

The reporting requirements under the Municipal Act require that grants from the municipality to community organizations be approved by way of by-law. Council has already approved the allocation of funding to Rainbow Routes for trail development as part of the 2001 budget process, however a by-law has not been formally passed authorizing the payment of grants directly to Rainbow Routes.

Rainbow Routes is currently working on construction of the section of the Trans Canada Trail from Fielding Park to Southview Drive. A portion of this trail will be constructed on lands owned by the Ministry of Transportation of Ontario, which lands run parallel to Highway 17. The Ministry of Transportation of

Ontario has advised that the City must negotiate a licence agreement with MTO to permit the construction of a trail on that land. The City would then enter into an agreement with Rainbow Routes authorizing the construction of trails on lands owned by the MTO. This report seeks authority for the City to enter into a licence agreement with the Ministry of Transportation of Ontario for trail construction on Ministry owned lands.

The City of Greater Sudbury Master Plan for Parks, Open Space and Leisure identifies trails as one of the most important and recurring issues identified through an extended community consultation process and suggests that trail development should remain a high community priority. A strong and flexible partnership with local organizations such as Rainbow Routes and the other funding groups supporting the development of the Trans Canada Trail will help to ensure that the City of Greater Sudbury continues to work towards creating the network of trails required to support local needs, improve tourism and to help support environmental concerns.

# Request for Decision City Council



## Type of Decision

Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input type="checkbox"/>	Open	<input type="checkbox"/>	Closed

## Report Title

Tax Adjustments Under Section 357 and 358 of the Municipal Act

### Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Of the total taxes to be struck from the tax roll, the City's portion is \$8,138.32. This amount, as well as previous amounts struck from the roll in 2004, is well within the budget amount for tax write offs.

Background Attached

### Recommendation


That the amount of \$12,108.96 be struck from the tax roll.

Recommendation Continued

### Recommended by the General Manager

  
Doug Wuksinic  
General Manager of Corporate Services

### Recommended by the C.A.O.

  
Mark Mieta  
Chief Administrative Officer

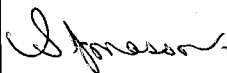
**Report Prepared By**



T. Derro  
Supervisor of Tax / Chief Tax Collector



**Division Review**



S. Jonasson  
Director of Finance / City Treasurer

**BACKGROUND**

Sections 357 and 358 of the Municipal Act provide the authority for the cancellation, reduction or refund of realty taxes.

**Section 357**

Section 357 authorizes the cancellation, reduction or refund of realty taxes in the current year for such reasons as change in rate of taxation, change in tax status, fire/demolition or gross error. Section 357 applications are verified by the Municipal Property Assessment Corporation and processed by the municipality.

**Section 358**

Section 358 of the Municipal Act authorizes the reduction of realty taxes for clerical errors such as errors in key punching, transposition of figures or mathematical calculations. Such errors occur with the preparation of the assessment roll and are confirmed by the Municipal Property Assessment Corporation prior to the tax adjustment by the municipality. Section 358 applications apply to the two (2) taxation years prior to the year in which the error(s) was made.

The Treasurer's recommendations for the cancellation, reduction or refund of realty taxes under the Municipal Act are presented to Council for approval. Attached for Council's information and action is Schedule A, summarizing the tax adjustments by authority, reason and amount. Also attached is Schedule B which provides a more detailed property by property description of the tax adjustments.

SCHEDULE 'A'

ADJUSTMENT OF TAXES

UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT June 24, 2004 City Council Meeting

<i>Reason for Adjustment</i>	<i>Applications</i>	<i>City Portion</i>	<i>Education Portion</i>
Fire / Demolition	6	3,363.27	181.93
Gross or Manifest Clerical Error	1	372.76	111.90
Change in Tax Class / Rate	2	4,402.29	3,676.81
<b>TOTAL:</b>	<b>9</b>	<b>\$8,138.32</b>	<b>\$3,970.64</b>

RECOMMENDED APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS  
 UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT

REASON: FIRE AND OR DEMOLITION

Council Meeting of: June 24, 2004

Item #	Roll #	Class	Location	Assessed Property Owner	Year	# Days	General Rate	City Portion	Education Rate	Education Portion	Total	Comments	
1	060-016-064	RT	664 Connaught	Claudette Manners	2003	365	1.53541900	92.13	0.33500000	20.10	112.23	Garage Removed	
2	050-022-010	RT	983-989 Lorne	Peter Ellero & Son Ltd.	2004	366	1.59948500	1,455.53	0.29600000	269.36	1,724.89	Demolition CT Increased	
3	050-022-010	CT	983-989 Lorne	Peter Ellero & Son Ltd.	2004	366	2.65098700	(768.79)	2.04975200	(594.43)	(1,363.22)	Demolition CT Increased	
4	040-019-028	RT	1193 O'Grady	Ronald & Carole Simon	2004	302	1.59948500	1,003.04	0.29600000	185.62	1,188.66	Demolition/Fire	
5	090-005-005	RT	2766 South Shore Rd.	Michael Lorenz	2004	358	1.55994850	516.29	0.29600000	95.54	611.83	Demolition/Fire	
6	170-012-115	RT	4441 Dennie St. Hammer	Marc Parreault	2004	330	1.53233000	656.26	0.29600000	126.77	783.03	Demolition	
7	170-016-038	RT	4337 Hector Hammer	Pasquale & Denis Rocchio	2004	331	1.53233000	408.81	0.29600000	78.97	487.78	Demolition	
TOTAL:											3363.27	181.93	3545.20

Schedule 'B'  
**RECOMMENDED APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS**  
**UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT**  
**REASON: GROSS OR MANIFEST CLERICAL ERROR**

City Council Meeting of: June 24, 2004

Item #	Roll #	Class	Location	Assessed Property Owner	Year	# Days	General Rate	City Portion	Education Rate	Education Portion	Total	Comments	
1	230-001-230	RT	Bryc St. Coniston	Johnrae Investments	2002	365	1.24253100	372.76	0.37300000	111.90	484.66	Consolidated	
<b>TOTAL:</b>											<b>372.76</b>	<b>111.90</b>	<b>484.66</b>

RECOMMENDED APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS  
 UNDER SECTIONS 357/358 OF THE MUNICIPAL ACT  
 REASON: CHANGE IN TAX CLASS / RATE

City Council Meeting of: June 24, 2004

Item #	Roll #	Class	Location	Assessed Property Owner	Year	# Days	General Rate	City Portion	Education Rate	Education Portion	Total	Comments
1	030-006-034	RT	403 McLean Sudbury	Lucien & Suzanne Savoie	2004	366	1.59948500	(463.93)	0.29600000	(85.76)	(549.69)	Commercial to Residential
		366				2.65098700	874.96	2.04975200	676.52	1551.48		
2	060-035-001-01	CT	1991 Regent St. S.	City of Greater Sudbury	2004	336	2.65098700	3991.26	2.04975200	3086.05	7077.31	Commercial to Exempt- Tenant Vacated Library
<b>TOTAL:</b>											8079.10	

# Request for Decision City Council

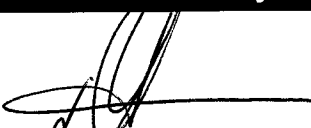


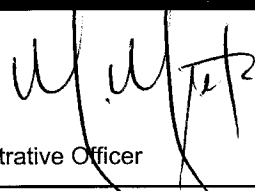
Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 18, 2004			
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
ROMA Reciprocal Insurance Program Retro-assessment

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
FOR INFORMATION ONLY
Recommendation Continued

Recommended by the General Manager
 D. Wukosinski General Manager of Corporate Services

Recommended by the C.A.O.
 M. Miato Chief Administrative Officer



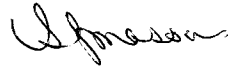
Date: June 18, 2004

**Report Prepared By**



C. Mahaffy  
Manager of Financial Planning & Policy/Deputy Treasurer

**Division Review**



S. Jonasson  
Director of Finance/City Treasurer

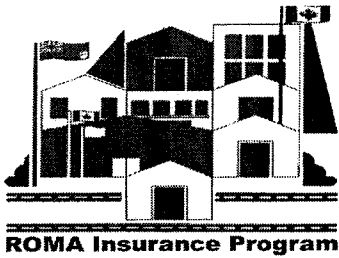
**BACKGROUND**

Reciprocal Insurance programs are designed to be non-profit and consist of a group of similar organizations, pooling their claims exposure, and paying a share of the anticipated costs of all insurance claims, based on an equitable formula.

