, notice, placard or other circular, bill, advertisement or paper to any Park or Trail property.

11. HOURS

11.1 Seasonal Hours

All parks are open from May 1st until November 1st annually; unless signed differently.

11.2 Daily Hours of Operation

All parks shall close at 11:00 p.m. and shall remain closed until 8:00 a.m. the following morning, from May 1st until November 1st annually, unless signed differently.

11.3 Parks Closure Dates

All usage of any infrastructure within the Parks is prohibited between November 1st until May 1st annually unless signed differently.

11.4 Non-use of Park during Closure Hours

No person shall be or remain in a Park after the closing hour or before the opening hour.

12. REGULATION AND ENFORCEMENT

12.1 Parks Rental Permits

Parks Rental Permits issued for activities contemplated in the By-law may be subject to such fees as Council shall from time to time establish by the Tariff of Fees By-law.

12.2 Parks Rental Permits – Conditions

Parks Rental Permits issued for activities contemplated in this By-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.

12.3 Parks Rental Permits – Additional Services

Parks Rental Permit holders requiring additional services that are above the regular services provided in Parks may be subject to additional fees for such services as Council shall from time to time establish by By-law.

12.4 Parks Rental Permits – Other Licences

The issuance of a Parks Rental Permit pursuant to the By-law shall not relive any person from the necessity of acquiring any other license or Permit required for such activity by any government or public authority.

12.5 Parks Rental Permits – Regulatory Approvals

Parks Rental Permit holders requiring assistance in obtaining regulatory approvals may be subject to such fees as Council shall from time to time establish by By-law.

12.6 Parks Rental Permits – Authorization

The authority to issue Parks Rental Permits referred to in this By-law is delegated to the Parks Department, Recreation Department or his or her designate or specific Contractors for specific Parks.

12.7 Exclusions and Exemptions

This By-law shall not apply to;

12.7.1 the drivers, operators or other personnel of ambulances, police or fire department Vehicles; or

12.7.2 employees, agents, designates or By-Law Enforcement Officers of the Municipality while engaged in works or services undertaken for or on behalf of the Municipality.

12.7.3 council may upon an application from any person, authorize minor variances from this By-law, if in the opinion of Council the general intent and purpose of the By-law are maintained.

12.8 Authorization for Enforcement

A police officer, provincial offences officer, by-law enforcement officer or employee of the Municipality designated by Council to administer this By-law is authorized to inform any person of the provisions of this By-law and to request compliance therewith.

12.9 Enforcement – Desist/Leave/Remove

A police officer, provincial offences officer, or by-law enforcement officer authorized to administer this By-law is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this By-law;

12.9.1 to desist from the activity constituting or contributing to such contravention;

12.9.2 to remove from the Park any animal or thing owned by or in the Control of such person which the officer or employee believes is or was involved in such contravention; or

12.9.3 to leave the Park.

12.10 Enforcement – Officers

A police officer, provincial offences officer, or by-law enforcement officer may enforce the provisions of this By-law.

12.11 Enforcement – Permit/License – Revoke

Where any person contravenes any provisions of this By-law or any person in a group to which a Parks Rental Permit under/or license has been issued fails to comply with an order referred to in section 12.9 hereof, the Permit and/or license of such person or group to remain in that Park shall be revoked by a By-law Enforcement Officer or Parks Supervisor or designate.

12.12 Penalties

Any person contravening any of the provisions of this By-law, is guilty of an offence and on conviction is liable to a fine in such amount provided by the Provincial Offences Act R.S.O. 1990, c. P 33, as may be amended from time to time.

12.13 Parking Fines

Any person contravening a provision contained in section 8.2. of this By-law shall be deemed to have contravened the Traffic Bylaw of the Municipality and the contravention shall be enforced under said By-law or other applicable bylaw of the Municipality.

13. EFFECTIVE DATE

This By-law shall come into force and effect on the date it is enacted by Council.

By-law read a First and Second Time this 17th day of March, 2015

By-law read a Third and Final Time this 17th day of March, 2015

The Corporation of the City of Kenora:-

David S. Canfield Mayor

Heather L. Kasprick City Clerk

City of Kenora
Part 1 – Provincial Offences Act
Set Fine Schedule “A” to By-Law Number 34-2015

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines (Including Costs)
	CONDUCT		
1	<u>Public nuisance in a park or trail</u> Indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use of profane or abusive language	Section 5.1.1, 5.1.2, 5.1.3, 5.1.4, 6.2.2, 6.3.2, 7.1.2, 7.5.2, 8.4.2	\$100.00
<u>2</u>	<u>Cast, throw, or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property</u>	5.1.2	<u>\$100.00</u>
<u>3</u>	<u>create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons</u>	5.1.3	<u>\$100.00</u>
<u>4</u>	<u>create a nuisance or in any way interfere with the use and enjoyment of the Park or Trail by other persons</u>	5.1.4	<u>\$100.00</u>
<u>5</u>	<u>Interfere with an organized gathering or event authorized by a Parks Rental Permit.</u>	6.2.2	<u>\$100.00</u>
<u>6</u>	<u>operate, or use, any radio, tape player, compact disc player, car radio, or any other sound reproducing system in a manner which disturbs or interferes with other persons in or near a Park or Trail</u>	6.3.2	<u>\$100.00</u>
<u>7</u>	<u>Interfere with any Organized Sport or Activity occurring within a Designated Area</u>	7.1.2	<u>\$100.00</u>
<u>8</u>	<u>Obstruct, inconvenience or endanger other users of the Park while operating or utilizing skateboards, roller skates, in-line roller skates or like conveyances</u>	7.5.2	<u>\$100.00</u>
<u>9</u>	<u>obstruct, inconvenience or endanger other users of the Park while riding or operating a Bicycle.</u>	8.4.2	<u>\$100.00</u>
<u>102</u>	Casting dangerous objects	Section 5.1.2	\$250.00
<u>113</u>	Obstructing free use or enjoyment of the park	Section 5.1.4	\$100.00
<u>124.</u>	Enter washroom of the opposite sex	Section 5.1.5	\$100.00
	FIREARMS		
<u>135.</u>	Possession or discharging of firearms or torpedo, rocket, air gun or bow and arrow	Section 5.2	\$250.00
	FIREWORKS		

146.	Ignite, discharge or set off fireworks without authorization by City of Kenora	Section 5.4	\$250.00
	INJURY and DAMAGE		
157.	Climbing building, structure or equipment not designed for climbing.	Section 5.5.1	\$100.00
168.	Damage any vegetation	Section 5.5.2	\$100.00
179.	Damage any monument, bridge, wall, seat, bench or parks equipment or structures	Section 5.5.3	\$200.00
1810.	Disturb ground that is under repair.	Section 5.5.4	\$200.00
1911.	Drive, park or walk in a prohibited area.	Section 5.5.5	\$100.00
	WASTE and POLLUTION		
2012.	Dump personal garbage, litter, tree trimmings or refuse in park area.	Section 5.6.1	\$250.00
2113.	Dump garden refuse in park area.	Section 5.6.2	\$250.00
2214.	Dump or drain any material (toxic or otherwise) to pollute waters within the parks area.	Section 5.6.3	\$500.00
	PROTECTION OF WILDLIFE		
2315.	Kill, trap or hunt any animal within the parks areas.	Section 5.7.1	\$500.00
2416.	Fish or attempt to fish in beach area.	Section 5.7.2	\$100.00
2517.	Feed any waterfowl or wildlife.	Section 5.7.3	\$300.00
	ENCROACHMENT		
2618.	Encroachment or possession of any park area.	Section 5.8.1	\$250.00
	RESTRICTED AREAS		
2719.	Entering into an area in Park or Trail where admission restricted.	Section 5.9	\$100.00
	ALCOHOL		
2820.	Consume alcohol in any park area without permit.	Section 5.10.1	\$100.00
2921.	Enter park while intoxicated.	Section 5.10.2	\$100.00
	CAMPFIRES and BARBEQUES		
3022.	Start fire in parks or trails.	Section 6.1.1	\$100.00
3123.	Use of portable barbeque in undesignated area. <u>Use a portable barbeque in undesignated area</u>	Section 6.1.2, 6.1.3	\$100.00
	<u>Use fuel other than charcoal or briquettes in a barbeque</u>	<u>Section 6.1.3</u>	<u>100.00</u>
3224.	Leave fire unattended or not completely extinguished.	Section 6.1.4	\$150.00
	ORGANIZED GATHERINGS & PICNICS		
3325.	Hold organized picnic or organized event without Parks Rental Permit.	Section 6.2.1	\$100.00
	AMPLIFIERS and LOUD SPEAKERS		

3426.	Operating loud speakers or sound amplifying equipment without Parks Rental Permit.	Section 6.3.1	\$50.00
	CAMPING and LODGING		
3527.	Dwell, camp or lodge in a park.	Section 6.4	\$50.00
	TENTS and STRUCTURES		
3628.	Install or erect tent or structure in park without Parks Rental Permit.	Section 6.5	\$100.00
	ORGANIZED SPORTS & ACTIVITIES		
3729.	Participation in organized sport outside designated posted area.	Section 7.1.1	\$50.00
	GOLFING and ARCHERY		
380.	Play or practice golf or archery in a non-designated area.	Section 7.2	\$200.00
	MODEL AIRCRAFT & ROCKETS		
394.	Operating powered model aircraft, rockets or vehicles without authorization by City of Kenora.	Section 7.3	\$150.00
	SKIING, TOBOGGANING & SLEDDING		
4032.	Skiing, tobogganing, snowboarding, ski bobbing, or sledding in a prohibited area.	Section 7.4	\$50.00
	ROLLER SKATES & SKATE BOARDS		
4133.	Operate or utilize roller skates, in-line skates or skate boards outside of designated area.	Section 7.5.1	\$50.00
	TENNIS		
4234.	Use of Tennis court area other than for tennis in contravention of signed rules	Section 7.6	\$50.00
	VEHICLES - ROADWAYS		
4335.	Operating or parking a vehicle other than on a roadway or parking area or posted area.	Section 8.1.1, 8.1.2, 8.2.1, 8.2.3, 8.2.4, 8.2.5, 8.2.6	\$250.00
	VEHICLES – PARKING		
4436.	Parking a vehicle when park is closed – 11 p.m. – 8 a.m.	Section 8.2.2	\$100.00
	VEHICLES – OTHER ACTIVITIES		
4537.	Washing, cleaning, and servicing a vehicle within the parking areas of parks without authorization.	Section 8.3.1	\$50.00
4638.	Playing games or sports in the parking area of parks.	Section 8.3.2-3	\$50.00
	VEHICLES – BICYCLES		
4739.	Operate bicycle in prohibited area.	Section 8.4.1	\$50.00
	VEHICLES – MOTORIZED RECREATION VEHICLES		
480.	Operating motorized all terrain vehicle in prohibited, signed area.	Section 8.5	\$250.00

