



MEETING: City Council

DATE: July 29, 2019

Reference No. CC - 25/50

OPEN SESSION in the S.H. Blake Memorial Auditorium immediately following Committee of the Whole

City Council
Chair: Mayor Bill Mauro

OPENING CEREMONIES

Prayer or One Minute of Silence

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - July 29, 2019 - City Council

With respect to the July 29, 2019 City Council meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

MINUTES OF PREVIOUS MEETINGS

City Council Minutes

The Minutes of the following Meeting of the Thunder Bay City Council, to be confirmed:

1. The Thunder Bay City Council held on July 22, 2019 (Distributed Separately)

THAT the Minutes of the following Meetings of the Thunder Bay City Council, be confirmed:

1. The Thunder Bay City Council held on July 22, 2019

PETITIONS AND COMMUNICATIONS

REPORTS OF COMMITTEES

Committee of the Whole Minutes

The Minutes of the following Committee of the Whole meeting, to be adopted:

1. July 22, 2019 Committee of the Whole (Distributed Separately)

THAT the Minutes of the following Committee of the Whole meeting, be adopted:

1. July 22, 2019 Committee of the Whole

Ward Meeting Minutes

The Minutes of the following Ward Meeting to be received:

1. Meetings No. 2-2019 of the McIntyre Ward held on June 11, 2019.

THAT the Minutes of the following Ward Meetings be received:

1. Meeting No. 2 – 2019 of the McIntyre Ward held on June 11, 2019.

REPORTS OF MUNICIPAL OFFICERS

BY-LAWS

BL 74/2019 - Appointment of City Clerk for The Corporation of the City of Thunder Bay

A By-law to provide for the appointment of a City Clerk for The Corporation of the City of Thunder Bay.

BL 79/2019 - Parks Use By-Law

A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-law 45-1972.

BL 83/2019 - By-law Appointment Municipal By-law Enforcement Officers - Regional Hospital

A By-law to amend By-law 110-2013, being a by-law to appoint Municipal Law Enforcement Officers for the Thunder Bay Regional Health Sciences Centre

By-law Resolution

By-law Resolution - July 29, 2019

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to provide for the appointment of a City Clerk for The Corporation of the City of Thunder Bay. A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 45-1972 and a section of By-law 150-1974.

By-law Number: BL 74/2019

2. A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 45-1972 and a section of By-law 150-1974.

By-law Number: BL 79/2019

3. A By-law to amend By-law 110-2013, being a By-law to appoint Municipal Law Enforcement Officers for the purpose of enforcing the Smoking Prohibition By-law No. 052-2010, on the Thunder Bay Regional Health Sciences Centre Property.

By-law Number BL 83/2019

NEW BUSINESS

CONFIRMING BY-LAW

BL 80/2019 - Confirming By-law - July 29, 2019

A By-law to confirm the proceedings of a meeting of Council, this 29th day of July, 2019

Confirming By-law Resolution - July 29, 2019 - City Council

Confirming By-law Resolution - July 29, 2019 - City Council

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to confirm the proceedings of a meeting of Council, this 29th day of July, 2019
By-law Number: BL 80/2019

ADJOURNMENT



MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT Confirmation of Agenda

SUMMARY

Confirmation of Agenda - July 29, 2019 - City Council

RECOMMENDATION

With respect to the July 29, 2019 City Council meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.



MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT City Council Minutes

SUMMARY

The Minutes of the following Meeting of the Thunder Bay City Council, to be confirmed:

1. The Thunder Bay City Council held on July 22, 2019 (Distributed Separately)

RECOMMENDATION

THAT the Minutes of the following Meetings of the Thunder Bay City Council, be confirmed:

1. The Thunder Bay City Council held on July 22, 2019



MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT Committee of the Whole Minutes

SUMMARY

The Minutes of the following Committee of the Whole meeting, to be adopted:

1. July 22, 2019 Committee of the Whole (Distributed Separately)

RECOMMENDATION

THAT the Minutes of the following Committee of the Whole meeting, be adopted:

1. July 22, 2019 Committee of the Whole

MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT Ward Meeting Minutes

SUMMARY

The Minutes of the following Ward Meeting to be received:

1. Meetings No. 2-2019 of the McIntyre Ward held on June 11, 2019.

RECOMMENDATION

THAT the Minutes of the following Ward Meetings be received:

1. Meeting No. 2 – 2019 of the McIntyre Ward held on June 11, 2019.

ATTACHMENTS

1. McIntyre Ward Minutes - June 11, 2019

Minutes

MCINTYRE WARD MEETING

Meeting No. 02-2019

Date: TUESDAY, JUNE 11, 2019

Time: 7:00 P.M.