Reciprocal Insurance programs often produce lower premiums for the participants in the short run. However, each participant, through the formal reciprocal agreement, is liable for retro-assessment if the costs of claims and administration exceed the projections.

Attached is a copy of a letter received from the ROMA insurance program billing the City for a former municipality's share of the deficit incurred over the three years prior to amalgamation. This billing represents about one year's premium to that municipality. The City's reserve fund for insurance will be used to fund this unanticipated expenditure.

It is our understanding that billings to the participants who are still in the reciprocal program are considerably higher as the losses have continued to be experienced since 2001.



*Handwritten initials*  
JUN 02 2004  
FAX

June 02, 2004

Sandra Jonasson  
Town of Rayside-Belfour  
c/o City of Greater Sudbury  
200 Brady Street, P.O. Box 5000, Stn A  
Sudbury, ON P3A 5P3

**Re: ROMA Reciprocal Insurance Program**  
**Retro-assessment**

Enclosed please find an invoice in the amount of \$84,610.56 representing your share of deficit funding of the ROMA Special Underwriting Group for the period February 15, 1998 to January 01, 2001. We have included calculations by year supporting the assessed amount as well as yearly Income Statements reflecting the deficits valued at December 31, 2003.

Authority to issue this invoice is at the direction of the ROMA Insurance Board acting as the SUG 1 Committee pursuant to the Special Underwriting Group 1 Agreement dated December 12, 1997. These assessments are made pursuant to Section 7.05 of the Reciprocal Agreement.

If satisfactory arrangements have not been made within 14 days of the date of this letter to settle this outstanding indebtedness, this matter will be referred to our legal counsel for collection.

Yours truly,

Bill Bishop  
Tel. (905) 480-0060 ext. 229  
Toll Free: 1-888-880-6639

# Request for Decision City Council




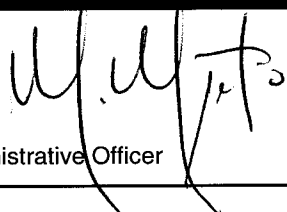
Type of Decision									
Meeting Date	June 24, 2004				Report Date	June 16, 2004			
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title
Status Update, Azilda Wastewater Treatment Plant

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
n/a	
<input checked="" type="checkbox"/>	Background Attached

Recommendation
FOR INFORMATION ONLY
Recommendation Continued

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Chief Administrative Officer

Date: June 16, 2004

**Report Prepared By**



D. Bélisle  
General Manager of Public Works

**Division Review**

At the Council meeting of June 10, 2004, Council directed staff to prepare a report on the status of the Azilda Wastewater Treatment Plant (WWTP).

The Azilda WWTP has a rated capacity of 2,840 M<sup>3</sup>/day. In 2001 and 2002, this capacity was exceeded, resulting in a Provincial Officer's Order by the Ministry of the Environment (MOE), directing the City to develop an action plan to bring the sewage flows into compliance with the plant's rated capacity. This Order was issued in March, 2003. In April 2003, the City responded with a proposal to the MOE to have the plant capacity re-rated. A similar approach was successful in the late 1990's, for the Dowling WWTP, with the result that the plant's capacity was increased at minimal capital cost. The MOE have been receptive to our proposal to re-rate the Azilda WWTP, and we expect to be in a position to submit an Application for a new Certificate of Approval in the very near future. We will be applying for a rated capacity of 3,300 M<sup>3</sup>/day.

At the present time, there are 33 equivalent residential units (ERU's) building permits available in Azilda. However, if all registered lots in the community were to proceed to construction, we would be oversubscribed by 277 ERU's. If the plant is re-rated at 3,300 M<sup>3</sup>/day, we could accommodate these 277 ERU's, plus an additional 30 ERU's, for a total of 307 new ERU's. This is more than enough to accommodate new construction in Azilda for at least the next ten years.

# Request for Decision City Council



Type of Decision										
Meeting Date	June 24, 2004				Report Date	June 16 2004				
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low	
	Direction Only				Type of Meeting		Open		Closed	

## Report Title

**Working Hours - Road Construction Projects  
Re: Contract #2004-17, Paris St Street Widening and Resurfacing**

### Policy Implication + Budget Impact

<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

### Recommendation

<input type="checkbox"/>	Recommendation Continued

### Recommended by the General Manager


Don Bélisle  
General Manager of Public Works

### Recommended by the C.A.O.

Mark Mieto  
Chief Administrative Officer

Date: June 16, 2004

**Report Prepared By**



Don Bélisle  
 General Manager of Public Works

**Division Review**

**Background:**

This contract is for the completion of the Paris Street trunk watermain project that was carried out in 2003. It involves widening at selected locations, generally on the west side of Paris Street, new concrete curbs and sidewalks and complete new asphalt resurfacing from Walford Road to Regent Street.

In response to public complaints about the recent road works on the Kingsway, we invited bids for this upcoming project under two options.

**Option A:** Conventional construction, Monday to Friday. A maximum allotment of 80 working days, plus 8 days (10%) for rain, were specified, for a total of 88 working days. With a start date of July 05, 2004, this project would be completed by November 07, 2004.

**Option B:** Accelerated construction, up to and including 24/7. Bidders were invited to submit a completion schedule under this option, and for every day that they finished before their targeted completion date, they would receive a daily \$3,000 bonus. For every day after the targeted completion date, they would pay a daily penalty of \$3,000.

The following bids were received under both options. It is important to note that the bid prices under Option B are exclusive of the bonus/penalty provisions. Thus if a bidder finishes earlier than the targeted completion date, the price under Option B increases. If a bidder finishes later than the targeted completion date, the price decreases by \$3,000 per day.

<b><u>BIDDER</u></b>	<b><u>OPTION A</u></b> <b>(Conventional)</b>	<b><u>OPTION B</u></b> <b>(24/7)</b>	<b><u>COMPLETION DATE</u></b>
<b><u>Teranorth</u></b>	\$2,555,734.92		November 07, 2004
		\$3,065,385.62	October 23, 2004
<b><u>Pioneer Construction</u></b>	\$2,882,224.22		November 07, 2004
		\$3,139,972.52	October 12, 2004
<b><u>Belanger Construction</u></b>	\$2,910,813.02		November 07, 2004
		\$3,626,021.35	November 02, 2004
<b><u>Interpaving Limited</u></b>	\$3,119,697.30		November 07, 2004
		\$3,584,676.44	November 02, 2004

**Date: June 16, 2004**

The low bid under Option A from Teranorth is within budget, and under the City's Purchasing By-law, staff can award the contract. We will do so to Teranorth under Option A. If Council wants the earliest completion date of October 12, 2004 under Option B, the bid would go to Pioneer Construction at a premium cost of \$585,000, plus or minus bonus, for an earlier three week completion timetable. Another alternative is to award the contract to the next earliest price bidder, Teranorth, for a two week advantage at a cost of \$510,000 plus or minus bonus.

Clearly, there are serious cost implications to working nights and weekends. These occur as a result of overtime and shift bonus premiums, not just for the primary contractor, but also for sub-contractors and suppliers such as truckers, asphalt plants, ready-mix concrete plants, gas, hydro, cable, telephone utilities, etc...There is also the additional direct costs to the City of inspecting and supervising the works during off hours; these cost have not been included. Finally, there is the public inconvenience due to the nighttime noise, in the immediate vicinity of the project site.

We hope that this exercise has demonstrated that City projects, as currently specified and tendered, yield the best value for money, and that off-hour construction is not a viable option, notwithstanding traffic disruptions.

