



City of Kenora

Committee of the Whole Agenda

Tuesday, June 13, 2017

9:00 a.m.

City Hall Council Chambers

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its June 20, 2017 meeting:-

- Amend its 2017 Capital Budget in the amount of \$21,650 + taxes for an emergency repair to the Whitecap Tent to be funded through the whitecap and Tourist Centre reserves for repairs to the vent caps
- Approve an increased allocation of \$45,000.00, funded through the Accessibility Reserve, for the Garrow Beach Play Structure project, resulting in a revised project cost of \$95,000.00 to provide an accessible play structure
- Amend the Tariff of Fees and Charges Bylaw to include new rates and charges for Schedule D- Operations for a new sidewalk snow and ice removal bylaw
- Approve and additional allocation of \$11,000 to be funded through the reallocation of funds from the GIS reserve fund for the purchase of GPS survey equipment in 2017
 - Amend the Tariff of Fees and Charges Bylaw to include an interest rate for the Water and Wastewater department outstanding accounts

B. Declaration of Pecuniary Interest & the General Nature Thereof

1) On Today's Agenda

2) From a Meeting at which a Member was not in Attendance.

C. Confirmation of Previous Committee Minutes

Motion:

That the Minutes from the last regular Committee of the Whole Meeting held May 9, 2017 and Special Committee of the Whole Meetings held May 8 and May 15, 2017 be confirmed as written and filed.

D. Deputations/Presentations

- Darell Plummer, Harbourtown BIZ – Downtown Sidewalk Snow Removal Proposal
- Ryan Haines, Kenora Resource Consultants – Potential Ecological Solution to floating cattail mats in Laurenson's Creek

E. Reports:

1. Corporate Services & Strategic Initiatives

Item Subject	Pages
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- 1.1. Sidewalk Snow and Ice Removal Bylaw
- 1.2. AMO Delegation Requests
- 1.3. 2017 Q1 Investments
- 1.4. January-April 2017 Financial Statements
- 1.5. Hydro Board Appointments
- 1.6. 2017 Municipal Insurance Renewal
- 1.7. Sponsorship of Central Community Club
- 1.8. Property Standards Bylaw

2. Fire & Emergency Services

Item Subject	Pages
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No Reports

3. Operations & Infrastructure

Item Subject	Pages
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- 3.1 Water and Sewage Bylaw
- 3.2 Tariff of Fees and Charges – Schedule D- Water & Wastewater Fees
- 3.3 Traffic Amendment – Stop Sign - Sixth Street South
- 3.4 Traffic Amendment – Wharf Street Revision
- 3.5 Budget Amendment – GPS Survey Equipment

4. Community & Development Services

Item Subject	Pages
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- 4.1 Budget Amendment – Whitecap Tent Repairs
- 4.2 Budget Amendment – Garrow Park Play Structure
- 4.3 NCIR Investment Readiness Project
- 4.4 Request for Letter of Concurrence
- 4.5 D14-17-03 Application for Temporary Use – 105 Barkman Close

Other:

Next Meeting

- Tuesday, July 11, 2017

Motion - Adjourn to Closed Meeting:

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

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

- i) **Educating and Training Members of Council**

Adjournment.



DEPUTATION REQUEST FORM

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

How to Make a Deputation:

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

City Clerk's Contact Information:

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

By fax: 807-467-2009

E-mail: hkasprick@kenora.ca

Name: (person making deputation)	Organization You Represent: (if applicable)
Darell Plummer	Harbourtown Biz
(please print)	
Mailing Address: 1276 Heenan Place	Telephone Number: (807) 466-1246
Email Address: d.b.plummer@shaw.ca	Postal Code: P9N 2Y8
Other Persons Presenting with You on this topic? (on behalf of same organization)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
If yes, Other Names: _____	
Topic – include brief statement of issue or purpose for Deputation: • Please see Protocol Notes on Page 2	
Downtown Sidewalk Snow Removal Proposal	
I wish to appear before	<input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole <input type="checkbox"/> Other
On the Meeting date: June 13, 2017	_____
Please Note: Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.	
Do you have material to leave with Council following your deputation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please give to Clerk upon arrival to meeting)
Signature Required:	<u>Darell Plummer</u> (Must be signed by applicant to go forward)

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DEPUTATION REQUEST FORM

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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)	Organization You Represent: (if applicable)
<u>Ryan Haines</u> (please print)	<u>Kenora Resource Consultants</u>
Mailing Address: <u>Site 155 Comp 14 RR#1</u> <u>Kenora, ON</u>	Telephone Number: <u>465-5689</u>
Email Address: <u>ryan.haines@kenoraconsultants.com</u>	Postal Code: <u>P9N 3W7</u>
Other Persons Presenting with You on this topic? (on behalf of same organization)	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
If yes, Other Names: _____	
Topic – include brief statement of issue or purpose for Deputation: • Please see Protocol Notes on Page 2	
<u>Potential ecological solution to floating cattail mats in</u> <u>Laurensons Creek.</u>	
I wish to appear before	<input type="checkbox"/> Council <input checked="" type="checkbox"/> Committee of the Whole <input type="checkbox"/> Other
On the Meeting date: <u>June 13, 2017 9 a.m.</u>	
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, please give to Clerk upon arrival to meeting)	
Signature Required: <u>[Signature]</u> (Must be signed by applicant to go forward)	

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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.



June 13, 2017

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Special Projects and Research Officer

Re: Sidewalk Snow and Ice Removal Bylaw

Recommendation:

That Council hereby authorizes a new Sidewalk Snow and Ice Removal By-law, which establishes standards for the removal and disposal of snow and ice on public sidewalks in the Harbourtown Centre area; and further

That Council gives three readings to a bylaw to adopt a new Tariff of Fees and Charges bylaw to include new rates and charges for Schedule "D" – Operations; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Tariff of Fees and Charges By-Law at its June 20, 2017 meeting to give effect to the new rates outlined in the revised Schedule "D"; and further

That bylaw number 39-2017 be hereby repealed.

Background:

As part of the Organizational Review conducted in 2015, BMA recommended the City "implement a policy that downtown merchants be responsible for the curb to the storefront to improve service and address resource issues." Subsequently, staff have worked to develop a by-law that could potentially accomplish the stated objectives. In doing so, staff attended the BIZ Annual General Meeting with the purpose of sharing the City's intention to move forward with implementation of this recommendation. The presentation also highlighted practices from other jurisdictions which were to be used to inform the scope of the project. Following the BIZ meeting, the City solicited feedback from members regarding their opinion of this new approach. Based on the e-mails received a number of themes were identified and responses were formulated through consultation with various City departments. During this time, the scope of the by-law and specific maintenance standards were formulated using a combination of staff input and practices elsewhere.

Consultation extended to the general public with the City hosting an open house on May 25th. Once again, comments and concerns were collected by staff to inform the recommendation proceeding to Council. Attached to this report is a summary of the public feedback along with further considerations by staff in proceeding with implementation.

If approved, a new by-law regulating snow and ice removal on sidewalks in the Harbourtown Centre area requires changes to the Tariff of Fees and Charges By-Law. Additional charges need to be added to reflect the cost of service and support enforcement. Under Schedule "D"—Operations within the Roads Departmental Section, staff propose a Sidewalk Snow and Ice Removal Fee of \$70.95/per hour. This rate reflects

the true cost of labour, equipment and mobilization of staff in the event the property abutting the sidewalk is unable to clear the area.

In addition, staff recommend including an Inspection Fee of \$75.00 under the Roads Departmental Section for each property inspection provided or done by or on behalf of The Corporation of the City of Kenora. This fee will be levied in conjunction with the above fee for failing to remove snow and ice in accordance with the Order to Comply.

Budget: N/A

Risk Analysis:

As per the requirements in the City's ERM Policy, there is a moderate operational risk that affects service delivery. For some properties, these fees may still not prevent owners from arranging snow and ice removal which could result in a frequent occurrence of operators being redirected from their routes. To mitigate this risk, staff intend on reviewing this by-law on an annual basis to ensure it is both fair and effective.

There is also a high risk to governance, specifically partnerships and public trust and confidence. Despite consultations, many within the designated area have expressed concerns and uncertainty around implementation. If approved, staff would seek to reduce the risk by creating an information resource that includes guidelines on snow removal and notifications in the shoulder season reminding property owners within the designated area of responsibilities.

Finally, a high risk exists as it relates to liability. Based on an analysis of case law, the presence of a by-law mandating the clearing of sidewalks by abutting properties does not indemnify the City of liability in the case of an accident. Enforcement of maintenance standards as articulated within the by-law will reduce the risk of accidents occurring, however, it cannot entirely be eliminated thus must be accepted.

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

Strategic Plan or other Guiding Document:

- 2-4 The City will act as the catalyst for continuous improvements to the public realm
- 3-1 The City will review and implement as appropriate the recommendations as contained within the City's organizational review and approved by Council

Sidewalk Snow and Ice Removal By-law

PUBLIC CONSULTATION DOCUMENT

PREPARED BY: ADAM SMITH, SPECIAL PROJECTS AND RESEARCH OFFICER

Introduction

Contained within the Strategic Plan was a commitment by the City to undertake a full organizational review to identify service levels and determine specific areas of the organization that are inappropriately or inadequately resourced. The intention was not to find ways to reduce programming and generate cost-savings, but to improve organizational efficiency and effectiveness. It was executed, in part, by the challenging fiscal reality that not just Kenora but municipalities across the country have to operate and provide 'value for service.' As part of this exercise, consultations occurred that included both staff and members of the community. It was built around a number of design principles including being more of a community focused organization.

In relation to winter control maintenance, members of staff in the City's Operations department highlighted key issues including staff being taken away from routes in order to respond to complaints from customers, considerable drive time to rural locations affecting productivity and labourers often being unable to clear the steps and access ways to various city buildings in a timely fashion leaving other areas unattended. When the community was engaged, the feedback on snow and ice removal also noted the issues with timely removal and the missed streets and sidewalks in many areas. Furthermore, input suggested that there was too much emphasis on downtown ploughing.

The attached proposal reflects the input received and the recommendation by the consultants following completion of the organizational review. This report seeks to illustrate the feedback from properties within the designated area and additional considerations by staff.

Summary of Comments

While all e-mails received regarding the proposal are found within the appendix of this report, the following section identifies common themes from the two consultation exercises that occurred.

BIZ Annual General Meeting – Fall 2016

Following the presentation of a jurisdictional scan on other municipal practices in relation to sidewalk snow and ice removal in a designated area, feedback was solicited by members of BIZ on this approach. Many were concerned about legal liability and insurance if snow removal on sidewalk was the responsibility of property owners. This included both the employees that may be required to clear the snow and ice as well as pedestrians that may be accessing the storefront or passing through. Also, would such a by-law require additional insurance for those within the Harbourn Centre.

Another theme focused on the relationship between taxation and service delivery. There was the perception that this by-law amounted to another tax on business and confounding given the commercial tax rate is already higher than that for residential. Moreover, sidewalk maintenance was recognized as a core City service and there were questions around financial incentives to compensate for the additional work.

Other concerns included consistency within the designated area and the difficulty in operating a business in Kenora, particularly during the winter months. The lack of equipment and varying levels of removal by property are perceived by some as barriers to the by-law's effectiveness.

Despite the general uneasiness around implementation of a by-law similar to that of the municipalities surveyed by City staff, many indicated that they already clear the sidewalks abutting their property. Some also expressed the opinion that it is not an extremely difficult task to complete and that since services already utilize the sidewalks for signage, there should be a sense of responsibility in carrying out snow removal.

Public Open House— May 25th

On May 25th, City staff organized a public open house to discuss a specific sidewalk snow and ice removal by-law for the City of Kenora. Although the scope of the proposal was more refined at this stage, the comments gathered during the session and after focused on recurring themes. This included the issue of ensuring a consistent access through all sidewalks in the designated area. Enforcement was highlighted as an issue given staff capacity and the presence of vacant properties and absentee landlords in the downtown core. Another commonality from previous discussions was the financial implications of this by-law. There were those in attendance that believed that the extent of sidewalk in need of clearing requires specialized equipment and that given the commercial tax rate, snow and ice removal is a service that is expected.

With a more refined scope and discussion-based open house, staff were able to engage on operational issues attached to the proposal. This included the issue of snowbanks and the ability of operators to remove them more quickly if this by-law is in place. A challenge identified with snow removal was that people have to climb over high snowbanks to get into stores creating accessibility challenges that this by-law does not address. Attention needs to be directed toward the snowbanks as the current standard for removal is too high. Another recommendation related to plowing snowbanks into the middle similar to the practice used in other municipalities.

Challenges were also identified in keeping the corners open and the crosswalks. Properties vary in the length/width of abutting sidewalks. Some include adjacent jut outs for aesthetic purposes which makes removal difficult. An inquiry was made on restraints in using a snow blower on the sidewalk which could improve the practicality of implementation.

While improving the availability of sand in Harbourtown Centre was listed as an option by staff in assisting with implementation, participants had questions around where these depots would be located and whether the City would still be able deliver the sanding service.

Finally, in response to the staff remark that sidewalk winter maintenance could only occur between 3-7 am many wondered why this service could not be provided earlier to address time constraints and missed spots.

Additional Comments— June 1st

After the conclusion of the open house on May 25th, staff distributed the presentation delivered at the open house and received feedback up until June 1st. Issues of enforcement, accessibility and cost to business were all reemphasized. Specifically, there were concerns that this by-law would lead to more complaints and work for City as not every property will be consistent in their removal of snow around abutting sidewalks. Snow banks which are already creating barriers to storefront and parking/parking meter access, will only get worse under this new by-law. Additionally, this by-law would be another example of the escalating cost to doing business in Kenora with garbage removal being cited as a service previously taken away. Operational questions included how much time-savings there would be if City crews still need to be dispatched in the Harbourtown Centre despite not having to clear the sidewalks of the affected areas. Also, snow from the road can sometimes be pushed onto the sidewalks by plows, especially when the Christmas tree makes space limited. This is seen as yet another barrier to successful implementation.

Staff Considerations

Based on the feedback collected, staff have attempted to further clarify parameters around the proposed by-law and the current practices of snow removal in Harbourtown Centre. Among the most common concerns was the accessibility issue that snowbanks present and how much more difficult they will be with the proposed by-law in place. Currently, they are plowed according to the standards established in the Winter Maintenance Policy. Snow banks in the downtown core are removed when the bank is 600mm (2ft) from the curb. In the event of adverse snowfall, the snow banks will be removed within a few days after reaching to 600mm height. There is a possibility that even in a single snow event, once plowed, the snow banks become 600mm high. Therefore, in such a situation the snow banks in downtown might stay for couple of days until removal, since the priority is always to clear roads during snow storm to allow for emergency access for all the residences in the city.

Staff also explored the feasibility of plowing the snow into the middle to remove the issue of snowbank similar to that of other municipalities in order to find efficiencies and improve accessibility. However, there some shortcomings associated with this idea. At present, 2ft high snow banks are in general supported by a base width of 4 ft. When those two snow banks at both sides come to the center line it needs to have a base width of approximately 6ft. The driving width of the road will be reduced by 6ft until snow removal. The situation would be worse at the intersections as it may not be possible to satisfy the turning radius requirements for the trucks and semis at the intersections. In addition, the centerline snow barrier will prevent vehicles parking on the opposite side and pedestrians crossing to the opposite side. Since snow plowing & allowing emergency access gets priority over snow removal, centerline snow banks will stay longer until resources are available for removal.

In terms of the extent of sidewalk needing to be cleared, particular among corners lots, staff determined that any windrows created across sidewalk will need to be done by properties to keep the pedestrian walkways clear. Cross walks will continue to be done by the City road plow machines.

Although a snow blower could potentially assist those in the designated area in clearing the snow, this type of equipment cannot be allowed due to safety reasons. It might create hazardous conditions to pedestrians and moving/parked vehicles due to blowing snow and particles, debris that can fly out of the blower.

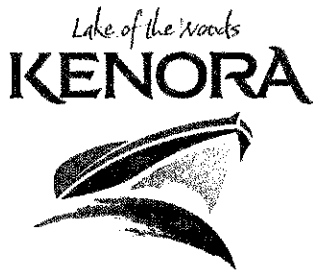
The uncertainty around the use of sand boxes in the downtown core and their locations have been discussed internally. If approved, they are able to be placed every 50-75m intervals.

There were a number of questions on improving the existing sidewalk snow removal service rather than seeking to have property owners responsible for removal. Beyond the budgetary implications as noted in the public open house presentation there are also health and safety considerations. When City staff are working on sidewalks, since they use machines, must be stopped at 7:00 am to ensure pedestrian safety.

The start of sidewalk plow operation mostly depends on the amount of snow on the ground. For an effective plow operation it is desirable to have at least 4 cm snow on the ground. When there is enough snow on the ground, the sidewalk plow operation starts at 3:00 am. This arrangement allows operators to work 13 hour shifts per Ministry of Labor (MOL) regulations. Their stop time will be 4:30 pm which allows them to work the regular day and 5 hours overtime. Starting earlier than 3:00 am on a regular basis will not be cost effective since operators need to finish their shift after 13 hours to comply with legislation. As a result, the rest time till 4:30 pm will still need to be paid out. However, in an emergency situation, staff will be assigned for plowing/sanding tasks irrespective of the cost.

Conclusion

Ultimately, the proposed by-law regarding sidewalk snow and ice removal in the Harbourtown Centre represents a significant change to winter control and the comments reflected the uneasiness around taking this new approach. However, as a recommendation in the 2015 Organizational Review, staff have been tasked with implementation. Effectively delivering public services while maintaining financial sustainability is a difficult balancing act that needs to be considered in any municipal decision. Policy development is also guided by what is perceived to be in the public interest. This report is designed to inform the latter consideration and in the Appendix, Council will find the Frequently Asked Questions sheet distributed in Winter 2017 and a full record of comments on the proposal until June 1st.



City of Kenora

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Sidewalk Snow and Ice Removal By-law: Frequently Asked Questions

- 1. Legal liability and insurance if they are responsible and someone gets hurt?*

It is now clearly settled law in Ontario that even if a property owner is in breach of a city bylaw for failing to clear snow and ice from an adjacent sidewalk, he or she is not responsible for damages resulting from injuries incurred on the sidewalk. However, the owner or occupier of the property is still risking a fine under the City bylaw for failing to keep it clear of snow and ice.

- 2. Human resources/WSIB concerns: What if a business owner or employee injures themselves while shoveling?*

Most employers are required to provide WSIB coverage for their employees. WSIB coverage applies when a worker is injured "in and of the course of their employment". In essence, if someone was performing snow removal and if they were injured, they would be covered by WSIB. Ensure that all staff including the owner, is trained properly on how to perform the tasks and that it is signed off. The City can make resources available on safe snow removal practices.

- 3. Would there be a reduction in taxes (or some form of incentive) to offset the cost of hiring it out?*

No, as per the City's Winter Maintenance Policy, the Harbourtown BIZ already receives priority when clearing snow and ice from roadways and this service will continue.

4. *Would this apply to all of the Harbourn town Biz area?*

Yes, this by-law would encompass all industrial, institutional and commercial (ICI) properties (excluding residents) within the Harbourn town BIZ area.

5. *Where do they put the snow?*

As is the common practice among many properties, snow can still be deposited on the curb edge of the boulevard. In doing so, snow must be deposited in a manner that still allows access between the parking space and the sidewalk. The City will continue to remove the snowbanks that accumulate on the curb.

6. *If the City is responsible for clearing snow from crosswalks, fire hydrants, garbage bins, parking meters, intersections, public spaces, City property, then why not all the sidewalks?*

During significant snowfall events, the City experiences staffing pressures that can affect its ability to plow all sidewalks in accordance with the standards established under its existing Winter Maintenance Policy. A potential by-law could enhance this service so as to ensure timely sidewalk snow removal throughout the municipality. Currently, the City only has three operators available to remove and deposit snow from sidewalks in the BIZ area. Even so, the City will frequently encounter the problem of having only 1 or 2 operators available due to call-ins or other staffing-related issues. This affects the quality and timeliness of snow and ice removal as downtown sidewalks can only be cleared between 3 am and 7 am.

7. *Is each business expected to arrange a snow removal service? Do the sidewalks have to be maintained every day of the week?*

Yes, each owner, lessee or occupant of an occupied or vacant premise within ICI zones of the BIZ area shall remove snow and ice from the sidewalks on highways in front of, alongside and/or at the rear of their premise. They will be responsible for ensuring that the sidewalk surrounding their premises is accessible and safe for pedestrian traffic every day of the week.

8. *Some businesses are open only during the summer months, how do they manage the large amounts when a storm hits?*

All owners, lessees or occupants of ICI properties would be responsible for snow and ice removal on sidewalks facing their property. This is to ensure a consistently safe experience for pedestrians travelling across sidewalks downtown. Furthermore, it is an equitable approach in which snow and ice removal is not perceived as punitive to ICI properties that operate year-round.

9. *How does the proposal affect the City's street plowing and snowbank program?*

The proposal will allow the City to be more flexible in effectively allocating staff and equipment during the winter months. Exclusive of sidewalks in the downtown core, the City's street plowing and snowbank program will continue according to the Winter Maintenance Policy.

10. *What are the savings involved in going through with this?*

There will not be any cost-savings associated with this proposal. Its purpose is to improve access for customers, allow for more timely clearing of sidewalks and emphasize the City's commitment to being 'Open for Business'.

The Corporation of the City of Kenora
By-Law Number - 2017

A by-law to regulate the clearing away and removal of snow and ice from the sidewalks in front of, alongside or at the rear of buildings or vacant lots located in the Harbourtown Centre area.

Whereas, the Municipal Act, S.O. 2001, c. 25, Section 8, (3) provides that shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

And Whereas, the Municipal Act, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

And Whereas, the Municipal Act, S.O. 2001, c. 25, Section 10, (2) provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, Health, Safety and well-being of persons;

And Whereas, the Municipal Act, S.O. 2001, c. 25, Section 425 establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

And Whereas, Subsections 445.1 and 446 of the Municipal Act, 2001, as amended, provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act direct or require a person to do a matter or thing, the municipality may also provide that , in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and may recover the costs by adding them to the tax roll and collecting them in the same manner as taxes

And Whereas by the Council of The Corporation of the City of Kenora deems it expedient to regulate the clearing away and removal of snow and ice from sidewalks in front of, alongside or at the rear of commercial, institutional properties or vacant lots in the Harbourtown Centre area.

NOW THEREFORE the Council of The Corporation of the City of Kenora enacts as follows:

1.0 Short Title Definitions:

The short title for this by-law is the "Sidewalk Snow and Ice Removal By-Law."

2.0 Definitions:

2.1 The following terms are defined for the purpose of this by-law:

"By-law Enforcement Officer" means an individual appointed by the Council of the City pursuant to s. 15 of the Police Services Act, RSO, 1990, c. P. 15, as amended;

"City" means The Corporation of the City of Kenora;

"Council" means the municipal council of the City;

"Commercial Property" means multi-purpose buildings that typically include uses such as retail, food service, office or other general commercial uses as found in the City's Zoning By-law 101-2015

"Institutional Property" means public and privately owned facilities of an institutional or community service nature.

"owner" means a registered owner, occupant or tenant of a property, or a person who, for the time being or permanently, is managing or receiving the rent from a property, whether on his or her own account or on account of an agent or trustee of any other person, or any one of the aforesaid;

"person" means any individual, owner or operator of vehicle, corporation, partnership, company, association or party and the heirs, executors, administrators or other legal representative of such person to whom the context can apply according to the laws; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;

"Roadway" includes a common and public highway, street, avenue, lane, bridge, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, which is under the jurisdiction of the City;

“Ice” means the solid form of water, produced by freezing;

“Sidewalk” means that part of the highway meant for pedestrian use, typically indicated by some sort of concrete or paved walkway;

“Snow” includes precipitation in the form of ice crystals and often agglomerated into snowflakes, formed directly from the freezing of the water vapour in the air.

3.0 Snow and Ice Removal:

3. (1) Every owner, lessee or occupant of commercial and institutional property inside the area shown on Schedule "A" appended to this Bylaw shall maintain the public sidewalks adjoining the land whereas:

- (a) subject to clause (b) any hazardous condition created by snow or ice shall be cleared and removed;
- (b) sand or similar material which renders the sidewalk safe shall be applied where it can be clearly demonstrated that the surface condition makes it difficult to meet the requirement in (a) above;
- (c) sidewalks shall be maintained to a compacted non-slippery snow surface with a maximum depth of approximately 5 cm. (2 inches).

By 9:00 am every day, excluding Sundays and statutory holidays as recognized by the Province of Ontario, of accumulation.

4.0 Disposal of Snow and Ice

4. (1) No person shall remove snow or ice from any public sidewalk by causing it to be placed upon any other portion of the sidewalk or roadway surfaces except as noted within this section.

(2) No person shall remove snow or ice from any public sidewalk by causing it to be placed onto private property other than their own.

(3) Snow and ice removed from any public sidewalk may be placed along the curbline provided the snow and ice does not encroach onto the sidewalks surface more than 1 foot from curb face nor onto the road surface more than 3 feet from curb face.

5.0 Enforcement

5. (1) A By-law Enforcement Officer or Roads Supervisor or designate are responsible for the enforcement and provisions of the by-law and are authorized to enter on any land at any reasonable time for the purposes of carrying out an inspection to determine whether or not this by-law is being complied with.

(2) Where an owner, lessee or occupant fails to comply with any provision of this by-law, an Order may be issued to the owner requiring compliance. The Order will give reasonable particulars of the reasons why and will indicate the time for compliance.

(3) Where an Order has been issued and compliance has not been achieved within the required time period as set out in the Order the City may through its employees or agents or persons acting on its behalf carry out the Order at the Owners expense, and all expenses incurred may be added to the tax roll and collected from the Owner of the property in the same manner as municipal taxes.

(4) Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or other penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

This By-law shall come into force and take effect on the final passing thereof.

By-Law Read a First and Second Time this 17th Day of May, 2016.

By-Law Read a Third and Final Time this 17th Day of May, 2016.

The Corporation of the City of Kenora:

.....
David S. Canfield, Mayor

.....
Heather L. Kasprick, City Clerk

Schedule 'A'

Sidewalk Snow and Ice Removal in Harbourtown Centre





June 5, 2017

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Special Projects and Research Officer

Re: Delegation Requests for Association of Municipalities in Ontario (AMO)
Annual Conference

Recommendation:

No recommendation. The intent of this report is to provide background information and proposed delegation requests for Council consideration to enable staff to submit the delegation requests for the upcoming AMO Conference.

Background:

The 2017 AMO Conference will be held at the Shaw Convention Centre and Westin Hotel on Sunday, August 13 to Wednesday, August 16th. Although programming has yet to be finalized, the theme of this year's conference is *Main Street Meets Globalization*. Once again, the AMO Conference offers an opportunity to meet with Provincial Ministers to address issues of local and regional importance.

Based on a review of the previous issues packages for ROMA and OGRA combined with a review of the updates to the City's strategic plan, the following delegation requests are being proposed:

Policing Costs: Hon. Marie-France Lalonde, Ministry of Community Safety and Correctional Services

In 2016, policing costs in the City of Kenora stood at \$796 per household which is amongst the highest in the Province. In terms of City operating expenses, 23% consisted of policing costs. We thank you for your recent change with the police costing model which has lowered our costs somewhat, however, the new formula charges on calls for service over and above the base rate. Given Kenora's status as a hub community, its calls for service are significantly higher placing us in one of 6 communities in the province with policing costs still over \$600 per household. These costs have also been exacerbated by an unusually high volume of alcohol related calls. The City is charged a percentage of these calls for service. This includes breach of bail and probation which are primarily caused by alcohol dependency. We need the Province's commitment to help the City address the many social issues that result in the high number of calls for service, which we believe will ultimately not only provide a better quality of life for many of our residents, but in the long term result in savings for both the Province and the City of Kenora.