Location: WOODCREST PUBLIC SCHOOL

867 WOODCREST ROAD, THUNDER BAY

CHAIR: COUNCILLOR ALBERT AIELLO

PRESENT:

G. Hughes, F. Badolato, N. Badolato, L. Badolato, D. Thompson, L. Yurick, J. Yurick, S. Schaarsmidk, K. Langen, Z. Allam, D. Meyers, B. Meyers, P. Eisenback, L. Schween, J. Stroup, S. Byers, P. Sutherland, B. Kucher, G. Orlesky, J. Tuokko, P. Woodruff, S. Dawson, W. Currie, E. Mullymaa, B. Hinterbrandner, D. Nurse, D. Greer, V. Flagale, C. Krumpholz

Approximately 34 people were in attendance, including those that signed the attendance sheet.

RESOURCE PERSONS:

Mr. D. Vincent, Manager – Licensing & Enforcement

Mr. J. Paske, Supervisor – Parking Authority

Ms. F. Track, Committee Coordinator – Office of the City Clerk

1. WELCOME AND INTRODUCTIONS

The Chair, Councillor A. Aiello, called the meeting to order and introduced members of Administration.

2. COMMUNICATION PROCESS

The Chair explained the communication process.

3. MINUTES OF PREVIOUS MEETING

Minutes of Meeting No. 01-2019 held on February 20, 2019 were provided, for information.

4. PARKING - CITY FIELDS

Mr. J. Paske, Supervisor – Parking Authority and Councillor A. Aiello, provided an update relative to the above noted and responded to questions.

It was suggested by the Chair, that the solution to the parking problem on the evenings that John Jumbo Gardens is hosting soccer games could be, to allow parking within the designated bicycle lane for 2 hours each week for the 6 weeks each year (total of 24 hours) that soccer is hosted at this location. Consultation with administration is ongoing.

5. CITY PARK BY-LAWS

Mr. D. Vincent, Manager – Licensing & Enforcement provided an update relative to the above noted and responded to questions.

Recently reported nuisance disturbances in Parks, including Jumbo Gardens, have been reviewed in coordination with Thunder Bay Police Service and Licensing and Enforcement and it has been determined that updating the current Parks Use By-law 45-1972 to include more specific restrictions will facilitate improved enforcement to control unwanted activity within Parks. These controls will provide for the protection and security of infrastructure, restrict hours of operation, and assist to control nuisance matters.

Mr. D. Vincent informed those present that the current by-law, BL 45-1972, a by-law to regulate hours, does not include set-fines and is not likely enforceable as the offence sections do not refer to current legislation. The challenge, extensive amendments to the by-law are required to regulate the use within the by-law.

Mr. D. Vincent is working with the Parks Division to determine a closing time for the park so that any presence at the park after that hour would be considered trespassing.

A Report, recommending that the current By-law be repealed and replaced, will be presented to City Council on June 17, 2019.

MCINTYRE WARD MEETING
JUNE 11, 2019

6. GRAVEL ROAD MAINTENANCE

Councillor A. Aiello provided follow up to inquiries he has received relative to the above noted and a discussion followed.

Some of the items discussed were:

- 93 kms of gravel road in the McIntyre Ward
- road maintenance and grading schedule
- water and drainage
- frost heaves
- damage to vehicles due to road conditions
- cost of treating roads with calcium
- cost of chip/seal
- taring shoulders
- warranty for road work completed by others
- load restrictions
- deputations to City Council – pre budget consultation
- innovations to road repair

7. WARD AND CITY ISSUES

London Drive

A citizen asked if stop signs will be installed on Abbey Ct. and Embassy Ct., both streets enter onto London Dr.

A citizen asked when the repairs to the roadway and curbs on London Dr., due to a hydrant/water main break, will be completed.

8. ADJOURNMENT

The meeting adjourned at 8:50 p.m.



Memorandum

Corporate By-law Number BL 74/2019

TO: Office of the City Clerk **FILE:**

FROM: Linda Crago
City Manager's Office - Office of the City Clerk

DATE: 20/06/2019

SUBJECT: BL 74/2019 - Appointment of City Clerk for The Corporation of the City of Thunder Bay

MEETING DATE: City Council - 29/07/2019 (mm/dd/yyyy)

By-law Description: A By-law to provide for the appointment of a City Clerk for The Corporation of the City of Thunder Bay.

Authorization: City Council - Resolution - July 22, 2019

By-law Explanation: The purpose of this By-law is to appoint Krista Power as City Clerk for The Corporation of the City of Thunder Bay.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 74/2019

A By-law to provide for the appointment of a City Clerk for The Corporation of the City of Thunder Bay.

Recitals

1. Section 228 of the Municipal Act, 2001 S.O. 2001 c.25, provides that a municipality shall appoint a City Clerk.
2. City Council authorized the appointment of a City Clerk for The Corporation of the City of Thunder Bay by resolution on July 22, 2019.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. THAT Krista Power be and is hereby appointed City Clerk of The Corporation of the City of Thunder Bay, effective August 3, 2019, at such salary as shall from time to time be set by the Council of The Corporation of the City of Thunder Bay.
2. AND THAT By-law 77-2004 of The Corporation of the City of Thunder Bay be repealed effective August 2, 2019 at 11:59 p.m.
3. AND THAT By-law BL 68/2015, appointing Krista Power as Deputy City Clerk for The Corporation of the City of Thunder Bay be repealed effective August 2, 2019 at 11:59 p.m.
4. This By-law shall come into force and take effect on August 3, 2019 at 12:00 a.m.