# Request for Decision City Council



Type of Decision									
Meeting Date	Thursday, June 24, 2004				Report Date	Friday, June 18, 2004			
Decision Requested		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

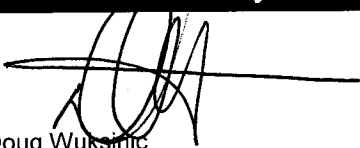
## Report Title

**AMENDMENT TO BY-LAW 2004-160 REGULATE OPEN AIR BURNING**

Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<b><u>Policy Implication</u></b>	
By-law 2004-160 appears in the agenda for third reading. First and second reading was received at the Council meeting of 2004-06-10.	
<b><u>Budget Impact</u></b>	
None	
<input checked="" type="checkbox"/>	Background Attached

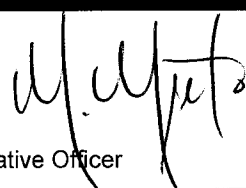
Recommendation	
<b><u>FOR INFORMATION ONLY</u></b>	
<input type="checkbox"/>	Recommendation Continued

**Recommended by the General Manager**



Doug Wuksinic  
General Manager of Corporate Services

**Recommended by the C.A.O.**



Mark Mieto  
Chief Administrative Officer



Date: 2004-06-18

**Report Prepared By**



Corrie-Jo Caporale  
Council Secretary

**Division Review**

**Background:**

A revised copy of By-law 2004-160, which appears on the Council Agenda of 2004-06-24 under *Referred and Deferred Matters*, is attached for your convenience.

The revision can be found on *Page 10, Part 4 (Prohibitions - Specific Types of Permitted Fires), Section 15 (a) (Fire in a Cooking Device)* of the By-law :

**"Fire in a Cooking Device**

- 15. No person shall set or maintain a fire in a cooking device unless he or she ensures all of the following conditions are met:**
- (a) the cooking device:**
    - (i) is not located on a balcony;**
    - (ii) is located at least 1 metre from any structure; and**
    - (iii) is in good working order; No person shall set or maintain"**

**BY-LAW 2004-160**

**A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO REGULATE OPEN AIR BURNING**

**WHEREAS** Subsection 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, allows the council of a municipality to pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

**AND WHEREAS** Section 130 of the *Municipal Act, 2001*, S.O. 2001, c. 25, allows the municipality to regulated matters related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** the regulation of open air burning is important for the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** the Council of the City of Greater Sudbury deems it advisable to enact such a By-law;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY  
HEREBY ENACTS AS FOLLOWS:**

**PART 1 - INTERPRETATION**

**Definitions**

1. In this Bylaw:

“balcony” means a platform projecting from a wall of a multiple dwelling, surrounded by a railing or balustrade;

“brush fire” means a fire set for the purposes of burning brush, grass, vegetation or leaf type material only;

“burn permit” means a burn permit which is issued in accordance with this By-law, authorizing a brush fire or a crop residue fire;

“burn barrel” means a steel container similar in construction to a 45 gallon drum and with a volume no greater than that of 45 gallon drum;

“By-law Enforcement Officer” means a person duly appointed by the Council of the City of Greater Sudbury to enforce City By-laws;

“campfire” means a fire intended for and used for the purposes of recreation, cooking or warmth only and for no other purpose;

“City” means the City of Greater Sudbury;

“cooking device” means a non-combustible device designed for and used for the cooking of food and fuelled only by commercial charcoal, compressed gas or wood;

“crop fire” means a fire set for the purpose of burning agricultural crop residue or similar vegetation, only;

“dwelling unit” means a suite of one or more inter-connected habitable rooms which:

- (i) is occupied and used in common by one or more persons as a single, distinct and self-contained housekeeping establishment; and
- (ii) contains cooking and toilet facilities for the exclusive common use of the occupants thereof;

“fire” means a fire in the open air, whether or not the fire is contained within a device or appliance;

“Fire Chief” means the Fire Chief of the City of Greater Sudbury and includes his or her duly authorized designate;

“multiple dwelling” means a building containing two or more dwelling units, with or without non-residential uses in the same building, and includes any such dwelling

wherein furnished dwelling unit accommodation is provided on a weekly or monthly basis, but does not include a row dwelling;

“property” includes a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land;

“registered owner” includes the person who is shown as owner of a property in the records of the Land Registry Office, a trustee acting on behalf of the registered owner, the estate trustee of a registered owner, a person with a leasehold interest in the land and an authorized representative of a corporate registered owner; and

“row dwelling” means a building which contains two or more dwelling units divided vertically from each other by common walls, which extend at least one story above finished grade and having private independent entrances to each dwelling unit directly from a yard.

#### Short Title

2. This By-law shall be known as the “Open Air Burning By-law”.

### **PART 2 - APPLICATION**

#### Application

3. This by-law applies within the geographic limits of the City of Greater Sudbury.

#### Non-application

4. This By-law does not apply to a person who sets a fire:
  - (a) in an incinerator operated in accordance with the Certificate of Approval issued pursuant to the *Environmental Protection Act*, R.S.O. 1990, c. E.19 and regulations thereunder; or

- (b) in a device which has been installed outside of a building which meets each of the following conditions:
- (i) the device is designed for and used as a source of heat or power for the building or is designed for and used for a purpose ancillary to a manufacturing process,
  - (ii) the device is certified for use for a purpose described in paragraph 4(b)(i) by a recognized agency mandated in part for that purpose;
  - (iii) the certification of the device is produced upon request by a By-law Enforcement Officer or the Fire Chief; and
  - (iv) the device is in good working order.

Effect of Other Legislation

5. Nothing in this By-law shall be deemed to authorize any fire, burning or other act which is in contravention of the *Environmental Protection Act*, the *Forest Fires Protection Act*, R.S.O. 1990, c. F.24, the *Fire Protection and Prevention Act*, 1997, or other federal or provincial statute, or any regulation made thereunder. In the event of any conflict between the provisions of this By-law and any of the said Acts or Regulations, the provisions of the said Act or Acts or the Regulations thereunder shall govern. In the event of any conflict between the provisions of this By-law and any other municipal by-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Prohibition - Setting Fires

6. Except as provided in Section 4 no person shall set a fire in the City unless the fire is a training or demonstration fire in accordance with Section 7 or a permitted fire in accordance with this By-law.

Training or Demonstration Fire

**7.-(1)** For the purpose of this By-law, a training or demonstration fire is a fire which is set in the City for the purpose of demonstrating fire fighting equipment or as a training exercise.

(2) The Fire Chief is authorized to give written consent for the setting of a demonstration or training fire. The Fire Chief shall set out in his or her written consent:

- (a) the particulars of the fire which is to be set;
- (b) the location at which the fire can be set;
- (c) the size of the fire which is to be set;
- (d) the day and time at which the fire is authorized to be set;
- (e) the person authorized to set the fire;
- (f) the requirement that the fire be set in the presence of such members of the City's fire services and such equipment as may be reasonably necessary to be able to control and extinguish the demonstration or training fire; and
- (g) any restrictions, regulations or conditions to which the consent is subject.

(3) No person shall set a demonstration or training fire unless all of the following conditions are met:

- (a) the person has the prior written consent of the Fire Chief to set the demonstration or training fire;
- (b) the fire is set and maintained in accordance with the written consent of the Fire Chief; and
- (c) the person does not leave the site of the demonstration or training fire until the fire is fully extinguished.

### Permitted Fires

8. For the purposes of this By-law, a permitted fire is a fire:
- (a) set in a burn barrel and otherwise in accordance with Section 13;
  - (b) is a campfire and otherwise in accordance with Section 14;
  - (c) set in a cooking device and otherwise in accordance with Section 15;
  - (d) set in a chiminea and otherwise in accordance with Section 16;
  - (e) set in a portable device and otherwise in accordance with Section 17; or
  - (f) is a brush fire, authorized by a burn permit and otherwise in accordance with Section 18; or
  - (g) is a crop residue fire, authorized by a burn permit and otherwise in accordance with Section 19.