	ANIMALS		
494.	Brought animal into park other than domestic dogs and cats without authorization by Parks Supervisor.	Section 9.1	\$50.00
5042.	Brought domesticated animal to beach areas, sports fields, playground areas, gardens or landscaped area without authorization by Parks Supervisor.	Section 9.2	\$250.00
5143.	Failure to <u>have care and control by</u> leash of domesticated animal on trails <u>and designated</u> , park areas as <u>and cemetery roads</u> .	Section 9.3, 9.5.4	\$100.00
	<u>Domesticated animal on a leash or chain exceeding two (2) meters in length;</u>	<u>Section 9.5.1</u>	<u>\$100.00</u>
5244.	Failure to remove excrement left by a domesticated animal.	Section 9.5.2	\$100.00
5345.	Brought dangerous animal that has been convicted of an offence into a park area.	Section 9.6	\$250.00
	COMMERCIAL ENTERPRISES		
5446.	<u>Selling or offering or display for sale of any food, drink or refreshment, goods, wares or merchandise, flowers, fruits & vegetables art or service for work</u> without a license.	10.1.1, 10.1.2, 10.1.3, 10.1.4	\$100.00
55	<u>Selling or offer or display for sale any goods, wares, merchandise or articles including promotional material, souvenirs or novelties without a license.</u>	<u>10.1.2</u>	<u>\$100.00</u>
56	<u>Selling or offer or display for sale any flowers, fruits or vegetables without a license</u>	<u>10.1.3</u>	<u>\$100.00</u>
57	<u>Selling or offer or display for sale any art, skill service or work</u>	<u>10.1.4</u>	<u>\$100.00</u>
5847.	Conducting a business in a park or trail without a license.	10.2	\$100.00
5948.	Post, nail, attach any poster, sign placard or other circular bill/advertisement other than on an event board.	10.3.1, 10.3.2	\$100.00
	HOURS		
6049.	Enter or remain in park after designated hours of operation.	11.2 , 11.4	\$100.00

NOTE: The penalty provision for the offences indicated above is Section 12.12 of By-law 34-2015, a certified copy of which has been filed



May 28, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Illegal Dumping Set Fines

Background Information:

On December 15, 2008 Council adopted by law number 141-2008 that establishes, regulates and maintains a solid waste management system.

Currently, section 10 of this bylaw establishes the following:

The City will invoice any person, business, industry or institution disposing of solid waste, rubbish, or debris illegally on property belonging to another person or corporation without the express written permission of that person or corporation for the cost of the clean-up and will be subject to a minimum fee of \$75.00.

Currently, when our bylaw officers receive a call regarding illegal dumping, they will go through the garbage to attempt to locate the owner, and on occasion, issue a Part I offence (if applicable) or the Bylaw Supervisor will invoice under the above section of this bylaw. The City of Thunder Bay By Law Enforcement department was contacted and they also have similar dumping issues from time to time and appear to be dealing with the issues in the same manner we currently are.

Council has the authority under the Municipal Act to set minimum fines for certain offences and it may be that given how difficult it is to catch people dumping, that they be subjected to a substantial minimum penalty if they are caught and successfully prosecuted. July 30, 2009 set fines were approved by the AG's office under this bylaw, however a provision to include waste on City property was not included. It is now recommended that we should add to these set fines to include depositing waste on City property.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
1	Deposit waste on street	Section 3.1	\$100.00
2	Obstruct street with waste container	Section 3.2	\$60.00
3	Deposit waste without permission	Section 3.4	\$100.00
4	Leaving hazardous waste for collection	Section 3.6	\$150.00
5	Fail to remove un-collected waste	Section 6.6	\$60.00

The attached draft set fine schedule is to add to the above approved set fines and deal with the dumping issues specifically on City property under Part I of the Provincial Offences Act. The difference between short form wording item number 1 (noted above) and the proposed and City property could be an area that is not a street that is owned by the City of Kenora where someone has dumped.

Further, under bylaw #141-2008, a definition will be added to include the bylaw enforcement officers along with an enforcement provision.

“By-law Enforcement Officer” means a person employed by the City of Kenora as a By-Law Enforcement Officer or a Municipal Law Enforcement Officer under section 15.(1) of the Police Services Act RSO 1990 Chapter P-15 or includes a Police Officer for the Province of Ontario.

Enforcement – Officers

A police officer, provincial offences officer, or by-law enforcement officer may enforce the provisions of this By-law.

Resolution for Council:

That Council gives three readings to a bylaw to add set fines for bylaw number 181-2008, a bylaw that establishes, regulates and maintains a solid waste management system; and further

That two amendments will be added to bylaw number 181-2008 to include a definition of a bylaw enforcement officer along with an enforcement provision.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes

City of Kenora
Part 1 – Provincial Offences Act
Set Fine Schedule “A” to By-Law Number 181-2008

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
1	Deposit Waste on City Property	Section 6	\$ 150.00



May 28, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Regulate Open Air Burning in the City of Kenora

Background Information:

The Establishing Times for Setting Fires bylaw #30-2015 was passed in 2015 with established set fines for various charges under that bylaw.

These set fines were sent to the Ministry of Attorney General for approval and comments were received back from that office on changes to the set fines and bylaw before approval would be granted.

I have made the recommended changes in the bylaw along with the set fines as recommended and am seeking Council's support on these changes so we can have these set fines approved.

Further, the fees associated with both the issuance of a fire permit, and an inspection of an open air burning permit were included in this bylaw when originally passed. The Clerk's office tries to have any associated fees be reflected in the Tariff of Fees and Charges bylaw, rather than in independent bylaw. This is a clearer and transparent way for the public to access related fees the City charges for various things, rather them being buried in several separate bylaws and it is easily amended when needing changes rather than having to change an entire associated bylaw.

1st Resolution for Council:

That Council gives three readings to a new fire bylaw to Establish Rules and Regulations for the Purpose of Regulating Open Air Burning in the City of Kenora; and further

That set fines be hereby established relating to this bylaw for the purposes of enforcement of provisions contained within the bylaw; and further

That bylaw number 30-2015 be hereby repealed.

2nd Resolution for Council:

That Council gives three readings to a new Tariff of Fees and Charges bylaw to include the issuance of a fire permit and an inspection of open air burning permit under schedule "D" of said bylaw; and further

That bylaw number 8-2016 be hereby repealed.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: Yes (2)

The Corporation of the City of Kenora

By-law Number ~~30-2015~~

A By-law to Establish Rules and Regulations for the Purpose of ~~Prescribing Regulating Open Air Burning~~ the Time for Setting Fires in the City of Kenora

Whereas in accordance with Section 8 of the Municipal Act, 2001, as amended, the Council of the Corporation of the City of Kenora deems it necessary and advisable to enact a by-law prescribing the times during which fires may be set in the open air, and the precautions to be observed by the persons setting out fires; and

Whereas the City of Kenora Fire & Emergency Services has established Rules and Regulations for the purpose of prescribing the time for setting fires in the City;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

Section 1 - Definitions

For the purposes of this by-law, the following terms shall be used:

- 1.1 **Camp Fire:** means a small fire for cooking, warmth or entertainment at a campsite or at a residential property.
- 1.2 **Controlled Burning Season:** is the period of time between 12:01 a.m. on April 1st and 11:59 p.m. on October 31st of each year.
- 1.3 **Evening Burning:** is any burning between two (2) hours before sunset and two (2) hours after sunrise.
- 1.4 **Fire Chief:** means the Fire Chief appointed for the City of Kenora, including his or hers designates, and municipal By-Law Enforcement Officers, from time to time and includes his or her designate, acting under the Fire Chief's direction.
- 1.5 **Outside Burning:** is fire ignited for the purpose of disposing of waste or for the utilization of the fire for any other purpose including, but not to restrict the generality of the foregoing, the following:
 - (a) **Piled Material Fires:** fire to dispose of brush and/or waste wood;
 - (b) **Grass and Leaves Fires:** fire to dispose of old grass, clippings or leaves;
 - (c) **Domestic Incinerator Fires:** fire to dispose of household waste within an appropriate incinerator with the exception of plastics, paints, oil, rubber and other such toxins;

(d) **Camp Fires**

- 1.6 **Restricted Fire Zone:** is an area designated by the Minister of Natural Resources pursuant to the Forest Fires Prevention Act as such and for the purposes of this by-law, if any portion of the City of Kenora has been designated by the Minister, the entire city shall be deemed designated.
- 1.7 **Responsible Person:** shall be the person or persons who starts the fire, directs the fire to be set, authorizes the fire to be set, controls or oversees the fire.
- 1.8 **Uncontrolled Burning Season:** is the period of year that is not considered part of the controlled burning season, which shall be between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st.

Section 2 – General Provisions

- 2.1 Subject to paragraph 2.3, outside burning is permitted at any time in the City of Kenora during the uncontrolled burning season.
- 2.2 Subject to paragraph 2.3, no person shall set a fire for outside burning in the City of Kenora, except for a camp fire, during the controlled burning season, unless such burning is evening burning.
- 2.3 No person shall set a fire for outside burning of any kind whatsoever, or discharge fireworks, during any period during which the City of Kenora has been designated a restricted fire zone.
- 2.4 No person shall set a fire for outside burning of any kind whatsoever in the City of Kenora during the controlled or uncontrolled burning season in a domestic incinerator unless the parcel of property wherein the domestic incinerator is installed thereupon is .8 hectare or greater in size and further, the incinerator and the location of the device shall comply with the burning rules provisions 15 through 19 as set out in Schedule “A” annexed hereto.

Section 3 – Fire Permits

- 3.1 The Fire Chief may issue such general and special occasion fire permits as he or she deems appropriate.
- 3.2 A basic fire permit is effective for the calendar year in which it is issued. A special occasion fire permit is effective for the date or dates stated thereon.
- 3.3 The Fire Chief may cancel or suspend a fire permit at any time.
- 3.4 No person shall set any outdoor fire in the City of Kenora, except for a campfire, unless such person is the holder of a valid fire permit.
- 3.5 No person shall set an outdoor fire in the City of Kenora, other than a piled material fire, a grass and leaves fire, or a domestic incinerator fire, unless such person has obtained from the Fire Chief a special occasion fire permit.

- 3.6 There shall be a prescribed fee ~~of ten dollars (\$10.00) as established by the Tariff of Fees and Charges bylaw~~ for the issuance of a fire permit.
- 3.7 There shall be a prescribed fee ~~of twenty dollars (\$20.00) as established by the Tariff of Fees and Charges bylaw~~ should an Inspection of an Open Air Burning Permit be required.