Community Health Care: Hon. Dr. Eric Hoskins, Ministry of Health and Long-Term Care

Since the previous meeting with the Ministry, the City of Kenora is seeking an update on the progress towards a Manitoba-Ontario Health-Care Agreement. In addition, we would like to re-emphasize the need for specialists to carry out more treatment in Kenora. Another important issue is a walk-in clinic in Kenora. The current patient rostering system, used to pay general practitioners, makes creation of such a clinic difficult. Solutions are being sought by the Kenora Area Health Care Working Group (KAHCWG) with the Northwest LHIN. Finally, the City would like to continue its advocacy for a fully equipped All Nations Hospital in Kenora that will attract general practitioners and specialists.

Funding Formulas: Hon. Jeff Leal, Ministry of Agriculture, Food and Rural Affairs

Both the top-up portion and the formula based portion of OCIF are not distributing funds fairly by not considering the magnitude of the infrastructure in the municipality. Municipalities may score the same using the current calculation model but may have very different needs. Although Kenora is an eligible community under the top-up component, the secondary criteria used to determine affordability fails to reflect the infrastructure deficit that a municipality is facing. Similarly, the formula-based portion of OCIF uses book value as one of the measures in the formula. Given that newer assets will almost always have higher historical costs and therefore book value, municipalities with recently-replaced infrastructure will qualify for more funding. Further, historical costs were not consistently recorded by municipalities for PSAB. Auditors allowed municipalities to enter assets with zero historical cost if they were fully amortized. Therefore, while the numbers are correct for PSAB because the assets are fully amortized, municipalities are missing historical costs.

Housing: Hon. Chris Ballard, Minister of Housing

Since January 2016, Kenora's emergency shelter has experienced an increase of 130%-136% in the number of nightly stays. More information will be provided to Council as City staff collaborate with the KDSB to inform the development of this issue package.

Budget: There are no budgetary implications associated with this report.

Risk Analysis: As per the City's ERM Policy, there is a high external risk to this recommendation. However, this risk has been identified as an opportunity since the City's advocacy could potentially affect policy development at the Provincial level. As a result, this is a risk that should be pursued.

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

Strategic Plan or other Guiding Document:

Strategic Plan:

1-6 The City will lobby senior government for additional supports for local industry and business in relation to ongoing workforce development

2-15 The City will be an active and vocal champion for fair funding from provincial and federal governments, including gas tax and other transfer allocations. Priority will be given to initiatives that directly address the infrastructure and community development challenges of the city



June 2, 2017

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Treasurer

**RE: Investment Report including Kenora Citizens' Prosperity Trust Fund –
Quarter 1**

Recommendation:

That Council of the City of Kenora hereby accepts the 2017 first quarter investment report that includes details of the Kenora Citizens' Prosperity Trust Fund and other City of Kenora investments.

Background Information:

Kenora Citizen's Prosperity Trust Fund (KCPTF):

In 2008, City Council approved the establishment of the Kenora Citizens' Prosperity Trust Fund. The proceeds of disposition from the sale of the KMTS entities of \$40,896,446 were transferred to this Fund.

In order to offset lost net revenues as a result of the sale of the KMTS entities, the City requires an annual return of \$1,100,000 in income from the Trust, in addition to the elimination of long term debt payments which occurred in 2007. This transfer has not been deducted from the investment values below. Any erosion of the balance of the Trust will result in an additional burden on City taxpayers.

The first KCPTF portfolio is with the ONE Public Sector Group of Funds and accounts for over 30% of the Trust Fund. The market value of this investment at March 31, 2017 is \$15,032,938.22. (This is an increase of \$293,020 in market value from December 31, 2016.) This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date actual return on these ONE fund investments for 2017 is 8.03%. This rate reflects the total return including market impact. The return on book value for year to date 2017 is 1.23%. Currently the universal bond fund is generating 4.91% and the equity fund is generating 11.54% on a cumulative basis (including market impact).

The second and largest KCPTF portfolio is managed by Manulife Asset Management with RBC Dexia Investor Services as custodians. The City receives quarterly reports and information. The March 31, 2017 report is attached. The market value of these investments is \$25,404,284 (\$176,846 higher than the value at the end of December 2016). Securities held in this portfolio are largely bank and federal and provincial government issues. The year to date return on these funds is .72%. The rate of return since inception is 2.85%. These returns also take the market impact into account.

In addition, the KCPTF holds \$8,205,167 in debt from the City of Kenora. The rate of return on this debt is 3%. New debt has been issued for the street lighting and Keewatin Arena projects at the end of 2016.

Other Investments:

The City of Kenora maintains investment portfolios separate from the Kenora Citizen's Prosperity Trust Fund. These investments are entirely held in the ONE Public Sector Group of Funds and the market value at March 31, 2017 is \$12,731,200. (This is an increase of \$204,879 in market value from December 31, 2016.) This portfolio is held in bond, universal corporate bond and equity funds that are all monitored to ensure that they remain within the Ontario Provincial legislation for municipal investments. The year to date return for this portfolio is 6.6%. The year to date return on book value is 1.61%.

Budget:

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

Risk analysis:

The risk associated with this report is moderate. The risk impact is that the Funds do not earn the required 3% on investments. The shortfall of investment income is within the moderate range.

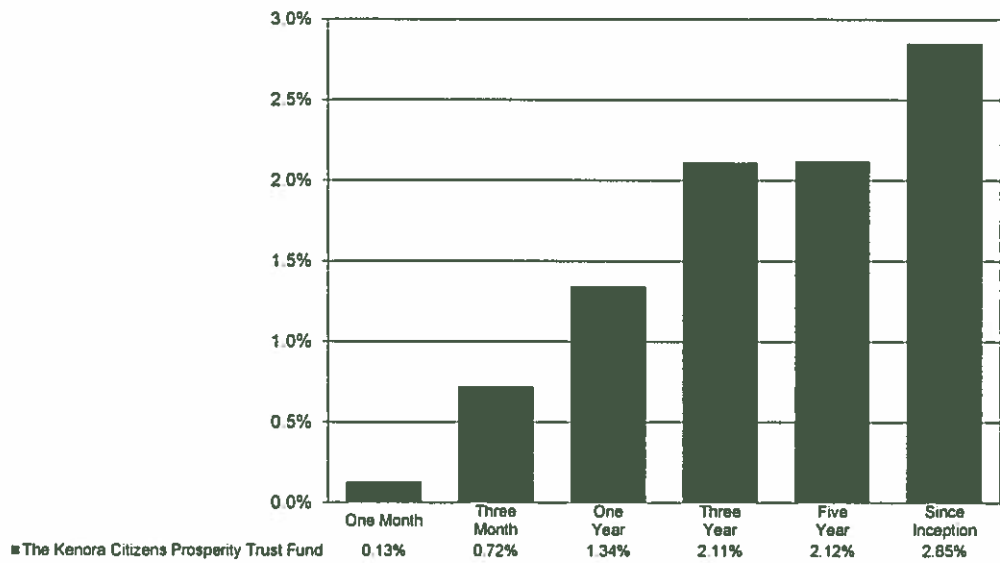
Communication Plan/Notice By-law Requirements:

For information only

Strategic Plan or other Guiding Document:

Report is required per policy CS 4-2.

INVESTMENT RESULTS



Performance Inception Date: April 30, 2009
Periods in excess of 1 year are annualized
Returns are Gross of Fees unless otherwise noted

HOLDINGS

Security Id	Security Description	Rating	Coupon (%)	Maturity Date	Par Amount (\$000's)	Original Cost (\$)	Price (\$)	Current Yield	Accruals (\$)	Market Value + Accrual (\$)	% of Portfolio
Fixed Income											
Canada											
Agency											
13509POT7	CANADA HOUSING TRUST 1.75% 6/1	Aaa	1.75	6/15/2018	3,800.00	3,849,514.00	101.18	0.77	19,494.52	3,864,366.55	15.20
13509PEG4	CANADA HOUSING TRUST 1.95% 6/1	Aaa	1.95	6/15/2019	1,245.00	1,281,235.59	102.15	0.97	7,118.97	1,278,829.89	5.03
13509PEA7	CANADA HOUSING TRUST 2.35% 12/	Aaa	2.35	12/15/2018	2,154.00	2,217,133.74	102.51	0.87	14,838.99	2,222,927.46	8.75
13509PFJ7	CANADA HOUSING TRUST 1.25 06/1	Aaa	1.25	6/15/2021	380.00	357,784.50	99.43	1.39	1,319.18	359,255.29	1.41
Total Agency					7,559.00	7,705,677.83				7,725,379.19	30.39
Corporate											
7800858C3	ROYAL BANK OF CANADA 2.98% 5/7	Aa3	2.98	5/7/2019	750.00	787,875.00	103.34	1.36	8,878.77	783,958.49	3.09
0641492L0	BANK OF NOVA SCOTIA 3.27% 1/11	Aa3	3.27	1/11/2021	250.00	262,325.00	105.71	1.70	1,791.78	266,075.97	1.05
891145N42	TORONTO-DOMINION BANK 2.447% 4	Aa3	2.45	4/2/2019	1,200.00	1,234,680.00	102.22	1.32	14,561.33	1,241,141.43	4.89
06367XVK4	BANK OF MONTREAL 1.88 03/31/20	Aa3	1.88	3/31/2021	87.00	87,193.30	100.67	1.71	4.48	87,587.67	0.34
633067W90	NATIONAL BANK OF CANADA 1.809	Aa3	1.81	7/28/2021	900.00	904,590.00	100.08	1.79	2,899.36	903,601.12	3.58
780086M24	ROYAL BANK OF CANADA 1.583 09/	Aa3	1.58	9/13/2021	970.00	951,380.00	99.04	1.81	799.31	961,521.42	3.78
0641497L5	BANK OF NOVA SCOTIA 2.27 01/13	Aa3	2.27	1/13/2020	1,100.00	1,119,030.00	102.11	1.49	5,336.05	1,128,551.97	4.44
891145UJ2	TORONTO-DOMINION BANK 2.045 03	Aa2	2.05	3/8/2021	770.00	784,566.00	101.28	1.71	1,035.39	780,907.97	3.07
780086MH4	ROYAL BANK OF CANADA 2.03 03/1	Aa3	2.03	3/15/2021	1,000.00	1,008,500.00	101.12	1.74	945.48	1,012,146.02	3.98
06367XV99	BANK OF MONTREAL 1.61 10/28/20	Aa3	1.61	10/28/2021	1,825.00	1,792,515.00	99.20	1.78	12,477.50	1,822,815.74	7.18
135962BC8	CANADIAN IMPERIAL BANK 1.9 04/	Aa3	1.90	4/28/2021	600.00	609,720.00	100.78	1.70	4,903.56	609,587.72	2.40
135962LB9	CANADIAN IMPERIAL BANK 1.66 01	Aa3	1.66	1/20/2020	375.00	374,825.00	100.54	1.46	1,210.89	376,232.20	1.49
Total Corporate					9,827.00	9,917,288.30				9,976,127.72	39.27
Government											
135087ZJ6	CANADIAN GOVERNMENT 3.25% 6/1/	Aaa	3.25	6/1/2021	80.00	90,324.00	109.00	1.04	861.92	88,064.45	0.35
Municipal											
891288DB5	CITY OF TORONTO CANADA 4.5% 12	Aa2	4.50	12/2/2019	210.00	233,226.00	108.20	1.36	3,115.38	230,343.84	0.91
628209AE0	BRIT COL MUNI FIN AUTH 1.75 10	Aaa	1.75	10/15/2020	750.00	749,325.00	100.86	1.50	6,041.10	762,470.75	3.00
614653CJ6	VILLE D MONTREAL 5.45% 12/1/19	Aa3	5.45	12/1/2019	150.00	171,051.00	110.60	1.39	2,717.51	168,615.33	0.66
Total Municipal					1,110.00	1,153,602.00				1,161,429.92	4.57
Provincial											
74814ZEG4	QUEBEC PROVINCE 4.5% 12/01/202	A1	4.50	12/1/2020	1,020.00	1,174,509.60	110.96	1.42	15,216.16	1,147,012.60	4.52
74814ZEH2	PROVINCE OF QUEBEC 4.25% 12/1/	A1	4.25	12/1/2021	275.00	306,838.50	111.82	1.61	3,874.49	311,375.64	1.23
88323AAD6	ONTARIO (PROVINCE OF) 4% 8/2/2	Aa3	4.00	8/2/2021	2,051.00	2,259,417.69	109.96	1.53	26,972.05	2,282,173.98	8.98
110709FM9	BC PROV 4.8% 6/15/2021	Aaa	4.80	6/15/2021	440.00	513,915.60	113.30	1.52	6,208.35	504,741.19	1.99
110709FZ0	BRITISH COLUMBIA (PROV OF) 4.1	Aaa	4.10	12/18/2019	350.00	386,487.50	107.90	1.14	4,100.00	381,751.72	1.50
74814ZEE9	PROVINCE OF QUEBEC 4.5 12/01/2	A1	4.50	12/1/2019	965.00	1,071,105.70	108.71	1.18	14,395.68	1,083,428.51	4.19
669827FV4	NOVA SCOTIA PROVINCE 4.15 11/2	A1	4.15	11/25/2019	350.00	384,079.50	107.69	1.20	5,053.90	381,953.00	1.50
563469TR6	MANITOBA (PROVINCE OF) 3.85% 1	Aa3	3.85	12/1/2021	150.00	165,262.50	109.91	1.64	1,914.45	166,773.39	0.66
88323ACU6	ONTARIO (PROVINCE OF) 2.1 09/0	Aa3	2.10	9/8/2019	175.00	179,025.00	102.34	1.12	241.64	179,342.86	0.71
Total Provincial					5,776.00	6,440,642.59				6,478,952.89	25.28
Total Canada					24,352.00	25,307,545.72				25,369,554.17	99.86
Total Fixed Income					24,352.00	25,307,545.72				25,369,554.17	99.86

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HOLDINGS

Security Id	Security Description	Rating	Coupon (%)	Maturity Date	Par Amount (\$000's)	Original Cost (\$)	Price (\$)	Current Yield	Accruals (\$)	Market Value + Accrual (\$)	% of Portfolio
Cash & Short Terms											
Canada											
-CAD CASH-	Canadian Dollar Cash		0.00	-	0.00	34,730.00	0.00	-	0.00	34,730.00	0.14
Total Canada					<u>0.00</u>	<u>34,730.00</u>				<u>34,730.00</u>	<u>0.14</u>
Total Cash & Short Terms					<u>0.00</u>	<u>34,730.00</u>				<u>34,730.00</u>	<u>0.14</u>
Total Portfolio						<u>25,342,275.72</u>				<u>25,404,284.17</u>	<u>100.00</u>



June 5, 2017

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Budget/Special Projects Officer

Re: January – April 2017 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at April 30, 2017.

Background:

Attached for your information, please find the April 2017 summary expense and user fee statements for the City of Kenora and the Council department. At the end of April, the year is 1 third complete, so not including any seasonal or timing differences, there should be 67% of the budget remaining.

Overall:

- These statements are off the City's new operating budget and financial reporting system. Included in these statements (not previously included in the monthly statements to Council) is the detailed activity from the various City entities (for example, Provincial Offences, Lake of the Woods Cemetery, Kenora Public Library, Lake of the Woods Museum, Lake of the Woods Development Commission). In effect this information appears twice in these statements – once showing the City's net share, and once showing the gross spending and revenues related to these organizations. This results in an overstatement of the totals included in the reports. City Finance is continuing to update these statements, and it is anticipated there will be further modifications prior to the release of the May 2017 financials.
- Expenses at the end of April 2017 were slightly better than budget with 73% remaining to be spent.
- Some departments are slightly under budget as debt interest and allocated costs have not yet been set up from January to April.
- User fee revenues to the end of April 2017 are below budget with 74% left to collect. They are, however, \$97k above this time last year. The major differences are in Environmental Services. Also as a comparison, at this time last year, we had 72% to collect.

Expenditures:

- **General Government** - The General Government expenses to date are over budget approximately 133k.

Mayor & Council is under budget as nothing has been spent for budgeted donations at this time.

The **City Clerk, Finance, Building & Grounds Maintenance, and IT** departments are currently over budget due to recoveries that have not yet been allocated to the departments.

- **Protection** – The Protection Department expenses to date are under budget.
Fire Department wages are under budget as there have not been any part time wages to date. There is 72% remaining in the budget for the year.
Provincial Offences expenses are under budget as the first quarter instalment to Red Lake, Ear Falls and Sioux Narrows has not been sent out.
- **Transportation** – The Transportation Department expenses to date are right on budget with 68% remaining to be spent. Some differences due to timing of expenses and the seasonal nature of some departments, such as with winter control and paved roads.
Winter control expenses have 37% remaining to be spent.
Street lighting repairs and maintenance expense is under budget.
- **Environmental** – The Environmental Department expenditures are overall better than budget with 80% of the budget available to spend in 2017. This is partially due to some seasonal departments such as Hazardous Waste Day which had not started.
Water Treatment plant expenses are under budget as the property taxes have not yet been billed.
Transfer Facility expenditures are under budget expected as we see a large increase in usage during the summer months.
- **Recreation & Cultural** – Overall Recreation & Cultural expenses are better than budget with 78% remaining to be spent
- **Planning & Development** – Planning & Development expenses are better than budget with 82% remaining to be spent. Mainly related to the debt interest and allocated costs that have not been set up from January to April.

User Fees:

- Overall, user fees are above budget projections with 74% of the budget still to be collected.
- **Protection to Persons and Property**
Provincial Offences revenue is dependent on the fines assessed in this area. Provincial offences revenue have not been allocated to the municipalities for the first quarter yet.
- **Environmental Services**
Transfer Facility and Landfill user fees are below budget, however this is expected as there is a significant increase in use during the summer months.
- **Recreation & Cultural**
Thistle Arena and KMA revenue is earned seasonally, currently above budget and will smooth out over the summer months.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

Strategic Plan or other Guiding Document:

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



26 May 2017

City Council Committee Report

To: Mayor and Council

Fr: Karen Brown, CAO

Re: Kenora Hydro Board – Council Representative Appointment and Shareholder Representative

Recommendation:

That Council hereby appoints Councillor Rory McMillan to the Board of Directors of the Kenora Hydro Electric Corporation Ltd. for a term in effect until November 30, 2018, being the end of the term of Council; and further

That Council hereby appoints Councillor Rory McMillan as shareholder representative for the purposes of any Shareholder's meetings held during the term of his appointment to the Board of Directors for the Kenora Hydro Electric Corporation Ltd.

Background:

Kenora Hydro Electric Corporation Ltd. (Kenora Hydro) is a corporation, different from most other Boards and Commissions for the City. As the sole shareholder, the City of Kenora is entitled to one vote when dealing with business as a Shareholder of Kenora Hydro. To accommodate this, Council has traditionally appointed the Council representative to the Board to act in the capacity of the Shareholder Representative. Historically, this was done on a "by meeting" basis.

Based on advice from the City solicitor, it was determined that a more appropriate approach would be for the City to appoint the Council Member as the shareholder representative for the term of their appointment to that Board. This new approach was implemented starting in 2015.

Councillor Rory McMillan's current term expires as of the Kenora Hydro 2017 Annual General Meeting. At this time, it is recommended that this term be extended to the end of term of this Council (November 30, 2018) and that he be appointed as the shareholder representative for that same term.

Budget / Financial Implications:

Director compensation is included in the Kenora Hydro Budget.

Communication Plan/Notice By-law Requirements:

This decision will be communicated to the Kenora Hydro Board of Directors.

Strategic Plan or other Guiding Document:

This item is housekeeping in nature.

ERM Assessment:

There is a low risk in reappointing the existing Council Representative for the remainder of the term of Council. This is a positive risk, and should be pursued.



June 5, 2017

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Municipal Insurance Renewal

Recommendation:

That Mayor and Council accept the proposal for municipal insurance as presented by Gillons (formerly Lake of the Woods Insurance) and Frank Cowan Company in the amount of \$238,333.00 excluding taxes.

Background:

The Kenora office of Gillons has been handling the City's municipal insurance account since July of 2014. In anticipation of our renewal, Gillons approached the three main providers of municipal insurance in Ontario, namely Frank Cowan Company, BFL, and Jardine Lloyd Thompson Canada Inc. (JLT) to provide quotes for coverage for the term July 1, 2017 to June 30, 2018. It is worth noting that Gillons made these approaches on their own initiative and the City has not entered into any type of agreement that would give Gillons designated or exclusive representation as the City's insurance broker.

A summary of the proposals from each of the three providers is included as an attachment to this report.

The cost of each proposal is as follows:

BFL -	\$241,069.00
JLT -	\$245,973.00
Cowan -	\$238,333.00

It is also worth noting that the coverage for Volunteer Firefighters (VFIS) is not included in any of these quotes and that the VFIS premiums would be paid by the Fire and Emergency Services Department.

The City has dealt with each of these three providers in the past, and each provider is offering essentially the same coverage. Given that the quote from Frank Cowan Company is the least expensive of the three, it is recommended that this proposal be accepted.

Budget: As per 2017 budget.

Risk Analysis: Administrative

Communication Plan/Notice By-law Requirements:

Upon approval by council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

Goal #1: Develop Our Economy

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

The Gillons office in Kenora and is a very active part of the local business community.

Goal #2: Strengthen Our Foundations

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

By maintaining adequate insurance coverage we are ensuring that our assets are protected from loss.

	BFL	JLT	Cowan
General Liability	\$50,000,000 / no Aggregate / \$25,000 ded. Including extensions in the policy wording: tenants Legal, Employers Liability, Incidental Medical Malpractice, Abuse/Molestation (no retro-active date)	\$50,000,000 / \$50,000,000 Aggregate on Products & Completed operations and Employee benefits liability/\$25,000 ded. Including extensions in the policy wording: Employers Liability, tenants Legal Liability, Employee Benefit Liability, Incidental Medical Malpractice.	\$50,000,000 / no Aggregate / \$25,000 ded. Including extensions in the policy wording: professional/malpractice liability, abuse liability, employers liability, sewer backup liability, watercraft liability, tenants legal liability. (no retro-active date)
Abuse/Molestation Liability	Covered under General Liability	Covered under General Liability. In addition, this program also provides coverage on a claims made basis for the accused individual with a limit of \$250,000 per claim/ \$500,000 annual aggregate. Retroactive date applies.	Covered under General Liability
Legal Expense for Statute Law	\$100,000 occ/\$500,000 agg/no ded.	\$100,000 occ/\$500,000 agg/no ded.	\$100,000 occ/\$500,000 agg/no ded.
Conflict of Interest	Included in legal Expense for Statute Law	\$100,000 occ/no agg/no ded.	\$100,000 occ/no agg/no ded.
Wrongful Dismissal Legal Expense	\$250,000 occ/\$500,000 agg/ \$5,000 ded.	\$500,000 occ/ \$500,000 agg/ \$5,000 ded.	\$250,000 occ/\$250,000 agg/ \$5,000 ded.
Forest Fire fighting Expense	\$1,000,000 occ/\$2m agg/\$25,000 ded.	\$2,000,000 occ/\$2m agg/\$25,000 ded.	\$1,000,000 occ/\$1m agg/ no ded.
Medical Expense	\$25,000 person/\$2,500 ded.	\$50,000 any one claim/ ded?	\$50,000 person/\$50,000 agg/no ded.
Voluntary Compensation	\$50,000 claim/\$250,000 agg/no ded.	\$50,000 any one claim/ ded?	\$50,000 claim/\$50,000 agg/no ded.
Public Officials (E & O) Liability	\$50,000,000 / no Aggregate / \$25,000 ded. (no retro-active date)	\$50,000,000 / \$50,000,000 Aggregate/ \$25,000 ded. (no retro-active date)	\$50,000,000 / no Aggregate / \$25,000 ded. (claims made - when written notice is received)
Non Owned Automobile	\$50,000,000 occ/no ded.	\$50,000,000 occ/no ded.	\$50,000,000 occ/no ded.
Environmental Impairment Liability	\$5,000,000 occ/\$5m agg/\$25,000 ded (no retro-active date)	\$5,000,000 occ/\$5m agg/\$25,000 ded (no retro-active date)	\$5,000,000 occ/\$5m agg/\$25,000 ded (claims made)
Automobile	Replacement cost on vehicles purchased new. If a used vehicle was purchased they will give the same amount that you paid for it.	Vehicles up to 20 years old replacement, Fire vehicles replacement of 20 years old, over 20 years old to 25 years old will be based on purchase price and over 25 years old will be Actual cash value.	Replacement cost on all vehicles up to 25 years of age.

Municipal Officials Accident (7 council members)	\$250,000 principal sum with age limit under the age of 80	\$250,000 principal sum with no age limit	\$250,000 Principal sum with no age limit
Municipal Officials Critical illness (7 council members)	\$5,000 applies on a 24 hour basis for insured under the age of 70.	\$5,000 applies for insureds who are age 60 or less.	They offer limits fo \$10,000 but an application must be completed for each insured.
Computer, Media, etc	BFL does not have a separate limit for Media	Computer limit as per schedule plus \$500,000 Media	Computer limit as per schedule plus \$500,000 Media
Extra Expense	500,000	\$500,000	\$500,000
Business Interruption	\$800,000	\$800,000	\$300,000
Gross Rental	included in	\$500,000	\$500,000
Hacking Event or Computer Virus attack	n/a	\$100,000	n/a
Service Interruption under Equipment breakdown	1,000 metres	10,000 Metres	1,000 Metres
Rate Guarantee	Three year rate stabilization guarantee based on claims.	2 year property rate guarantee	3 year price stability agreement (page 45)

	BFL	JLT	Cowan
Premium quoted	\$230,619.00	\$250,000.00	\$238,333.00
Auto \$10,000 deductible		-\$9,860.00	
Gillons Fee	\$10,450.00	\$5,833.00	
**prices no including taxes	\$241,069.00	\$245,973.00	\$238,333.00



June 7, 2017

City Council Committee Report

To: Mayor and Council

Fr: Charlotte Edie, Treasurer

Re: Sponsorship of Central Community Club Application to Community Foundation

Recommendation:

That the Council of the City of Kenora pass a resolution supporting the Central Community Club's request to name the City of Kenora as a sponsor in their application for funds through the Kenora & Lake of the Woods Regional Community Foundation – Canada 150 Grants. The grant funds will be applied to ongoing costs of the Club.

Background:

Under prevailing income tax legislation the Kenora & Lake of the Woods Regional Community Foundation (aka Community Foundation) is restricted to providing grants to organizations that have charitable status. As a result, the Central Community Club must have a sponsor to apply for grants through the Community Foundation since they do not have charitable status.

The grant will go towards the ongoing costs to operate the Club during the winter months and will cover items such as snow blower maintenance and the purchase of materials and supplies like shovels, sand, etc.

The application is for \$2,000.

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

Risk Analysis: The risk associated with this report is a positive risk and it is low. The funding obtained by the Central Community Club will be used to promote recreation in the City of Kenora.

Communication Plan/Notice By-law Requirements:

Central Community Club.



April 30, 2017

City Council Committee Report

To: Mayor and Council

Fr: Heather Lajeunesse, Deputy Clerk

Re: Property Standards Bylaw

Recommendation:

That Council gives three readings to a new Property Standards Bylaw which establishes standards for the maintenance and occupancy of properties in the City of Kenora; and further

That bylaw number 160-2000 be hereby repealed.