### **PART 3 - GENERAL PROHIBITIONS - PERMITTED FIRES**

#### Consent of Registered Owner

- 9.- (1) No person shall set or maintain a permitted fire on any property in the City unless:
- (a) the person setting or maintaining the fire is the registered owner of the property on which the fire is set;
  - (b) at least one registered owner of the property or his or her authorized designate is present at the site of the fire from the time fire is set until the fire is fully extinguished; or
  - (c) the person setting or maintaining the fire has the written consent of at least one registered owner of the property on which the fire is set, to the setting of a fire of that type on the property.

(2) No person shall authorize or permit a person to set or maintain a fire on his or her property unless such person is a responsible person and has the ability to control the fire and prevent its spread.

(3) No person, having the written consent of a registered owner to setting a permitted fire on the property of the registered owner, shall fail to:

- (a) keep the written consent at the location of the fire; or
- (b) produce the written consent upon request by a By-law Enforcement Officer or the Fire Chief.

#### Person in Charge

**10.-(1)** No person having started a permitted fire, and, if the person who started the permitted fire is not present, no person in charge of a fire, shall fail to take all necessary steps to control the fire, prevent its spread and fully extinguish the fire before leaving the site.

(2) No person, having set a permitted fire, or being left in charge of a permitted fire shall leave another person in charge of the fire unless such person is a responsible person, able to control the fire and comply with the requirements of this By-law.

#### Prohibited Materials for Burning

**11.** No person shall burn or permit to be burned in a permitted fire in the City any:

- (a) kitchen garbage;
- (b) construction material;
- (c) materials made of or containing rubber;
- (d) plastic;
- (e) tar; or
- (f) wet material.



Prohibited Conditions

**12.** No person shall set or maintain a permitted fire in the City in a location or in conditions likely to cause or result in:

- (a) a decrease in visibility on any highway or roadway from smoke;
- (b) inconvenience or irritation to others from smoke or fumes;
- (c) the spread of the fire due to grass or other vegetation, proximity of any combustible material or other reason;
- (d) a spread of fire through adjacent grass, brush, forested area; or
- (e) the endangerment of his or her own property or the endangerment of property of any other person.

**PART 4 - PROHIBITIONS - SPECIFIC TYPES OF PERMITTED FIRES**

Fire in a Burn Barrel

**13.** No person shall set a fire in a burn barrel unless such person ensures all of the following conditions are met:

- (a) the burn barrel:
  - (i) is in good condition;
  - (ii) is situated securely on level ground;
  - (iii) is located at least 3 metres from any building or structure; and
  - (iv) is located at least 5 metres from any forest or woodland;
- (b) all openings in the burn barrel are entirely covered by metal wire mesh with grid openings of not more than 12mm in diameter;
- (c) the person burns only grass, leaves, brush, wood or wood by-products in the burn barrel; and

- (d) the person sets and maintains the fire in the burn barrel only during the time falling between one half hour before sunset and one half hour after sunrise of the next following day, unless such person has the prior written consent of the Fire Chief to set or maintain the fire in the burn barrel during any other time.

#### Campfire

**14.** No person shall set or maintain a campfire unless the person ensures all of the following conditions are met:

- (a) the campfire fire is contained within an area completely surrounded by a non-combustible barrier of metal, masonry, ceramic or stone or is contained within a pit in the ground;
- (b) the diameter of the campfire area in paragraph 14(a) does not exceed 66 centimetres;
- (c) the campfire is located at least:
  - (i) 3 metres from any structure; and
  - (ii) 5 metres from any forest or woodland;
- (d) the material burned in the campfire is in a single pile that is less than 66 centimetres in height;
- (e) the person tending the campfire has tools or water adequate to contain the fire within the campfire area; and
- (f) in the case of a campfire set in a location other than in an approved campsite, the person sets and maintains the campfire only during the time falling between one half hour before sunset and one half hour after sunrise of the next following day. For the purposes of this paragraph, an approved campsite is a provincial park, or a tourist camp or trailer

camp which has been duly licenced by the City of Greater Sudbury.

Fire in a Cooking Device

**15.** No person shall set or maintain a fire in a cooking device unless he or she ensures all of the following conditions are met:

- (a) the cooking device:
  - (i) is not located on a balcony;
  - (ii) is located at least 1 metre from any structure; and
  - (iii) is in good working order;
- (b) the fire in the cooking device is no larger than reasonably necessary to cook the food;
- (c) the fire is contained within the cooking device; and
- (d) the person burns only commercial charcoal, compressed gas or wood in the cooking device, as is appropriate for that cooking device.

Fire in a Chiminea

**16.** No person shall set a fire in a chiminea unless he or she ensures all of the following conditions are met:

- (a) the chiminea:
  - (i) is not located on a balcony;
  - (ii) is not located on any combustible surface;
  - (iii) is in good working order; and
  - (a) is located at least 3 metres from any structure;
- (b) all openings in the chiminea are completely covered by metal wire mesh with grid openings no larger than 12 millimetres in diameter;
- (c) the fire is confined to the chiminea; and

- (d) the person burns only clean dry wood or charcoal in the chiminea.

Heating during Construction

**17.** No person may set or maintain a fire in a portable appliance during a construction or maintenance process unless he or she ensures the following conditions are met:

- (a) the portable appliance is designed for the heating of a material during a construction or maintenance process;
- (b) the portable appliance is used only for the heating of a material during a construction or maintenance process;
- (c) the portable appliance is used in accordance with manufacturer's instructions; and
- (d) the portable appliance is in good working order.

Brush Fire - Permit

**18. -(1)** No person shall set or maintain a brush fire without a valid burn permit issued in accordance with this bylaw.

(2) No person holding a valid burn permit for a brush fire, shall set or maintain a brush fire unless he or she ensures:

- (a) the fire is set and maintained at a distance of no less than 30 metres or such greater distance as may be specified in the burn permit, from:
  - (i) the nearest building or other combustible structure; and
  - (ii) any overhead wires;
- (b) the materials to be burned in the fire do not exceed 2 metres in length, 2 metres in width and 2 metres in height;
- (c) the fire is not set or maintained except during the time between one half hour before sunset and one half hour after sunrise of the next following day; 160

- (d) he or she has the necessary means immediately available at the site of the fire to permit him or her to:
  - (i) extinguish the fire;
  - (ii) to limit its spread; and
  - (iii) if necessary, to summon the City fire department; and
- (e) the fire is compliant with all conditions and restrictions imposed by the burn permit or imposed as a result of a Fire Prevention inspection conducted by the Fire Chief.

Crop Residue Fire - Permit

**19.-(1)**No person shall set or maintain a crop residue fire without a valid burn permit issued in accordance with this By-law.

(2) No person holding a valid burn permit for a crop residue fire, shall set or maintain a crop residue fire unless he or she ensures each of the following conditions is met:

- (a) the total burn area does not exceed one hectare for the total burn area;
- (b) the flaming edge of the fire does not exceed 30 metres at any time;
- (c) the fire is not set or maintained except during the time between one half hour before sunset and one half hour after sunrise of the next following date;
- (d) the person setting the fire has the necessary means immediately available at the site of the fire to permit him or her:
  - (i) to extinguish the fire;
  - (ii) limit its spread; and
  - (iii) if necessary, summon the City fire department.

- (e) the fire is compliant with all conditions and restrictions imposed by the burn permit or imposed as a result of a Fire Prevention inspection conducted by the Fire Chief.

## **PART 5- BURN PERMITS**

### Issuer of Permits

**20.** The Fire Chief is authorized to issue burn permits for brush fires and for crop residue fires.

### Application for Burn Permit

**21.-(1)** Any person in the City who wishes to obtain a burn permit for a brush fire or a crop residue fire shall apply in writing to the Fire Chief three full working days prior to the day or earliest day on which the applicant wishes to set the fire. For the purposes of this Section 'working day' shall mean a day that City offices at Tom Davies Square are open for business.

(2) The applicant for a burn permit shall submit an application in the form established by the Fire Chief from time to time, and signed by the applicant.

(3) The applicant for a burn permit shall provide in full at the time the application is submitted, all of the information and such other documentation or materials as may be requested on the application form.