Section 4 – Fire Control

4.1 Every person shall comply with the direction(s) of the Fire Chief, or designate.

4.12 No person shall set an outdoor fire, except a camp fire, unless he or she has advised the City of Kenora Fire and Emergency Services (468-3742) no more than three (3) hours prior to the time of setting such fire.

4.2 3 Every person who sets an outdoor fire shall advise the City of Kenora fire and Emergency Services once the fire has been extinguished.

4.3 4 The Fire Chief may direct the person responsible for any fire to extinguish the fire same at any time if the Fire Chief believes that the fire poses a threat to persons or property. ~~The Fire Chief's decision is final.~~ Every person shall comply with the Fire Chief's direction and the Fire Chief's decision is final.

4.4 5 In the event that the Fire Chief believes that an outdoor fire is a threat and the person responsible for such fire is unable or unwilling to extinguish same, or the fire is out of control, the Fire Chief may direct municipal fire suppression.

4.5 6 The Fire Chief may, by order, extend the controlled burning season, which order shall be effective when made. Upon the Fire Chief issuing such order, he shall cause notice thereof to be published in a newspaper of general local circulation and on the local radio stations for three (3) consecutive days.

4.6 7 In the event that municipal fire equipment or manpower is used for standby, fire suppression or cleanup in connection with an outdoor fire, the rates as determined from time to time by the Fire Chief shall apply and shall be billed to the responsible party.

Section 5 - Burning Rules

5.1 Every responsible person in respect of an outdoor fire shall comply with the burning rules in Schedule "A" annexed hereto and forming part of this by-law.

Section 6 - Offences

6.1 Everyone who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction shall be subject to punishment as provided for pursuant to the *Provincial Offences Act* and all the provisions of which shall apply.

6.2 ention of any provision of this By-law, *The Provincial Offences Court* may, in
Upon addition to any penalty imposed by this By-law, make an order prohibiting
register the continuation or repetition of the offense by the person convicted
ing a
convicti 6.3 Offences will be charged in accordance with Schedule B of the Set Fine
on for Schedule to this bylaw; or by a Part III Summons to Appear under the
any *Provincial Offences Act*.
contra:2

Section 7 – Effective Date and Repeal of Former By-Law

7.1 This by-law shall come into effect on the day it is passed.

7.2 By-Law Number ~~64-2014~~030-2015 is hereby repealed.

By-Law Read a First and Second Time this ~~17th~~-14th day of ~~March~~June, ~~2015~~2016

By-Law Read for Third and Final Time this ~~17th~~-14th day of ~~June~~March, ~~2015~~2016

The Corporation of the City of Kenora:-

David S. Canfield Mayor

Heather Kasprick City Clerk

Schedule "A"
to By-Law Number 30-2015

Burning Rules
General

1. Except by special occasion permit, material to be burned shall be limited to standing dry grass for spring clean-up, wood or wood byproducts, small brush piles and untreated lumber.
2. No area shall be burned that cannot easily be managed, controlled and extinguished, taking into account weather and wind conditions and the resources available.
3. No fire shall be set until the means of extinguishing the fire, as shown on the fire permit, are available and close to the site. Such means of extinguishing the fire shall be kept available at the site at all times until the fire is extinguished.
4. Only one fire shall be permitted at any one time for each permit.
5. No fire shall be permitted to continue if such fire or smoke emanating therefrom causes any of the following:
 1. a decrease in visibility on any highway; or
 2. discomfort, a hazard to health or a loss of enjoyment of normal use of any neighboring property.
6. The fire shall be attended at all times by a person competent and capable of controlling it and extinguishing it, if necessary.
7. The person responsible for the fire shall at all times ensure that there is adequate manpower, tools and/or water available to contain the fire.
8. The person responsible for the fire shall ensure that access to a telephone is available within 5 minutes from the site of the fire.

Camp Fires

9. Camp fires shall be limited to fires used to cook food on a grill or barbeque or for personal warmth or entertainment.
10. The fire must be on a non-combustible surface such as gravel, sand or rock.
11. The fire must have a defined perimeter made of rock, metal or cement.

Page 2 - Schedule "A"

12. The fire must not be larger than one (1) meter in diameter and one-half ($\frac{1}{2}$) meter high.

Piled Material

13. The material must be in a single pile less than two (2) meters in diameter and less than two (2) meters high, unless otherwise approved by the chief fire official or designate.
14. The material must be at least ten (10) meters away from any flammable materials.

Domestic Incinerations

15. The device must be enclosed (metal barrel in good condition).
16. A heavy metal mesh must be put on top of the incinerator during burning. Mesh opening must be less than five (5) mm in size. The Screen should be weighted down with a rock or brick to stop it from falling off.
17. The incinerator must be at least two (2) meters away from any flammable material (normally this means a two meter circle of granular material from the outer edge of the incinerator base).
18. The incinerator must be ~~not less than~~ at least five (5) meters away from any trees.
19. The incinerator must be at least fifteen (15) meters away from any building or structure.

Schedule "B"
The Corporation of the City of Kenora
Part 1 – Provincial Offences Act
Set Fine Schedule to By-Law Number ~~30-2015~~

Item	Column 1 Short Form Wording	Column 2 Offence creating provision or defining offense	Column 3 Set Fine
1	Day burning	2.2	\$200.00
2	Burning - Restricted Fire Zone	2.3	\$200.00
3	Burning in an incinerator-insufficient property size	2.4	\$200.00
4	Burning in an incinerator-device not enclosed and in poor condition	2.4 Rule 15	\$200.00
5	Burning in an incinerator- lack of or improper mesh	2.4 Rule 16	\$200.00
6	Burning in an incinerator – too close to flammables	2.4 Rule 17, 18, and 19	\$200.00
7	Burning in an incinerator – too close to trees – no fire permit	2.4 Rule 18	\$200.00
8	Burning in an incinerator – too close to building/structure – no special occasion permit	3-52.4 Rule 19	\$200.00
9	Burn – no fire permit	3.4	\$200.00
10	Burn – no special occasion permit	3.5	\$200.00
911	Fail to notify dispatch prior to setting fire	4.12	\$200.00
1012	Fail to notify dispatch when fire is out	4.23	\$200.00
131	Fail to extinguish fire as directed	4.34	\$200.00
142	Burning – unmanageable size fire	5.1 Rule 2	\$200.00
153	Burning – no means of extinguishment near by	5.1 Rule 3	\$200.00
164	Burning - more than one fire at a time	5.1 Rule 4	\$200.00
175	Excessive smoke from fire	5.1 Rule 5	\$200.00
186	Leave fire unattended	5.1 Rule 6	\$200.00
197	Fail to have adequate means to control fire	5.1 Rule 7	\$200.00
2018	Fail to have telephone available	5.1 Rule 8	\$200.00
2119	Camp fire- not in compliance for	5.1	\$200.00

	cooking, warmth or entertainment	Rule 9, 10, 11, and 12	
22	Camp fire – constructed on a combustible surface	5.1 Rule 10	\$200.00
23	Camp fire – no defined perimeter made of rock, metal or cement	5.1 Rule 11	\$200.00
24	Camp fire – too large	5.1 Rule 12	\$200.00
2520	Oversized fire	5.1 Rule 13	\$200.00
261	Fire too close to flammables	5.1 Rule 14	\$200.00



May 30, 2016

City Council Committee Report

To: Mayor and Council

Fr: Lauren D'Argis, Corporate Services Manager

**Re: Addendum to Agreement with Lake of the Woods Regional
Community Foundation**

Recommendation:

That Council authorizes an addendum to the agreement between the Corporation of the City of Kenora and the Lake of the Woods Regional Community Foundation (LOWCF) to permit the LOWCF to use up to \$5,000 annually of the interest generated from the City's portion of the Community Fund to be used towards administrative costs; and further

That this amendment agreement be effective from January 1, 2016 to include the entire year of 2016; and further

That three readings be given to a by-law for this purpose.

Background:

In January 2016, Council voted to allow the LOWCF to use up to \$5,000 annually of the interest generated from the City's portion of the Community Fund to be used towards administrative costs. That report to council is attached as well as the original agreement and the addendum for Council's review. The addendum agreement is now ready for execution.

Budget:

No anticipated budget impacts because this ensures the scheduled cessation of funding of administrative costs to the LOWCF.

Communication Plan/Notice By-law Requirements:

Communication with LOWCF.

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

THIS AGREEMENT is made the 14th day of June, 2016.

BETWEEN:

CITY OF KENORA
(hereinafter referred to as the “**City**”);

- and -

**KENORA AND LAKE OF THE WOODS
REGIONAL COMMUNITY FOUNDATION**
A corporation without share capital, incorporated under the Canada Corporations Act and registered
as a charity under the Income Tax Act (Canada);

(hereinafter referred to as the “**Foundation**”).

WHEREAS the parties entered into an agreement on the 3rd day of June, 2005, that created the City of Kenora Fund;

AND WHEREAS the agreement between the City and the Foundation indicated that all earning from the Operating Endowment Fund donation and no earnings from the Community Fund donation were to be used for administration;

AND WHEREAS the City has provided a donation towards the Foundation’s administration of \$25,000.00 annually from 2005 to 2011, followed by \$20,000.00 in 2012 and reducing the amount by \$5,000.00 each year thereafter to date;

AND WHEREAS the City is scheduled to cease providing funds towards administrative costs to the Foundation in its 2016 budget;

NOW THEREFORE the agreement dated June 3, 2005 will be amended as to allow the Foundation to use up to \$5,000.00 annually of the interest generated from the City’s portion of the City of Kenora Fund for administrative costs beginning January 1, 2016.

IN WITNESS WHEREOF the City and the Foundation have executed this Agreement as of the date set out above.

CITY OF KENORA

Per: _____

Per: _____

KENORA AND LAKE OF THE WOODS REGIONAL COMMUNITY FOUNDATION

Per: _____

Per: _____



Fund Agreement Template – Community Fund

THIS AGREEMENT made the 3rd day of June , 2005.

BETWEEN:

CITY OF KENORA

(hereinafter referred to as the “**Donor**”);

- and -

**KENORA AND LAKE OF THE WOODS
REGIONAL COMMUNITY FOUNDATION**

A corporation without share capital, incorporated under the Canada Corporations Act and registered as a charity under the Income Tax Act (Canada);

(hereinafter referred to as the “**Foundation**”).

WHEREAS the Donor has made a donation of \$286,900.22, or has donated the property described in the attached Schedule A, (the “**Fund**”) to the Foundation;

AND WHEREAS the Donor intends that the gift of Capital to be held by the Foundation in perpetuity, the Annual Distributable Earnings of which shall be directed in accordance with the recommendations of the Foundation Board, based on a review of grant applications received by the Foundation through the administration of an annual municipal grants program;

AND WHEREAS it is contemplated by the parties that further donations may be made and received from time to time, in which case they are to be added to and form part of the Capital of the Fund.