Background:

At last month's Council meeting held April 18, 2017, a new Yard Maintenance, Storage and Anti-Littering By-law #49-2017 for the City of Kenora was passed following a comprehensive review. The Yard Maintenance bylaw regulates yard maintenance, storage and litter on property, and works in conjunction with the City's Property Standards Bylaw to address various property matter concerns within the municipality.

Being that the current Property Standards Bylaw #160-2000 was adopted the year of amalgamation, it was determined that this bylaw be updated and modernized along with the yard maintenance bylaw to ensure accuracy and consistency and also to reflect current legislation and Kenora's present needs. The property standards bylaw relates to the maintenance of buildings and properties in the municipality and also contains property occupancy standards as they relate to rented dwelling units. Included within the bylaw are property standards regulations where the Residential Tenancies Act applies, as these provisions are intertwined with a municipal property standards bylaw. Furthermore, there are currently proposed amendments to the Residential Tenancies Act for 2018 that will require municipalities to have more enforcement responsibilities and the new bylaw will prepare us in advance to address the proposed changes.

Budget: N/A

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

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

Strategic Plan or other Guiding Document:

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

**THE CORPORATION OF THE
CITY OF KENORA**

BY-LAW NUMBER _____

A by-law to establish standards for the maintenance and occupancy
of property in the City of Kenora

WHEREAS subsection 15.1 (3) of the *Building Code Act*, S.O. 1992 provides that the Council of a municipality may pass a by-law to do the following things if an Official Plan that includes provisions relating to property conditions is in effect in the municipality:

1. prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards; and
2. requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition.

AND WHEREAS the requisite Official Plan is in effect in the City of Kenora;

NOW THEREFORE the Council of The Corporation of the City of Kenora enacts as follows:

PART I - APPLICATION AND INTERPRETATION

1.01 Application

This by-law applies to all property within the City of Kenora except property owned or occupied by the Province of Ontario, Canada or The Corporation of the City of Kenora (the "Corporation").

1.02 Higher Standards deemed to be Prescribed

Where another by-law in force in the City of Kenora establishes higher standards than those expressly set out herein, such higher standards shall be deemed to be prescribed in this By-Law and such standards may be enforced under either or both of this By-law and such other by-law.

1.03 Definitions

In this By-law,

“**accessory building**” means either a building or a structure, the use of which is incidental to that of the main building situated on the same property, provided that building or structure is not used for human habitation;

“**adequate and suitable heat**” means a minimum air temperature within a dwelling unit of 21° Celsius. To meet the definition, the heating system involved must be capable of maintaining those temperatures at 1.5 metres above the floor level, in all habitable rooms;

“**adequate and suitable supply of hot water**” means a supply of hot water at a temperature of not less than 45° Celsius and not more than 49° Celsius in a quantity that is sufficient for normal household use at a flow and pressure sufficient for the intended use of the fixtures;

“**adequate and suitable supply of potable water**” means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen and/or cooking and/or dining facilities;

“**adequate and suitable supply of water**” means a continuous and uninterrupted supply of water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;

“**areaway**” means an underground structure used for the convenience of the adjacent building it serves. It is built separately, or attached to the building that it serves, and is built below ground. All or some of the structure may be exposed at ground level. Examples of areaways include: light openings, light wells, vaults, storage spaces, conduits, tunnels, pipelines, coal chutes, service chutes and other underground conveying devices;

“**basement**” means one or more storeys of a building located below the first storey;

“**building**” means a structure having a roof supported by columns or walls and used for the accommodation or storage of persons, animals, goods, materials, or equipment;

“**Committee**” means the Property Standards Committee established under section 15.6 of the *Building Code Act*;

“**Corporation**” means The Corporation of the City of Kenora, a municipal corporation duly incorporated pursuant to the laws of the Province of Ontario;

“**debris**” means the remains of anything broken or discarded;

“dwelling” means a building or structure occupied or capable of being occupied for the purpose of human habitation; the term includes: a building containing only one dwelling unit, as well as buildings that contain more than one dwelling unit; further, the term includes any building that would be used for this purpose except for its state of disrepair;

“dwelling unit” means a building used as a residence by one or more persons. A dwelling unit usually contains cooking, eating, living, sleeping and sanitary facilities;

“fence” means a linear barrier erected, growing or maintained on land in the City of Kenora and includes a hedge, free standing wall, structure or partition of any material or combination of materials enclosing, partly enclosing or dividing land, or being used for decorative purposes;

“first storey” means the storey that has its floor closest to grade, with a ceiling more than 1.8 metres above grade;

“front yard” is defined below within the definition of “yard”;

“ground cover” means material applied to prevent the erosion of the soil. The term includes: materials such as concrete, flagstone, gravel, asphalt, grass or other forms of landscaping;

“guard” means a protective barrier installed to prevent accidental falls from one floor or stair level to another. The barrier may or may not have openings through it. The barrier must be rigid in construction;

“habitable room” means any room in a dwelling unit designed to be used for living, sleeping, cooking or eating purposes. The term does not include: bathrooms, laundry rooms, pantries, lobbies, corridors, halls, attics, stairways, closets, boiler rooms, other spaces for service or maintenance of the dwelling or access to or vertical travel between floors of the dwelling;

“hazard” means lands, buildings, structures or materials that are in an unsafe condition, or that constitute a fire risk;

“hygienic supplies” means toilet paper, soap and individual towels or other means of drying hands;

“inoperative motor vehicle” includes but is not limited to a motor vehicle that:

- (i) is unable to be operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, in particular with missing wheels, tires, body components or windows; or

- (ii) does not have affixed to it a number plate with a current permit validation as required under the *Highway Traffic Act*;

“**lands**” means property;

“**motor vehicle**” means an automobile, motorcycle, motor assisted bicycle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power, unless otherwise indicated in the *Highway Traffic Act*;

“**non-residential property**” means any property that does not meet the definition of residential property. Where a particular property has both residential and non-residential uses at the same site, those portions of the property which meet the definition of “residential property” shall abide by the residential property standards in section 3 of this By-law, and those portions of the property which meet the definition of “non-residential property” must abide by the non-residential property standards in section 5 of this By-law, in all cases together with the applicable general provisions of this By-law;

A “**nuisance**” is a condition or use of land which unreasonably interferes with the lawful use of another person’s land. It typically involves an injurious, offensive or objectionable condition. Examples include:

- (i) emissions of smoke, gas, fumes, dust, or sawdust;
- (ii) objectionable noise or odours; or
- (iii) the unsightly storage of goods, wares, merchandise, waste or other material.

For clarity, a condition or use of land in some situations can be considered a nuisance where in other situations the same condition or use of land is not considered a nuisance. Proximity to neighbouring land and/or particular uses of neighbouring land will have an impact on whether or not a certain condition or use of land constitutes a nuisance. Further, relevant circumstances of the land in question can impact whether or not its condition or use is a nuisance. Persons living in urban areas must accept a certain level of disturbance as incident to life in such areas without that disturbance being considered to be a nuisance.

“**occupant**” means any person or persons over the age of 18 years in possession of the property;

“**officer**” means a property standards officer;

“**Order**” means a property standards order issued by an officer;

“owner” includes,

- (i) the person for the time being managing or receiving the rent of the lands or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the lands and premises were let; and
- (ii) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

“passage” means a route for the movement of persons from the interior of a dwelling unit to the ground level of the exterior of the building within which the dwelling unit exists;

“potable water” means water meeting all provincial standards for drinking water;

“professional” means an engineer, architect, or other person with credentials required by the circumstance, who is accredited as such in a manner satisfactory to the officer;

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

“property standards officer” means the Chief Building Official and any other person who has been assigned the responsibility of administering and enforcing this By-law;

“rented dwelling unit” means a dwelling unit, whether self-contained or not, that is occupied as a residence by someone other than the owner of the land on which it exists, whether or not the occupant pays anything for the right of occupancy. The term does not include seasonal vacation property including camps, cottages, trailers, and cabins unless same are occupied on a year-round basis;

“rear yard” is defined below within the definition of “yard”;

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this By-law;

“residential property” means property that is occupied by at least one person as his or her residence;

“structure” means anything other than a building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, signs, swimming pools and above ground fuel storage tanks. The

term does not include: vegetation, fences, driveways, patios, sidewalks or retaining walls;

“swimming pool” means and includes any body of water used for swimming or wading contained in part or in whole by artificial means, constructed above or below the grade level of the surrounding land and having a depth of more than 610 mm at any given point;

“unsafe condition” is a descriptive phrase for property that is in a condition or state of repair that causes a hazard to life, limb or health of any person authorized or expected to be on or near the property in question;

“unsafe container” means any container having a volume of greater than 0.5 m³ which has a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance;

“vacated property” means property containing buildings or structures which are not regularly occupied or regularly used by the owner or by any authorized occupant and/or containing buildings or structures which have been damaged by accident, storm, fire, neglect or otherwise;

“vacant property” means property which has no buildings or structures on it and which is not devoted to the practice of farming;

“vermin” means mammals, birds or insects injurious to humans, physical property, game, livestock, or crops. Without limitation, samples include: skunks, rats, termites, poisonous insects or reptiles, moths and mice;

“waste” means garbage, refuse, debris, litter, yard waste or any materials or substances that appear to be discarded or abandoned and for greater certainty, includes, whether of value or not:

- i) accumulations of litter, remains, rubbish, trash;
- ii) weighty or bulky items such as: appliances, furnaces, furnace parts, pipes, pipe-fittings, water or fuel tanks, placed in a condition or location where they cannot be used for their intended purposes;
- iii) paper;
- iv) cartons;
- v) dilapidated furniture or any indoor furniture;
- vi) crockery, dishes, pots, pans, glass, cans, containers;

- vii) garden refuse and trimmings;
- viii) material from or for construction and demolition projects;
- ix) domestic waste;
- x) commercial waste;
- xi) dead or dying trees, branches or shrubs;
- xii) tree cuttings or twigs, branches and brush cut or otherwise severed from any shrub or tree;
- xiii) waste lumber, excepting only cut and stacked firewood for use in a fireplace on the property;
- xiv) inoperative motor vehicles or machinery;
- xv) motor vehicle parts or machinery parts;
- xvi) mechanical equipment or equipment parts placed in a condition or location where they cannot be used for their intended purposes;
- xvii) earth or rock fill;
- xviii) clothing or other household linens lying in an unprotected condition;
- xix) objects or conditions that may create a health, fire or accident hazard; and
- xx) animal waste products, animal feces, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land;

“yard” means an area of land on a property over which no building is erected;

a **“front yard”** is the yard that is between the front wall of the main building on the property and the front property line; the front yard extends across the entire width of the property, extending to the boundary out from the building wall;

a **“rear yard”** is the yard that is between the rear wall of the main building on the property and the rear property line; the rear yard extends across the entire width of the property, extending to the boundary out from the building wall; and

a “**side yard**” is the yard that is between any side wall of the main building on the property and the side property line that wall faces; the side yard is contained between the rear yard and the front yard.

1.04 Specific Interpretation Rules

- (1) The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (2) References to items in the plural in this By-law include the singular, as applicable, and vice versa.
- (3) This By-law is to be read with all changes of gender or number required by the context.
- (4) The words “include”, “includes” and “including” are not to be read as limiting the words or phrases which precede or follow them.
- (5) The term “used” when referring to land, buildings or structures is interpreted as including “intended to be used”.
- (6) Reference to a building, structure, yard or land includes that building, structure, yard or land in whole or in part.
- (7) In this By-law, the word "metre" may be represented by the abbreviation "m" and the word "centimetre" may be represented by the abbreviation "cm".
- (8) Where this By-law prohibits a person from doing something, the prohibition also includes causing, allowing or requiring that thing to be done.
- (9) Where this By-law requires a person to do something, the requirement can be fulfilled by causing another person to do that thing.

1.05 Legislation

References to legislation in this By-law are printed in italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor

legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the Ontario Building Code, which is Regulation 332/12 passed under that statute.

1.06 Severability

If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

PART II - GENERAL STANDARDS FOR ALL PROPERTY

2.01 Application of Standards

Subject to section 1.01, the standards set out in Part II apply to all property within the City of Kenora, regardless of its use, unless another specific provision of this By-law provides a different standard for a particular property use.

2.02 Exemption for Normal Farm Practices

This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, from carrying out a normal farm practice.

2.03 General Duty to Repair and Maintain Land

- (1) The occupancy or use of property that does not conform with the standards prescribed in this By-Law is prohibited.
- (2) Property that does not conform with the prescribed standards shall be repaired and maintained to conform therewith by the owner or the site shall be cleared of all buildings, structures, waste and left in graded and leveled condition by the owner.
- (3) All repairs and maintenance of land shall be carried out with suitable and sufficient materials and in a manner accepted as work of good quality within the trades concerned and as required by law and, without restricting the generality of the foregoing, all new construction or repairs shall conform to the *Building Code*

Act, 1992, the Fire Protection and Prevention Act, 1997, and the Electricity Act, 1998, where applicable.

2.04 Prohibition Against Renting Lands That Do Not Meet Standards

No owner of lands shall permit the use or occupancy of, and/or rent or lease to, and/or offer to rent or lease to, another person, any land that does not conform to the provisions of this By-law.

2.05 Structural Adequacy

- (1) Every owner of a building or structure shall maintain it in a structurally sound condition, so as to be capable of sustaining safely its own weight and any load to which it might normally be subjected.
- (2) If, in the opinion of an officer, there is doubt as to the structural condition and adequacy of a building or structure, the officer may order that the building or structure be examined by a professional, at the owner's expense, and that the professional provide a written report. The written report, including drawings, signed and sealed by the professional, and giving details of the findings of the examination, shall be submitted to the officer.
- (3) Examination and testing of any building or structure shall be conducted in a manner acceptable to the officer and at the owner's expense.
- (4) Details and drawings of all temporary shoring or other work deemed necessary by the professional shall be included with the report required by subsection 2.05(2) above.
- (5) All remedial or temporary work recommended by the professional shall be completed by the owner in the manner and within the time specified by the officer.
- (6) On completion of all of the work, the owner shall cause a report signed and sealed by the professional, which certifies that all of the work has been completed satisfactorily, to be submitted to the officer.

2.06 Structural Requirements

- (1) Every owner of a building or structure shall maintain the interior floors, ceilings and walls in a manner free from dampness arising from the entrance of moisture through an exterior wall or roof, or through a basement or crawl space floor.

- (2) Every owner of a building or structure shall maintain the foundation walls of that building so as to prevent the entrance of excessive moisture.
- (3) Every owner of a building or structure, excepting those constructed with slab-on-grade construction, shall maintain foundation walls or piers which extend below the frost line, or to solid rock.

2.07 Details for Section 2.06

The maintenance required by section 2.06 includes but is not limited to: the shoring of the walls to prevent settling, installing sub-soil drains, where necessary, at the footings, grouting masonry cracks, and damp-proofing and waterproofing walls, joints and floors.

2.08 Exterior Building Requirements

Every owner of a building shall:

- (a) keep walls, roofs and other exterior parts of that building free from loose or improperly-secured objects or materials;
- (b) keep walls, roofs and other exterior parts of that building free from cracked, broken or loose masonry units, stucco, or other defective cladding or trim;
- (c) treat exterior surfaces with paint or another suitable preservative or coating so as to prevent deterioration due to weather conditions or vermin;
- (d) maintain the exterior walls of that building, and their components, free of unauthorized signs, painted slogans, graffiti and similar defacements;
- (e) maintain the roof of that building, including fascia boards, soffits and cornices, in a water-tight condition so as to prevent leakage into the building;
- (f) maintain the roofs of that building so that they are kept clear of dangerous accumulations of ice and/or snow;
- (g) maintain every chimney of that building, together with the components of that chimney, free from loose bricks and mortar, or any other defects;
- (h) maintain the flu and flu pipes of the chimney in accordance with the *Fire Protection and Prevention Act, 1997*;

- (i) maintain every stairway, fire escape, balcony, porch, landing or canopy so as not to be in an unsafe condition, and so as to be reasonably free from holes, cracks, excessive wear and warping, and other defects;
- (j) maintain all windows, doors, skylights and basement hatchways of that building in good repair, weather-tight and reasonably draught-free, to prevent infiltration by the elements;
- (k) provide adequate lighting for all parking spaces; and
- (l) maintain finished exterior surfaces so that no more than 25% of the finish on any area of any exterior wall is blistered, cracked, flaked, scaled, or chalked away.

2.09 Exemption from Subsection 2.08(d)

Subsection 2.08(d) does not apply to prevent graffiti, signs and painted slogans which have otherwise been permitted under a by-law or other authority of the Corporation.

2.10 Details for Subsection 2.08(e)

Maintenance in subsection 2.08(e) includes but is not limited to: repairing the roof, fascia board, soffit, cornice, and flashing; applying waterproof coatings; and installing or repairing eavestroughs and rain water piping.

2.11 Details for Subsection 2.08(i)

Maintenance in subsection 2.08(i) includes but is not limited to: repairing or replacing treads, risers or floors that show excessive wear or are broken, warped or loose; repairing, renewing or supporting structural members that are rotted, deteriorating or loose; and painting.

2.12 Details for Subsection 2.08(j)

Maintenance in subsection 2.08(j) includes but is not limited to: painting; the application of preservative; renewing or replacing rotten or damaged doors, door frames, window frames, sashes and casings; refitting doors and windows; weather stripping; and replacing broken window and door glass and defective door and window hardware.

2.13 Building Requirements for Elements that May Be Exterior or Interior

Every owner of a building containing at least one dwelling unit shall:

- (a) install and maintain a handrail on the open side of any stairway or ramp containing three (3) or more risers (including the landing); and
- (b) install and maintain guards around openings in floor areas and on the open sides of stairways or ramps with three (3) or more risers (including the landing), landings, balconies, mezzanines, porches, galleries, raised walkways, and other locations, as required.

2.14 Property Damage

- (1) A building or structure which is damaged from any cause whatsoever, including, without limitation, accident, natural causes or vandalism, shall be demolished or repaired by the owner as soon as is practicable, subject to subsection 2.14(2).
- (2) Where the damage referenced in subsection 2.14(1) resulted in the lands being in an unsafe condition, immediate steps shall be taken by the owner to prevent or remove that unsafe condition. The building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out, in accordance with subsection 2.14(1).
- (3) Where the damage referenced in subsection 2.14(1) involves exterior surface defacing by smoke, water or other causes, the owner shall remove the defaced material, and shall refinish the area in a manner acceptable to the officer.

2.15 Retaining Walls

Every owner or occupant of property which contains retaining walls shall maintain those retaining walls in a manner which does not:

- (a) adversely affect the safety of the public;
- (b) adversely affect the safety of vehicular or pedestrian traffic;
- (c) constitute an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceal or interfere with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interfere with the use of a highway, public sidewalk or lane.

2.16 Hazard Prevention

Every owner of a property shall keep that property in good repair so as to prevent hazards.

2.17 Buildings, Structures & Retaining Walls - Surface Treatment

Every owner of a property shall treat the surfaces of buildings, structures and retaining walls on that property with appropriate weather-resistant materials, including paint or other suitable preservatives.

2.18 Exemption from Section 2.17

The requirements of section 2.17 do not apply if the material used in construction of the structure is inherently resistant to deterioration.

2.19 Parking Areas and Driveways

Every owner of a property which is used for vehicular traffic and parking shall maintain and keep in good repair those parts of the property used for same with a surface covering of asphalt, concrete, or compacted stone or gravel. Further, the owner must keep these areas in good repair.

2.20 Lighting of Yards

Every owner and occupant who erects or maintains lights to illuminate any yard, or objects within the yard, such as signs, shall arrange, install, design and maintain the lights so as to deflect away from abutting property which are used for residential purposes. Alternatively, they may provide and maintain effective barriers to prevent the light from lamp standards, signs, and other sources from shining directly into a dwelling unit on neighbouring property.

2.21 Steps, Walkways, Pedestrian Areas

Every owner of a property shall maintain steps, walkways, sidewalks and other areas intended for use by pedestrians in a manner which affords safe passage under normal use and normal weather conditions, day or night.

2.22 Swimming Pools

Every owner of property upon which a swimming pool exists shall maintain that swimming pool:

- (a) in a clean and safe condition;
- (b) free from leaks and faulty components and equipment; and
- (c) in conformity with all other by-laws of the Corporation relating to swimming pools.

2.23 Exemption from Section 2.22

Section 2.22 does not apply to swimming pools regulated under the *Health Protection and Promotion Act* (Public Pools Regulation).

2.24 Pest Prevention

Every owner and occupant of a property shall:

- (a) keep the buildings and structures on that property free of vermin at all times; and
- (b) keep all openings of buildings on that property containing dwelling units that might permit the entry of vermin appropriately screened or sealed.

2.25 Discharge of Sewage

Where lands are serviced by the Corporation's sanitary sewer system, the owner of those lands shall not discharge sewage of any kind onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.

2.26 Where Property Not Serviced by the Corporation's Sanitary Sewer System

Where a property is not serviced by the Corporation's sanitary sewer system, the owner of the property shall have a pit privy or a composting toilet or, where a pressurized water system and a septic disposal system are available, an indoor flushing toilet.

2.27 Prevention of Ponding

Every owner of a building or structure shall provide a roof drainage system and, where necessary, a sump pit system and other measures, so configured, installed and

maintained so as to prevent recurrent ponding of water on the property or on neighbouring property whether directly abutting or not, including, without limitation, ditches, highways, boulevards and sidewalks.

2.28 Rainwater Leader – Disconnection from Sanitary Sewer

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from discharging or draining into the Corporation's sanitary sewer system.

2.29 Prevention of Drainage Into Building

Every owner of a building or structure that is equipped with rain water leaders shall prevent the rain water leaders from creating a concentrated flow of water which may penetrate the building or structure.

2.30 Garbage Disposal - Adequacy

Every owner of property that is occupied shall provide for the occupants a sufficient number of receptacles to contain all waste that accumulates on the property between the regularly-designated collection days. This is a requirement whether or not the Corporation provides waste collection services to the property in question. Such receptacles shall be so constructed and secured that the contents are inaccessible to animals, insects and birds.

2.31 Garbage Disposal - Receptacle Requirements

To meet the requirements of section 2.30, the receptacles provided by the owner shall be so constructed as to be free of holes, breaks or cracks, and must have smooth surfaces with finishes that are impervious to water.

2.32 Garbage Disposal - Cleanliness Requirements

Every owner of property shall maintain the receptacles required by section 2.31 so that they remain free of holes, breaks or cracks, and are cleaned and disinfected regularly to prevent odours and/or hazards.

2.33 Garbage Disposal - Municipal Collection

Where the Corporation provides property with waste collection services, the owner and occupant shall place all waste in a suitable container which is made available for removal in accordance with the Corporation's applicable by-laws and policies.

2.34 Garbage Disposal - Nuisance Prevention

Where the owner or occupant of property stores waste out-of-doors, he or she shall provide an effective container or barrier that prevents such waste from encroaching onto, or escaping onto, abutting or neighbouring property.

2.35 Air Conditioner - Maintenance

Every owner and occupant of property with installed air conditioning units of any size or type shall maintain the units and their associated mechanical ventilating, electrical systems and any supporting structures in good repair and in a safe condition.

2.36 Air Conditioner - Condensation Control

- (1) Every owner and occupant of property with installed air conditioning units of any size or type shall equip the units with adequate devices to prevent condensation from the use of the system from draining onto areas which persons are reasonably expected to be.
- (2) Every owner and occupant of property with installed air conditioning units of any size or type must equip the units with adequate devices to prevent condensation from the use of the system from draining onto abutting property.

2.37 Electrical Service

Every owner of property shall install and maintain the electrical wiring and all electrical fixtures located or used on the land in good working order and in conformity with the *Electricity Act, 1998*.

2.38 Nuisances

- (1) No owner or occupant of property shall use the property in a manner which creates a nuisance.

- (2) No owner or occupant of property shall allow a condition to develop and remain on the property in a manner which creates a nuisance.

2.39 Property to be Kept Free from Waste

Every owner and occupant of a property shall keep it clean and free from waste, whether or not the waste was placed on the property by the owner or the occupant or by a person with or without the permission of the owner or occupant.

2.40 Exemption

Nothing in section 2.39 prohibits the disposal of waste on any property which has been lawfully designated and/or licensed for that purpose by the Corporation or another authority with jurisdiction.

2.41 Inoperative Motor Vehicles and Parts

Property shall not be used by an owner or occupant of the property for the storage of inoperative motor vehicles or parts of motor vehicles, except in compliance with section 2.42 of this By-law.

2.42 Storage of Inoperative Motor Vehicles and Parts Permitted

The storage of inoperative motor vehicles and/or motor vehicle parts is not prohibited where:

- (a) the storage is reasonably necessary for the conduct of a business or trade lawfully conducted on the property;
- (b) the inoperative vehicle or motor vehicle parts are stored in an enclosed building for a purpose other than:
 - (i) wrecking or dismantling of them or salvaging parts from them for sale or other disposition; or
 - (ii) a vehicle repair or machinery repair business purpose; or
- (c) the storage in a yard is of a single vehicle which is fully and completely covered with a canvas or similar opaque, weather-resistant tarpaulin in good repair.

- (d) the inoperative motor vehicles and/or motor vehicle parts constitute inoperative agricultural machinery and/or inoperative agricultural vehicles on a farm provided that the inoperative agricultural machinery or inoperative agricultural vehicles are placed or arranged so as not to create a safety or health hazard to persons on the property, and, in particular, so as not to block emergency access to or from the property.

2.43 Property to be Kept Free from Hazards

Every owner and occupant of a property shall not allow an unsafe condition to arise or continue thereon.

2.44 Unsafe Containers

No owner or occupant of a property shall place, keep or store unsafe containers thereon.

2.45 Holes, Excavations and Trenches

Every owner and occupant of a property shall prevent the existence or continuance on the property of any holes, pits, excavations or trenches which create an unsafe condition.

2.46 Exemption from Section 2.45

Despite section 2.45, the existence or continuance on a property of any holes, pits, excavations or trenches is permitted, provided the property, or the hole, pit, excavation or trench on the property, is secured so as to prevent accidents or injury.

2.47 Grass, Weeds and Other Vegetation to be Kept Trimmed

Every owner and occupant of a property shall keep the grass and weeds and other vegetation upon the property trimmed so as not to exceed 20 centimetres in height.

2.48 Undergrowth

Every owner and occupant of a property shall not allow undergrowth to develop on the property which is inconsistent with the surrounding environment.

2.49 Vegetation & Landscaping Features

Every owner and occupant of a property shall eliminate vegetation or unnatural landscaping features on that property which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves; or
- (e) interferes with the use of a highway, public sidewalk or lane.

2.50 Ground Cover Requirement

Every owner and occupant of a property shall cultivate it, or, alternatively, protect the soil thereof from erosion using ground cover.

2.51 Caution With Respect to Section 2.50

Every owner and occupant of a property is advised to review all applicable legislation and the Corporation's other by-laws and policies with respect to ground cover before determining which type of ground cover to employ in order to comply with section 2.50. There may be requirements for a certain amount of permeable ground cover (as opposed to concrete or other impermeable ground cover). Compliance with section 2.50 of this By-law does not excuse non-compliance with the requirements of other by-laws or policies.

2.52 Erosion

Every owner and occupant of a property shall not allow mounds of earth, sand, gravel or like materials to be exposed to erosion on that property.

2.53 Ponding of Storm Water

Every owner and occupant of a property shall keep the property graded, filled up or otherwise drained so as to prevent excessive or recurrent ponding of water on the property and/or the entrance of water into a building or structure.

2.54 Drainage

- (1) Every owner and occupant of a property shall not allow a system of drainage from any source which allows water to pond on the property or on neighbouring property whether directly abutting or not, and including, without limitation, ditches, highways, boulevards and sidewalks.
- (2) No owner or occupant of property shall obstruct, or cause or permit the obstruction of, a watercourse on their property.