### Issuing a Burn Permit

**22.-(1)** The Fire Chief shall review the application for a burn permit and the documentation or materials filed with the application, and shall:

- (a) approve the application and issue the burn permit to the applicant;
- (b) conditionally approve the application subject to such restrictions, regulations or conditions as the Fire Chief in his or her sole discretion

considers advisable; or

(c) refuse to approve the application.

(2) Where the Fire Chief refuses an application for a burn permit, he or she shall advise the applicant in writing that the application has been refused. The written notice shall be served personally or mailed by prepaid mail to the applicant at the address shown on the application.

(3) Before issuing a burn permit, the Fire Chief shall record on the face of the burn permit:

- (a) the name of the applicant authorized to set the fire;
- (b) the expiry date of the burn permit;
- (c) any restrictions on the hours during which the fire may be set or maintained;
- (d) the municipal address of the property at which the fire may be set and if there is no municipal address for the property, a description for the purposes of identifying the property at which the fire may be set;
- (e) whether the fire authorized by the burn permit is a brush fire or a crop residue fire;
- (f) the restrictions, regulations or conditions to which that burn permit is subject; and
- (g) a statement that the burn permit is conditional upon compliance with the terms set out in the burn permit, this By-law, and applicable legislation.

(4) The Fire Chief shall issue a burn permit by signing it and releasing it to the applicant.

Burn Permit

**23.-(1)** Any burn permit issued under this By-law is personal to the permit holder, and shall not be transferred or assigned.

- (2) No person shall enjoy a vested right in the continuance of any burn permit.
- (3) A burn permit remains the property of the City at all times.
- (4) A burn permit shall be valid only for the period of time for which it was issued and shall expire on the date or in the manner specified in the burn permit.

Permit Holder

**24.-(1)** No person holding a burn permit shall set or maintain a fire under the authority of the burn permit, except in accordance with the terms and conditions of burn permit and this By-law.

- (2) The holder of a burn permit shall keep the burn permit at the site of the fire authorized by the burn permit.
- (3) The holder of the burn permit shall produce the burn permit for examination upon request by the Fire Chief or a By-law Enforcement Officer.

Revocation of Permit

**25.-(1)** The Fire Chief may, at any time, in his or her sole discretion, revoke any burn permit if he or she reasonably believes that:

- (a) any of the information in the application or supporting documentation or materials is not accurate;
- (b) a term or condition of the burn permit is not being observed;
- (c) the fire will not be or is not being conducted in a fashion which observes all reasonable safety precautions or is otherwise a risk to person or property; or
- (d) there are any other grounds to terminate the burn permit which the Fire



Chief in his or her sole discretion considers sufficient in the circumstances.

(2) Every burn permit shall be automatically revoked without further action by the Fire Chief in the event that:

- (a) a restricted fire zone is declared under the *Forest Fire Prevention Act* which affects the City; or
- (b) the Fire Chief declares a fire ban in the City or the part of the City to which the burn permit applies, pursuant to the *Fire Protection and Prevention Act, 1997*.

(3) Any person who holds a burn permit which has been revoked, shall surrender the same to the Fire Chief or a By-law Enforcement Officer upon request.

## **PART 6 - ENFORCEMENT AND RECOVERY OF COSTS**

### Enforcement - Limitation

**26.** No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law.

### Right of Entry

**27.** Upon producing proper identification, a By-law Enforcement Officer or the Fire Chief may, at all reasonable times enter upon and inspect any property to determine if there is a contravention of this By-law and to enforce or carry into effect the By-law.

### Extinguishing any Fire

**28-(1)** The Fire Chief may direct a person to extinguish any fire where, in his or her opinion, there is a contravention of this By-law.

(2) Where the action taken by such person in extinguishing any such fire pursuant to

28(1) is, in the opinion of the Fire Chief not adequate, the Fire Chief may take such action as he or she considers necessary to control and extinguish the fire.

Cost of Action re Fire

**29-(1)** Any costs and expenses of any action by the City with respect to controlling or extinguishing a fire that is caused by or results from the conduct of a person acting contrary to this By-law or is caused by or results from a person disobeying or refusing or neglecting to carry out any of the provisions of this By-law, are payable by that person to the City on the date specified in the request for payment and if not paid on the date specified, such costs and expenses together with costs of collection, including legal fees and disbursements, are recoverable as a debt due to the City by any remedy or procedure available to the City by law, and may be recovered in a like manner as taxes.

(2) In the event that the City has paid or is liable to pay the Crown in right of Ontario, represented by the Minister of Natural Resources or any other body for costs and expenses incurred by that body for controlling or extinguishing a fire that is caused by or results from the conduct of a person acting contrary to this By-law or that is caused by or results from a person disobeying or refusing or neglecting to carry out, any of the provisions of this By-law, such cost and expenses are payable by that person to the City on the date specified in the request for payment and if not paid, such costs and expenses together with costs of collection, including legal fees and disbursements are recoverable as a debt due to the City by any remedy or procedure available to the City by law, and may be recovered in a like manner as taxes.

Civil Action

**30.** Nothing in this By-law affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire.

Offence

31. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended or any successor legislation thereto.

Administration

32. The Fire Chief shall be responsible for the administration of this By-law and persons who are employed or appointed as By-law Enforcement Officers and the Fire Chief are all deemed appointed and entitled to enforce the provisions of this By-law.

Severability

33. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

**Repeal**

34. By-law 2001-115 is hereby repealed.

**Effective**

35. This By-law shall come into effect and take force immediately upon final passage.  
**READ THREE TIMES AND PASSED IN OPEN COUNCIL** this 10th day of June, 2004.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

# Request for Decision City Council



Type of Decision							
Meeting Date	June 24, 2004			Report Date	June 16, 2004		
Decision Requested	<input checked="" type="checkbox"/>	Yes	No	Priority	<input checked="" type="checkbox"/>	High	Low
	Direction Only			Type of	<input checked="" type="checkbox"/>	Open	Closed

Report Title
Economic Development Capital Envelope Funding Request - 2004 Tourism Development Plan

Policy Implication + Budget Impact	
<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
<input checked="" type="checkbox"/>	Background Attached

Recommendation
Whereas tourism development is one of five engines of growth identified in Coming of Age in the 21 <sup>st</sup> Century - An Economic Development Strategic Plan for Greater Sudbury 2015, and
Whereas the Greater Sudbury Development Corporation has approved support for the 2004 Tourism Development Plan,
Therefore, be it resolved that the Council of the City of Greater Sudbury support the plan with a contribution of \$147,000 from the 2004 Economic Development Capital Envelope.
Recommendation Continued

**Recommended by the General Manager**

*Doug Nadorozny*  
 Doug Nadorozny  
 General Manager of Economic Development and Planning Services

**Recommended by the C.A.O.**

*Mark Mieto*  
 Mark Mieto  
 Chief Administrative Officer

## Report Prepared By

Rob Skelly  
Manager of Tourism, Programs and Partnerships

## Division Review

Rob Skelly  
Manager of Tourism, Programs and Partnerships

At its meeting on June 9, 2004, the GSDC Board of Directors approved support for the 2004 Tourism Development Plan. The tourism engine is one in which the GSDC has taken the lead role on behalf of the community. This plan had been presented to the CED Committee and to the Board on two occasions, and direction has now been given to proceed, subject to approval of City Council.

### Background

On February 28, 2003, the CED Committee reviewed and approved a staff plan to develop a proposal for a tourism strategic analysis project using an assessment tool called Premier Ranked Destinations Workbook, developed by the Ontario Ministry of Tourism.

In June 2003, the GSDC adopted *Coming of Age in the 21<sup>st</sup> Century - An Economic Development Strategic Plan for Greater Sudbury 2015, (COA21C)*. Developing Sudbury into "one of Ontario's top four destinations," was identified as one of five engines of growth in the plan. COA21C identified the need to establish an Engine # 3 Task Force to move this engine forward and established three short term goals for the task force:

- educating Sudburians about the assets in Sudbury
- assist in educating front line tourism and hospitality workers on their role as ambassadors for the city
- obtaining the funding and human resource support of GSDC for the Premier-ranked Tourism Destination process

Since the adoption of COA21C, the Engine # 3 Task Force has met several times and adopted a broad approach to address the diverse but complimentary aspects of the challenges presented in moving forward. Staff, in consultation with the task force, as well as provincial and federal agency representatives, has developed a comprehensive plan to meet the short term goals identified, as well as initiating a development process to meet the city and industry's needs in the longer term. This plan consists of six program areas, separated into the two main divisions of marketing and product. These main divisions are the same as those used by Ontario Tourism, the Canadian Tourism Commission, and many destination marketing organizations across Canada.