NOW THEREFORE this Agreement witnesses that the parties agree as follows:

Definitions:

1. For purposes of this agreement, the following terms shall have the following meanings:
 - a) “**Administrative Fee**” means the annual charge for administrative services of the Foundation, including the investment manager’s fee, calculated in accordance with paragraph 6;
 - b) “**Annual Distributable Earnings**” means that portion of the Earnings determined by the Foundation to be available or required by law for distribution in each year;
 - c) “**Capital**” means the initial capital of the Fund, plus the initial value of any additions, plus all Earnings retained by the Foundation and added as capital of the Fund in accordance with paragraph 5;

- d) “**Earnings**” means all income from any cash, interest, coupons, dividends, investments, personal property, realized and unrealized capital gains net of capital losses, real property or other interests received from the Donor or otherwise acquired for the Fund.
- e) “**Securities**” has the same meaning as that word may be defined from time to time pursuant to the Securities Act R.S.O. 1990 as amended.

Terms of the Fund shall be as follows:

- 2. **Name of Fund.** The Fund shall be known as the City of Kenora Fund. With the gift of \$286,900.22 the donor wishes to dedicate \$250,000.00 to the Community Fund, \$30,000.00 to the Operating Endowment Fund, and \$6,900.22 to a Flow Through Fund for the administration of a municipal grants program in the calendar year of 2005.
- 3. **Purpose of Fund.** To hold the Fund in perpetuity (and in any event, but without limiting the general meaning of that word for a period which is not less than twenty-five (25) years from the establishment of the Fund) and to use the Annual Distributable Earnings of the Fund to carry out the charitable purposes of the Donor as more specifically set forth in the attached Schedule B.
- 4. **Investment.**
 - a) The initial capital of the Fund and the value of any additions thereto shall be held in perpetuity by the Foundation, and the Foundation may invest in its name, and in accordance with its investment policy (as amended from time to time), the initial capital of the Fund and the value of any additions thereto. Investments may include any Securities or other investments permitted by law, including mutual funds or similar securities available from a financial institution.
 - b) This donation is intended to be used exclusively for charitable purposes in Canada and therefore this donation to the Foundation is contingent upon it being continuously used exclusively for such purposes. Accordingly, in the event that the Foundation should cease to operate in a manner consistent with its current mandate for any reason, or should make an assignment for the benefit of creditors or become bankrupt or insolvent or take the benefit of an Act now or hereafter in force for bankrupt or insolvent debtors or if any creditor, execution creditor or any other party whatsoever claiming as against the Foundation, should purport to seize, take or make attachment of any assets of the Foundation including any permanently held funds held by the Foundation (all of assignments or takings above described collectively being referred to as “**Execution(s)**”) then this donation, including the value of any additions, plus all related Earnings retained by the Foundation and added as capital of the Fund in accordance with paragraph 5, is, effective the day immediately preceding the day on which the Execution is made or attaches, hereby gifted over to and for the benefit of the City of Kenora, which has charitable status, hereinafter referred to as the “Alternative Charity”.
- 5. **Distributable Earnings**
 - a) In each year the Foundation will determine the Annual Distributable Earnings which will be used on the Foundation’s capital preservation policy, as amended from time to time. The balance of the Earnings will be added to the Capital.
 - b) Distribution of the Annual Distributable Earnings shall be in accordance with the charitable purposes as defined by the Community Foundation.

6. **Administrative Fee**
 - a) For the purposes of this gift by the donor and the aforementioned \$30,000 gift to the Operating Endowment Fund, it has been agreed upon by both parties that the Foundation will not charge an Annual Administrative Fee.
7. **Establishment of Fund.** Confirmation of the terms of the Fund by resolution of the Board of Directors of the Foundation shall constitute establishment of the Fund.
8. **Fund to be Recognized.** The Foundation will appropriately recognize the Fund in the Foundation's annual report and other publications.
9. **Provision of Financial Statements.** The Foundation will provide the Donor, at its request financial statements for the Fund.
10. **Flow Through Fund Processes.** The Kenora and Lake of the Woods Regional Community Foundation will independently administer a one-time only Flow Through Fund in the amount of \$6,900. Grant applications will be sent to the Foundation and the Grants Committee will review the applications and make recommendations to the Board of the Kenora and Lake of the Woods Regional Community Foundation. It is agreed upon by both parties that should the grant applicants be non-profit organizations without full registered charitable status, for the purposes of this Flow Through Fund, the City of Kenora and other appropriate local, regional, or national organizations with charitable status can receive the grant monies on behalf of the grant applicant being awarded the funding.

IN WITNESS WHEREOF the Donor and the Foundation have executed the Agreement as of the date set out above.

CITY OF KENORA

Per:

**KENORA AND LAKE OF THE WOODS
REGIONAL COMMUNITY FOUNDATION**

Per:



December 7, 2015

City Council Committee Report

To: Mayor and Council

Fr: Lauren D'Argis, Corporate Services Manager

**Re: Administration fees from the City of Kenora Endowment Fund held
by the Lake of the Woods Regional Community Foundation**

Recommendation:

Whereas Council of the City of Kenora originally donated \$250,000 to the Community Fund and \$30,000 to the Operating Endowment Fund of the Lake of the Woods Regional Community Foundation (LOWCF) in 2005; and

Whereas the agreement between the City and the LOWCF indicated that all earning from the Operating Endowment Fund donation and no earnings from the Community Fund donation were to be used for administration; and

Whereas the Council of the City of Kenora has provided a donation towards LOWCF administration of \$25,000 annually from 2005 to 2011 followed by \$20,000 in 2012 and reducing the amount by \$5,000 each year; and

Whereas Council of the City of Kenora is scheduled to cease providing funds towards administrative costs to the LOWCF in its 2016 budget;

Now therefore let it be resolved that the Council of City of Kenora authorizes staff to amend the contract and to allow the LOWCF to annually use up to \$5,000 of the interest generated from the City's portion of the Community Fund to be used towards administrative costs.

Background:

Since inception in 2005, the LOWCF has distributed for granting approximately \$78,000.

The LOWCF is an independent, volunteer driven, charitable organization that helps facilitate community philanthropy. Donations to the Community Fund are pooled together and invested. Only the income from these investments is used to make grants while the capital remains untouched.

In 2005, the City of Kenora provided \$286,900.22 to the LOWCF:

- \$250,000 to the Community Fund,
- \$30,000 to the Operating Endowment Fund and
- \$6,900.22 to be distributed under a municipal grants program for 2005.

In 2005, because the City was provided \$30,000 to the Operating Endowment Fund and additional donated money towards administrative costs out of its operating budget, the LOWCF agreed that none of the interest generated from the City's portion of the Community Fund would be allocated towards administration. The LOWCF has provided some additional information in relation to the endowment funds resulting from the City's contributions. It has been attached for Council's reference.

It is typical that all endowment funds like the Community Fund have a portion of their interest generated allocated to administration. The LOWCF uses 1.25% as its administration fee on the non-City donated portion of the Community Fund.

The LOWCF has approached the City for permission to use up to \$5,000 annually and only if required towards administrative costs.

Budget:

No anticipated budget impacts because this ensures the scheduled cessation of funding of administrative costs to the LOWCF.

Communication Plan/Notice By-law Requirements:

Communication with LOWCF.

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.



May 28, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Rural Economic Development Program (RED)

Background Information:

I received an email from the Clerk of the Municipality of South Dundas with a copy of a resolution passed by the Council of the Municipality of South Dundas at their regular Council meeting held on April 19, 2016. They are seeking other municipalities support.

The government of Ontario has suspended the current intake of applications to the Rural Economic Development (RED) program with plans to integrate it into the restrictive Jobs and Prosperity Fund. This will prevent the ability of rural municipalities to access funding for capacity building community economic development projects.

The Rural Economic Development Fund (RED) since its launch in 2003, has supported Ontario communities and businesses by providing more than \$185 million through approximately 600 unique projects. These investments have led to over \$1.2 billion in economic activity and the retaining/creating of over 37,000 jobs. The RED program was relaunched in 2015 as an initiative with new streams, funding details, and eligibility factors. RED will aim to build on past success and provide even greater benefits to rural Ontario communities.

Rural Ontario Government Grants: RED Program Objectives RED's relaunch will provide businesses and communities with a funding pool of \$4.5 million per year until the program's next conclusion in January 2017. Administered by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA), program funding provided to RED will support provincial objectives, including: Attracting investment; Creating and sustaining high-value jobs; Training a highly-skilled, knowledge-based workforce; and Promoting innovative and creative local industries.

There are major Changes to Rural Economic Development (RED) for 2016-2017.

The RED program has changed to provide enhanced support for businesses and communities in rural Ontario. In contrast to previous years, the RED program will now: Feature two streams of Ontario government grants, including a Business Development Stream and a Community Development Stream. Offer enhanced funding support through grants to support rural regions across Ontario. This Ontario government funding program has some similarities as other provincial funds, such as the Eastern Ontario Development Fund (EODF), the Southwestern Ontario Development Fund (SWODF), and the Northern Ontario Heritage Fund (NOHF).

Fund applicants will be able to apply under one of two streams of funding. For both streams, RED places significance on benefitting rural Ontario. "Rural" is defined by OMAFRA as a municipality which has a population of less than 100,000 or has a population density of 100 people/km² or less. Applicants with projects benefitting these rural areas can apply under the following two funding streams: Business Development Stream Business applicants which show that their project has direct benefits to rural Ontario will

be able to apply for 20% of eligible project costs to a maximum of \$1 million per project. Projects in this category must clearly present projects that prove an impact on rural Ontario supply chains, innovation, and long-term job growth.

The Community Development Stream, designed for municipalities and not-for-profit organizations, will allow these groups to receive 50% of eligible project expenses with no maximum amount which funding can be capped at. In some circumstances where projects show an exceptional benefit for rural Ontario, up to 90% of eligible project expenses may be provided.

There are five main project types which applicants can receive funding for through the Rural Economic Development fund. These include: Planning and Strategy Development Business plan development; Strategic economic planning; Workforce planning; and Succession planning.

The City of Kenora received funding for Downtown Revitalization Phase II in the amount of \$250,000 under this program in 2010.