2.55 Fences

Every owner and occupant of a property shall ensure that no fence is erected or maintained on the property in a manner which:

- (a) adversely affects the safety of the public;
- (b) adversely affects the safety of vehicular or pedestrian traffic;
- (c) constitutes an obstruction of view for vehicular or pedestrian traffic;
- (d) wholly or partially conceals or interferes with the use of any fire hydrant or municipal facilities, including water valves;
- (e) interferes with the use of a highway, public sidewalk or lane; or
- (f) is not in conformity with all other by-laws of the Corporation relating to fences.

2.56 Fences - Hazard Prevention

Every owner and occupant of a property shall maintain the fences thereon so that they are not in an unsafe condition.

2.57 Fences - Defaced

Every owner and occupant of a property shall not maintain or allow signs, painted slogans, graffiti and similar defacements on any fence on the property.

2.58 Exemptions from Section 2.57

Section 2.57 does not apply to prevent graffiti, signs and painted slogans which have otherwise been authorized under a by-law or other authority of the Corporation.

2.59 Fences – Surface Treatment

Every owner and occupant of a property shall treat the surfaces of fences thereon with appropriate weather-resistant materials, including paint or other suitable preservatives. This requirement does not apply if the material used in construction of the fence is inherently resistant to deterioration.

2.60 Composting Rules

Every owner and occupant of property, with the exception of an owner of property in the RU (Rural) or RR (Rural Residential) zone under the City of Kenora Zoning Bylaw, shall:

- a) have not more than 2 compost heaps on their property; and
- b) ensure that each compost heap in the yard of their property:
 - (i) has a maximum size of 1 m³;
 - (ii) is located a minimum of 1 metre from any property line;
 - (iii) is enclosed on all sides by concrete blocks or lumber, or be maintained within a 205 litre or smaller container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting; and
 - (iv) is stored and kept neatly and in a contained manner so as not to allow offensive odours to affect the surrounding neighbourhood, or to attract vermin or other animals to the compost.

2.61 Improper Composting

Every owner or occupant of a property shall not undertake composting or allow compost to be or continue on the property in a manner contrary to that set out in section 2.60.

2.62 Exemption

Sections 2.60 and 2.61 do not apply to composting undertaken on a property exceeding 1.66 hectares in size, provided the composting activity takes place more than 50 metres from a building which is used as a residence and whether or not such building is situate on the same property.

PART III - ADDITIONAL STANDARDS FOR RESIDENTIAL PROPERTY

3.01 Application of Standards

Standards within Part III apply to all residential property, in addition to the standards in Part II of this By-law. Where there is a conflict between standards in Part II of this By-law and the standards in Part III, then, with respect to residential property, the standards in Part III prevail.

3.02 Interior Building Requirements

Every owner of a building containing at least one dwelling unit shall:

- (a) maintain every floor, wall, ceiling and fixture of that building in a clean, sanitary and safe condition;
- (b) maintain every wall, ceiling and floor in a dwelling in good repair so as to provide a continuous surface free of holes, large cracks, loose coverings or other defects;
- (c) maintain the walls surrounding showers and bathtubs in that building so that they are impervious to water;
- (d) maintain every ceiling, both sides of an interior wall and the interior side of an exterior wall in that building so as to be covered with a durable material that is resistant to cracking, scratching or breaking, or, alternatively, regularly paint or decorate so as to provide a finished surface which can be easily cleaned;
- (e) maintain every floor in that building so that it is reasonably smooth and level and free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of vermin;
- (f) maintain any floor in that building that is covered with linoleum or a similar covering, so that it is not torn or worn so that it retains dirt or is in an otherwise unsafe condition;
- (g) maintain every floor in a bathroom, kitchen, shower room, and laundry room within that building in good repair, impervious to water and readily cleaned;
- (h) not install or maintain a toilet or urinal within a room that is used or intended to be used for the preparation, cooking, storing or consumption of food, or for sleeping purposes;

- (i) provide in every habitable room and every bathroom, natural ventilation consisting of an opening or openings to the external air, with a minimum aggregate unobstructed free flow area of 0.09 m² for bathrooms or water closet rooms, 0.28 m² for dining rooms, living rooms, bedrooms, kitchens, combined rooms, dens, recreation rooms, and all other finished rooms or, alternatively, mechanical ventilation which shall change air at a rate of one-half air change per hour if the room or space is mechanically cooled in the summer and one air change per hour if it is not;
- (j) where an aperture such as a window, skylight or louvre is used for ventilation, maintain it so as to be easily opened and screened from the outside, and so that it may be kept open and easily closed;
- (k) vent, to the outside air, every basement or unheated crawl space by means of screened windows which can be opened, or by louvres with screened openings, the area of which is not less than 0.1 m² unobstructed vent for every 50 m² of floor area; and
- (l) maintain adequate ventilation to attics and roof spaces.

3.03 Habitable Room Lighting Requirements

- (1) Every owner of a building containing at least one dwelling unit shall provide every habitable room (with the exception of kitchens and bathrooms) with a window, skylight or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this section.
- (2) For living and dining rooms, the opening for natural light shall be equal to or greater than 10% of the floor area.
- (3) For bedrooms and other habitable rooms, the opening for natural light shall be equal to or greater than 5% of the floor area.
- (4) The glass area of a door may be considered as a portion of the required window area.

3.04 Exterior Building Requirements

Every owner of a building containing at least one dwelling unit shall:

- (a) maintain television aerials, satellite dishes and other roof structures so that they are free from excess soil, peeling paint and/or deterioration; and

- (b) provide solid core doors for all entrances to dwelling units in accordance with the *Fire Protection and Prevention Act, 1997*.

3.05 Rules for Domestic Storage of Materials In Rear and Side Yards of Residential Property

Domestic materials other than waste may be stored in a rear yard or a side yard of a residential property subject to the following rules:

- (a) the storage of these materials shall not exceed 25% of the area of the side or rear yard in which it is being stored;
- (b) the storage shall be undertaken through the use of neat piles; and
- (c) the storage shall be undertaken in a manner which does not create an unsafe condition.

3.06 Improper Domestic Storage of Materials in Rear or Side Yards

Every owner and occupant of a property shall ensure that there is no domestic storage of materials in a rear yard or a side yard in a manner contrary to that prescribed in section 3.05.

3.07 Storage of Domestic Materials Prohibited in Front Yard

Every owner and occupant of a residential property shall ensure that there is no domestic storage of materials in a front yard of such property.

3.08 Exemptions

- (1) Sections 3.05, 3.06, and 3.07 do not apply to a property exceeding 1.67 hectares in size.
- (2) Sections 3.05, 3.06, and 3.07 do not apply to prevent the temporary storage of materials or debris resulting solely from the construction, demolition or alteration of a building, provided that:
 - (a) it is removed frequently and in its entirety from the land; and
 - (b) it does not cause an unsafe condition.

3.09 Bathroom Facilities in Self-Contained Dwelling Units

- (1) Every owner of a building containing at least one dwelling unit shall provide each self-contained dwelling unit in the building with:
 - (a) a bathroom consisting of at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit;
 - (b) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin and bathtub and shower in a bathroom;
 - (c) an adequate and suitable supply of water for every water closet in a bathroom; and
 - (d) accessibility to at least one bathroom from within the dwelling unit.
- (2) Every room containing a toilet, urinal or bidet shall also contain a washbasin and the facilities to make up the bathroom required by (a) above may be contained in more than one room.

3.10 Facilities in Dwelling Units With Shared Bathrooms

Every owner of a building containing at least two dwelling units involving shared bathrooms shall provide each dwelling unit in the building with access to at least one bathroom meeting the standards in this section.

- (a) Facility Standard: The bathroom shall have at least one fully-operational water closet, at least one washbasin, and a bathtub or suitable shower unit. Subject to subsection 3.10(f), the facilities to make up the bathroom required by this subsection may be contained in more than one room.
- (b) Water Standards: All bathrooms shall have:
 - (i) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin and bathtub and shower; and
 - (ii) an adequate and suitable supply of water for every water closet.
- (c) Supply Standards: There shall be at least one bathroom meeting these standards for every two (2) dwelling units within the building which require the occupants to share bathroom facilities.
- (d) Access Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have an appropriate entrance from a common passageway, hallway, corridor or other common space.

- (e) Privacy Standards: Each bathroom that is intended for shared use between occupants of different dwelling units shall have a door capable of being locked so as to allow privacy for the persons using it.
- (f) Health Standards: Each room that contains a toilet, bidet or urinal that is intended for shared use between occupants of different dwelling units shall also have a washbasin.

3.11 Plumbing Facilities and Water Supply

- (1) Every owner of a building containing at least one dwelling unit shall provide each dwelling unit in the building with:
 - (a) an adequate and suitable supply of hot water, as well as cold running water, to every washbasin, bathtub and shower, and kitchen sink in the dwelling unit; and
 - (b) hot water supplied at a temperature of not less than 45° Celsius and not more than 49° Celsius.
- (2) In addition, every owner of a building containing at least one dwelling unit shall:
 - (a) maintain all plumbing pipes and fixtures, including: drains, water supply pipes, and water closets, in good working condition, free of leaks and defects;
 - (b) maintain all water pipes and appurtenances to water pipes in a manner that protects them from freezing;
 - (c) connect (and maintain the connection of) all plumbing fixtures to the sewage system in accordance with the *Building Code Act, 1992*, as well as all relevant by-laws and policies of the Corporation; and
 - (d) install (and maintain the installation of) every fixture of such materials, construction and design so as to have all exposed surfaces of all parts readily accessible for cleaning, and free from defects.

3.12 Electrical Services

Where lands are serviced by a hydro utility, every owner of a building containing at least one dwelling unit shall provide a complete electrical wiring system, with all electrical fixtures installed and maintained in good working order and in conformity with the *Electricity Act, 1998*.

3.13 Occupancy Standards for Dwelling Units

Every owner of a residential property shall:

- (a) abide by the requirements of the *Building Code Act, 1992* and all other applicable laws with respect to the maximum number of persons residing on a permanent basis in a dwelling unit;
- (b) not use or allow the use of a room for sleeping purposes unless it meets the requirements of the *Building Code Act, 1992* and all other applicable laws in that regard;
- (c) not allow a basement to be used as a dwelling unit unless it conforms to the following requirements:
 - (i) each habitable room complies with all the requirements set out in this By-law;
 - (ii) floors and walls are constructed so as to be damp proof and impervious to water leakage; and
 - (iii) each habitable room is separated from service rooms by a suitable fire separation and approved under the *Building Code Act, 1992*, the *Fire Protection and Prevention Act, 1997* and all other applicable laws;
- (d) provide and maintain for each dwelling unit, whether the dwelling unit is self-contained or not, entrance/exit doors that close securely and that are each fitted with adequate hardware, including a locking device.

PART IV - ADDITIONAL STANDARDS FOR RENTED DWELLING UNITS

4.01 Application of Standards

Standards prescribed in Part IV apply to all rented dwelling units, in addition to the standards in Parts II and III of this By-law. Where there is a conflict between standards in Parts II or III of this By-law and the standards in Part IV, then, with respect to rented dwelling units, the standards in Part IV prevail.

4.02 Windows

All windows in a rented dwelling unit that are able to be opened shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.

4.03 Window Safety Devices Above First Storey

All windows in rented dwelling units that are located above the first storey and have a sill less than 480 millimetres from the finished floor are to be protected by guard or have an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 millimetre diameter sphere, as provided for in the *Building Code Act, 1992*.

4.04 Doors

- (1) All exterior doors in a rented dwelling unit shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit.
- (2) At least one entrance door to a rented dwelling unit shall have suitable hardware so as to permit locking or securing from both inside and outside the dwelling unit.

4.05 Entry Voice Communication/Security System

Where a voice communication unit, working in conjunction with a security locking and release system controlling an entrance door, is provided by the owner of a rented dwelling unit, that system shall be maintained in good working order at all times.

4.06 Kitchens

Kitchens in rented dwelling units shall have:

- (a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;
- (b) a counter or work area, exclusive of the sink, covered with a material that is impervious to moisture and grease that is easily cleanable; and
- (c) adequate space for both a stove and a refrigerator, including suitable electrical or gas connections.

4.07 Heating

- (1) Where a rented dwelling unit is heated by or at the expense of the owner rather than the occupant, the owner shall provide the dwelling unit with adequate and suitable heat.

- (2) The heating system shall not require auxiliary heaters to be used as a primary source of heat.

4.08 Passages

- (1) Every rented dwelling unit shall have a safe, continuous and unobstructed passage.
- (2) Every owner of a rented dwelling unit shall maintain the passage for that unit in good repair, free of debris, objects and unsafe conditions.
- (3) All passages must conform to the *Fire Protection and Prevention Act, 1997*.

4.09 Disconnecting Utilities by Owner

Every owner of a rented dwelling unit shall not disconnect any service or utility supplying heat, electricity, gas, refrigeration or water to any rented dwelling unit, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering that service or utility. This section does not relieve landlords from notice and other obligations in the *Residential Tenancies Act, 2006*.

4.10 Exemption

Section 4.09 does not apply where a tenancy agreement makes the occupant liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, and the occupant fails to pay such rates, with the result that the utility supply company discontinues the service. In those circumstances, the occupant is considered to have consented to the disconnection.

4.11 Electrical Systems

- (1) Every owner of a rented dwelling unit shall install and maintain in good working order the electrical wiring, fixtures, switches, and receptacles within those rented dwelling units and within any accessory buildings provided for the occupants of the rented dwelling units.
- (2) The electrical system in the rented dwelling unit and in accessory buildings provided for the occupants of the rented dwelling unit shall accommodate normal residential use so as to avoid the necessity of creating an unsafe condition because of the use of extension cords or temporary electrical wiring systems.

4.12 Light Fixtures

- (1) Every owner of a rented dwelling unit shall provide a permanent light fixture in every: bathroom, furnace room, kitchen, kitchenette, cooking space, laundry room, hallway, stairway, corridor, and passage within the dwelling unit and at all outside entry doors to the dwelling unit. If a garage is associated with the rented dwelling unit, then the owner shall also provide a permanent light fixture in that garage.
- (2) Lighting shall provide, with normal use, sufficient illumination so as to avoid unsafe conditions.

4.13 Receptacles for Laundry Facilities

Every laundry room, or other area in a rented dwelling unit that is to be used for doing laundry, shall have at least one electrical duplex convenience outlet. Each such outlet shall be on a separate circuit.

4.14 Appliances

Where the owner of a rented dwelling unit supplies the occupant with appliances, those appliances shall be maintained in good working order by the owner.

4.15 Fuel Burning Appliances

All fuel burning appliances, equipment, and accessories in a rented dwelling unit that are supplied by the owner shall be installed and maintained by the owner to the standards provided by the *Green Energy Act, 2009*.

4.16 Potable Water

Every owner of a rented dwelling unit must provide an adequate and suitable supply of potable water to at least one tap within the dwelling unit.

5.01 Application of Standards

Standards within Part V apply to all non-residential property, in addition to the standards in Part II of this By-law. Where there is a conflict between standards in Part II of this By-law and the standards in Part V then, with respect to non-residential property, the standards in Part V prevail.

5.02 Exterior Walls

Every owner of non-residential property shall maintain all marquees, awnings, standpipes, exhaust ducts and similar equipment, attachments, extensions to buildings or structures, together with their supporting members, in good repair, properly and safely anchored and protected from the elements and against decay and rust by the periodic application of a weather-coating material. Despite this requirement, no application of a weather-coating material is required if the item is constructed of materials inherently resistant to deterioration.

5.03 Waste

Every owner and occupant of a non-residential property shall maintain the buildings on the land so that the interiors of those buildings are kept free from waste that would cause unsafe conditions.

5.04 Plumbing

Every owner of a non-residential property shall maintain:

- (a) all plumbing including: drains, water supply pipes, water closets and other plumbing fixtures, in good working condition, free of leaks and defects; and
- (b) all water pipes, and appurtenances to water pipes, so as to be protected from freezing.

5.05 Lighting

Every owner of a non-residential property shall provide and maintain sufficient windows, skylights and electrical lighting fixtures in order to furnish illumination in all passageways, halls, stairways and outside entries, whenever the building is in use, and at all times in every stairway provided for use in case of fire or other emergency.

5.06 Bathroom Facilities

- (1) Every owner of non-residential property upon which a business is carried on shall provide, maintain, and keep stocked with hygienic supplies, a minimum of one water closet and one washbasin, supplied with an adequate supply of water, which is readily accessible to employees of the business.
- (2) The bathroom facilities required by this section shall be in an enclosed room that has a door capable of being locked so as to provide privacy for the user, and shall be located on the same land.
- (3) Every owner of a non-residential property shall maintain the bathroom facilities required by this section in a neat and clean condition.

5.07 Signs

Every owner of a non-residential property, which contains one or more signs, shall maintain those signs in good repair and in accordance with other by-laws or policies of the Corporation. Any signs which are weathered and faded, or those upon which the paint has excessively peeled or cracked, shall, with their supporting members, either be removed or repaired by the owner.

PART VI - ADDITIONAL STANDARDS FOR VACATED PROPERTY

6.01 Application of Standards

Standards within Part VI apply to all vacated properties, in addition to the applicable standards prescribed elsewhere in this By-law. Where there is a conflict between standards elsewhere in this By-law and the standards in Part VI, then, with respect to vacated properties, the standards in Part VI prevail.

6.02 Maintenance of Vacated Property

Every owner of a vacated property shall:

- (a) keep all buildings on the land clear of waste;
- (b) disconnect or have disconnected or discontinued all water, electrical and gas services to the buildings and structures, excepting any that are required for the security and maintenance of the land;

- (c) maintain the buildings and structures on the land to guard against unsafe conditions, risk of fire, accident or other danger;
- (d) keep the windows and doors of the buildings and structures on the land sealed to prevent unauthorized access, including, where applicable, boarding any damaged windows or doors in accordance with section 6.04 of this By-law;
- (e) maintain the entrances to the building, including: porches, stairways, required guards, and the like, in good repair so as to afford safe passage to authorized persons attending the site;
- (f) barricade all openings on any floor or between floors, including: service spaces, chutes, air vents and elevator shafts, in order to prevent accident or injury; and
- (g) maintain the land in accordance with the standards in section 6.03 and, where applicable, section 6.04.

6.03 Securing Vacated Property

Section 6.03 applies to buildings on vacated property, subject to section 6.04. To comply with section 6.03, every owner of a building situated on vacated property shall:

- (a) keep all exterior doors to the building operational, so as to fit tightly within their frames when closed;
- (b) keep all exterior doors to the building locked so as to prevent unauthorized entry;
- (c) keep all windows on the building properly glazed and in good repair;
- (d) keep all windows on the building either permanently sealed or locked so as to prevent unauthorized entry;
- (e) keep all windows, doors, basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the building;
- (f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least 4 metres or by guarding them in some other manner acceptable to an officer; and
- (g) secure all areaways by:

- (i) filling them with concrete or unshrinkable fill; or
- (ii) covering the openings to them with metal plates of at least 8 millimetres thick, and securing the metal plates so as to prevent them from shifting.

6.04 Boarding Vacated Property

- (1) Section 6.04 applies to buildings on vacated property where it is impossible or impractical to comply with subsections 6.03 (a), (b), (c) and (d) with respect to security of some or all of the doors and windows. Section 6.04 applies to the boarding up of any windows that cannot be maintained to the standard required by section 6.03.
- (2) To comply with section 6.04, every owner of a vacated property shall:
 - (a) cover, with a solid piece of plywood, at least 12.7 millimetres thick, all doors, windows or other openings;
 - (b) secure the plywood referenced in paragraph 6.04(a) with screws or coated nails which are at least 10 centimetres long that are installed at intervals of not more than 30 centimetres;
 - (c) fit the plywood required by paragraph 6.04(a) within the frames in a watertight manner; and
 - (d) protect the plywood from the elements with paint or preservatives in a manner so as to minimize detracton from the value of other properties in the immediate vicinity.

PART VII - PROPERTY STANDARDS COMMITTEE

7.01 Property Standards Committee

The Property Standards Committee previously established under section 15.6 of the *Building Code Act* by the Corporation is continued.

PART VIII - ORDERS

8.01 Authority to Vary Orders

At any time, the officer who issued an Order, or another officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved and where an Order is so modified, it shall be served as required by the *Building Code Act, 1992* and the modified Order may be appealed within the time prescribed by the said Act, the final date for giving notice of appeal of the modified Order to be indicated therein.

PART IX - GENERAL PROVISIONS AND REPEALS

9.01 Effective Date

This By-law shall take effect on the date of its passage.

9.02 Title

This By-law may be referred to as the "Property Standards By-law".

9.03 Repeals

Upon passage of this By-law, the following by-law is repealed:

The Corporation of the City of Kenora By-law No. 160-2000

9.04 Transitional Rules

Despite Sections 9.01 and 9.03, after the passage of this By-law, By-law No. 160-2000, as amended, shall continue to apply to any property for which an Order had been previously issued, but only until such time as the work required by that Order has been completed, or any work carried out by the Corporation under that by-law has been concluded.

9.05 Date By-law Comes into Force

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

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

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

THE CORPORATION OF THE CITY OF KENORA:-

Per: _____ MAYOR
David S. Canfield

Per: _____ CLERK
Heather Kasprick



June 5, 2017

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: New Water & Sanitary Sewage Bylaw

Recommendation:

That Council of the City of Kenora gives three readings to a bylaw to regulate Water and Sanitary Sewage in the City of Kenora; and further

That bylaw number 168-2004 and, all amendments thereto, be hereby repealed; and further

That Council give three readings to a by-law to amend the Kenora Policy Manual for the purpose of removing Policies CS-1-4 and CS-1-5.

Background:

After amalgamation the City of Kenora adopted By-law #33-2002 to incorporate a new water system based on metered consumption and in 2004 By-law #168-2004 was adopted, repealing #33-2002. It is now necessary to consolidate all amendments that have occurred since 2004.

The Division is excited to present the attached draft, which reflects input from all respective Divisions and has been reviewed by legal counsel. The goal was to provide one document that meets the needs of the public, provides consistency for the Division working with it and is enforceable. Legal Counsel suggested that the term "sanitary sewage" be the preferred, over "wastewater", as it is in keeping with the Municipal Act.

The following two (2) City of Kenora Policies have been added to the by-law: the Water and Sewer Adjustment Policy CS-1-4 and the Seasonal Water and Sewer Policy CS-1-5 to heighten adherence to protocol and provide a means for further action if necessary. The Schedules have been updated with drawings and instructions to better serve the public.

It will now be necessary to repeal By-law #168-2004, including all amendments. It will also be necessary to amend the Kenora Policy Manual to remove Policies CS-1-4 and CS-1-5.

Budget: N/A

Risk Analysis: This bylaw is a very important bylaw as it regulates our water and sewage system. Legalities around responsibilities and responses to water and sewage can place the municipality in a potential high risk of litigation and therefore this bylaw was reviewed by legal counsel to ensure the complexity of the responsibilities of the municipality were covered.

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

Strategic Plan or other Guiding Document: Administrative only

The Corporation of the City of Kenora

By-Law Number _____ - 2017

A By-law to regulate the Municipal Water Supply and the Provision of Sanitary Sewage Services in the City of Kenora

Whereas, pursuant to the provisions of sections 8, 9, and 10 of the *Municipal Act, 2001*, the Municipal Council may pass By-laws to establish and operate water and sewage works; and

Whereas the aforementioned Sections and Section 23.1 of the said Act authorize a municipality to delegate its powers and duties under the said Act subject to the restrictions set out in Part II of the said Act; and

Whereas Sections 78 to 87 and 435 to 439 of the *Municipal Act* authorize, among other things, the entry on property supplied by water and sewage services , the shut-off of the supply, inspections, the interruption of the supply and matters related to the operation and maintenance of the system; and

Whereas, pursuant to Part II of the *Municipal Act*, the Municipal Council may pass by-laws to impose fees or charges for services or activities;

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

PART I – DEFINITIONS, INTERPRETATION AND APPLICATION

1. **Definitions**

In this By-Law:

“**Agent**” means a person other than an employee of the City who is duly authorized to carry out a function hereunder and includes an independent contractor;

“**Air Gap**” means the unobstructed vertical distance through air between the lowest point of a water supply outlet and the flood level rim of the fixture or device into which the outlet discharges;

“**Approved Contractor**” means a contractor approved by the City for the installation of water and/or sanitary piping from the main or lateral to a Premises;

“**AWWA**” means the American Water Works Association;

“**Backflow**” means the flow of water, whether or not mixed with another substance, away from a point of use back into the City’s waterworks through a Water Service Pipe;

“**Backflow Preventer**” means a device or assembly for a Water Service Pipe which prevents backflow into the City’s water works and includes a Premises Isolation Device;

“**Backwater Valve**” means a valve designed to prevent reversal of flow in a gravity drainage system;

“**Bleeder**” means a piece of piping or other device attached to a Water Distribution System and allowed to run continuously during cold weather to prevent freezing of the water in the system;

“**C.B.O.**” means the Chief Building Official of the City as appointed by Council, or his or her delegate;

“**City**” means The Corporation of the City of Kenora;

“**Commercial User**” means any consumer other than a Domestic User and “Commercial Property” has a corresponding meaning;

“**Council**” means the Municipal Council of the City;

“**Cross Connection**” means any water connection that by the nature of its configuration or the absence of an air gap, could allow the backflow of contaminated water, pollutants or substances into the water system, resulting in the potential for deleterious effects to the water in the water system and/or to human health. See Appendix A: A-6.

“**Curb Stop Valve**” means the connection at the street line, or easement line, which connects the Lateral and the Water Service Pipe to the Premises. This separates the City’s water main from the service line;

“**Designated Employee**” means an employee designated and authorized for a certain purpose by the Operations & Infrastructure Manager;

“**Division Lead**” means the Water & Wastewater Division Lead of the City;

“**Domestic User**” means the consumer in respect of a detached or semi-detached dwelling, row house, town house, church or municipal facility, and “Domestic Property” shall have a corresponding meaning;

“**Effluent Pump**” means a pump installed and used at a residential premises in accordance with the applicable requirements in effect at the time of installation, and designed to force effluent from a building’s sanitary sewage system, where such system

is located below a level where gravity drainage can be attained to the City's gravity sanitary system;

"Fees & Charges By-Law" means the City's General Tariff of Fees & Charges By-Law or any other City By-law imposing Fees and Charges;

"Fire Chief" means the Manager of Fire & Emergency Services of the City;

"Grinder Pump" means a pump, canister (basin) and alarm system designed to force effluent from a building's sanitary sewage system where such system is located in such a manner that it does not allow for gravity drainage to the City's low pressure main and must be pumped;

"Heat Tracing" means a system of electrical heating cables attached to or placed adjacent to pipes to provide supplementary heat to prevent the liquid in the pipes from freezing;

"Lateral" means the piping from a building to the Sanitary Sewer Main;

"Low Pressure Wastewater System" means a sanitary sewage conveyance pipe or system that operates under low pressure between a Grinder Pump and the Lateral;

"Manager" means the Manager of the Operations & Infrastructure Department of the City;

"Meter" means a device for measuring the quantity of water supplied to a Consumer;

"MOECC" means the Ontario Ministry of the Environment and Climate Change;

"O.B.C." means the Ontario Building Code;

"Premises" means the whole of a property including all buildings and structures thereon that is registered in the Land Titles Office as a separate parcel or that is assessed as a separate parcel and for this purpose each "multiple dwelling unit apartment building" as defined in the applicable Zoning By-law or "condominium building" is deemed to be a single premises;

"Premises Isolation" means the isolation of the water located within a building or structure from the waterworks system;

"Premises Isolation Device" means a device or assembly approved by the Canadian Standards Association for the Premises Isolation of a building or structure;

"Pressure Reducing Valve" means a device installed between the Meter and the Water Distribution System to restrict the water pressure to within the high pressure limit specified in Sub-Section 7.6.3. of the *Ontario Building Code (OBC)*;

“Private Property” means property that is not a street;

“Property” means real property identified on a street address;

“Property Line” means the boundary between a street and a property;

“Property Owner” means the person(s) identified as such on the assessment roll for the Property in question;

“Sanitary Sewer Main” means the piping and appurtenances situated within or under the City street, right of way or easement for a sanitary sewer or combined sanitary and storm sewer installed or owned by the City and which provides service to the Lateral;

“Seasonal Water Service Pipe” means a permanent Water Service Pipe that supplies water for temporary or seasonal purposes;

“Wastewater” includes sanitary sewage and may also be referred to in this By-law as sewage;

“Water Service Dispensing Outlet” means a public water dispensing outlet where mobile water tanks and other containers are filled on payment of applicable charges;

“Water Service Pipe” means any pipe, or system of pipes, and related components which carry water underground from a water main to a point of use on Private Property or to a fire hydrant and includes the following: a) a domestic Water Service Pipe, (see Schedule A-2); and b) a Seasonal Water Service Pipe;

“Water & Wastewater Division” or **“Division”** means the City Division that is responsible for the installation, operation and maintenance of water and sewer lines, mains, appurtenances and the related treatment facilities;

“Water & Wastewater System” means any portion of the piping or infrastructure related to the collection of sanitary waste water;

2. **Interpretation**

- (1) Unless expressly stated otherwise, the cost and expense of the installation and operation of any device, facility or other thing required or permitted hereunder shall be borne by the Property Owner and not by the City.
- (2) The Appendix or Appendices hereto form part of this By-law and are for illustration purposes of matters required hereunder. In the event of any conflict between an Appendix and the text of the By-law, the text shall govern.