*Please see the attached summary sheet, GSDC 2004 Tourism Development Plan (Revised June 16, 2004)*

The 2004 Tourism Development Plan is year one of a three year proposal to move forward on the task of building Sudbury into one of the top four destinations in Ontario. The plan is divided into 3 program areas related to marketing - Regular Partnership, Ontario's North, and Enhanced Marketing, and 3 program areas related to product - Strategic Analysis and Planning, Market Development, and Community Capacity Building. Taken together, these six programs will continue to deliver the marketing that is required, while building the product and capacity necessary to launch Sudbury towards its goal.

**Regular Partnership** - This program markets Sudbury in our primary markets of Northeastern Ontario, Northwestern Quebec, and Southern Ontario. It is supported by industry partners through their cash contributions, which total \$85,000 each year, to the Sudburytourism.ca partnership. This program is assessed on an annual basis and tuned to ensure that it is being delivered in an efficient, effective manner. For example, increases in web use mean that we are able to reduce the size of our print ads and increase their frequency to encourage more people to use our web site.

**Ontario's North** - Sudbury, Timmins, North Bay, Sault Ste Marie and Thunder Bay are the major players in this

partnership, along with the six major attractions in the North, such as Science North. Our relatively modest \$30,000 contribution is matched by the other cities, then levered by a Provincial program that promotes urban experiences in Northern Ontario, including group and bus tours, meetings and conventions, and leisure packages. This is an ongoing program which has been in place for over 10 years.

**Enhanced Marketing** - The 2004 Tourism Development Plan proposes to build on the successes of the 2003 Dynamic Earth Launch Program and the Tourism Recovery Program, and to put in place additional resources to maximize our returns.

There is an ongoing need to augment our regular marketing program by leveraging funding from provincial and federal partners. In 2003, special programs extended the reach of our regular programming and created significant results in a challenging year. The 2004 plan will concentrate on areas that proved beneficial, including a wide-circulation newspaper insert, as well as key radio and newspaper advertising.

Shoulder and off-season programs will be developed, including March Break, fall shopping, and a new partnership with Cinefest to market the festival outside of Northern Ontario.

**Strategic Analysis and Planning** - This program will see the implementation of the Premier-Ranked Tourism Destination Process, as described to the CED Committee in February, 2003. Applications to Federal programs have been made for the bulk of the funding required. The Ontario Ministry of Tourism has committed to support this program with staff facilitation, extensive software and support resources, and a cash contribution. In addition, staff from MNM and FedNor are committed to working in facilitation roles for this and other programs.

**Market Development** - This program will respond to, and build upon, the work underway with Ontario Tourism's Secondary Cities Project. In late 2002, Ontario Tourism assigned a market development consultant to work with Sudbury Tourism to identify opportunities to develop new markets and products to expand Sudbury's tourism offerings. In June of 2003, the consultant delivered a preliminary report that identified three key areas of opportunity for market development: Geology, Francophone, and Outdoor.

Ontario Tourism is committed to continue to assist in the market development process and is looking for a commitment from the GSDC to move forward as well. Brainstorming sessions have taken place with key individuals in these three sectors and support is strong to move forward. For 2004, in the Outdoor product area, Partners in EcoAdventure Tourism, PEAT, is moving forward with a proposal to develop a menu of day adventures that can be marketed to visitors to provide brief experiences that will help to increase length of stay.

**Community Capacity Building** - This program will address the need, identified in COA21C, to educate Sudburians about the importance of tourism to our community and to assist front line workers in the direct and indirect local tourism industry to understand the importance of their role as tourism ambassadors. This program will involve a number of public relations initiatives and communications campaigns. Staff anticipates wide support from local media and industry groups in terms of participation and in-kind media. Support from a Federal program to hire an Intern is the recommended strategy for this program.

The total expenditures and funding for the 2004 plan are summarized below.

Gross Expenditures	\$915,248
Funding:	
Industry Partners	\$100,770
Federal programs	\$180,218
Provincial programs	\$105,000
Current Tourism Budget	\$382,260
Economic Development Capital	\$147,000

**Conclusion:**

2003 brought unprecedented challenges for the tourism industry worldwide and particularly in Ontario. 2004 will also be a year of both challenge and opportunity for Sudbury Tourism.

At the same time, the interest and support of funding partner agencies has never been higher. COA21C has convinced them that the city is solidly committed to a tourism development strategy and they have indicated a willingness to assist in moving to the next level.

The capital allocation of \$147,000 is provided by the 2004 Economic Development Capital Envelope. The envelope started the year with a balance of \$6,796 from the 2003 Economic Development Capital Envelope, plus an approved contribution of \$813,890, totalling \$820,686. Year to date project approvals left a balance of \$314,191. The recommendation in this report is for \$147,000 leaving a balance of \$167,191 in the 2004 Economic Development Capital Envelope.

# GSDC 2004 Tourism Development Plan (Revised June 16, 2004)

## MARKETING

## PRODUCT

Program	Status	Timing	Key Activities/ Budget	Enhanced Marketing	Strategic Analysis and Planning	Market Development	Community Capacity Building	Totals
Regular Partnership	Existing	Ongoing	Intern/Student wages \$ 9,370 Summer Leisure \$ 120,230 Winter Leisure \$ 17,530 Group Tour \$ 9,100 MC&S \$ 54,680 Welcome Centres \$ 104,320 Event Support \$ 87,210 Program Support \$ 38,190	Ontario's North Existing Ongoing Summer Leisure \$ 5,000 Group Tour \$ 15,000 MC&S \$ 10,000	New to Oct 31/05 Premier-ranked Tourism Destination Project 1 Coordinator Position 4 staff positions Equipment & office Report translation, production & printing	New Year 1 of 3 Market Development Consultant Marketing Market Development Youth Intern Position Wages & Benefits Equipment & Office Travel Migs/Workshops Communications/publicity	New 1 Year Project Youth Intern Position Wages & Benefits Equipment & Office Travel Migs/Workshops Communications/publicity	\$ 915,248
<b>Gross Expenditure</b>			<b>\$ 440,630</b>	<b>\$ 100,000</b>	<b>\$ 223,818</b>	<b>\$ 50,000</b>	<b>\$ 70,800</b>	<b>\$ 915,248</b>
<b>Funding:</b>								
Industry Partners			\$ 85,770		Industry Partners			\$ 100,770
Federal programs			\$ 2,600		Federal programs			\$ 180,218
Provincial programs				\$ 50,000	Provincial programs			\$ 105,000
Current Tourism Budget			\$ 352,260	\$ 30,000	Current Tourism Budget			\$ 382,260
Econ. Dev. Capital				\$ 30,000	Econ. Dev. Capital			\$ 147,000
<b>TOTAL</b>			<b>\$ 440,630</b>	<b>\$ 100,000</b>	<b>\$ 223,818</b>	<b>\$ 50,000</b>	<b>\$ 70,800</b>	<b>\$ 915,248</b>
<b>NOTES</b>								
			2004 Current Tourism Budget \$ 382,260	> Sudbury contribution buys in to program worth \$762,000 in 04/05 > 3 year project > Direct sales, visitor services & lead follow up position, Year 2 > Year 1 Mktg. Activities > Shoulder season plan includes Cinefest, shopping, March Break > S. Ont & NW Quebec insert > Place map > Radio	> outcome is strategic analysis of industry including gaps, opportunities for investment and development > Establish foundation for development of strategic plan	> Identifies and supports partnerships, packages and themes > Coordinates meetings of groups focused on specific areas of market development. Outdoor in 2004 Francophone, Geology Year 2 > Includes work with PEAT, supported by F support from Ont. Tourism	> Develop program to increase awareness of community and front line staff > Build sustainable partnerships with industry, media, chamber etc. > Develop plan for engaging ongoing community involvement	