Resolution for Council:

Whereas in the 2016 Ontario Budget, the government of Ontario has suspended current intake of applications to the Rural Economic Development Program and has indicated that it plans to integrate the program into the Jobs and Prosperity Fund; and

Whereas the Jobs and Prosperity Fund is narrowly focused and is restricted to private sector organizations and industry partners, which prevents access to funding for rural municipalities and others who formerly benefitted from the Rural Economic Development Program. The emphasis on large projects that meet either of minimum \$5 million or \$10 million in eligible project costs thresholds, will significantly restrict benefits from this fund; and

Whereas in contrast, the Rural Economic Development Program supported a number of capacity building projects including but not limited "Business Retention and Expansion" and "Downtown Revitalization" projects and Economic Development Strategic Planning projects for small rural municipalities who were looking to improve their local economy; and

Whereas because the Jobs and Prosperity Fund is not specifically designated for rural areas, that that funds from this program will likely favour more urban areas of the province;

Now Therefore be it Resolved that the Council of the City of Kenora asks the Province of Ontario to reconsider the suspension and the integration of the Rural Economic Development Program into the Jobs and Prosperity Fund with the view to ensuring that the Rural Economic Development Program stays as an intricate funding program of the Province that will support capacity building and foster economic growth in rural municipalities in Ontario; and further

That this resolution be circulated to all municipalities in Ontario requesting that they endorse and support this resolution and communicate their support to the Premier and the Minister of Agriculture, Food and Rural Affairs.

Briefing By: Heather Kasprick, City Clerk

Bylaw Required: No



June 2, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title:

Receipt and Approval of Various Committee Minutes

Background Information:

This static monthly report is for the purpose of Council approving and/or receiving various Committee Minutes. Those being approved are the Committees of Council which Council should be approving the actions of those Committees and does so in the form of a by-law under the Confirmatory By-law.

The Minutes being received are typically from local Boards or Corporations for information only (and cannot be 'approved' by Council).

The various Minutes will appear under separate cover as an attachment on SharePoint to this report.

Resolution for Council:

That Council hereby adopts the following Minutes from various City of Kenora Committees:

- March 23 – Kenora Public Library Board
- April 13 & May 11 – Accessibility Advisory Committee
- May 11 – Environmental Advisory Committee
- May 26 – Lake of the Woods Museum Board; and

That Council hereby receives the following Minutes from other various Committees:

- March 24 – Kenora District Services Board
- March 29 – District of Kenora Home for the Aged Board of Management
- April 26 – Northwestern Health Unit Board of Health; and further

That these Minutes be circulated and ordered filed.

Briefing By: Heather Lajeunesse, Deputy Clerk

Bylaw Required: No



June 8, 2016

Housekeeping Council Briefing

(Direct to Council – does not appear at COW)

Agenda Item Title: Bridge and Parkade Biennial Inspection - Agreement – Stantec

Background Information:

City administration has accepted the lowest proposal for biennial bridge and parkade inspections and has secured Stantec via issue of a purchase order for these services as per the requirements of the procurement policy. It is now in order for the City to enter into an agreement with Stantec Consulting Ltd to perform the inspection and reporting services.

Attached is a copy of the agreement document and purchase order for reference.

Resolution for Council:

That three readings be given to a bylaw to execute an agreement between the Corporation of the City of Kenora and Stantec Consulting Ltd for works related to the bridge and parkade biennial inspections; and further

That the Mayor and Clerk be authorized to execute this agreement.

Briefing By: Marco Vogrig, Municipal Engineer

Bylaw Required: Yes



May 22, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Traffic Regulation By-Law Amendment–No Parking–First Street North

Background Information:

The City recommends the removal of the existing No Parking 8 am – 9 am and 3 pm – 4 pm Mon – Fri zone on First Street North in front of the Northwestern Health Unit and Notre Dame Church. This zone was put in place to accommodate school buses at the former Mount Carmel School and is no longer necessary.

In the past, at the time of the closing of Mount Carmel School, a member of the public had made this same request, but it was not acted upon by the City in anticipation of a new owner that may have wanted the restriction in place.

If approval is granted it will be necessary to amend the Traffic Regulation By-Law No. 180 -2015 Schedule “B” No Parking Tow Away Zone to remove the restriction for First Street North as follows:

Schedule “B” No Parking Tow Away Zone

Column 1 STREET/HIGHWAY	Column 2 LOCATION	Column 3 SIDE	Column 4 TIME
<u>REMOVE:</u> First St N	From 4 m west of Matheson St N, westerly for 76 m	North	8 am – 9 am 3 pm – 4 pm Monday - Friday

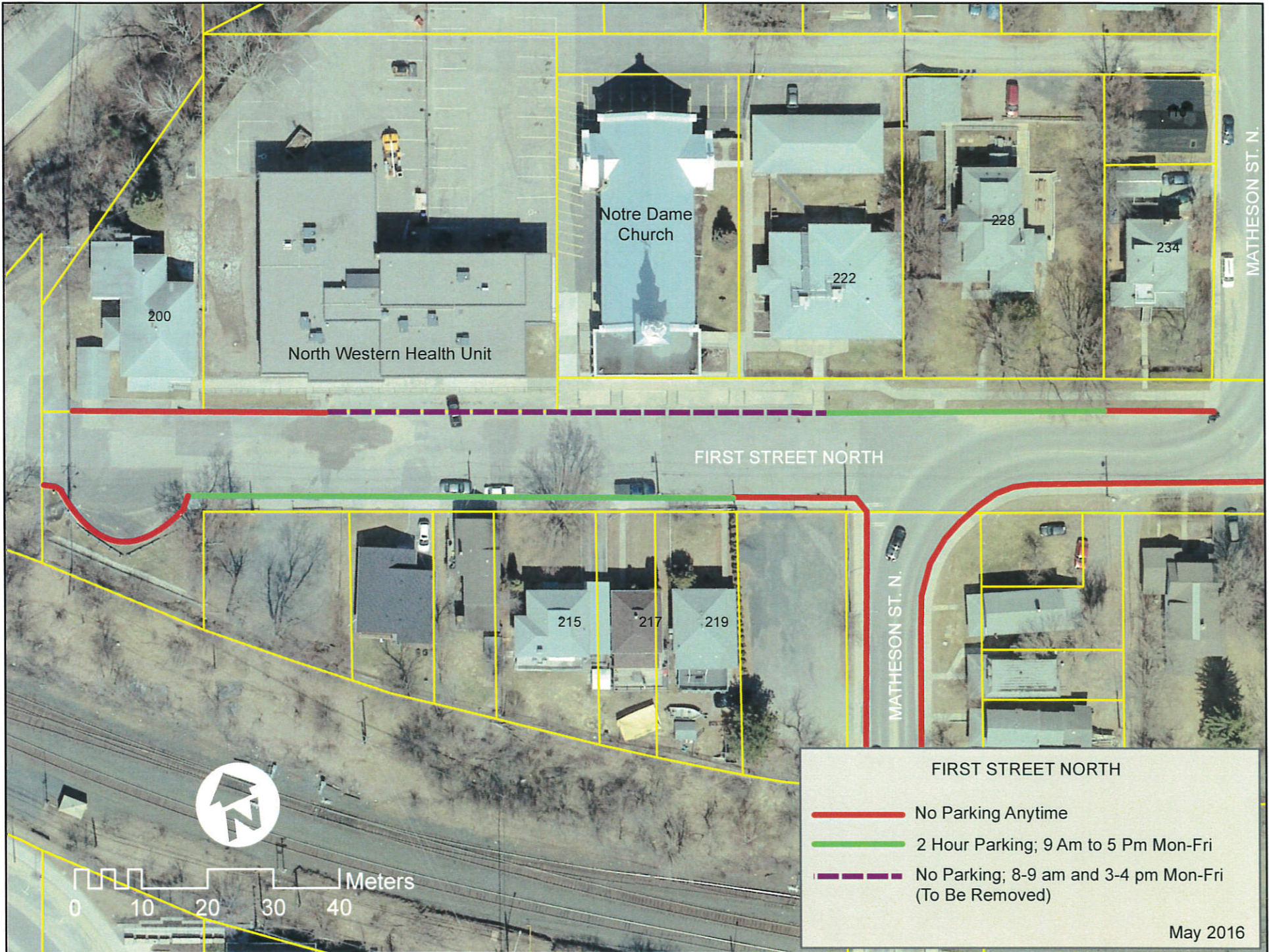
Resolution for Council:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include a change to Schedule “B” No Parking Tow Away Zone, for First Street North, to remove restricted times; and further

That three readings be given to an amending by-law for this purpose.

Briefing By: Richard Perchuk, Operations & Infrastructure Manager

Bylaw Required: Yes



200

North Western Health Unit

Notre Dame Church

222

228

234

FIRST STREET NORTH

MATHESON ST. N.

MATHESON ST. N.

215

217

219

FIRST STREET NORTH

- No Parking Anytime
- 2 Hour Parking; 9 Am to 5 Pm Mon-Fri
- - - No Parking; 8-9 am and 3-4 pm Mon-Fri (To Be Removed)



0 10 20 30 40 Meters

May 2016



May 25, 2016

**Housekeeping
Council Briefing**
(direct to Council – does not appear at COW)

Agenda Item Title: 2016 Water & Wastewater Systems Monthly Summary Report - April

Background Information:

The Water and Sewer Department will be providing Council with Water and Wastewater Systems Summary Reports, on a monthly basis.

The purpose of the Report is to provide Council with an understanding on how the water and wastewater systems they own and operate are maintained. Data will be collected at the end of each month and presented to Council for acceptance, see attached.

The Operations Department recommends that Council accept the 2016 Water and Wastewater Systems Monthly Summary Report for April.

Resolution for Council:

That Council of the City of Kenora hereby accepts the April 2016 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by City administration.

Briefing By: Richard Perchuk, Operations & Infrastructure Manager

Bylaw Required: No

CITY OF KENORA

**Monthly Summary Report
Water & Wastewater Systems**

April 2016

Prepared by: Biman Paudel, Water & Wastewater Division Lead
Ryan Peterson, ORO, Water Treatment Plant
Gord St. Denis, ORO, Wastewater Treatment Plant

1.0 Introduction

This report contains the major maintenance activities and operational events that occurred during the month of April 2016 at the Kenora Area Water Treatment Plant, Kenora Wastewater Treatment Plant, Water Distribution System and Wastewater Collection System. This information report has been prepared for Council to better understand how the systems they own and operate are maintained on a monthly basis.

2.0 Water Treatment Plant

2.1 Monthly Flow and Operating Data – See Schedule “A”

2.2 Weekly Bacteriological Samples

1 Raw, 1 Treated and 6 Distribution for a total of eight (8) samples are taken on a weekly basis.

Sampling was conducted on the following dates:

- Apr 4th
- Apr 11th
- Apr 18th
- Apr 25th

All samples tested were within the allowable parameters.

2.3 Maintenance

- Disassembled #2 low lift ball check and cleaned seat.
- Installed new packing on Zone 3 booster pressure regulating valve.
- Worked with electrician replacing transformer and interlock in high lift #2.
- Completed maintenance on sludge pump packing drains.