- (3) In the event of a conflict between any provision hereof and the Ontario Building Code or any other applicable Act, Regulation or By-law, the stricter requirement shall apply.

3. **Application**

This By-law applies to, governs and regulates the water and sanitary sewage systems owned or operated by the City.

4. **Time**

Subject to the requirements of the Municipal Act with respect to the provision of reasonable notice, any period of time as prescribed in this By-law may be abridged or extended in the discretion of the Division as deemed appropriate in the prevailing circumstances.

PART II – ADMINISTRATION

5. **Manager of Operations & Infrastructure Division**

- (1) Subject to this By-law and to the direction of Council from time to time, the Manager is authorized to administer this By-law, the waterworks system, the supply of water to and within the municipality, and the City's sewage system.
- (2) Without restricting the general description of the powers given to the Manager in subsection 5(1), they include the authority to:
- a) appoint City employees as Designated Employees under this By-law;
 - b) shut off the water supply to Properties;
 - c) determine when inspections of work governed by this By-law are required; and
 - d) establish public water service outlets and establish rules that are not contrary to this By-law for their use.

6. **CAO**

Subject to this By-law and to the direction of Council from time to time, the CAO or his or her delegate is authorized to:

- a) Prescribe from time to time such forms as he or she deems advisable for the administration and operation of this By-law, including without limitation, Applications and Permits;
- b) determine which forms of payment will be accepted for a price, rate, fee, penalty, deposit or other charge related to the supply of water or sewage service;
- c) determine when water charges are due and payable;
 - i) collect a price, rate, fee, penalty, deposit or other charge related to the supply of water or for sewage services by any legal means, including by adding the amount of the fees, rates or charges to tax roll of the property to which the water or sewage service was supplied.

7. **Designated Employees**

Subject to the requirements and directions of the Operations & Infrastructure Manager, Designated Employees, are authorized to conduct inspections, administer and enforce this By-law, and remedy violations of this By-law.

8. **References to Water and Wastewater Division/Designated Employees**

- (1) Where this By-law authorizes or requires that anything be done by the Division, such may be done by Manager, the Division Lead or the delegate of either of them or by any Designated Employee or by any Agent duly appointed for such purpose.
- (2) Where this By-law authorizes or requires that anything be done by a Designated Employee, it may be done by the Manager, the Division Lead or the delegate of either of them or by any Agent duly authorized for that purpose.

PART III – ENTRY ON PROPERTY, SHUT-OFF OF SUPPLY AND INSPECTIONS

9. **Entry on Property**

- (1) A Designated Employee may, at reasonable times and subject to the provisions hereof and of the *Municipal Act* respecting entry into a dwelling, enter on the land to which water or sanitary sewage service is provided for the following purposes:
 - a) to inspect, repair, alter or disconnect the service pipe, equipment and other works used to supply the water or sewage service;

- b) to inspect, install, repair, replace or alter a meter;
 - c) to determine if this by-law is being complied with.
- (2) The entry by any person on property pursuant to the provisions of this By-law shall comply with the requirements of this By-law and of the *Municipal Act* as amended and revised, including, without restricting the generality of the foregoing the provisions of the *Municipal Act* respecting entry into a dwelling.
- (3) If a customer discontinues the use of the water or sewage service or if the City lawfully decides to cease supplying the water or sewage service to the property, a Designated Employee, may, subject to the requirement for notice as described in Subsection 9(1) hereof and further subject to the provisions hereof relating to entry into a dwelling, enter on the property:
- a) to shut off the supply of the water service;
 - b) to remove any property of the City; or
 - c) to determine whether the water or sewage service has been or is being unlawfully used.

10. **Shutting off Supply**

(1) **Overdue Accounts**

Where:

- (i) the fees and charges payable by the owners or occupants of the land for or in respect of the supply of water; or
- (ii) the fees and charges payable by the owner or occupants of the land, for or in respect of the City's sewage system, where such fees and charges are based on the fees payable for the supply of water to the land;

are overdue for more than 30 days or for such lesser period as the Manager may deem appropriate, then after giving reasonable notice of a proposed shut-off to the owners and occupants of the property by personal service or prepaid mail or by posting the notice on the property in a conspicuous place a Designated Employee may shut off the supply of water to the property, subject to the provisions of this By-law and the *Municipal Act* as to entry in a dwelling, where applicable.

- (2) Whenever the supply of water has been shut off for non-payment of the fees and charges the Property Owner shall be responsible for any damages arising

from such shut off including, but not limited to, frozen or burst pipes and/or damages to the curb stop, and the Owner shall indemnify and save harmless the City from all costs, damages and losses arising from such shut off.

(3) Other Reasons for Shut-off

Services may also be shut off at reasonable times in the following circumstances:

- a) if the owner or occupant has, for 30 days or such lesser period as the Manager may deem appropriate, refused to allow or has interfered with entry to the property by a Designated Employee as authorized under this By-law;
- b) there are reasonable grounds to believe that a Water Service Pipe supplying water to the property or the water so supplied is jeopardizing the City's infrastructure or other property of the City or any other person;
- c) the customer has notified the Division that the customer is no longer the Property Owner and no other person has been identified as such;
- d) there exist emergencies or extraordinary circumstances, including, without limitation, the following:
 - (i) a backflow preventer has not been installed when or as required, or is not in an operating condition;
 - (ii) water supplied to a property is being used without its flow being metered in accordance with this by-law; or
 - (iii) water supplied to a property is leaking to the point where it is
 - (a) causing damage to the City's infrastructure or to other properties of the City or another person; or
 - (b) interfering with or posing a risk to public safety or to vehicular or pedestrian traffic on a street

(4) Where there are reasonable grounds to believe that any of the aforementioned circumstances exist, a Designated Employee, upon giving such notice as is reasonable in the circumstances, is authorized to take any actions that are necessary to meet the emergency and to eliminate or reduce its effects.

(5) Any consumer wishing to discontinue the use of water supplied from the City's water works shall give notice thereof to the Customer Services Office at City

Hall, or the water rates or charges shall be continued until such notice is given and until the water is turned off.

- (6) No person shall turn off or turn on a water service except a Designated Employee of the City. If the City is requested to turn off or turn on a water service, a service charge, as provided in the Fees & Charges By-Law, shall be paid. No water service will be turned off or turned on unless the consumer or another person authorized in writing to act on behalf thereof, is present on the premises.

11. **Inspection Powers**

For the purposes of an inspection hereunder, a Designated Employee may, subject to the requirements of Section 436 of the *Municipal Act*:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

PART IV – GENERAL REGULATIONS

12. The supply of water or sewage service by the City is not to be construed in any way as an obligation to supply a sufficient quantity or quality of water to meet a Property Owner's or consumer's requirements, and failure to supply water of such quantity and quality shall not give rise to any liability on the part of the City.
13. It is the Property Owner's responsibility to keep the plumbing at a premises in good working order.
14. All connections to the City water or sanitary sewage system shall comply with this Bylaw and the Ontario Building Code, and AWWA specified materials shall be used for all installations.
15. The Manager may, from time to time, establish standards pertaining to connections and installation procedures where not otherwise provided herein or in the Building Code.

16. Where City water or sewage mains cross a property and no easement exists, the City shall be indemnified and saved blameless in the event of a water or sewer main break or damage incurred during a repair.

17. **Health Hazards**

(1) No person shall cause or permit any foreign substance, including, without limiting the generality of the foregoing, hazardous liquids or chemicals of any kind, to enter or have contact with the water in the municipal water system.

(2) Where a person has caused or permitted a foreign substance to enter, or have contact with, the water in the municipal water system, the person, or the Property Owner or occupant of the premises shall forthwith advise the Water & Wastewater Division.

18. **Permits**

19. **Application for a Water Supply Permit:**

a) No person shall make any connection into the City's water or sanitary sewage system without first having obtained a Private Service Connection Permit from the Water & Wastewater Division.

b) An application for a Private Service Connection shall be made in writing to the Water & Wastewater Division.

c) Upon receipt of a properly completed application from the Property Owner, or the Owner's authorized representative and of any applicable fee payable to the City at Customer Services at City Hall, the Water & Wastewater Division may issue a permit for the connection if it complies with all lawful requirements.

20. **Application for a Meter Permit:**

Upon receipt of a permit for a water connection the Property Owner shall apply for a "Water Meter Permit" from the Water & Wastewater Division by submitting the applicable Application form showing the purpose for which water is required. Such Application shall be signed by the Property Owner of the building to be supplied with water, or by such Owner's agent duly authorized in writing.

21. **Permit Fees**

The Application for a Private Service Connection Permit shall be accompanied by a payment, in accordance with the Fees & Charges By-Law, for the inspection of the newly installed service(s) connection to the water and/or sanitary sewage Lateral. Where the water and sanitary sewage service connections are installed simultaneously, only one permit fee shall be charged.

22. Depending on the location, there may be additional frontage costs payable in connection with the Application as determined by the City in accordance with the Fees & Charges By-law.

23. **All Connections – Water & Sewage**

(1) Private Service Connections installed to a premises shall at all times be maintained in good repair and, without limiting the generality of the foregoing, be fully protected from frost and other damage by the elements, such maintenance and protection to be carried out by and at the expense of the Property Owner.

(2) Any repair or maintenance to a Private Service Connection requiring excavation shall not be backfilled until such repair or maintenance is inspected and approved by the Water & Wastewater Division. In case any private connection is backfilled without an inspection and approval by the City, the City may require that the connection be uncovered for inspection and may refuse to supply water until an inspection is carried out and the connection approved. The Property Owner is solely responsible for any issues that arise from backfilling without inspection and approval.

(3) No service pipe installed from the main to the premises shall be used for any purpose other than to supply the premises.

(4) The cost of the repair of all landscaping on the Property Owner's side will be the responsibility of the Property Owner. This will include, but not be limited to, the replacement of all grass, shrubs and trees, driveways, sidewalk, retaining walls and any other disturbed or impacted landscape features.

24. **Water Connections**

(1) Installation of water service connections shall conform in all respects to the Standard Connection Details for this purpose (see Schedule A, Diagram A-1 and A-2) provided that the Manager may authorize such variations therefrom as he or she deems appropriate in individual circumstances.

(2) Only one service connection may be allowed for each main building, provided that:

- a) where a building occupies substantially all of the entire frontage of a lot and other buildings are located in the rear of the lot, all such buildings may be supplied from one water service provided that all such buildings belong to one Property Owner and such Property Owner pays all the water rates and sewage rates respecting to such buildings; and

- b) where more than one service connection was installed on or before the date of passage of this By-law, such connections may continue until such time as the premises on which they are located are substantially or completely reconstructed.
- (3) Where a property is the subject of an application by a Property Owner under the Planning Act for the purpose of subdividing land or creating new lots in any other way, and the land has municipal water service available, such Property Owner is required to service each lot individually unless such requirement is waived by the Manager or by the authority having jurisdiction under the said Act.
- (4) No person shall remove water supplied to a Property Owner from the City water system from the premises to which it was supplied for purposes of sale, unless authorized in writing by the City.
- (5) The sizing of private water service connections shall be no less than 18 mm in diameter.
- (6) The municipal water system shall not be connected to any water system that is also supplied from a well or any other source of water.
- (7) The municipal water system shall not be connected to a water distribution system in such a manner that foreign materials or non-potable water may enter the municipal system. Where water service connections are installed in the same trench as a sewage service connection, the Water Service Pipe shall be located in accordance with the O.B.C.

25. **Cross Connections (see Appendix A: A-6)**

- (1) If a person has reason to believe that there is a Cross Connection on property owned or occupied by such person, that person shall report it to the Water & Wastewater Division and such person shall be responsible for all costs, damages or other consequences arising from a failure to so report.
- (2) If the Division becomes aware of a Cross Connection, the City shall have the right to disconnect the service until the Cross Connection is corrected or eliminated.

26. **Backflow Preventers**

- (1) Backflow Preventers are required in all commercial locations, as identified by the Water & Wastewater Division including, without limitation, all photo labs, funeral homes, car washes and industrial plants.
- (2) Backflow Preventers shall be cleaned, maintained and tested not less than once annually and the test results shall be provided in writing to the Water and

Wastewater Division. The cost of testing and maintenance of Backflow Preventers shall be the responsibility of the Property Owner. Such cleaning, maintenance and testing shall be carried out by an adequately trained plumber or a registered apprentice working under the direction of such plumber as required under the *Ontario Trades Qualification Act*.

- (3) In instances where equipment is found not to be operating correctly, the Property Owner shall notify the Water & Wastewater Division immediately whereupon water service to the property may be discontinued until such time as the issue is resolved to the satisfaction of the Water & Wastewater Division.

27. **Hydrants and Valves**

- (1) Except employees of the Water & Wastewater Division or others acting under their authority, no person shall open or close any hydrants or valves associated with City mains, or interfere with the same in any manner.
- (2) All Water Service Pipes shall be equipped with a Curb Stop Valve and curb box on the premises, at a readily accessible location and immediately adjacent to the Property Line. The installation shall be at the expense of the Property Owner and comply with City standards and specifications.
- (3) With the exception of municipal fire fighters or Water & Wastewater Division employees, no person shall remove water from any fire hydrant, without approval in writing from the City.
- (4) Each hydrant on a private fire protection service shall be separately valved and all such hydrants shall be in accordance with specifications approved in writing by the City. Maintenance, including winterizing of private hydrants shall be the responsibility of the Property Owner.
- (5) A pressure reducing valve shall be installed, at the expense of the Property Owner immediately after the meter, in all premises that are determined by the Water & Wastewater Division to have the water service supplied at a pressure exceeding 550 KPa, (80 PSI).

28. **Water Booster Pumps**

Property Owners experiencing low pressure, or insufficient pressure, may require a water booster Pump, to be installed at the expense of the Property Owner.

29. **Leaks in the System**

- (1) The location of leaks shall be determined by working the Curb Stop Valve. If the leak stops, the leak shall be determined to be on the City side. If the leak persists, the leak shall be determined to be on the Private Property side and the responsibility of the Property Owner.
- (2) If, in the opinion of the Water & Wastewater Division, the Curb Stop Valve is not located at or near the Property Line the curb stop will be moved to as near as practicable to the Property Line at the expense of the Property Owner and the location of the leak and responsibility for repairs shall be as determined by the Water & Wastewater Division, whose decision shall be final.
- (3) If the City investigation confirms that a leak in a service line is on the Property Owner's side, which may or may not be causing any disturbance to the adjacent property or neighbours, the Property Owner will be verbally notified immediately of the leak by the Water & Wastewater Division. If no action is taken to repair the leak within three (3) days, written notification will follow the verbal notification and such notice shall warn the Property Owner of the potential shut-off of the water supply. The written warning will allow an additional five (5) business days for the Property Owner to have the repairs completed. Failure to complete the repairs by the fifth day may result in the Water & Wastewater Division shutting off the supply of water to the property. Any damages resulting from the water shut off shall be the responsibility of the Property Owner.
- (4) Any circumstances relating to leaks not provided for this Section shall be dealt with on a case by case basis, and at the discretion of the Manager.

30. **Bleeders**

- (1) A Property Owner may apply for a permit when reasonably necessary to prevent the freezing of water in the system. A discount rate for water line bleeding shall not be permitted except by written authority by way of a permit issued by the Water & Wastewater Division to the Property Owner. Should a properly installed Lateral freeze, the Lateral will be thawed, if practicable, at the expense of the City and thereafter the type or method for controlled bleeding of the line, shall be as directed by the Water & Wastewater Division in accordance with a permit which may be issued for such purpose.
- (2) Should a Private Service Connection freeze, the Property Owner shall be responsible for the cost of thawing the line. The Water & Wastewater Division may in its discretion authorize a method of controlled bleeding if it deems such to be necessary and advisable.

- (3) Where a permit to bleed has been issued under this section, the water rate shall be the prescribed amount set out in the Fees & Charges By-Law, for a period as approved by the Water & Wastewater Division, commencing as early as November 1 of any year and ending as late as April 30 of the next year following.
- (4) In extreme circumstances, the Manager has the discretion to authorize a special rate for approved Bleeder customers, where such rate is set out in the Fees & Charges By-Law.

31. **Use of Water Service Dispensing Outlets**

A person who obtains water from a Water Service Dispensing Outlet shall:

- a) ensure that Backflow is prevented by an air gap that exists at all times or by a Backflow Preventer authorized by a Designated Employee; and
- b) comply with additional rules and requirements governing for the supply and use of water from a Water Service Dispensing Outlet established by the Manager.

32. **Sanitary Sewage Connections**

33. **Number of Connections**

One service connection at the Property Line may be permitted for each premises. Connecting or “Y ing” of services and / or multiple services on Private Property are prohibited, provided that:

- a) where a building occupies substantially the entire frontage of a lot and other buildings are located in the rear of the lot, all such buildings may be serviced from the same sewage connection provided that all of the buildings belong to one Property Owner and such Property Owner pays the sewage rates for all of the sewage services; and
- b) Where more than one service connection was installed on or before the date of passage of this By-law such connections may continue until such time as the premises on which they are located are substantially or completely reconstructed.

34. **Lot Creation**

Where a property is the subject of an application by a Property Owner under the *Planning Act*, for the purpose of subdividing or creating lots in any other way, and the land has municipal sewage service available, such Property Owner is required to service each lot individually unless such requirement is waived by the Manager or by the authority having jurisdiction under the said Act.

35. New Homes
New homes shall, in accordance with the O.B.C., have a sump pit, sump pump and Backwater Valve installed. These devices shall be maintained at all times in good working order by and at the expense of the Property Owner.
36. Discharge Regulations
Subject to Section 37, Domestic Users may discharge into the sewage system from the following:
- a) bathroom fixtures,
 - b) kitchen sinks,
 - c) laundry and washing machine wastes,
 - d) floor drains,
 - e) garage floor drainage (not including detached garages or carports),
 - f) swimming pool water discharge (above ground or in ground).
37. Restrictions on Discharge
- (1) No person shall allow discharge from a swimming pool into a land drainage system, or as may come into contact with the ground, onto neighbouring property, into a waterway or onto the banks of a waterway. Swimming pool water discharge shall only be allowed where it is directly conveyed by means of a hose or other apparatus to discharge directly into a sanitary sewer.
 - (2) All discharge into the sewage system of wastes by a Commercial User shall first be approved by the City.
 - (3) The discharge of rainwater leaders, foundation weeping tile, sump Pumps, or other surface or underground water collection systems to the sewage system of the City is prohibited.
 - (4) The Property Owner shall, within 10 days of a sewage service connection being made to the premises, disconnect any septic tank, cesspool or similar private wastewater disposal facilities, and where the private wastewater disposal facilities no longer service any other premises, the same shall be cleaned, filled with clean and inert sand, soil or other suitable material, or removed.
 - (5) Every building drain branch serving fixtures below street level that may be subject to back flow and which was constructed after the date of passage of this By-law shall have installed a Backwater Valve or other approved device to prevent the flow of effluent from the City wastewater system into the premises

in accordance with OBC and such valve shall be maintained in good working order by and at the expense of the Property Owner.

38. Laterals

The sewage service Lateral from a building to the City's sewage main shall be connected to the building at an elevation below the foundation footings where existing grade will permit. No building sewage service shall be laid parallel to and within one (1) meter of any bearing wall. The piping shall be laid at sufficient depth to afford protection from frost, at uniform grade and in a straight alignment, wherever possible. Where an elbow is required, only 45 degree or 22½ degree long sweep or "street" bends or elbows shall be used, (see Appendix A: A-1 and A-3).

39. The size of the wastewater service Lateral shall be in accordance with the requirements of the O.B.C., MOECC and good engineering practice. The minimum diameter for the sanitary connection piping shall be 100 mm.

40. Where the sewage main and the sewage service Lateral thereto are not deep enough to permit a gravity connection at the depth or proposed depth of the basement construction, or the property is required to be serviced by a sewage pumping system, then the Property Owner shall install an Effluent Pump at the Property Owner's own cost.

41. Non-Municipal Sewage

The Sewage Treatment Plant is designed to accept only municipal sewage. The plant does not allow any discharge of sewage other than that from the City's Sewage Collection System. Notwithstanding the foregoing, the Manager, upon receipt of such tests and information as he or she may require, may permit the discharge of other sewage into the System, in which case a fee shall be payable by the Applicant at the rate of \$10.00 per 1000 litres of discharge or at such higher rate as may be set in the Fees & Charges By-Law from time to time

42. Grinder Pumps

(1) Pump Ownership

All Pumps on private property, whether Commercial or Domestic, are the property of the Property Owner, and except as herein specifically provided, the Property Owner is responsible for the cost of installation.

(2) Commercial Properties

Except as provided in Subsection (7) of this Section, low pressure Grinder Pumps servicing Commercial Properties are not maintained by the City. All costs associated with low pressure sewage systems servicing Commercial Properties shall be borne by the Property Owner.

- (3) Domestic Properties
Only external Grinder Pumps associated with residential low pressure systems are permitted. The normal maintenance costs of such systems shall be borne by the City which shall not include maintenance required due to misuse. Pumps, whether Grinder or Effluent, connected to a gravity collection system are not maintained by the City and all costs associated with such systems shall be borne by the Property Owner.
- (4) Warning Systems
Property Owners shall ensure that each Pump is equipped with a warning light and an audible alarm to warn of any failure in the Pump or its control systems.
- (5) Pump Failure
Every Property Owner, immediately upon becoming aware of a Pump failure or loss of electrical power, shut off all sources of water which drain into the Pump, and ensure that no further discharge is made into the sewage system until the Pump has been repaired or electricity has been restored.
- (6) The Property Owner of premises on which a Pump is located shall notify the Water & Wastewater Department immediately upon becoming aware of a Pump failure.
- (7) City Maintenance
Notwithstanding, Subsection (2) of this Section, the City may in its discretion provide maintenance, including replacement Pumps, to City approved low pressure systems within the municipal limits of the City, provided that:
 - i) the Property Owner of the premises has advised the City of a Pump failure; has requested the City to repair same, and has signed an authorization and indemnity form to be approved by the Water & Wastewater Division, substantially in the form of Schedule C hereto; and
 - ii) the Property Owner shall reimburse the City for repairs necessary to complete any work which may be ancillary to the Pump repairs and therefore not the responsibility of the City; and the Property Owner shall to reimburse the City for any repairs from negligent use or misuse of the Pump, including the discharge of any improper material into the sewage system; and
 - iii) the Property Owner arranges to have a person present at the premises to permit the City access to the premises as may be required to effect the repair.
- (8) If a Grinder Pump maintenance issue is reported after normal hours, Division staff may, but are not obligated to, respond to the service call to evaluate the

problem, but unless otherwise directed by the Manager, all maintenance work will be done after 8:00 a.m. the next normal business day. In such situations the users may be advised to monitor the problem and use less water to the extent necessary to prevent any overflow or spill.

- (9) Notwithstanding any other provision of this By-law, the City shall not be responsible for:
- i) electrical charges for the operation of any Pump or any heating systems related thereto;
 - ii) The operation, cleaning, maintenance, repair or replacement of the electrical system, including all electrical works from the Property Owner's house to the Grinder Pump canister (basin) except for the electrical control panel supplied with the Pump, any alarm systems associated with the Pump and the wiring system inside the canister;
 - iii) the operation, cleaning, maintenance, repair and replacement of piping and plumbing from property owner's house to the Grinder Pump canister and the service line from the canister to the sewage system;
 - iv) any maintenance issue inside the Grinder Pump canister due to disposal of deleterious materials such as, but not limited to, grease, abrasive materials or sand.
- (10) Additional Owner Responsibility
The Property Owner of a premises on which a Pump is located shall be responsible in the event of a discharge of effluent into the environment, for any cleanup costs, and any necessary notification to the Ministry of the Environment & Climate Change's Spills Action Centre, and for compliance with any Ministry requirements.
- (11) The Property Owner of a premises on which a Pump is located shall be responsible for the costs of any restoration of landscaping, shrubs, trees, grass and other improvements to property which may be damaged by the City or its Agent or employees in the course of pump maintenance, repairs, or replacements.
- (12) Where existing buildings have been demolished and the Property Owner proposes to utilize the existing sewage service to service a new building, the approval of the C.B.O. and Water & Wastewater Division shall be required. The approval of the continued use of the existing service will be subject to inspection by the Water & Wastewater Division to determine that it is in satisfactory condition and will properly serve the new building.

- (13) For gravity sewage service, a clean-out shall be installed by the Property Owner in accordance with the O.B.C.
- (14) A main building inspection clean-out shall be located just inside the foundation wall, and as approved by the Water & Wastewater Division. The main building inspection clean-out shall be fitted with a riser pipe of the same diameter and material as the sewage service pipe and shall rise to the top of the basement floor, such that the cap is flush with the floor, yet accessible for removal.
- (15) The details of the installation of the sewage service shall conform to the Standard Connection Details for this purpose (see Appendix A: A-1, A-3 or A-4) and to any additional or alternative requirements of the Water & Wastewater Division.

43. **Food Related Oil and Grease Interceptors**

- (1) Every Property Owner or operator of a restaurant or other Commercial User or institutional premises where food is cooked, processed or prepared and connected directly or indirectly to the City sewage system, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewage system.
- (2) The Property Owner or operator of premises described as set in Subsection (1) of this Subsection shall install, operate and properly maintain an oil and grease interceptor in any piping system at the premises that connects directly or indirectly to the sewage system.
- (3) The Water & Wastewater Division may enter and inspect any premises containing oil and grease interceptors at reasonable times.

44. **Lateral Maintenance and Repair**

- (1) The Property Owner is responsible for maintenance of the Lateral from building to the City Sanitary Sewer Main, as shown in Appendix A: A-3. This includes both the portion on Private Property and the Non-Private Property portion up to the main.
- (2) Whenever failure or blockage of any sanitary line occurs, the City crews may respond only to check the City's sanitary main to determine if it is clear and flowing. If the sanitary main is found to be clear, it is the responsibility of the Property Owner to make an arrangement for cleaning and maintenance of the sanitary service.
- (3) Subject to payment of applicable service charges, in accordance the Fees & Charges By-Law, the City may provide available services such as inspection,

sanitary rodding, sanitary steaming and camera work for the sanitary service connected to the sanitary main.