# Minutes

<b>City Council</b>	<b>2004-06-10</b>
<b>Planning Committee</b>	<b>2004-06-15</b>
<b>Priorities Committee {TABLED}</b>	<b>2004-06-23</b>
<b>Sudbury Metro Centre Board of Directors</b>	<b>2004-05-10</b>
<b>Tender Opening Committee</b>	<b>2004-06-08</b>
<b>Tender Opening Committee</b>	<b>2004-06-15</b>



**THE THIRTEENTH MEETING OF THE COUNCIL  
OF THE CITY OF GREATER SUDBURY**

**C-11  
Tom Davies Square**

**Thursday, June 10, 2004  
Commencement: 6:16 p.m.**

**DEPUTY MAYOR DUPUIS, IN THE CHAIR**

Present Councillors Bradley; Caldarelli; Craig; Gainer; Gasparini; Kett; Reynolds (A6:20 p.m.); Rivest; Mayor Courtemanche

City Officials M. Mieto, Chief Administrative Officer; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; P. Thomson, Director of Human Resources; J. Kelly, Coordinator of Human Resources; T. Mowry, City Clerk; CJ Caporale, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2004-283 Bradley-Caldarelli: That we move "In Camera" to deal with a Personnel Matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

**CARRIED**

Recess At 7:00 p.m., Council recessed.

Reconvene At 7:06 p.m., Council moved to the Council Chamber to continue the regular meeting.

Chair **HIS WORSHIP MAYOR DAVID COURTEMANCHE, IN THE CHAIR**

Present Councillors Bradley; Caldarelli (D10:10 p.m.); Callaghan; Craig; Dupuis; Gainer; Gasparini; Kett; Reynolds; Rivest

City Officials M. Mieto, Chief Administrative Officer; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; B. Lautenbach, Acting General Manager of Economic Development & Planning Services; C. Matheson, General Manager of Health & Social Services; D. Wuksinic, General Manager of Corporate Services; A. Stephen, General Manager of Emergency Services; H. Salter, Deputy City Solicitor; Insp. Toffoli, Greater Sudbury Police Services; B. Mangiardi, Director of

**C.C. 2004-06-10 (13<sup>th</sup>) (1)**

City Officials  
(continued)

Information Technology; N. Charette, Manager of Corporate Communications and French-language Services; P. Demers, Community Relations and Policy Advisor; J. McKechnie, Executive Assistant to the Mayor; T. Mowry, City Clerk; K. Bowschar-Lische, Planning Committee Secretary; CJ Caporale, Council Secretary

C.U.P.E.

D. Burke, CUPE National Representative; W. MacKinnon, President, CUPE Local 4705

News Media

Sudbury Star; MCTV; CIGM; Channel 10 News; Le Voyageur

Declarations of Pecuniary Interest

Councillor Rivest declared a conflict of interest regarding Item R-2 (Planning Recommendation 2004-108; OCL Custom Crushing & Quarrying Ltd.) as his family is involved in the sand and gravel business.

**MATTERS ARISING FROM THE "IN CAMERA" SESSION**

Rise and Report

Deputy Mayor Dupuis, as Chair of the Committee of the Whole, reported Council met to deal with a Personnel Matter falling within Article 15.5 of the City of Greater Sudbury Procedural By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f) and no resolutions emanated therefrom.

**MATTERS ARISING FROM THE PRIORITIES COMMITTEE**

Rise and Report

Councillor Kett, Chair of the Priorities Committee, reported that Priorities Committee met on 2004-06-09 and directed that Item 6 of the Priorities Agenda - Municipal Alcohol Policy Review and the accompanied recommendation be dealt with at the City Council meeting of 2004-06-10.

Municipal Alcohol Policy Review

Report dated 2004-06-02 from the General Manager of Citizen & Leisure Services regarding Municipal Alcohol Policy Review was received.

The following recommendation was presented:

Dupuis: THAT Council adopt Option \_\_\_\_\_ with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004.

A discussion ensued where the Members of Council agreed that Option #2 would be the best choice. Councillor Bradley raised the issue that the number of bartenders/servers and monitors was too high and suggested that they be lowered.

Amendment to Resolution

Councillor Bradley requested the following amendment to the foregoing motion:

2004-284 Bradley-Kett: AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

**CARRIED**

Main Motion  
(as amended)

The following resolution was presented:

2004-285 Gasparini-Rivest: THAT Council adopt Option #2 with regards to the amending of the Municipal Alcohol Policy and direct that the requisite changes to the Municipal Alcohol Policy By-law be drafted for presentation at the Council meeting of June 24, 2004;

AND THAT the Municipal Alcohol Policy's staff to participant ratios be amended as follows:

<u>PARTICIPANTS</u>	<u>BARTENDERS</u>	<u>MONITORS</u>
0-75	1	1
76-150	1	1
151-225	2	2
226-300	2	2
300+	3	3

**CARRIED**

**MATTERS ARISING FROM THE PLANNING COMMITTEE**

Rise and Report

Councillor Reynolds, Vice-Chair of the Planning Committee, reported that the Planning Committee met on 2004-06-01 and there were no items requiring Council approval.

**PART I**  
**CONSENT AGENDA**

Consent Agenda

With the concurrence of Council, Councillor Callaghan requested that Item C-14 (Recommendations from the Technical Steering Committee - May 2004) be pulled and dealt with separately.

C.C. 2004-06-10 (13<sup>th</sup>)

(3)

Consent Agenda  
(continued)

The following resolution was presented to adopt the items contained in Part I, Consent Agenda:

2004-286 Dupuis-Bradley: THAT Items C-1 to C-13 inclusive, contained in Part I, Consent Agenda, be adopted, with the exception of Item C-14 (Recommendations from the Technical Steering Committee - May 2004), as otherwise dealt with.

**CARRIED**

**MINUTES**

Item C-1  
Report No. 12  
City Council  
2004-05-27

2004-287 Dupuis-Bradley: THAT Report No. 12, City Council Minutes of 2004-05-27 be adopted.

**CARRIED**

Item C-2  
Report No. 11  
Planning Committee  
2004-06-01

2004-288 Bradley-Dupuis: THAT Report No. 11, Planning Committee Minutes of 2004-06-01 be adopted.

**CARRIED**

Item C-3  
Report No. 10  
Priorities Committee  
2004-06-09

2004-289 Dupuis-Bradley: THAT Report No. 10, Priorities Committee Minutes of 2004-06-09 be adopted.

**CARRIED**

Item C-4  
NDCA  
2004-05-19

2004-290 Bradley-Dupuis: THAT the Report of the Nickel District Conservation Authority, Minutes of 2004-05-19 be received.

**CARRIED**

Item C-5  
TOC  
2004-05-25

2004-291 Dupuis-Bradley: THAT the Report of the Tender Opening Committee, Minutes of 2004-05-25 be received.

**CARRIED**

Item C-6  
TOC  
2004-06-01

2004-292 Bradley-Gasparini: THAT the Report of the Tender Opening Committee, Minutes of 2004-06-01 be received.

**CARRIED**

Item C-7  
Report No. 5  
SDHU  
2004-05-20

2004-293 Dupuis-Bradley: THAT Report No. 5, Sudbury & District Board of Health, Minutes of 2004-05-20 be received.

**CARRIED**

Item C-8  
Report No. 3  
CGS Public Library  
2004-04-22

2004-294 Bradley-Dupuis: THAT Report No. 3, City of Greater Sudbury Public Library Board, Minutes of 2004-04-22 be received.

**CARRIED**

C.C. 2004-06-10 (13<sup>th</sup>)

(4)

Item C-9  
Greater Sudbury  
Police Services Board  
2004-04-19

2004-295 Bradley-Dupuis: THAT the Report of the Greater Sudbury Police Services Board, Minutes of 2004-04-19 be received.