2.4 Training

All operators attended the “Treatment for Distribution Operators and Disinfection Procedures” courses provided by XCG, and “Nitrification” and “SCADA” courses provided by WCWC.

2.5 Water Quality Complaints

There was one (1) water quality complaint in April. A customer was concerned that she may have become ill from the drinking water as there was a BWA in place in an unrelated area of the city. The chlorine residual was checked at the residence and was adequate. It was explained to the customer that the BWA was isolated to a different area of the city and there was no impact on their water. Resident was satisfied with the explanation.

2.6 Other Information

- Distribution system chlorine levels were sampled at three locations weekly throughout the month in addition to the chlorine levels being sampled along with regular weekly bacteriological samples.

3.0 Water Distribution System and Wastewater Collection System

3.1 Maintenance

3.1.1. Water Distribution

- April 1 - Dug and installed new curb stop at: 712 Lakeview Drive.
- April 13 - Dug and repaired water service at: 1 Ocean Avenue.
- April 19 - Dug and replaced curb stop at: 5 Chipman Street (Pet Valu).
- April 21 - Dug and installed new curb stop at: 215 Fourth Avenue North.
- April 25 - Dug and repaired broken watermain at: 1 Ocean Avenue.

3.1.2. Wastewater Collection

- April 1 - Televised sewer service at: 17 Nairn Avenue.
- April 6 - Televised sewer service at: 405 Seventh Avenue South.
- April 15 - Rodded plugged sewer at: 715 Fourth Avenue South.
- April 18 - Repaired grinder pump canister at: 11 Universal Drive.
- April 20 - Televised sewer service at: 730 Second Street South.
- April 21 - Televised and rodded plugged sewer at: 803 Fourteenth Avenue North.
 - Televised and rodded plugged sewer at: 715 Fourth Avenue South.
- April 26 - Rodded plugged sewer at: 1231 Minto Avenue.
 - Dug and repaired broken sewermain at: Ocean Avenue Pumping Station.
- April 27 - Rodded plugged sewer at: 1237 Ninth Street North.
 - Dug and repaired broken sewer main at: 715 Fourth Avenue South.

- April 28 - Televised sewermain at: Eighth Street North and Fourteenth Avenue North.

3.1.3. Water Thaws:

	April 2015	April 2016
City	0	0
Private	0	0

3.2 Training

- April 4 -5 - Biman Paudel attended Canadian Training Resources’ Leadership Training in Winnipeg.
- April 4-5 - All staff attended XCG training on “Basic Water Treatment for Distribution Operators”.
- April 6-7 - All staff attended XCG training on “Disinfection of watermains”.
- April 11-12 - All staff attended Walkerton training on “Prevention and control of nitrification on drinking water systems”.
- April 13 - Biman Paudel attended Walkerton training on “Basics on SCADA”.
- April 13 - Jim Bell, Dave King, Dwayne German, Darryl Paterick and Jayson Pykerman attended a 3 hour, on-site training, on locates from Vivax Locator.

3.3 Water Quality Complaints

There was one (1) customer complaint reported to the Water Treatment Plant for the month of April.

- The complaint was related to a BWA, which was isolated to a different area of the City. For further detail see Item 2.5.

3.4 Boil Water Advisory(s) - 2016

Date and Location:

- April 25th – All residents on Tunnel Island (except hospital), all of Norman and Keewatin.

3.5 Other Information

There was no other information to report for the month.

4.0 Wastewater Treatment Plant

4.1 Monthly Flows & Operating Data – See Schedule “B”

4.2 Weekly Bacteriological Samples

- 4.2.1. Complete Analyses of Raw Sewage, Treated Effluent and Activated Sludge sent out April 27th, 2016 - Results: (also Sludge Cake Metal Analysis).
- Total BOD (biological oxygen demand) Raw Sewage: 64 [mg/L]
 - Total BOD Final Effluent: 6.1 [mg/L] - limit is 25 [mg/L].
 - Total Suspended Solids Raw Sewage: 96.8 [mg/ L]
 - Total Suspended Solids Final Effluent: 5.5 [mg/ L] - limit is 25 [mg/L]
- 4.2.2. Weekly Final Effluent Bacti Samples sent to ALS Laboratory on April 6, 13, 20, 27th, 2016 - Results: Organisms/100 ml
- Geometric Means from samples in April: 27.5 organisms/100mL.
 - Geometric Means Limit as per Certificate of Approval is 200 organisms/100 mL.

In summary, raw sewage enters the plant with a bacti count of approximately 3 million organisms/100 mL and leaves the plant with a geometric mean of 27.5 organisms/100 mL, which is well within the limit of 200 organisms/mL. Plant reduction of BOD is 91% and the Plant reduction of suspended solids is 94%.

4.3 Maintenance

- 4.3.1. Sludge Press maintenance.
- 4.3.2. West Clarifier Draw off-line repairs.
- 4.3.3. UV Maintenance.
- 4.3.4. Ordered 2 - 4 inch and 2 - 6 inch valves for new piston pump.
- 4.3.5. Effluent Toxicity sample sent to ALS Lab for analysis under requirements of WSER regulations (Federal Government)
- 4.3.6. New sleeves for UV system.
- 4.3.7. Replaced motor stator on north poly pump.
- 4.3.8. Toxicity results from ALS lab. No mortality of trout yearlings 100% pass of test.

4.4 Training

- 4.4.1. Health and Safety Policy reviewed with staff.
- 4.4.2. Gord, Ray, Darryl and Chris – 8 hours training on SCADA systems.

4.5 Other Information

4.5.1 April 7th, 2016 - Workplace Health & Safety inspection completed.

Schedule "B"

Wastewater Systems Flow & Operating Data Monthly Summary Report - 2015

Wastewater Plant Flows		January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
<u>Influent Flow</u>														
Total Influent Flow	m ³ /mon.	144,396	134,421	194,952	230,861	254,771	269,887	258,820	225,393	243,036	188,051	208,964	191,812	2,545,364
Maximum Daily Influent Flow	m ³ /day	5,394	6,498	9,959	9,344	15,511	10,641	14,077	11,561	15,007	7,748	11,346	7,035	124,121
Minimum Daily Influent Flow	m ³ /day	4,335	4,591	4,762	6,900	6,590	6,627	5,440	4,933	5,002	4,756	5,304	5,019	64,259
Average Daily Influent Flow	m ³ /day	4,657	4,800	6,288	7,695	8,218	8,996	8,349	7,270	8,101	6,066	6,965	6,187	83,592
<u>Effluent Flow</u>														
Total Effluent Flow	m ³ /mon.	162,455	149,972	207,330	223,434	239,084	244,987	241,596	215,215	226,475	182,772	203,647	193,089	2,490,056
Average Daily Flow	m ³ /day	5,240	5,356	6,688	7,448	7,712	8,166	7,793	6,942	7,549	5,895	6,788	6,229	81,806
<u>Samples</u>														
<u>Weekly Bacteriological --ALS Labs</u>		5	5	4	5	4	4	5	4	5	4	4	5	54
Number of Raw Samples Taken		1	1	1	1	1	1	1	1	1	1	1	1	12
Number of Treated Samples Taken		6	5	4	4	4	4	5	4	4	4	4	5	53
Geometric Means (Bacti Samples)		11.9	18.6	49.5	13.1	36.4	46	52	25.2	7.8	11.9	10	46.3	329
Sludge Hauled to Landfill	m ³ /mon	240	160	274	171	217	171	194	160	217	171	182	194	2,351
<u>Callouts</u>														
		2	1	0	2	6	2	4	7	7	4	1	2	38



May 25, 2016

City Council Committee Report

TO: Mayor and Council

**FR: Tara Rickaby, Planning Administrator
Andrew Glassco, Manager of Community and Development Services**

RE: Delegate Authority to City Planner for Certain Planning Matters

Recommendation:

That Council gives three readings to a bylaw delegating the City Planner the authority to authorize or deny on behalf of the City of Kenora a letter of comfort application; and further

That Council gives three readings to a bylaw delegating the City Planner the authority to authorize or deny on behalf of the City of Kenora letters known as zoning compliance and work order letters; and further

That By-law number 32-2001 and bylaw number 103-2002 be hereby repealed.

Background:

In order to prepare for the retirement of the Planning Administrator, certain administrative responsibilities are required to be delegated to the City Planner.

Currently, the Planning Administrator receives, circulates (for comments/conditions) and approves or refuses applications for letters of comfort. A letter of comfort is an agreement between the City and a property owner who owns lands adjacent to municipal property and whose structure(s) (or other item) encroaches onto municipal land. Letters of comfort are filed in the property roll file associated with the subject property and the encroachment will be allowed to remain so long as the City of Kenora does not require the said lands to carry out any purpose or function. It is the policy of the Corporation of the City of Kenora that there shall be no unauthorized encroachments onto municipal property or road allowances.

All decisions on letter of comfort applications are made by City Staff and are final. Each letter of comfort application will be evaluated on its own merit on a case-by-case basis.

Generally, when a property is being purchased (and normally when there is financing involved) the City receives a request, from the purchaser's solicitor, for certain information with respect to zoning compliance (buildings and use of property) and for information with respect to outstanding work orders. In 2015, the Planning Department processed 193 such requests to November 30, 2015.

The Planning Assistant has also been delegated this authority, in the interest of customer service.

By-law 32-2001 appoints Jeffrey Port as City Planner and the by-law will be repealed.

By-law 103-2002 appoints Tara Rickaby as the Zoning Administrator for the City of Kenora and the by-law will be repealed.

Budget: N/A

Communication Plan/Notice By-law Requirements: Manager of Community and Development Services, City Planner, Human Resources



May 26, 2015

City Council Committee Report

TO: Mayor and Council

FR: Tara Rickaby, Planning Administrator

RE: Delegate Authority under the Planning Act – Subdivision of Land

Recommendation:

That Council give three readings to a by-law for consent, subdivision and condominium delegation and approval, pursuant to the Planning Act, RSO, 1990, c.P.13; and further

That the City Planner be and is hereby delegated with this authority by Council for this purpose; and further

That in the absence of the City Planner, the Planning Assistant be and is hereby delegated with the authority to sign the certificate of official, for consent approval, pursuant to the Planning Act, RSO 1990, c.P.13.

Background:

A review of delegated authorities, by the City Clerk, indicates that currently the Planning Administrator is delegated authority to approve land division on behalf of the City of Kenora.

The Planning Act authorizes Council to delegate its authority to make decisions with respect to land division, and that authority is delegated to the Kenora Planning Advisory Committee.

As a result of restructuring and the retirement of the Planning Administrator, the City Planner will be required to sign plans of subdivision and condominium, and apply a consent stamp, after all of the conditions of approval have been met.