45. Exceptions

Notwithstanding that the Property Owner is responsible for maintaining and repairing the sanitary service from the building to the sanitary main:

i) Technical Problems:

The City may, if approved by the Manager, take responsibility for repairs to any sanitary sewage service for the section from the approximate Property Line to the sanitary sewage main that requires excavation due to shifting, formation of a sag, broken pipes, cracks, or collapse in the sanitary sewage line; and

ii) Sidewalks or paved roadways:

If a Lateral repair is required under a public sidewalk or under a paved public roadway (lane or street) the City may, if approved by the Manager, undertake the repair of that portion of the Lateral, at its cost;

provided that where such repairs are necessitated by the unauthorized act or negligence of any person, the costs of the repairs are payable by such person to the City.

PART V – SEASONAL WATER AND SEWAGE SYSTEMS

46. Except as otherwise provided in this Part, the construction, use, operation, and maintenance for seasonal water and sewage systems shall be in accordance with the general provisions of this By-Law.

47. For conditions where the general provisions of this By-law are deemed by the Water & Wastewater Division not to be possible or practical, the City may deviate from such general provisions to the extent determined by the Water & Wastewater Division.

48. Annual Activation of Seasonal Water & Sewage Service

The objective, subject to manpower availability, weather conditions and other prevailing circumstances, is that the seasonal water and sewage systems are to be made fully operational annually. The exact date the systems become operational will vary from year to year, but the general objective is that this will be on or before the May long weekend.

49. All summer service users, including, without limitation, Coney Island residents, shall pay the applicable service charge for each water turn on and water turn off and related services.

50. Annual Termination of Seasonal Water & Sewage Service
The date for termination of seasonal water and wastewater service shall, normally be October 1st. This date may be extended on a “day to day” basis and the decision shall be dictated by manpower availability, weather conditions and other prevailing circumstances provided that, regardless of warm weather conditions, the operation of all seasonal systems shall be terminated no later than the first Tuesday following Thanksgiving Day.
51. City of Kenora Services
The City services under this Part include only the following:
- a) charge and flush main lines during activation in spring;
 - b) shut off and drain main lines in the fall;
 - c) shut down lift stations and blow out the sanitary main;
 - d) repair leaks on main lines, maintain water meters and fire hydrants;
 - e) removal and draining of water meters when terminating service in the fall;
 - f) reconnect and reseal meter prior to activation in the spring; and
 - g) monthly meter readings in summer months and determining if the water meter is in working order.
52. Seasonal Service Customer Responsibilities
The Property Owner responsibilities under this Part include, without limitation, the following:
- a) maintenance and repairs on Laterals from main to residence;
 - b) ensuring no branch lines originate before water meter;
 - c) reporting water leaks, tampering with water meters or hydrants;
 - d) winterizing sanitary service lines (if applicable);
 - e) contacting City Hall Customer Service Department for activation and termination dates;
 - f) draining of Lateral line from main to residence;
 - g) payment of charges for the monthly flat water rate and sewage rate (where applicable) from the day the seasonal service is activated by the City until the service is terminated by the City;

- h) If a consumer requests that the service be terminated prior to the scheduled seasonal termination date, a turn off service charge is applicable in accordance with the Fees & Charges By-Law. This service termination shall be performed only by City staff and the Consumer shall contact the City to request such termination. Any self-discontinuation of services will not be eligible for billing termination.
53. No person shall, without authority from the City and compliance with this By-law connect to the City water system, or sewage system.
54. No person shall by-pass a water meter.
55. Coney Island – Low Pressure Wastewater System (Grinder Pump)
- (1) The Coney Island Property Owner shall pay a one-time connection fee per service to the City in accordance with the Fees & Charges By-Law.
 - (2) Prior to connection the Property Owner shall have obtained a Private Service Connection Permit from the Water & Wastewater Division.
 - (3) The Property Owner assumes all responsibility for the connection and installation for the Low Pressure Sewage Lateral Service and all associated costs.
 - (4) Customer materials and procedures shall be in accordance with Appendix A: A-5, and as follows:
 - a) Cut off end cap and use compression male adaptor with stainless steel insert inside polyethylene (PE) pipe.
 - b) Install a 38 mm good quality threaded ball valve, 38 mm close nipple, a good quality brass check valve (threaded) and a compression male adaptor that comes with a stainless steel insert.
 - c) All piping to be used to connect to the low pressure Grinder Pump tank shall be PE Series 100.
 - d) The low pressure Grinder Pump tank may be constructed from concrete, polyethylene or fiberglass, with a minimum size of 750 mm by 1.5 m in height and with a lockable cover.
 - e) The Grinder Pump shall be capable of 30 m head.
 - f) An alarm system is required for the Grinder Pump, either audible or visual (flashing light), which shall be installed in a clearly visible area.

g) Existing septic or holding tanks shall not be used as a pumping chamber.

56. Winterizing

Prior to the system being shut-down and de-activated, the Property Owner shall pump out the Grinder Pump station and add an adequate quantity of RV antifreeze to the Grinder Pump station and sanitary line, approximately 35 litres per 30 metres. The Pump shall then be started in order to pump the antifreeze into the sanitary line so that the antifreeze is protecting the check valve area as well as within the Grinder Pump station.

PART VI – WATER METERS

57. All water supplied by the City to any other person through the City municipal water system shall be metered.
58. No person shall tamper with or alter a Meter.
59. All Meters, 50 mm and under, shall be supplied by the City on payment of any applicable fee as provided in the Fees & Charges By-Law and installed by the Property Owner in accordance with the directions of the Water & Wastewater Division and the provisions hereof.
60. If a Meter fails to register, the Property Owner shall be charged for the average consumption for the pertinent period as determined by the Water and Wastewater Division.
61. All water passing through a Meter shall be charged for, whether used or wasted.
62. A Meter may be removed and tested by the City upon the written request of the Property Owner. If it is found to register correctly or not in excess of five per cent in favour of the City, the expense of removing and testing of the Meter shall be paid by the Property Owner.
63. If a Meter, when tested, is found to register in excess of five per cent in favour of the City, a refund will be made to the Property Owner of an amount equal to such excess percentage of the water rates paid for the three months prior to the testing of the Meter, provided, however, that no reduction shall be made which will reduce the water rates for the such period below the applicable minimum water rates.
64. In dealing with Meter issues, the City will first determine if the water Meter was properly read. If the investigation of the Meter and Meter records establishes that the Meter was misread or that there was a failure of the equipment, a new

bill will be issued using the previous year's consumption for that location for the period in question. There will be no penalty assessed in the event the adjustment procedure delays payment past the penalty date.

65. If an investigation of the Meter and the Meter record establishes the Meter was properly read and that there was no failure of the equipment, the bill will remain valid and payable.
66. Property Owners questioning the accuracy of the Meter shall pay the account in question and request that the Meter be tested.
67. If an adjustment to the Property Owner's bill is warranted, the amount of the bill will be determined using the previous year's consumption for that period unless the Manager determines that the amount should be determined in an alternate way.
68. All Meters in excess of 50 mm shall be supplied and installed by the Property Owner. The meter shall meet or exceed City standards and specifications. Upon installation of such Meter, ownership of the Meter shall be deemed to have been transferred to the City and shall be maintained by the City thereafter.
69. Where the Division determines that a Meter is to be replaced, such shall be done at the City's expense unless the City determines that damage to the Meter was caused by the willful act or negligence of the Property Owner or occupants of the premises, in which case, the cost of the new Meter and of the installation shall be a charge to the Property Owner.
70. Meters shall be installed in an easily accessible location, having adequate head room, and located immediately adjacent to the point at which the service pipe enters the premises (see Appendix A: A-7).
71. On reasonable notice of its intention to do so, the City may shut off or restrict the supply of water to a property if the City requires access to the property to replace, repair or inspect a Meter.
72. Rental units in a premises may have separate registered Meters for each such unit, provided such installations are made above ground and each Meter is plumbed so that the supply of water to that Meter may be shut off without negatively impacting the supply of water to the other Meters. All costs associated with such multiple meter installations shall be borne by the Property Owner.

PART VI – WATER RESTRICTIONS

73. The City may, upon reasonable notice personally delivered or sent by ordinary mail to the Property Owners affected, or by notice published in a newspaper having circulation in the City, restrict or prohibit the consumption of water at certain times, on certain dates or for certain purposes as is deemed necessary and the City is not liable for any loss or damages caused by such reduction.
74. No person shall use water supplied by the City water system except in accordance with any such restrictions.
75. Any Property Owner who fails to comply with water restrictions, shall, where reasonable notice has been given as required by the *Municipal Act*, be subject to having such Owner's water supply shut off, and such supply shall not be turned on until arrangements satisfactory to the City have been made to ensure that the restrictions are complied with.

PART VII – RATES AND BILLING ADJUSTMENTS

76. **Rates**
 - (1) Every Property Owner shall pay the rates, fees and charges as set out in Fees & Charges By-Law for applications, permits, consumption of water, and water and wastewater service calls, and such other services, matters and things as may be provided for herein. Where adequate water and sewage service currently exists, but no connection to the water and sewer has occurred, Property Owners wishing to connect to these services shall pay a frontage fee as determined by the City in accordance with the Fees & Charges By-law.
 - (2) Every Property Owner shall pay to the City, on or before the due date shown on the City's account, the full amount of the rates and charges shown thereon. If the full amount is not paid on the due date, interest will be payable in accordance with the City's Fees & Charges By-law.
77. **Billing Adjustment Process**
 - (1) The need to adjust a water and wastewater account may arise through facility malfunction or evidence that the charges are in error.
 - (2) To apply for an adjustment relating to suspected leak, the leak must not be readily evident (such as leaks that are under concrete, within walls, or under floors) or the leak must occur while occupants are away from the premises. This may be determined from hydro records or such other evidence as the Water & Wastewater Division deems appropriate.

- (3) Adjustments on water and sewage bills will not be made in the following circumstances:
 - a) premises left abandoned, or maintained without reasonable care of the plumbing system, including winterization or where steps are not taken to prevent leaks or the waste of water in any other manner including, without limitation the running of water from or in unattended fixtures;
 - b) More than one occurrence per calendar year;
 - c) Filling of swimming pools, hot tubs, cisterns, storage tanks;
 - d) Leak not repaired within 10 calendar days after notification by the City of a possible leak;
 - e) Request for adjustment was made more than (90) days from the billing date.
- (4) The City shall be under no obligation to extend the discount or due date or the time for paying any bills because the Property Owner disputes the amount of the bill.
- (5) All requests for billing adjustments must be received in writing at the Customer Service office at City Hall during regular business hours.
- (6) The Manager, or his or her delegate, shall file a written report of the Property Owner's request for an adjustment and the action of the staff regarding the matter.
- (7) All records of billing adjustments shall be kept as required by the City's document retention policies.
- (8) In the absence of specific rules or policies, the disposition of billing adjustments shall be made by the Manager, or his or her delegate.
- (9) Billing adjustments as provided in Subsections (1) to (8) of this Section are applicable to Domestic Users only.
- (10) Adjustments may be made to Commercial Users' bills but shall be at the sole discretion of the Manager if deemed justified in the individual circumstances.
- (11) Adjustments shall be made by using the previous year's consumption for the timeframe in question unless the Manager determines otherwise.
- (12) Any interest accruing on the Property Owner's account during the period while the adjustment process is proceeding, is the sole responsibility of the Property Owner and shall be paid in accordance with City policies.

- (13) All water and sewage adjustment requests shall be in writing using the “Water / Wastewater Adjustment Request Form”

PART VIII – OFFENCES AND PENALTIES

78. **Offences**

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine or other penalty as provided for in the *Provincial Offences Act*.

PART IX – REPEAL AND EFFECTIVE DATE

79. **Repeal**

By-law 168-2004 and all amendments thereto and consolidations thereof, and City of Kenora Policy Numbers CS -1-4 and CS-1-5 are repealed.

80. All permits issued pursuant to said By-law 168-2004, shall be deemed to be issued under this by-law for and during the period for which they were issued.

81. The repeal of By-law 168-2004, shall not affect the collection of any amount accrued thereunder or any prosecution for an offence committed against the provisions thereof or the imposition of any penalty in respect of offences thereunder.

82. **Effective Date**

This by-law shall take effect and come into force on the final passage hereof.

By-law read a First and Second Time this ___ day of _____, 2017

By-law read a Third and Final Time this ___ day of _____, 2017

The Corporation of the City of Kenora

David S. Canfield, Mayor

Heather Kasprick, City Clerk

The Corporation of the City of Kenora

By-Law Number _____ - 2017

A By-law to regulate the Municipal Water Supply and the Provision of Sanitary Sewage Services in the City of Kenora

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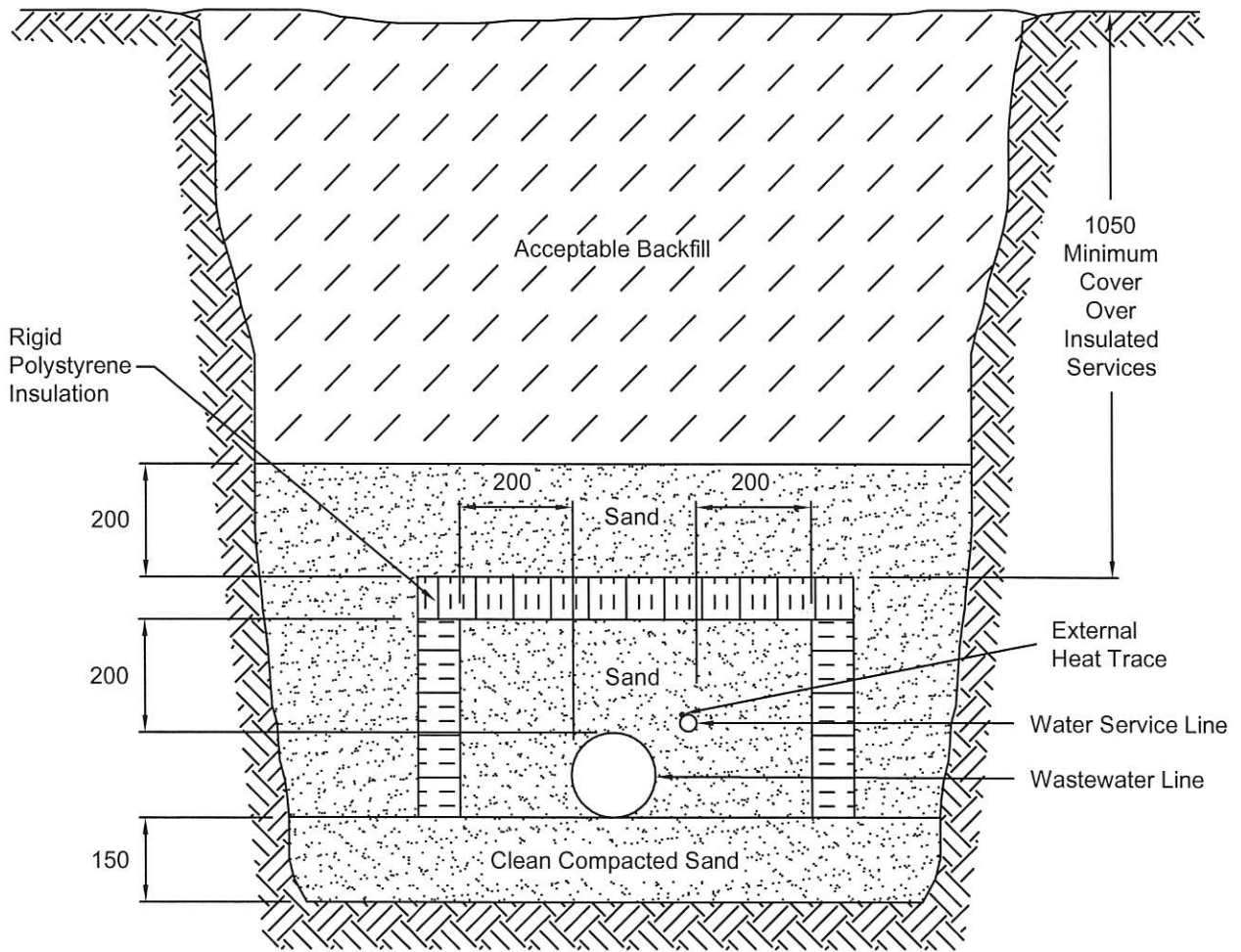
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Appendix A

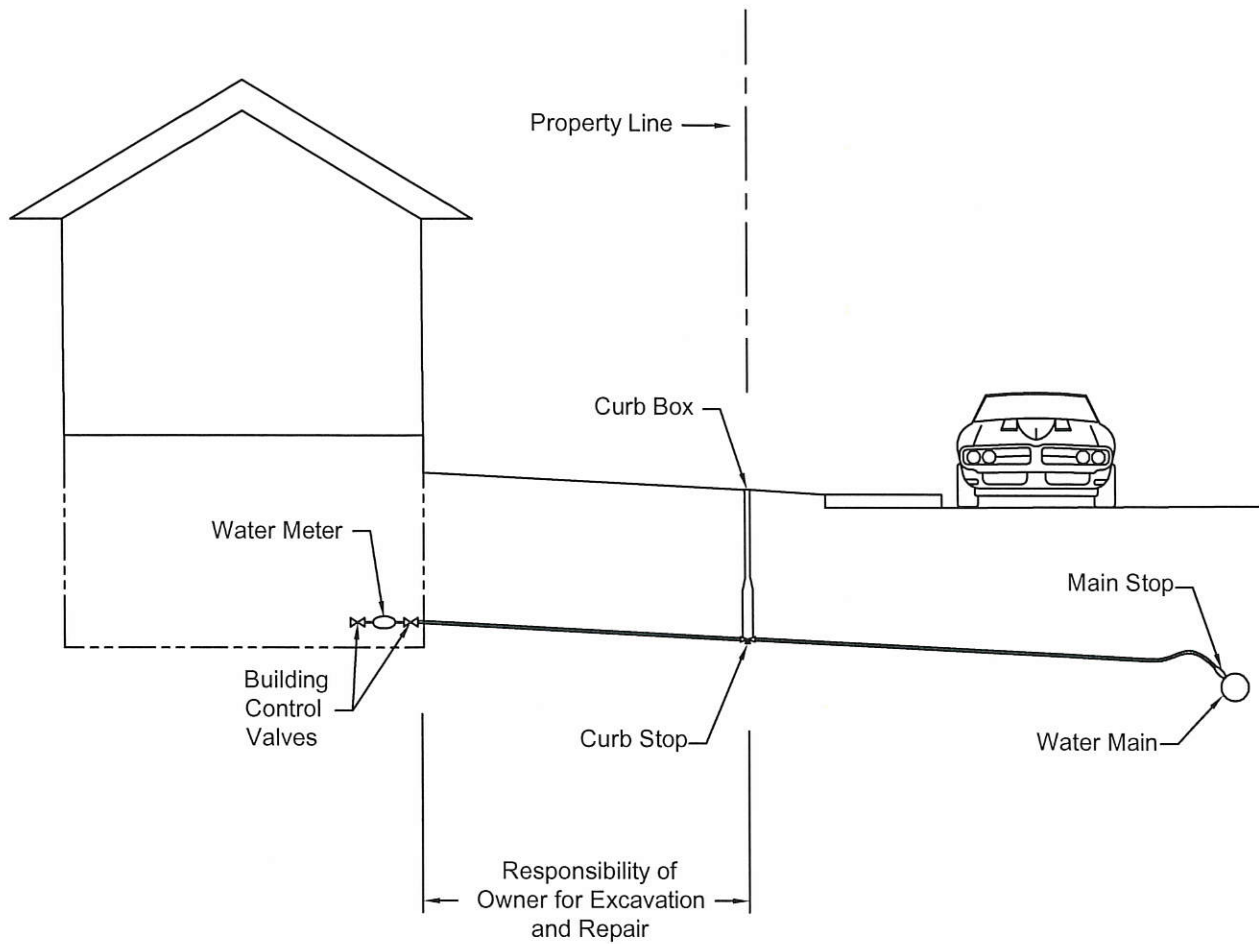
(Diagrams A1 to A-7)



- All materials shall conform to AWWA Standards
- Minimum grade for gravity sewer to be 6mm/300mm of pipe
- Insulation will be minimum 75mm styrofoam type SM or insulated pipe
- External heat trace required on all water services with less than 2400mm depth

DIMENSIONS IN MILLIMETRES

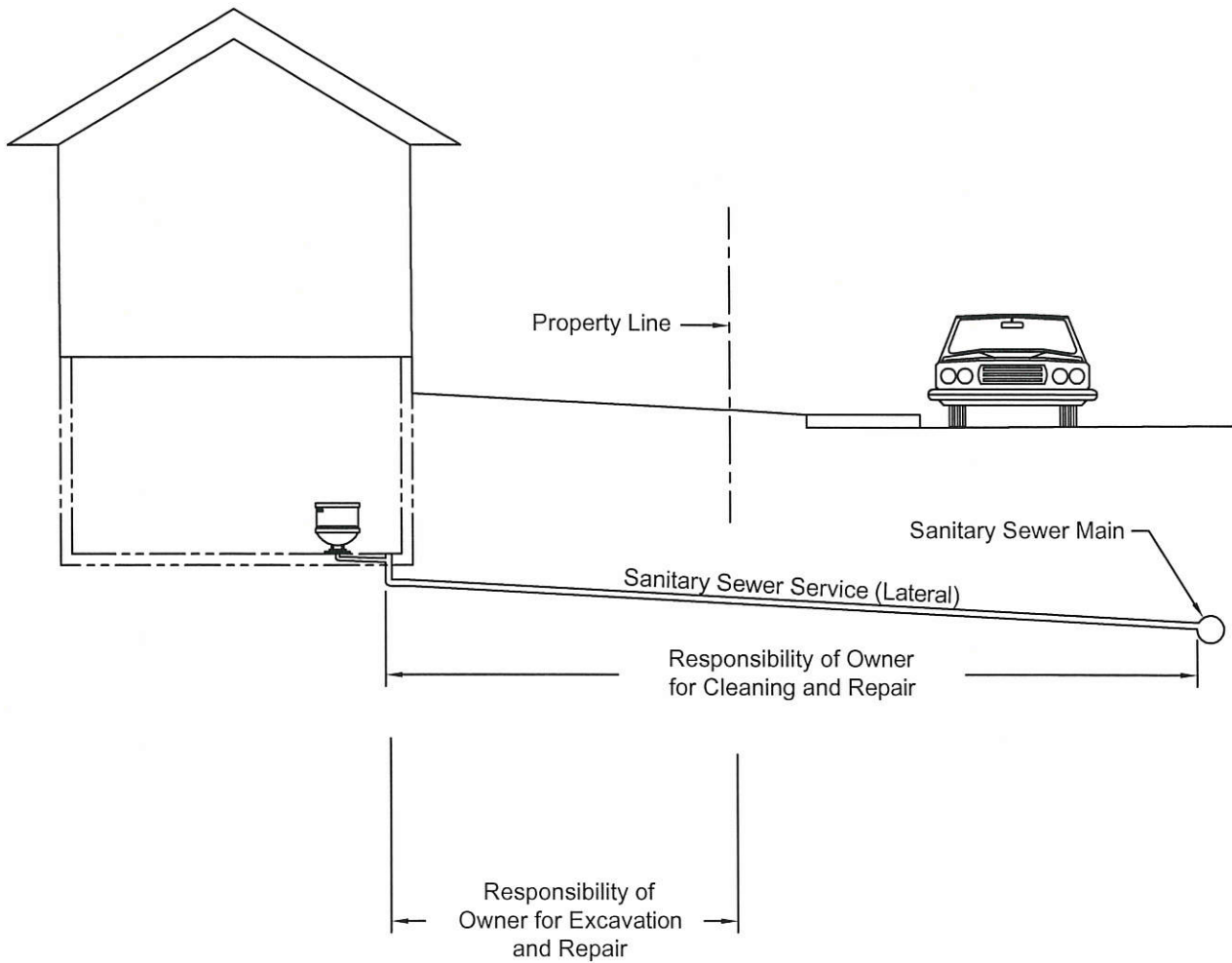
SCHEDULE A-1	TYPICAL INSULATION DETAIL FOR SERVICE DEPTHS LESS THAN 2400			
	BY-LAW _____	SCALE N.T.S.	DRAWN PVW/MV	




- All materials shall conform to AWWA Standards
- Approved Insulation and external heat trace required on all water service lines with less than 2400mm depth

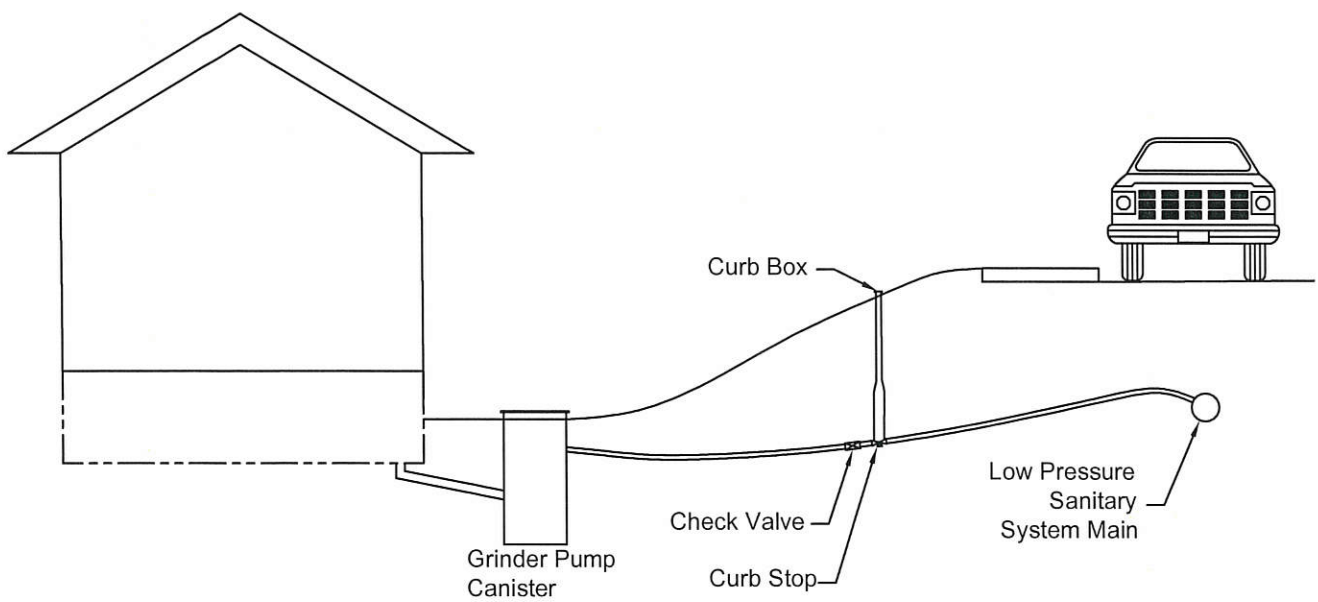
DIMENSIONS IN MILLIMETRES

SCHEDULE A-2		TYPICAL WATER CONNECTION			
BY-LAW _____					
SCALE	N.T.S.	DRAWN	PVW/MV	DATE	12-13-16



DIMENSIONS IN MILLIMETRES

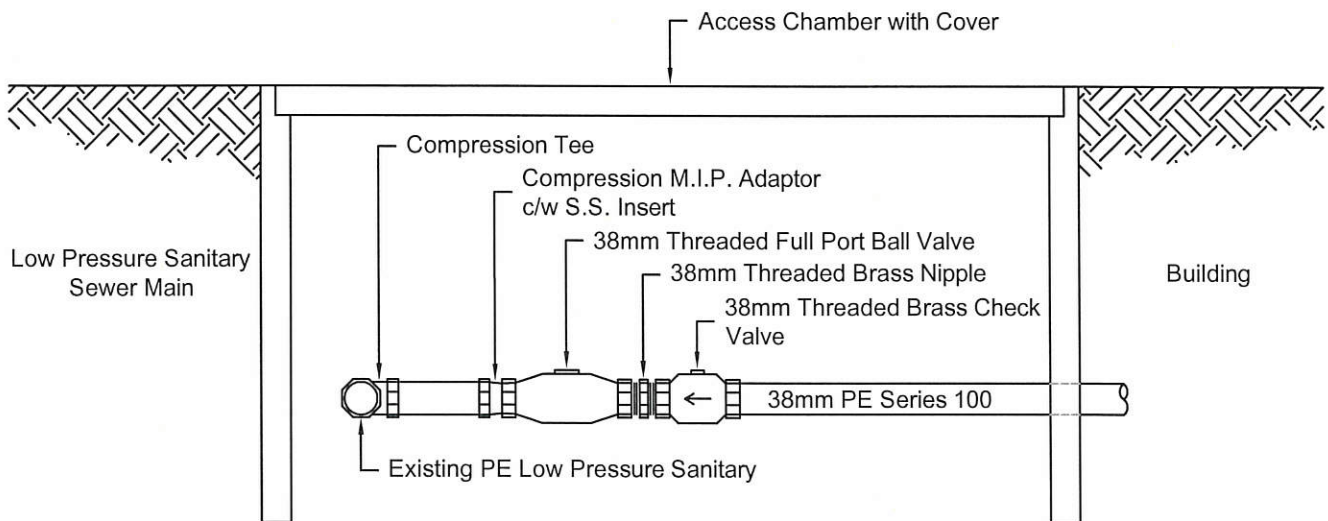
SCHEDULE A-3	TYPICAL SANITARY SEWER SERVICE (LATERAL)			
BY-LAW _____				



- All materials shall conform to AWWA Standards
- Approved Insulation and external heat trace required on all low pressure sanitary lines with less than 2400mm depth