**CARRIED**

Item C-10  
GSHC  
2004-04-27

2004-296 Bradley-Dupuis: THAT the Report of the Greater Sudbury Housing Corporation, Minutes of 2004-04-27 be received.

**CARRIED**

Item C-11  
Accessibility Advisory  
Committee  
2004-06-01

2004-297 Dupuis-Bradley: THAT the Report of the Accessibility Advisory Committee, Minutes of 2004-06-01 be received.

**CARRIED**

### **TENDERS**

Item C-12  
Central Laser Printing/  
Copier Systems

Report dated 2004-06-02 from the General Manager of Corporate Services regarding Replacement of Central Laser Printing/Copier Systems was received.

The following resolution was presented:

2004-298 Bradley-Gasparini: THAT the City purchase a Xerox DP120 central laser printing system from Xerox Canada at a cost of \$144,000. This is to be funded from the approved 2004 Corporate Services Capital Envelope.

**CARRIED**

Item C-13  
Local/Long Distance  
Phone Services

Report dated 2004-06-02 from the General Manager of Corporate Services recommends that Bell Canada be the Vendor for the Supply of Local and Long Distance Phone Services for the City of Greater Sudbury and Greater Sudbury Police Services was received.

The following resolution was presented:

2004-299 Bradley-Dupuis: THAT Bell Canada be awarded the contract to supply local and long distance phone services for the next three (3) years with an option for years four (4) and five (5);

AND THAT the Director of Information Technology be authorized to enter into this contract with Bell Canada, all in accordance with the Purchasing By-law as approved by Council.

**CARRIED**

**ROUTINE MANAGEMENT REPORTS**

Item C-14  
Technical Steering  
Committee -  
Recommendations

Report dated 2004-06-02, with attachments, from the General Manager of Public Works regarding Recommendations from the Technical Steering Committee - May 2004 was received.

The following resolution was presented:

Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option # \_\_\_\_\_, as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

The General Manager of Public Works advised Council that the Waste Diversion Ontario (WDO) funding was received and therefore they are recommending Council to implement Option 2.

Amendment to  
Resolution

Councillor Rivest requested the following amendment to the foregoing motion:

2004-300 Rivest-Reynolds: AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

**CARRIED**

Main Motion  
(as amended)

The following resolution was presented:

2004-301 Bradley-Dupuis: THAT Council approve enhancing the Non-profit Reuse Rebate by \$18,000, with funding to be provided under Option #2, as outlined in the report by the General Manager of Public Works, dated June 2, 2004;

AND THAT Council approve the new flat rate tipping fees, as outlined in the report by the General Manager of Public Works, dated June 2, 2004.

AND FURTHER THAT Council approve a flat rate of \$5 for a 3/4 ton truck or trailer where the capacity of garbage is six (6) bags or less.

**CARRIED**

**TELEPHONE POLLS**

Item C-15  
Contract 2003-20  
Bancroft Drive  
Reconstruction

Report dated 2004-06-04, with attachments, from the General Manager of Corporate Services regarding Telephone Poll - Contract 2003-20 - Bancroft Drive Reconstruction was received for information only.

In accordance with Article 31 of the Procedure By-law, a Telephone/E-mail Poll of Members of Council was conducted on 2004-05-31, with the following motion:

2004-302: THAT the General Manager of Public Works be directed to instruct TeraNorth, the Contractor responsible for the construction work currently underway at the Kingsway and Bancroft Drive, to work on Sundays to expedite completion of the project;

AND THAT the estimated additional cost of \$50,000 for Contract 2003-20 be funded by a contribution from the Capital Financing Reserve Fund - Roads.

**RESULTS OF TELEPHONE/E-MAIL VOTE:**

**YEAS**

Berthiaume  
Callaghan

**NAYS**

Bradley  
Caldarelli  
Craig  
Dupuis  
Gainer  
Reynolds  
Thompson

**DEFEATED**

**Rules of Procedure**

Council, by a two-thirds majority, agreed to dispense with the Rules of Procedure and deal with a matter, not on the Agenda, at this time.

**PRESENTATIONS**

By-law 2004-160  
Open Air Burning

The General Manager of Emergency Services gave an electronic presentation regarding By-law 2004-160 (A by-law of the City of Greater Sudbury to regulate open air burning). Mr. Stephen stated that in order to comply with the new legislation, "a by-law is required to be passed to establish and incorporate standards in protecting the health, safety and welfare of the general public, and to set out the approval process for all open air burning". He gave an overall history of the former municipality by-laws, general requirements for burn permits, prohibited materials & conditions for burning, and liability for fire services.

C.C. 2004-06-10 (13<sup>th</sup>)

(7)



Change of Chair

At 8:40 p.m., His Worship Mayor David Courtemanche vacated the Chair.

**DEPUTY MAYOR CRAIG, IN THE CHAIR**

By-law 2004-160  
Open Air Burning  
(continued)

Councillor Kett suggested that the Burn Permit Application be made available on the City's web page for the general public to access. The General Manager of Emergency Services advised Council that he would look into this possibility.

**BY-LAWS**

**THE FOLLOWING BY-LAW APPEARS FOR A THIRD AND FINAL READING:**

2004-138      3<sup>RD</sup>      A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO CLOSE PARCEL 24113 SUDBURY EAST  
SECTION

Planning Committee Recommendation 2003-23

(In 2003 the Council declared surplus and authorized the sale of the water tower at 560 Falconbridge Road. The entranceway to this property was taken by the former City of Sudbury as a public road, and thus needs to be closed before the property can be disposed of. This By-law has been advertised as required and no comments were received.)

**THE FOLLOWING BY-LAWS APPEAR FOR THREE READINGS:**

2004-158A      3      A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO CONFIRM THE PROCEEDING OF COUNCIL AT  
ITS MEETING OF JUNE 10, 2004

2004-159Z      3      A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AMEND BY-LAW 83-300, THE  
COMPREHENSIVE ZONING BY-LAW FOR THE  
FORMER TOWN OF ONAPING FALLS AND  
FORMER CITY OF VALLEY EAST

Planning Committee Recommendation 2004-33

(This by-law rezones the subject property to Seasonal Residential to permit the creation of three lots for seasonal residential use. The three proposed lots were given conditional approval by the City Consent Official on January 12, 2004, under Consent Applications B142/2003 to B144/2003, subject to the lots being rezoned for seasonal residential use. - Denis Lambert, Vermillion River, Township of Dowling.)

C.C. 2004-06-10 (13<sup>th</sup>)

(8)

2004-160 3 A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO REGULATE OPEN AIR BURNING

Report dated 2004-06-04 from the General Manager  
of Emergency Services regarding To Regulate Open  
Air Burning within the City of Greater Sudbury.

(To prescribe the procedures and the times during which  
fires may be set in the open air, and the precautions to be  
observed by persons setting out fires.)

2004-161 3 A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AMEND BY-LAW 2003-2 TO ESTABLISH  
NOTIFICATION PROCEDURES TO THE PUBLIC  
ON MATTERS UNDER THE *MUNICIPAL ACT, 2001*

(This By-law amends the Notification By-law to establish a  
procedure to notify the public for fee increases as required  
by the Municipal Act, 2001. The notice is similar to other  
notice provisions existing in the By-law.)

2004-162 3 A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AUTHORIZE A GRANT TO SCIENCE NORTH  
FOR FIREWORKS

Council Resolution 2004- 272

2004-163 3 A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AMEND BY-LAW 2003-295 TO DELEGATE  
SPECIFIC AUTHORITY TO CITY OFFICIALS TO  
CARRY ON CERTAIN MATTERS ON BEHALF OF  
THE CITY OF GREATER SUDBURY

(This By-law authorizes the City Treasurer to execute minor  
amendments to the agreements for various banking  
services, and authorizes the Property Negotiator/Appraiser  
to execute various ancillary documents required to  
complete real estate transactions.)

2004-164 3 A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AMEND PROCEDURE BY-LAW 2002-202

Council Resolution 2004-278 Multi-year budgeting

(Notice of this By-law was given and no comments were  
received. This By-law must be passed before Council can  
deal with Managers' Report Item R-6 - Appointment of  
Chair, Finance Committee.)