Currently, the Planning Administrator, who also acts as the Secretary Treasurer of the Kenora Planning Advisory Committee, is the only staff member trained as a Secretary Treasurer. The Planning Assistant has been successful in the "Primer on Planning" and continues to attend other training opportunities, as well as the year of mentoring under the Planning Administrator. The Planning Assistant will also be appointed, by the Kenora Planning Advisory Committee, as Deputy Secretary Treasurer. It would be beneficial, for customer service purposes, to have authority delegated to both the City Planner, and in the absence of that staff member, the Planning Assistant to be able to authorize land division by consent. The authority to sign plans of subdivision and condominium will remain solely with the City Planner.

Research of multiple municipalities indicates that this is the norm. By-law No. 77-2014 will have to be repealed.

Budget: N/A

Communication Plan/Notice By-law Requirements: Agenda for Committee of the Whole, Council, PAC, City Planner, Planning Assistant, Manager of Community and Development Services

Strategic Plan or other Guiding Document:

Administrative



April 22, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Delegation of Authority – Site Plan Control By-law

Background Information:

In 2010, Council approved site plan control by-law number 189-2010. The by-law refers to the Planning Administrator and to the Operations Manager. It also refers to the Planning and Property Committee. The by-law is being amended to reflect the current organizational and committee structure. Reference will now be made to the City Planner and to the Manager of Community and Development Services, as well as to Council, rather than the Planning and Property Committee.

The other amendment will be to clarify the authority delegated to staff to execute undertakings, for small projects to which there is either no security required, or security that does not exceed \$5,000.00. These undertakings are very much administrative in nature and if Council requires the Mayor and Clerk to execute them, there would be long delays before small projects could proceed.

Resolution for Council:

That Council gives three readings to amend bylaw number 189-2010, being the Site Plan Control By-law, to reflect the delegated authorities to reflect the new organizational structure and positions within the Community and Development Services Department; and further

That Bylaw number 189-2010 be further amended to reflect certain staff to execute undertakings associated with small projects under site plan control on behalf of the City of Kenora.

Briefing By: Tara Rickaby

Bylaw Required: Yes



May 28, 2016

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Site Plan Control Policy - Amendment

Background Information:

In April of 2010, Council adopted a policy for the implementation of site plan control. Due to the recent reorganization, and resultant retirement of the Planning Administrator, the policy requires an amendment to reflect the new staffing model and titles.

Resolution for Council:

That Council gives three readings to a bylaw authorizing an amendment to the City of Kenora Site Plan Control Policy #PP-5-1 to reflect the new organizational structure and positions within the Community and Development Services Department; and further

That the Policy # PP-5-1 be further amended to reflect the current City of Kenora format.

Briefing By: Tara Rickaby, Planning Administrator

Bylaw Required: Yes

SITE PLAN CONTROL

SECTION	DATE	RESOLUTION NO.	PAGE	OF
<u>OPERATIONS COMMUNITY AND DEVELOPMENT SERVICES</u>			1	8
SUBSECTION	SUPERCEDES RESOLUTION NO.		POLICY NO.	
SITE PLAN CONTROL	By-Law			

1.0 PURPOSE

1.1 Site Plan Approval is administered by the ~~Building and Planning Department~~ Division pursuant to Section 41 of the Planning Act. Site Plan approval is one prerequisite to an application for a building permit. The following is an outline of the procedures and requirements, along with some design guidelines for the preparation and submission of Site Plan Control Applications.

2.0 APPROVAL PROCEDURE

2.1 Applications will be submitted directly to the ~~Building and Planning Department~~ Division.

2.1.1 The application fee must be paid at the time that the application is made. There are no refunds if the application is withdrawn or denied by City Council.

2.1.2 The ~~Planning Administrator~~ City Planner or ~~Chief Building Official~~ Designate shall review the —application for completeness.

2.1.3 Completed Site Plans shall be circulated to various internal City departments and outside agencies as deemed necessary for review and comment. A meeting of the Site Plan Review Group shall be held within ten (10) business days of receiving the completed Site Plan Application.

2.1.4 The Site Plan Review Group (SPRG) shall consist of a representative from ~~Public Works Operations and Infrastructure – Roads, Water and Wastewater~~ and Engineering Divisions, Parks, and Building and Planning ~~Departments~~ Divisions. Planning Staff shall also circulate the Site Plan Application to the Fire and Emergency Services, Kenora Hydro and, in some cases, the Ontario Provincial Police for comments.

2.1.5 The ~~Planning Administrator~~ City Planner shall notify the Applicant of the comments of the —Site Plan Review Group, including whether or not the consideration of the application must include public consultation.

2.1.6 The criteria for requirement for public consultation are:

(i) If proposed development is new, free-standing construction of 300m² gross floor area, or greater, and is not the subject of any other application which requires public consultation under the *Planning Act*; or

(ii) If the proposed development is an addition, 50% or greater in size of the existing building and is not the subject of any other application which requires public consultation under the *Planning Act*; or

(iii) If proposed development results in a change of use which requires more than 5 parking stalls, and is not the subject of any other application which requires public consultation under the *Planning Act*; or

(iv) If the proposed development is for the installation of a new drive-through facility and is not the subject of any other application which requires public consultation under the *Planning Act*; or

(v) If the application has been referred to ~~the Property and Planning Committee~~ Council and ~~that Committee~~ Council recommends that the public be

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consulted.

2.1.7 If revised plans are required, the Applicant shall re-submit the plan and the preceding steps shall be followed to the extent necessary.

SECTION	DATE	RESOLUTION NO.	PAGE	OF
<u>OPERATIONS COMMUNITY AND DEVELOPMENT SERVICES</u>			2	8
SUBSECTION	SUPERCEDES RESOLUTION NO.		POLICY NO.	
SITE PLAN CONTROL	By-Law			

2.1.8 ~~Where applicable, when~~ Once the plans meet the satisfaction of Site Plan Review Group, the ~~Planning Administrator~~ City Planner shall prepare three (3) copies of the Site Plan Agreement and present to the owner/developer for signature. Upon receipt of the signed Site Plan Agreement by the developer/owner, the ~~Planning Administrator~~ City Planner will prepare a report to Council for formal approval by by-law.

~~2.1.8.~~ 2.1.9 Where applicable, p Prior to presentation of the Site Plan Control Agreement to Council, a Standby Irrevocable Letter of Credit shall be required for the value of the work, to —guarantee implementation of grading, paving, servicing and landscaping works shown on the approved plan. The amount of the security required will be recommended by the Site Plan Control Group.

Prior to presentation of the Site Plan Control Agreement to Council, a deposit, in the amount of \$500.00 shall be provided to the City which shall be deposited only toward the legal fees, including but not limited to review of the agreement and registration of same.

~~2.1.9.~~ 2.1.10 All costs associated with the processing of the application are the responsibility of the Applicant. Costs incurred by the municipality, over and above the deposit will be invoiced. These cost include, but are not limited to, professional fees, legal fees, registration

~~2.1.10.~~ 2.1.11 The ~~Planning Administrator~~ City Planner or Chief Building Official shall exercise the City Council's powers and authority under the Planning Act, R.S.O. 1990, c.P.13, as amended and the City of Kenora Site Plan By-law to approve plans and drawings, to impose conditions and to require agreements.

~~2.1.11.~~ 2.1.12 The Clerk's Office shall provide one signature copy of the Site Plan Control Agreement to the Applicant, the ~~Planning Administrator~~ City Planner and the Chief Building Official. The City of Kenora shall register all Site Plan Agreements on title and proof of registration shall be provided to the City Clerk. Costs associated will be borne by the Applicant.

~~2.1.12.~~ 2.1.13 The Site Plan Agreement must be fully executed and registered before a building permit can be issued.

~~2.1.8.~~ 2.1.14 ~~2.1.13.~~ 2.1.9. The signing officers, being the Mayor and City Clerk, for the City of Kenora, shall execute the Agreement upon formal approval of Council. Execution by the City may be withheld until required insurance certificates and security have been received.

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2.1.15

~~2.1.14~~ Prior to the release of any or all financial securities by the City a site inspection shall be conducted by Building and/or Planning Division staff, and a written recommendation from the ~~Planning Administrator~~City Planner to the Clerk, to authorize proceeding with the release, in accordance with the approved plans.

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SECTION	DATE	RESOLUTION NO.	PAGE	OF
<u>OPERATIONS COMMUNITY AND DEVELOPMENT SERVICES</u>			3	8
SUBSECTION SITE PLAN CONTROL	SUPERCEDES RESOLUTION NO. By-Law		POLICY NO.	

3.0 COMMENTING AGENCIES

- 3.1 The Applicant shall contact appropriate agencies directly to discuss their requirements.
- 3.2 Specific approvals or permits may be required from the following:
 - (a) Various government agencies;
 - (b) Telecommunications;
 - (c) Local gas, hydro, & cable utilities; and/or,
 - (d) Northwestern Health Unit.
- 3.3 Proof of approval or a permit shall be required and submitted to the City prior to final site plan approval and/or the issuance of a building permit. Comments received from the circulation of applications to such agencies shall be reviewed. The ~~Planning Administrator~~City Planner (and/or consultants where used) shall review and analyze the application, and where necessary, request revisions.

4.0 SUBMISSION OF APPLICATION

- 4.1 General:
 - Dependent on preconstruction meeting/s, and scope of work
 - The following items may be required in order to apply for site plan approval:
 - (a) Completed application form;
 - (b) One copy of a recent property survey prepared by an Ontario Land Surveyor;
 - (c) Six (6) copies of the proposed site plan, together with one reduced copy (11x17). A digital copy shall be submitted, where required by the Municipal Engineer ; and,
 - (d) An application fee in accordance with the City's current fee schedule;
 - ~~(e) Proof of payment of taxes up to and including current year-~~
- 4.2 Dependent on preconstruction meeting/s and scope of work,
 - The following plans or schedules, together with one reduced copy (11x17), shall be submitted with the application. A digital copy shall be submitted, where required by the Municipal Engineer. Insufficient or missing information shall only delay processing of the application.
 - (a) Site Plan;
 - (b) Elevation or Cross-Section Plan;
 - (c) Servicing and Drainage Plan; and,

(d) Landscape Plan.

4.3 If applicable, the following information shall be identified on the above plans or schedules:

- a) Boundaries, dimensions and area of the subject property;
- b) Location, dimensions and setbacks of existing and/or proposed structures;
- c) Elevation and cross section views for each building to be erected, including conceptual design of the building(s);
- d) Highway widening;

SECTION <u>OPERATIONS COMMUNITY AND DEVELOPMENT SERVICES</u>	DATE	RESOLUTION NO.	PAGE 4	OF 8
SUBSECTION SITE PLAN CONTROL	SUPERCEDES RESOLUTION NO. By-Law		POLICY NO.	