DIMENSIONS IN MILLIMETRES

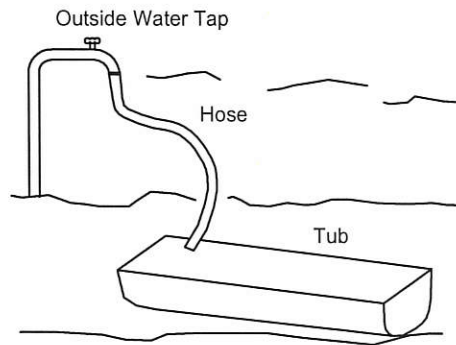
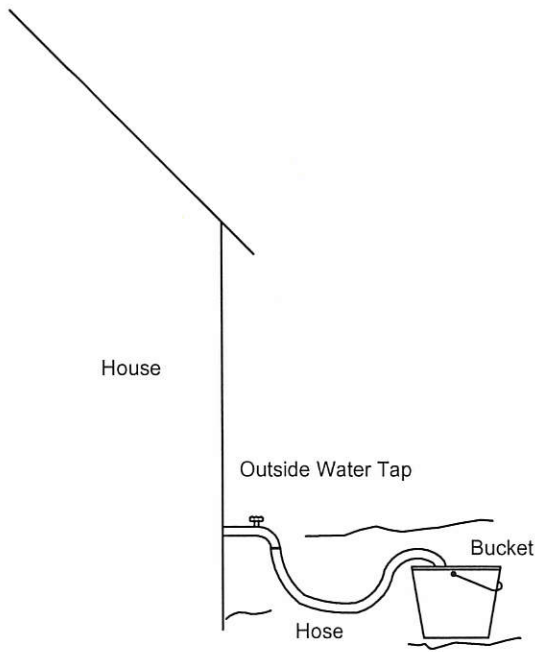
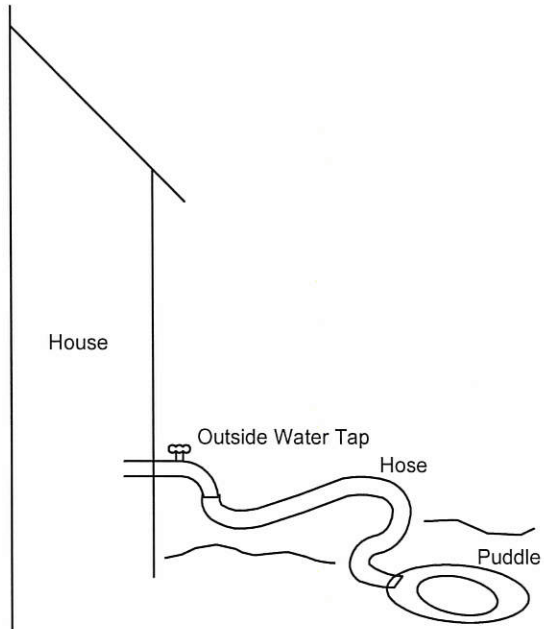
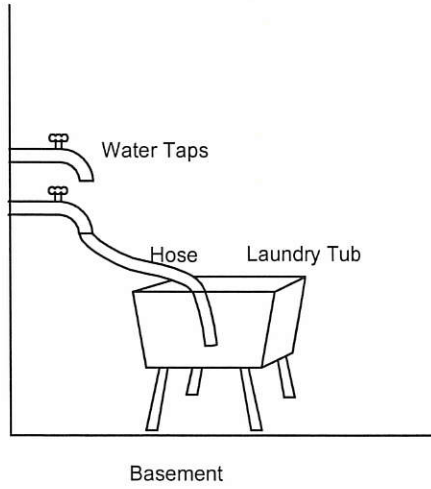
SCHEDULE A-4	TYPICAL LOW PRESSURE SANITARY CONNECTION					
BY-LAW _____	SCALE	N.T.S.	DRAWN		PVW/MV	DATE



- All materials shall conform to AWWA Standards
- Install a 38mm threaded ball valve, 38mm close nipple, brass check valve (threaded) and a compression male adaptor that comes with a stainless steel insert
- All piping used to connect to the low pressure grinder pump tank must be Series 100

DIMENSIONS IN MILLIMETRES

SCHEDULE A-5		CONEY ISLAND LOW PRESSURE SANITARY CONNECTION DETAIL		
BY-LAW _____				
SCALE	N.T.S.	DRAWN	PVW/MV	DATE
				12-13-16



DIMENSIONS IN MILLIMETRES

SCHEDULE A-6

BY-LAW _____

GENERAL EXAMPLES OF
CROSS-CONNECTIONS

SCALE

N.T.S.

DRAWN

TG/MV

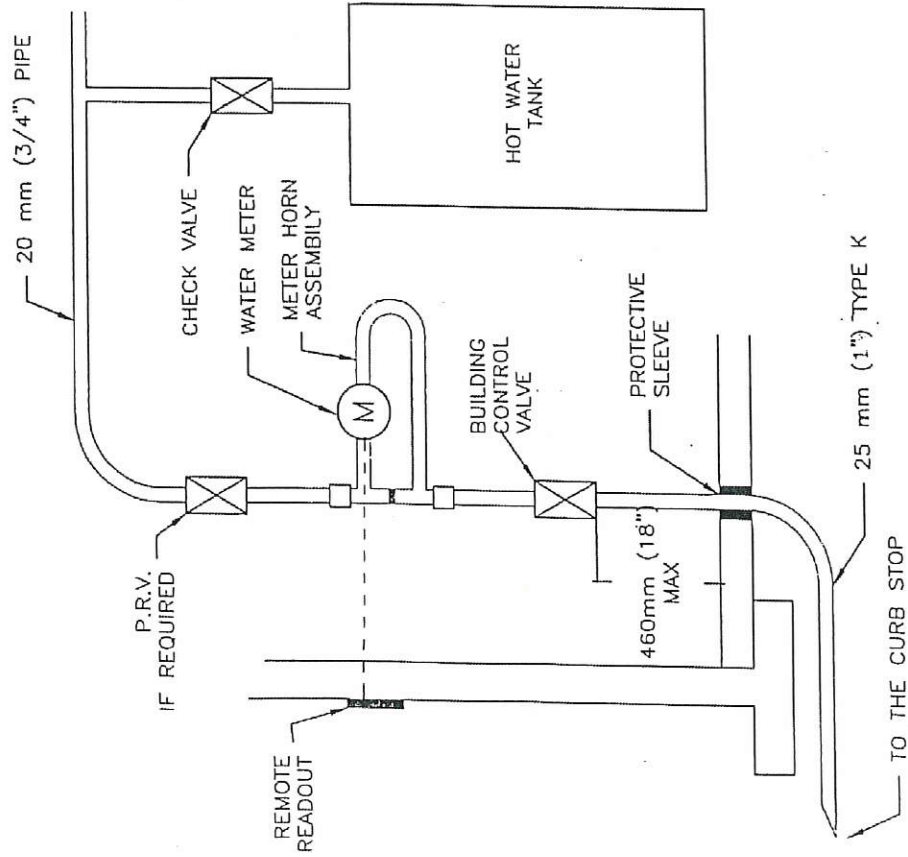
DATE

12-13-16

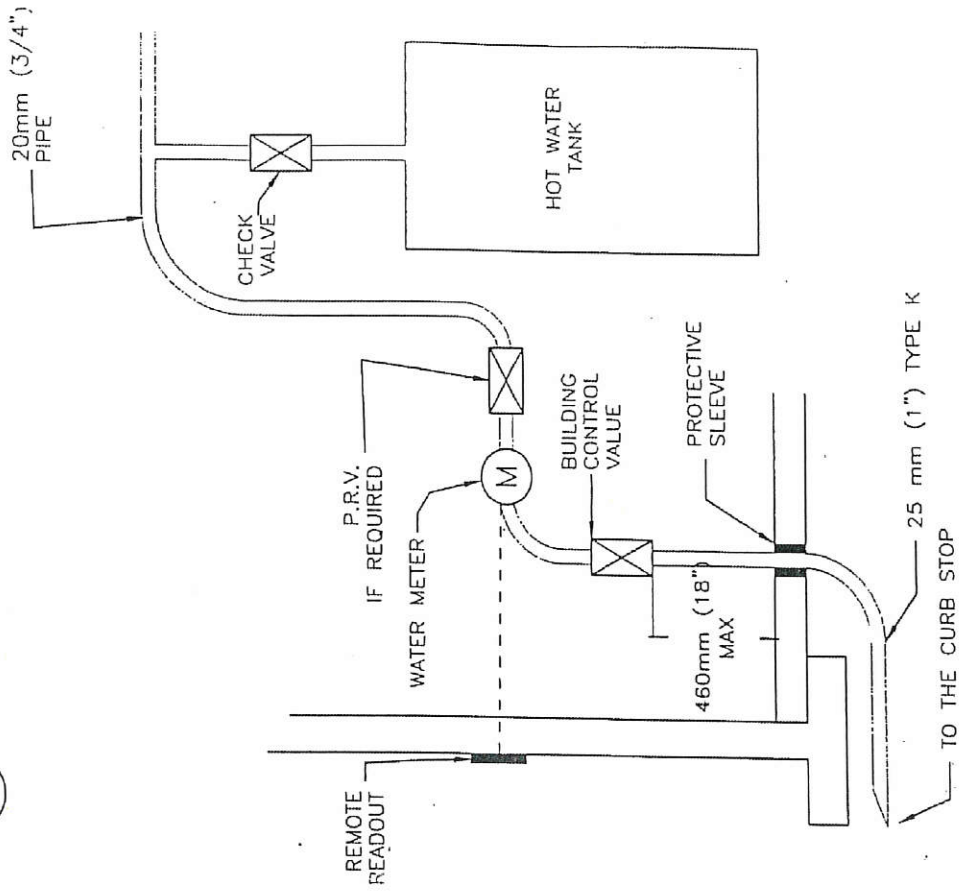


NOTE: METER MUST BE INSTALLED IN HORIZONTAL POSITION WITH METER FACE UPWARDS.

(A)



(B)



DIMENSIONS IN MILLIMETRES

SCHEDULE A-7

WATER METER CONNECTION DETAIL

BY-LAW _____

SCALE N.T.S. DRAWN PVW DATE 05-02-16





June 5, 2017

City Council Committee Report

To: Mayor and Council

Fr: Heather Kasprick, City Clerk

Re: Tariff of Fees and Charges – Water & Wastewater Bylaw

Recommendation:

That Council hereby approves including various Water & Wastewater rates under Schedule "D" of the Tariff of Fees and Charges bylaw; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Tariff of Fees and Charges By-Law Number at its June 20, 2017 meeting to give effect to these rates outlined in the revised Schedule "D"; and further

That By-law Number 39-2017 be hereby repealed.

Background:

The new Municipal Water Supply and Sanitary Sewage Services bylaw has been presented to Council for consideration at this meeting. There has been significant review of this bylaw including legal review and consideration. As part of this new bylaw, the reference to fees and charges have been removed from this bylaw and should be now included in the Tariff of Fees and Charges bylaw. This allows us to easily update rates and charges in this bylaw and repealing each time, rather than making amendments to one large bylaw. It is also much more transparent and convenient for the taxpayer to access fees and charges information by just going to the tariff of fees and charges bylaw and not to each individual bylaw where rates and amendments may be buried.

Most of the charges that were referenced in the previous bylaw are currently included to our water & sewer rate charges, however, we do need to capture the interest rate charged on outstanding accounts which was included in the former bylaw. The following will be added to Schedule "D" of the Tariff of Fees and Charges bylaw:

Departmental Section	Fee Description	Fee
Water & Sewer Rate Charges	Interest Rate charge (monthly) Past due accounts	1.5%

Budget: There is no impact to the budget, this is administrative only

Risk Analysis: There is no risk to include these charges in our Tariff of Fees and Charges bylaw and is administrative only.

Communication Plan/Notice By-law Requirements:

Required under Schedule 'A' to Notice By-law 144-2007: before passing or amending a by-law pertaining to fees and charges imposed by the municipality, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal.

Strategic Plan or other Guiding Document: Administrative only.



May 30, 2017

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Traffic Regulation By-law Amendment-Stop Sign Addition-Sixth Street South

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to the following: Schedule "O" – Stop Signs at Intersections for Sixth Street South; and further

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

Background Information:

The Operations and Infrastructure Division was approached by a resident of Lakeside requesting that two (2) Stop signs be erected on Sixth Street South at Sixth Avenue South. This change would make the intersection a 4-Way Stop. Living many years in the respective area the resident has noticed an increase in traffic at this intersection, and has difficulty entering Sixth Street South from Sixth Avenue South. This intersection is also a City Transit route. Presently, there are two (2) Stop signs erected at the intersection for North and South bound traffic on Sixth Avenue South. An additional two (2) Stop signs are requested for the East and West bound traffic on Sixth Street South, see the attached drawing. Comments were received from the Engineering and Roads Divisions, the O.P.P. and First Group (City Transit). All were in support of this request with the exception of the Engineering Division who suggested attention be given to snow banks and vegetation that could impact sight lines. With a majority in favour, the recommendation is that Council approve the addition of two (2) Stop signs on Sixth Street South at Sixth Avenue South.

It will now be necessary to amend Schedule "O" – Stop Signs at Intersections, as follows: -

SCHEDULE "O" STOP SIGNS AT INTERSECTIONS

Column 1 INTERSECTION	Column 2 FACING TRAFFIC
ADD: Sixth St S and Sixth Av S	East bound on Sixth St S

Column 1 INTERSECTION	Column 2 FACING TRAFFIC
ADD: Sixth St S and Sixth Av S	West bound on Sixth St S

Budget: 2017 Operating Budget.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a minimum operational risk to not adding two (2) additional Stop signs as there could be an increase in near misses due to an aging demographic. The risk will be mitigated with the creation of a 4-Way Stop.

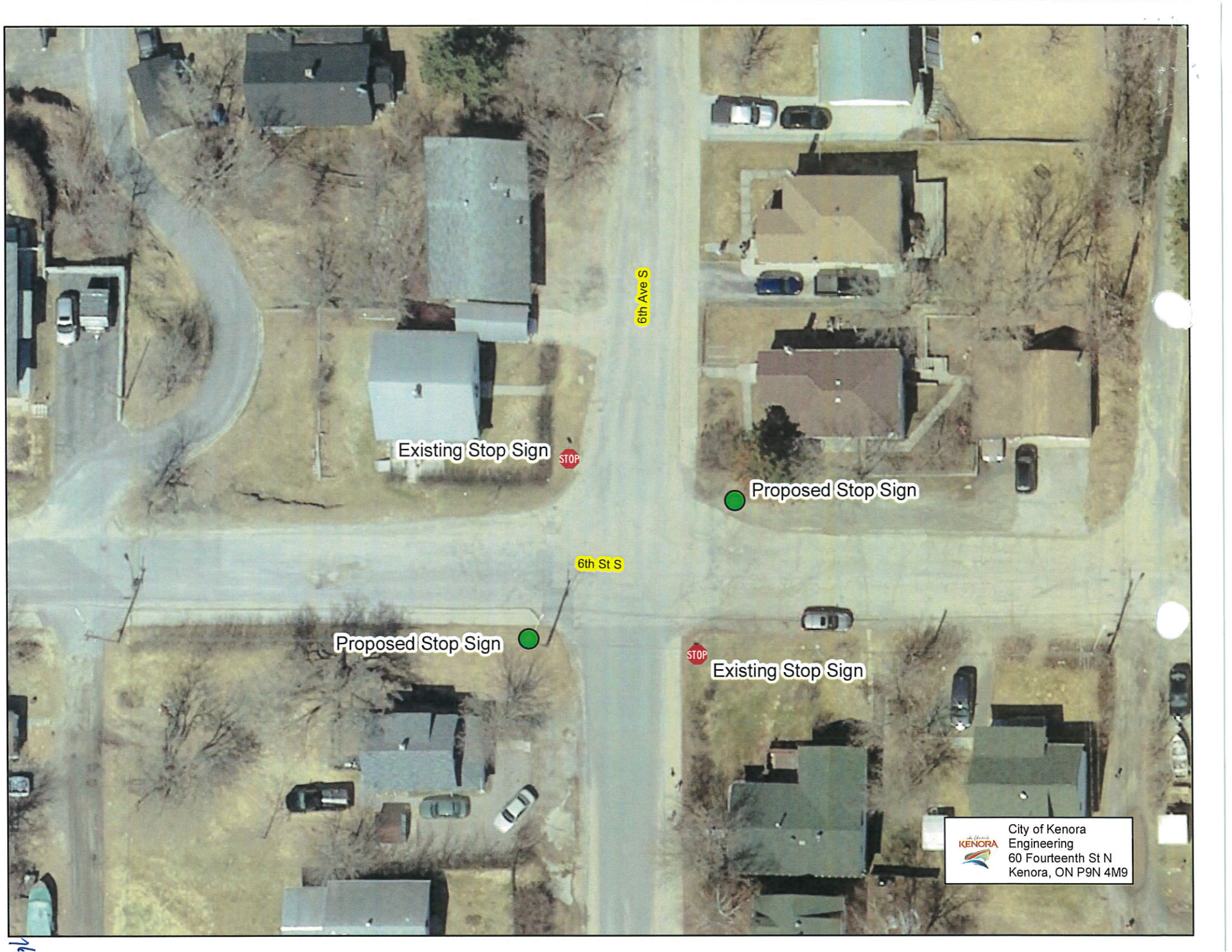
Communication Plan/Notice By-law Requirements:

J. Hawley, M. Vogrig, T. Garbachevski, H. Kasprick, H. Lajeunesse, O.P.P., First Group (Karen Redden).

Strategic Plan or other Guiding Document:

Goal #2: Strengthen Our Foundations

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



6th Ave S


6th St S

Existing Stop Sign

Proposed Stop Sign

Proposed Stop Sign

Existing Stop Sign

 City of Kenora
Engineering
60 Fourteenth St N
Kenora, ON P9N 4M9



June 1, 2017

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Traffic Regulation By-law Amendment – One Way Street, Limited
Restricted Parking, Do Not Enter and No Parking – Wharf Street Extension –
Revised Report

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to the following: Schedule "M" One-Way Streets, Schedule "C" Limited Restricted Parking, Schedule "U" Do Not Enter and Schedule "B" No Parking –Tow Away Zone, for Wharf Street Extension; and

That three readings be given to an amending by-law for this purpose; and further

That By-Law 63-2017 be hereby repealed.

Background Information:

Council adopted By-Law Number 63-2017 on May 16th, 2017, approving amendments to the Traffic Regulation By-Law Number 180-2015 at the Lakeshore Development. A reduction in the length of the present Limited Restricted Parking, along the south side of Wharf Street Extension, was not included and needs to be added. This revised Report is required to replace the approved Schedule "C" Amendment, with the correct one and keep it with the other approved Schedule changes: Schedule "M" One-Way Streets, Schedule "U" Do Not Enter and Schedule "B" No Parking-Tow Away Zone. This will require the repealing of By-Law Number 63-2017. Presently, in the Traffic Regulation By-law, there is a parking restriction that runs along the south side of Wharf Street Extension from Tenth Street to Wharf Street. With the construction of the patio and sidewalk the Limited Restricted Parking needed to be removed in that area and the By-law adjusted to reflect the change. Instead of removing the restriction in that area (By-Law 63-2017) the request should have read to "amend" the present restriction "to read" as it is an adjustment to what is already present. It is recommended that the change to Schedule "C" Limited Restricted Parking for Wharf Street Extension, as approved under By-Law Number 63-2017, be removed:

Schedule "C"

Limited Restricted Parking

<u>Column 1</u> STREET	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> RESTRICTION
Remove: Wharf St Extension	From 21 m west of Tenth Street, westerly for 31 m	South	2 Hours 8 am – 6 pm Monday - Saturday

And replaced with the following: -

Schedule "C"
Limited Restricted Parking

<u>Column 1</u> STREET	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> RESTRICTION
Amend: Wharf St Extension	From Wharf St to Tenth St	South	2 Hours 8 am – 6 pm Monday - Saturday

<u>Column 1</u> STREET	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> RESTRICTION
To Read: Wharf St Extension	From 31 m east of Wharf St, easterly for 21 m	South	2 Hours 8 am – 6 pm Monday - Saturday

The following Schedules, as approved under By-Law Number 63-2017, now being repealed, will remain in effect in the Traffic By-Law as part of this Revised Report.

Schedule "M"
One-Way Streets

<u>Column 1</u> STREET	<u>Column 2</u> DIRECTION OF TRAVEL	<u>Column 3</u> BETWEEN
Add: Wharf Street Extension	West Bound	From 24 m west of Tenth Street, westerly for 30 m

Schedule "U"
Do Not Enter

<u>Column 1</u> FROM HIGHWAY	<u>Column 2</u> DO NOT ENTER	<u>Column 3</u> DIRECTION
Add: Wharf Street	Wharf Street Extension	East bound

Schedule "B"
No Parking-Tow Away Zone

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Add: Wharf Street Extension	From 21 m west of Tenth Street, westerly for 31 m	South	Anytime

Budget: 2017 Operating Budget.

Risk Analysis: As per the requirements in the City's ERM Policy, there is a high operational risk to changing the flow of traffic from Two-Way to One-Way on a blind corner leading to a patio full of people. The risk will be mitigated with the erection of Do Not Enter and Dead End and No Turn Around signage in the appropriate locations.

Communication Plan/Notice By-law Requirements: J. Hawley, M. Vogrig, T. Garbacheski, H. Kasprick, H. Lajeunesse, O.P.P.

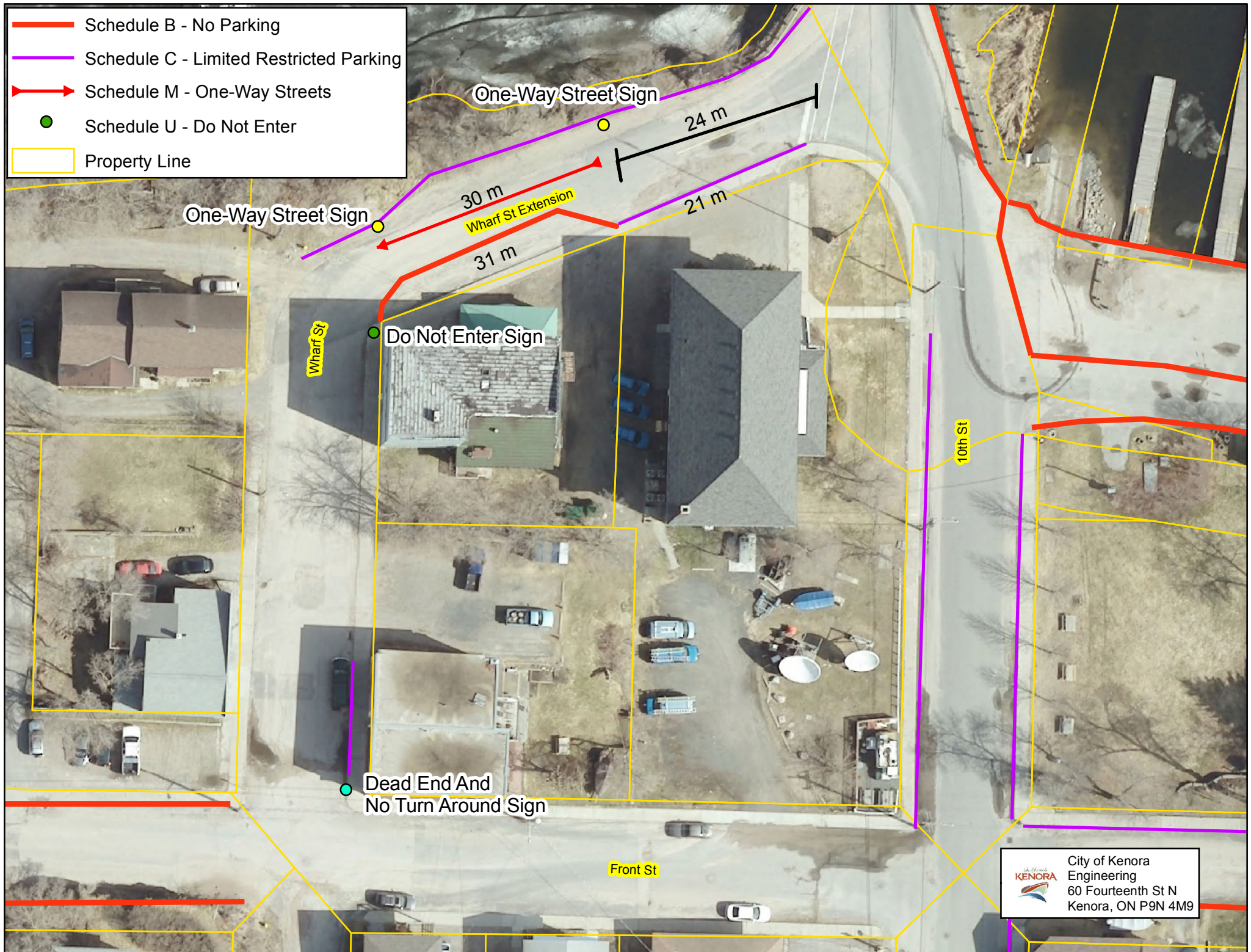
Strategic Plan or other Guiding Document:

Goal #1: Develop Our Economy

1-2 The City will forge strong, dynamic working relationships with the Kenora business community. Goal #2: Strengthen Our Foundations

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

- Schedule B - No Parking
- Schedule C - Limited Restricted Parking
- ➔ Schedule M - One-Way Streets
- Schedule U - Do Not Enter
- Property Line





June 6, 2017

City Council Committee Report

To: Mayor and Council

Fr: Marco Vogrig, Municipal Engineer

Re: Budget Amendment for Purchase of GPS Survey Equipment

Recommendation:

That Council hereby approves an additional allocation of \$11,000 to be funded through the reallocation of funds from the GIS reserve fund for the purchase of GPS survey equipment in 2017; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2017 Operating & Capital Budget at its June 20th 2017 meeting for the purpose of this reallocation of funds; and further

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

Background:

The City has created a two year plan to replace its aging GPS survey equipment commencing in 2017 with a \$40,000 budget, supplemented by a proposed \$30,000 expenditure in 2018 to complete the upgrade.