- e) Access ramps, curbing and traffic direction signs;
- f) Loading and parking facilities, access driveway, surfacing of such areas;
- g) Walkway and walkway ramps, including surfacing;
- h) Lighting;
- i) Landscaping features such as walls, fences, hedges, trees or other ground cover to include the description of type, number, location and height of plantings;
- j) Garbage and waste disposal;
- k) Easement and public utilities;
- l) Grading, alteration or drainage plan showing rooftop drainage handling system, surface grading (existing and proposed), catch basin locations;
- m) Signage;
- n) Service hook-up locations for telephone, hydro, water, sewer;
- o) Exterior building materials; and/or,
- p) Location and type of air conditioner units.

5.0 DRAWING REQUIREMENTS

5.1 As an aid to interpreting the design drawings, drawings shall be clearly drawn, labeled and coordinated to include the following basic information:

- (a) Drawing name;
- (b) Date of production;
- (c) Schedule of revisions;
- (d) Author (contact person);
- (e) Key plan (to indicate location of subject lands);
- (f) A north arrow;
- (g) Location/address of property;
- (h) Project name;
- (i) Owners name and address;
- (j) Consultant(s) firm name and address, along with signed stamp or seal as deemed appropriate; and,
- (k) All measurements in metric units only

6.0 SIGNAGE

6.1 All signage shall be designed in accordance with the requirements of the [City of](#)

[Kenora](#) Sign By-law.

6.2 A sign permit ~~from the Building Department~~ may be required.

7.0 LANDSCAPING

7.1 General:

7.1.1 Applicants shall be encouraged to use native plant species (City of Kenora Approved Species List) wherever possible and appropriate. Any trees or shrubs that die shall be replaced at the cost of the proponent, within a reasonable amount of time, as determined by the Parks ~~Supervisor~~ Lead.

SECTION	DATE	RESOLUTION NO.	PAGE	OF
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SUBSECTION SITE PLAN CONTROL	SUPERCEDES RESOLUTION NO. By-Law			POLICY NO.

7.1.2 Plant species should be selected for:
(a) Year round appearance;
(b) Low maintenance;
(c) Compatibility with adjacent properties; and,
(d) Adaptability and hardiness.

7.2 Landscape plans shall be final design and working drawings. All landscape plans are to be drawn in metric and shall be prepared by a qualified landscape architect. Landscape plans are to conform to the Site Plan. The grading is to conform to the Site Grading and Drainage Plan for the project.

7.3 The landscape plan shall clearly identify and document pertinent site information and design details as follows:

- (a) A key plan indicating the exact location of the site with a north arrow;
- (b) The following grading information:
 - (i) Natural features which are existing and those which the builder has designated for preservation shall be indicated;
 - (ii) Existing and proposed contours Regulatory flood, top of bank contours and bottom of bank contours of all water courses within the property;
 - (iii) Adjacent roads and properties surrounding the subject lands shall be adequately marked with spot elevations to show the slope of the land;
 - (iv) Elevations of proposed walls within the project boundaries are to be marked with "top of wall" and "bottom of wall";
 - (v) Steps shall be shown indicating their number and size. Spot elevations are to be shown at the top and bottom of the steps;
 - (vi) Drainage flow arrows to indicate direction of drainage;
 - (vii) All catch basins and sub-drains shall be clearly marked with proposed spot elevations;
 - (viii) Structures: indicate building entrances and spot elevations at each entrance (door and garages) and show the finished ground floor elevations of all buildings; and,

- (ix) Location and elevations of underground structures.
- (c) Location of existing and proposed features including walkways, parking lots, screens, protective fencing, exterior lighting, street furniture, hydrants, curbs and existing and proposed ground signs.

7.4 Plant material shall be clearly labeled with a key system. A plant list shall accompany each landscape plan. A typical plant list shall provide the following type of information:

- (a) Botanical name;
- (b) Common name;
- (c) Caliper;
- (d) Height;

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- (e) Spread;
- (f) Root;
- (g) Remarks; and,
- (h) Quantity.

7.5 Details and/or specifications shall be included to clarify the drawings:

- (a) Planting details - coniferous and deciduous trees and shrubs (staking, guying, installation, pruning, etc.);
- (b) Soil types and additives (fertilizers, peat moss, mulch, etc.);
- (c) Landscape structures - benches, play structures, fences, walkways, retaining walls, planters, edgers, stairs, ramps, etc.);
- (d) Surface materials (paving, sodding, etc.); and,
- (e) Any other landscape features requiring clarification.

7.6 All plant materials, whether deciduous, coniferous, or shrub shall satisfy the following requirements:

- (a) Freedom from common insects, disease, excessive maintenance; with respect to spraying, fertilizer, pruning and watering;
- (b) Moderate rate of growth and ultimate height; and,
- (c) Completely hardy for the area and related exposure in which it is to be located.

7.7 All existing trees to be preserved or removed are to be accurately located and clearly specified as to the type, diameter and condition on plan. All healthy existing plant materials should be protected where possible and appropriate.

7.8 Type of materials.

7.9 Indicate the type and location of all easements, sight triangles and road widening.

7.10 Indicate all existing and proposed street trees adjacent to the site.

8.0 GRADING AND DRAINAGE

8.1 General:

- 8.1.1 Site grading shall retain and incorporate existing land form features, where possible. Cutting and filling shall be kept to a minimum.
- 8.1.2 Site grading shall provide for drainage within the site and direct runoff to suitable outlets or to sub-surface utilities. Zero change in surface runoff is desired. Additional surface water flow over side or rear lot lines onto adjacent properties shall not be permitted.
- 8.1.3 The finished grade of a site shall be consistent with surrounding lot

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development grades. The finished grade shall be free of rubble or construction debris. The grading shall conform to the boundary grading plan and drainage plan. Erosion control measures shall be included.

8.2 Grading and Drainage Plan Requirements:

A plan, stamped by a professional engineer, showing existing and proposed elevations shall be required. On this drawing, the following information shall be illustrated:

- (a) Existing and proposed elevations along property lines at reasonable intervals;
- (b) Spot elevations (minimum) and contours (where possible), at 0.5 metre intervals;
- (c) Existing and proposed grades throughout property;
- (d) Existing site features such as tops/bottoms of slopes, drainage courses, existing trees, buildings (all corners and reasonable intervals between, finished floor, all access/egress points), steps, ramps, walls, parking lots, curbs, roadways, pedestrian walkways, etc.;
- (e) Existing and proposed drainage such as direction of flow, percent slope, overland swales or detention area design, pipes and culverts, berms, etc.; and,
- (f) Delineation of curbs, gutters and drainage structures.

8.3 Lot Grading:

Lot grading shall conform to the following requirements:

- (a) All underground utility lines or other buried objects shall be located before commencing work;
- (b) Protection for all landscape elements currently existing that shall be retained shall be encouraged;

- (c) Fill material shall be specified if surplus excavated and graded material is inadequate, unsuitable, or if special fill should be needed for specific circumstances;
- (d) Require approval of design engineer for use of excavated or graded material used as fill will be needed;
- (e) Excess materials and debris shall be removed from the site;
- (f) Fill materials shall be free of all debris, including large rocks and/or stones;
- (g) All rough spots and low areas shall be eliminated to ensure proper drainage; and,
- (h) Finished grade shall be approved by the Municipal Engineer prior to the release of securities posted for site plan compliance.

8.4 Grading Design Criteria:

8.4.1 Front yards of all lots shall be graded to drain towards the street, where applicable.

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8.4.2 All boulevards shall be graded with a constant slope from the curb to the street limit.

8.4.3 The minimum driveway grade shall be 1.0%.

8.4.4 The maximum driveway grade shall be 6%.

8.4.5 There shall be a platform at the same grade as the road/street , a minimum of 6 metres in length, incorporated into the driveway.

9.0 PARKING POLICY

9.1 General:

The following objectives apply to the design of parking lot. All parking lots shall be designed, constructed and maintained:

- (a) For the safe and efficient movement of motor vehicles and pedestrians on the site, and at points of ingress and egress related to the site;
- (b) So that runoff from the parking area drains properly from the site and so that snow may be adequately and safely stored on site and/or removed from the site; and,
- (c) Parking spaces and areas are required in accordance with the provisions of the City of Kenora Zoning By-law.

9.2 Loading Space Requirements:

Loading spaces for commercial and industrial uses shall be in accordance with the City of Kenora Zoning By-law.

10.0 GARBAGE STORAGE

10.1 Garbage storage facilities shall be located where convenient for the user, and where there is appropriate access for the truck. They should be located in an inconspicuous location and/or screened from the street by landscaping.

~~10.2 All garbage shall be stored inside the building(s) and moved to the point of collection on collection day.~~

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10.3 If garbage is stored outside, a properly designed enclosure is required, which shall be shown on the site/landscape plans for approval.

10.4 Garbage storage facilities shall be fully enclosed with walls and a gate.

~~10.4~~10.5 Garbage containers shall be "bear proof".

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11.0 FIRE AND EMERGENCY SERVICES

11.1 When fire and emergency access to a building is required in conformance with the Building Code, the design and construction of such access routes shall be reviewed by the Chief of the Fire Department.

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12.0 APPEAL TO ONTARIO MUNICIPAL BOARD

12.1 Appeal to O.M.B. per Section 41 (12) of the Planning Act
(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality or if the owner of the land is not satisfied with any requirement made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner may require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or upper-tier municipality, as appropriate. 2002, c. 17, Sched. B, s. 14 (5).



June 8, 2016

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Site Plan Agreement – Fettes/Aleshka

Background Information:

The Kenora Planning Advisory Committee approved an application for minor variance A03/16 Fettes, on 17 May 2016. The approval was conditional upon the property owner entering into an agreement which reflects the recommendations of Kenora Consultants Inc.

Authority is delegated to staff to enter into undertakings, but not for site plan agreements. Undertakings typically do not include financial security, but may, up to \$5000. Site plan agreements sometimes include financial security, but not generally when used for land use planning purposes.

Resolution for Council:

That the Mayor and Clerk be authorized to execute an agreement to develop lands in accordance with the recommendation of Kenora Consultants Inc., Ryan Haines, Biologist, per the decision of Kenora Planning Advisory Committee for minor variance A03/16 Fettes; and further

That the appropriate bylaw be passed for this purpose.

Budget:

N/A – All fees to be paid by property owner

Communication Plan/Notice By-law Requirements:

Planning Department, Property Owner, Agent of Property Owner, Filing

Strategic Plan or other Guiding documents:

Housekeeping

Briefing By: Tara Rickaby, Planning Administrator

Bylaw Required: Yes