In discussions with the supplier of the equipment it has come to the City's attention that there is substantial savings in acquiring the equipment with a onetime purchase in 2017. However, there would be a budget deficit of just over \$10,000 in 2017 to the complete a onetime equipment purchase which is currently quoted in the range of \$50,000 CDN based on the current US exchange rate.

The proposed 2018 funding sources in the amount of \$30,000 for this survey equipment upgrade would consist of \$11,000 to be taken from the existing GIS Reserve Account with the \$20,000 balance being funding by a 2018 Net Tax Levy contribution. With the approval of this budget amendment, the City will realize a savings of approximately \$20,000 that would reduce the required Net Tax Levy for 2018, in addition to having the benefit of use of the complete equipment package one year ahead of schedule.

Budget:

This request has a no increase impact on the 2017 or 2018 budgets, as this budget amendment request requires drawing from a current reserve one year ahead of schedule for its original intended purpose and dollar amount, and produces a \$20,000 Net Tax Levy savings for 2018.

Communication Plan/Notice By-law Requirements:

Bylaw required.

Strategic Plan or Other Guiding Document:

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



May 31, 2017

City Council Committee Report

To: Mayor & Council

Fr: James Tkachyk, Parks and Facilities Division Lead

Re: Emergency Repair – Whitecap Tent

Recommendation:

That Council hereby approves funding of \$21,650 + taxes for an emergency repair to the Whitecap Tent to be funded through the whitecap and Tourist Centre reserves for repairs to the vent caps; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2017 Capital Budget at its June 20, 2017 meeting for this purpose; and further

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

Background:

The Whitecap tent skylights require immediate repairs. On two separate occasions over the past 8 months plexiglass panels have been found on the ground at the base of the tent. It appears the fasteners are rusting out and with strong wind gusts there is enough force to dislodge the skylight panels. A local contractor provided the \$21,650.00 quotation to coordinate the project which will involve the original tent contractor (KMA Contracting) providing the materials that have a 3-4 week delivery time. The local contractor and KMA will work together for the required repairs to the skylight.

Work is scheduled to be completed as soon as the material is available.

Budget: Whitecap and Tourist Info Centre reserves of \$21,650 + tax in 2017.

Risk Analyses:

As per the requirements in the City's ERM Policy, there is a major litigation (legal) and high operational (infrastructure) risk if the Whitecap facility is required to be shut down and senior management have been informed. The risk will be mitigated by allocating additional reserve funds for the Repair.

Communication Plan/Notice By-law Requirements:

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

Strategic Plan or Other Guiding Document:

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

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

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

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



May 25, 2017

City Council Committee Report

To: Mayor & Council

Fr: James Tkachyk, Parks and Facilities Division Lead

Re: Installation of Accessible Play Structure – Garrow Park

Recommendation:

That Council hereby approves an increased allocation of \$45,000.00, funded through the Accessibility Reserve, for the Garrow Beach Play Structure project, resulting in a revised project cost of \$95,000.00 to provide an accessible play structure; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2017 Capital Budget at its June 20th, 2017 meeting for this purpose; and further

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

Background:

The Garrow Beach play structure replacement project has been identified on the 2017 capital program. The Garrow Beach site is currently being upgraded for the Canada Summer Games and will feature an asphalt walkway along the beach, a tiered viewing area and a water accessible mat into the lake. The beach is becoming a recreational accessible location for individuals with disabilities. By adding the additional funding of \$45,000.00 to the current play structure project, the City of Kenora can have an additional accessible feature and further enhance accessibility to the Garrow Beach site.

Request for Proposals would be issued in June, reviewed and awarded this summer for construction in the fall.

Budget: Accessibility reserve of \$45,000.00 in 2017.

Risk Analyses: As per the requirements in the City's ERM Policy, there is a low people (Culture) and Legal (Compliance) risk and senior management have been informed. The risk will be mitigated by allocating additional funds for the project.

Communication Plan/Notice By-law Requirements:

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

Strategic Plan or Other Guiding Document:

1.9 - City will promote Kenora as a 365-day lifestyle destination

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

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

2.10 - The City will continue to explore opportunities to develop and improve our beaches, parks and trails.



June 1, 2017

City Council Committee Report

To: Mayor and Council

Fr: Megan Dokuchie, Economic Development Officer
Adam Smith, Special Projects & Research Officer

Re: Northern Communities Investment Readiness (NCIR) Application

Recommendation:

That Council of the City of Kenora approves an application to the Northern Communities Investment Readiness (NCIR) Program for the delivery of an Investment Readiness Audit.

Background:

The 2015 City of Kenora strategic plan identifies the streamlining of business development application and approval processes as a priority objective. In order to facilitate this initiative, best practices suggest that an Investment Readiness Audit exercise be undertaken.

Project work would be conducted by a consultant and include the following activities:

- Written exercise;
- Simulated prospect visit and assessment;
- Mapping out development approvals process;
- Evaluation of investment readiness;
- Information session, and;
- Action planning.

Deliverables include:

- A written assessment of the results of the written exercise response for the community - Included will be a discussion of the quality, completeness, and style relative to industry standards and strategic targets;
- A written assessment of the community visit including quality and completeness of information presented relative to the assignment, quality of meetings, the overall level of preparedness of the community for economic development, appropriateness of presentation style and recommendations for improvement;
- Written evaluations of investment marketing materials, community profile, available properties inventory and web site;
- A PowerPoint presentation that reviews the essentials of site selection and a specific evaluation of the community, including a scoring of both the proposal response and the site visit;
- A mapping of the development and permitting review and approvals processes;
- An investment readiness and awareness information session;

- Based upon the preceding steps, a brief assessment of Kenora's capacity to attract industry, and;
- A roadmap to improve investment readiness, by means of an investment readiness action for the City of Kenora.

This project is eligible for funding under the NCIR program which supports the development of tools and capability for communities and economic development corporations to attract, receive and successfully entertain investment opportunities.

Budget:

NCIR support may be provided at a contribution up to \$10,000 and will generally not exceed the lesser of 75 percent or \$10,000. There is an opportunity to approach other community development organizations to partner on this project as it will allow the City to leverage additional funding. This project and the City's contribution have been included as a part of the 2017 Non Capital Special Projects and Unusual Spend budget.

Risk Analysis:

There is a low financial risk which is manageable through routine procedures. Risk can be mitigated by partnering with other community development organizations to leverage funding opportunities.

Communication Plan/Notice By-law Requirements:

Bylaw required when agreement is received from NCIR.

Strategic Plan or other Guiding Document:

- 1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district;
- 1-2 The City will ensure Kenora is recognized as being "Open for Business" and facilitating development through streamlining application and approval processes, effectively eliminating any 'red tape.'



June 1, 2017

City Council Committee Report

To: Mayor and Council

Fr: Devon McCloskey, City Planner

Re: Request for Letter of Concurrence – Tbaytel

Recommendation:

That in accordance with City of Kenora Tower Policy P-P 1-1 Forbes Brothers Ltd. Telecommunication Services, Agent for Tbaytel, has applied to the City for a letter of concurrence for the location of a new self support tower at the Kenora Airport; and further

That the Government of Canada, through Industry Canada, has exclusive jurisdiction for approval of such sites with approvals obtained by the applicant in coordination with Transport Canada; and further

That as a result of the City's requirements for notification and public meeting held per the City of Kenora Tower Policy, with no outstanding objections, the CAO be authorized to execute a letter of concurrence indicating that requirements of the City of Kenora Tower Policy have been met, with the exception of Transport Canada's Assessment which will be provided to the City of Kenora once received.

Background:

In October of 2003, the City of Kenora adopted a policy to ensure public consultation by proponents of communications towers within the City of Kenora. The policy has been an excellent tool to ensure that the public is aware when a tower is proposed. The policy was updated in 2009 to bring it into alignment with the requirements of Industry Canada. Industry Canada is the approval authority for cellular tower location, however they require consultation with the municipality.

Forbes Brothers Ltd., agent for Tbaytel, submitted an application and met all of the requirements of the City's policy with respect to public consultation. There were no comments/objections associated with the proposal. The Kenora Airport circulated notice to tenants of the airport. Three interested persons attended the public meeting held on April 11th, 2017, questions were answered by Forbes Brothers Ltd., with no objections received after the mandatory comment period.

The application was circulated to City departments and no concerns were received.

Through consultation with the Airport Manager and Transport Canada it was determined that the maximum height of the proposed tower would need to be reduced from 36.6 metres (as initially proposed) to 31.5 metres. The previously submitted Aeronautical Assessment Form for Obstructions Evaluation has been revised and submitted to Transport Canada to determine lighting/marketing requirements and anticipates that approvals will be received in June.

The proponent anticipates that the tower will require lighting due to its proximity to the airport. The fixture would provide alternating orange and white bands and steady aviation red light and/or flashing aviation red beacons at night, in accordance with Canada's Aviation Regulations (CARs) Standard 621 – Obstruction Marking and Lighting. No disturbance to property owners in the area is anticipated.

The Kenora Airport is the only property owner within 110 metres of the proposed tower. Nav Canada has assessed the proposed installation and has no objections, with the exception of meeting two conditions with regard to access to a compound and that the tower construction be of a lattice type.

The attached information provides Council with the advertising and responses, as required.

Budget: No impact, administration fee paid by applicant for miscellaneous planning matters

Risk Analysis: Toward identifying the risk that communication towers may pose negative impacts to use of property in their vicinity, the City of Kenora developed and approved the Communications Towers Policy. Since requirements for a letter of concurrence have been met (with the exception of Transport Canada's approval to be received), the potential for risk should be deemed to have been mitigated.

Communication Plan/Notice By-law Requirements:

Notice given in accordance with City policy, public communication provided by the Committee of the Whole and Agenda and Minutes of Council.

Distribution of approvals requested to be provided to the City Planner and Applicant

Strategic Plan or other Guiding Document (2016 to 2020):

Develop Our Economy -

- Provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district
- Forge strong, dynamic working relationships with the Kenora business community
- Foster and support entrepreneurial business development
- Promote Kenora to external investment audiences

City of Kenora Official Plan (2015):

Supported by Principle 4 – Diversified Economy

Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth to withstand global market conditions and provide financial stability.

And Principle 5 – Tourist Destination

Over the lifetime of this Plan, the City of Kenora shall continue to expand its role as an urban, cultural service centre and tourist destination, providing services to the traveling public and residents of the area.

Careers Careers Careers Careers Careers Careers Careers Careers Careers



KDSB
KENORA DISTRICT SERVICES BOARD
Caring | People | Community | Support

**INTEGRATED SOCIAL SERVICES
CASE MANAGER**

REGULAR, FULL-TIME POSITION
Competition #ISS-17-03-E
Location: Red Lake, Ontario

For further information, please visit our Career Opportunities on our website, found under Administration & Governance. www.kdsb.on.ca



**CITY OF KENORA
SUMMER STUDENT
POSITIONS**

Labourers • Tourism Counsellors
City Hall Cashier/Admin
Lake of the Woods Museum
GIS Summer Student • IT Summer Student
Kenora Rec Centre Camp Counsellors
Transfer Site Student Labourers
Parking Enforcement Officer

Interested candidates should go to www.kenora.ca for full Job Postings and How to Apply

**Superintendent of
Business & Treasurer**

Effective: August 1, 2017
Kenora Head Office, Kenora, ON



For further information please visit the Employment Opportunities menu under the Board Information section of our website at:
KPSB.ON.CA

Career Opportunity

Working together for longer lives, lived well.

Position:
Summer Students - Two Positions
Full Time Term Contract

Location:
Kenora, ON

For more details you can visit our website at www.nwhu.on.ca.

Deadline for Applications:
March 24, 2017 @ Noon CST.



Legals & Tenders Legals & Tenders Legals & Tenders Legals & Tenders Legals & Tenders Legals & Tenders

PUBLIC NOTICE
PROPOSED TBAYTEL TELECOMMUNICATIONS SITE
SITE ID: KENORA AIRPORT 36.6 METRE SELF-SUPPORT TOWER

SUBJECT:

- Proposed 36.6m self-support tower to be installed on subject property.
- Self-support tower will have related wireless equipment attached to improve Tbaytel's HSPA & LTE wireless network.
- Self-support tower and equipment cabinet will be located within a fenced compound to prevent public access.
- This structure will improve Tbaytel's HSPA & LTE wireless services at Kenora Airport and along Highway 17A and the surrounding area.

LOCATION:

- 49 47 27.7N, 94 22 13.5W.
- Kenora Airport Authority Inc. property off Airport Rd., Kenora.

PROPERTY DESCRIPTION:
PCL 26372 SEC DKF SRO;
PT LT 14 CON 6 JAFFRAY BEING PT NE 1/4 OF N 1/2 AS IN LT59947 T/W LT59946; KENORA

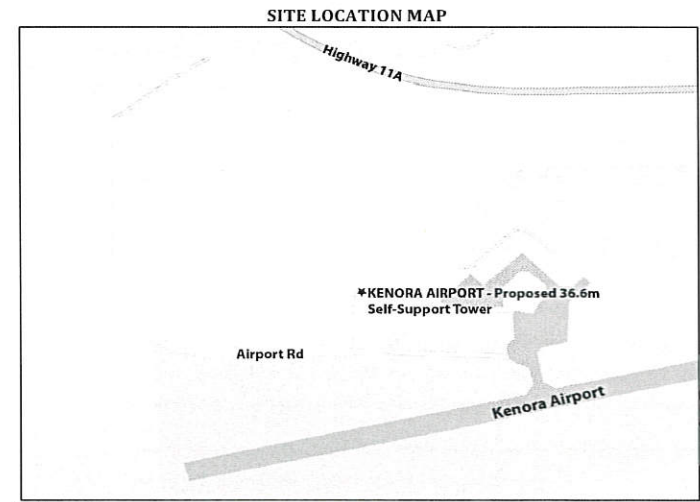
ANY PERSON may make a written submission to the individuals listed below by close of business Wednesday, April 19, 2017 or attend the public information session on Tuesday, April 11, 2017 from 3:00pm - 5:00 pm at Kenora Airport - Shell Fixed Based Operations Building, 1561 Airport Rd, Kenora.

PLEASE TAKE NOTICE as the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through Innovation, Science and Economic Development Canada (ISED). For more information on the federal process pertaining to these installations please contact the local ISED office at: ic.spectrumenod-spectredeno.ic@canada.ca.

PLEASE FORWARD ALL COMMENTS AND REQUESTS FOR ADDITIONAL INFORMATION TO THE FOLLOWING INDIVIDUALS:

PROPONENT CONTACT: Tbaytel c/o Jay Lewis, Forbes Bros. Ltd., 482 South Service Rd. E., Suite 130, Oakville, Ontario. L6J 2X6. Fax: (888) 622-4939, Email: jlewis@forbesbrosLtd.ca

CITY OF KENORA CONTACT: Devon McCloskey - City Planner, 60 Fourteenth St. N., 2nd Fl., Kenora, Ontario. P9N 4M9. Fax: (807) 467-2246, Email: dmcloskey@kenora.ca.



Career Opportunity

Working together for longer lives, lived well.

Position:
Test Shoppers - Employment Opportunity for Youth 15-17 years of age

Location:
Kenora, Dryden & Fort Frances, ON

For more details you can visit our website at www.nwhu.on.ca.

Deadline for Applications:
March 27, 2017 @ Noon CST.



**LET'S ALL DO
OUR PART!
PLEASE RECYCLE
THIS NEWSPAPER**





PUBLIC NOTICE

PROPOSED PROJECT: [Illegible text]

PROPOSED ACTION: [Illegible text]

PROPOSED LOCATION: [Illegible text]

PUBLIC HEARING DATE AND TIME: [Illegible text]

FOR MORE INFORMATION: [Illegible text]

FOR COMMENTS: [Illegible text]

FOR A COPY OF THE PROJECT DOCUMENTS: [Illegible text]



June 1st, 2017

City Council Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

**Re: Additional Information - Application for Temporary Use Provision –
105 Barkman Close**

Applicant: Cecil Tew

Recommendation:

That Council of the City of Kenora hereby accepts the recommendation of the Planning Advisory Committee to approve the Application for Temporary Use Provision, File Number D14-17-03; and further

That Council gives three readings to a by-law to allow for the use of property for a temporary term up to three (3) years, conditional upon Hydro One service connection being fully completed by June 19, 2017, in advance of the June 20, 2017 Council Meeting.

Background:

On April 18th, 2017 the Planning Advisory Committee ('PAC') met to consider recommendation of the application for Temporary Use Provision to Council, for the above noted property. The Committee resolved to defer the application awaiting further information. On May 9th, 2017 Council held the statutory public meeting to hear public comments, and upheld the PACs recommendation for deferral.

On May 16th, 2017, the PAC met again to reconsider the application for recommendation. As requested, the applicant provided the Committee with proof of intent to hook up hydro service, which would eliminate the need for a generator, as well as proof of Northwestern Health Unit intent to approve the sewage system as constructed, and proof of receipt of Entrance Permit from the City of Kenora Roads Department.

The Committee discussed the application again at length and enquired with the applicant as to some demonstration of financial feasibility to build a permanent cottage within three (3) years as proposed. The applicant provided the committee with a statement of annual income, to which the committee expressed concern, and questioned whether there could be funds beyond living expenses to budget for construction, and hire tradespersons as required. The applicant pledged that he absolutely intends on building a permanent cottage in compliance with the City's by-laws.

For further details of the PAC discussion, please refer to the meeting minutes pages 6 through 9 attached.

The recommendation included within this report is based on the recommendation approved at the Planning Advisory Committee. It is also being recommended that the resolution passed by Council include further provisions setting out requirements for completed works on an annual basis to ensure the construction is occurring in a timely manner and has been completed at the end of the three year period. These requirements would also be built into the bylaw authorizing the temporary use. It would be the responsibility of City staff to ensure that these requirements were met. If the requirements are not met, the temporary use would be revoked and the City would again proceed with enforcement.

Recommended requirements could include the following:

Year One – foundation complete
Year Two – framed in to roof and weather tight
Year Three – receipt of occupancy permit

As a result, staff are recommending that the following wording be added at the end of the resolution as included within this report:

; and further

That the approved bylaw include an annual schedule setting out certain obligations the applicant is required to meet to ensure that progress is made toward completion of a permanent complying building, based on the following:

Year One – foundation complete
Year Two – framed in to roof and weather tight
Year Three – receipt of occupancy permit

Attachments (5)

- PAC Recommendation
- PAC Meeting Minutes May 16, 2017
- Hydro One Contract for New Connection
- Sewage Permit Application
- City of Kenora Entrance Permit



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Robert Kitowski

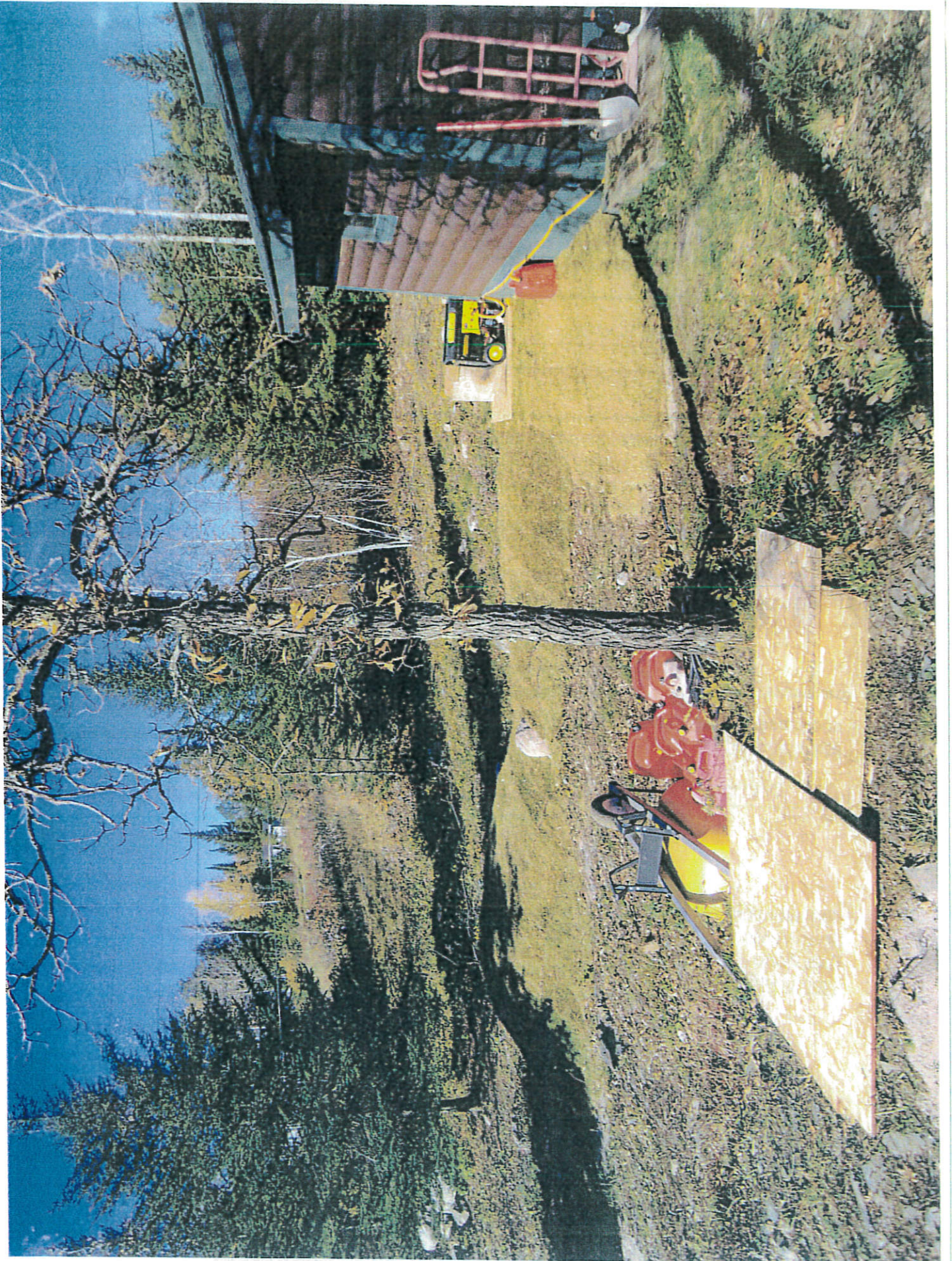
SECONDED BY: Chris Price

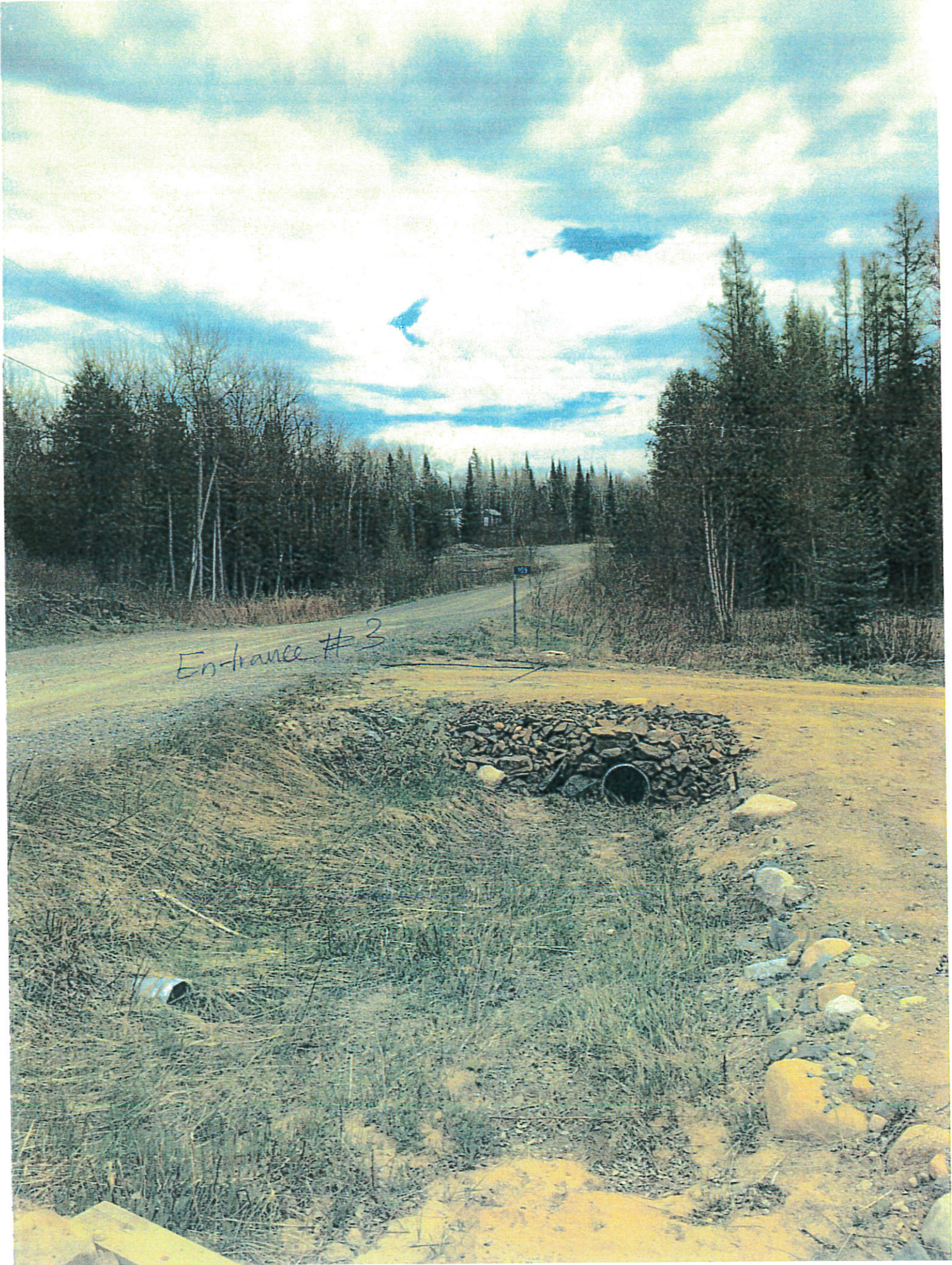
DATE: May 16, 2017

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve the application for Temporary Use Provision, file number D14-17-03, and that a By-law is passed to allow for the use of property for a temporary term up to three (3) years, conditional upon Hydro One service connection, fully completed by June 19, 2017 in advance of the June 20, 2017 Council Meeting.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-Law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters.

DIVISION OF RECORDED VOTE				CARRIED _____	DEFEATED _____
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Chaze, Graham	X			
X	Bev, Richards				
	Cianci, Vince	X			
	Gauld, Wayne	X			
	Kitowski, Robert	X			
X	Pearson, Ray				
	Price, Chris	X			
				<u>Wayne Gauld</u> CHAIR	





Entrance #3