Enacted and passed this 29th day of July, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

Deputy City Clerk



Memorandum

Corporate By-law Number BL 79/2019

TO: Office of the City Clerk **FILE:**

FROM: Julie Wiejak
Infrastructure & Operations

DATE: 05/07/2019

SUBJECT: BL 79/2019 - Parks Use By-law

MEETING DATE: City Council - 29/07/2019 (mm/dd/yyyy)

By-law Description: A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 40-1971, 45-1972 and 122-1975.

Authorization: Report No. R 106/2019 (Engineering) - Committee of the Whole - June 17, 2019; Committee of the Whole – Memo – July 22, 2019.

By-law Explanation: The purpose of this By-law is to regulate the use and activities within Municipal Parks and Open Spaces in the City of Thunder Bay and to repeal the following Chapters of the City of Thunder Bay Municipal Code: Chapter 744 Golf - Archery - Regulation", Chapter 760 "Parks Use - Regulation" and Chapter 790 "Vehicle - Use - Regulation." This By-law will also repeal and replace By-law 40-1971 "Vehicles - Utilize Roads and Parking Areas Only", By-law 122-1975 "Golf and Archery" and By-law 45-1972 "Park Use - Regulation."

Administration intends to pursue Set Fine amounts with the Province to support the enforcement of the Parks Use By-law. This usually takes two to three months. The majority of the costs recommended are in the range of \$155 to \$280 for offences like littering, noise in quiet zones and graffiti, up to \$495 for causing nuisance event or for large unauthorized gatherings.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 79/2019

A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 40-1971, 45-1972 and 122-1975.

Recitals

1. Section 8 of the *Municipal Act, 2001*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.
2. Section 9 of the *Municipal Act, 2001*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act.
3. Under Section 10 of the *Municipal Act, 2001*, as amended, grants broad authority to a single tier municipality that may pass by-laws respecting, among other thing, matters concerning economic, social and environmental well-being of the community.
4. Section 425, of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the power to pass by-laws providing that a person who contravenes a by-law is guilty of an offence.
5. City Council deems it expedient to update and place additional regulatory controls of municipal Parks & Open Spaces to provide for the protection and security of infrastructure, restrict hours of operation and to control nuisance matters.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. **Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.
 - a) **"Archery"** is the art, sport, practice, or skill of using a bow to shoot arrows.
 - b) **"Aerial Remote Vehicle"** means any unmanned, electric or combustion powered vehicle that flies, hovers or has remote controlled flight that may or may not be regulated specifically by federal legislation of Transport Canada.
 - c) **"Audio Device"** means a radio, stereo, CD player, mp3 player, television, vehicle stereo or personal stereo, microphone, megaphone or other similar electronic device capable of emitting sounds, or an air/gas powered horn or manual noise maker, but does

not include a two-way radio, weather radio or a device that can only be heard by using headphones or while such device is being used where sound is contained from being audible to others by the use of headphones or similar means.

- d) **“Authorized Person”** means any employee of the City appointed by the Manager to perform supervisory duties and tasks, or that has been specifically authorized to give direction under this By-law to persons that are impacting Park services and users
- e) **“Busk”** means to perform a talent or skill, such as playing an instrument, performing tricks, stunts or acting, with the hope of monetary reward, usually in a public space where a receptacle for collecting money is usually displayed. .
- f) **“By-law”** means this By-law, including its recitals and schedules, which form integral parts of it. Where the term “by-law” is capitalized but followed by a number, the term refers to the by-law of the Corporation which corresponds with that number, and not to this By-law.
- g) **“Camp”** means an outdoor activity involving overnight stays away from home in a shelter, such as a tent. Typically participants leave developed areas to spend time outdoors in more natural ones in pursuit of activities providing them enjoyment.
- h) **“City”** means The Corporation of the City of Thunder Bay. Where the context allows, the term includes its officers and employees.
- i) **“Closed Hours”** means the hours when a Park is closed to entry or use.
- j) **“Domestic Animal”** means a horse, a dog, or any other animal that is kept under human control either by habit or training and lives in association with human beings.
- k) **“Drone”** means a remote controlled aircraft that is regulated by Transport Canada, whether or not it is required to be licensed, which often has cameras mounted on it and it is capable of taking aerial pictures as it flies over the ground.
- l) **“Firearm”** has the same meaning as found in the Fish and Wildlife Conservation Act 1997, S.O. 1997 c41, as amended.
- m) **“Fireworks”** means anything regulated by the Explosives Act, R.S.C. 185, cE-17, as amended and includes over the counter recreational fireworks sold to the general public without special license or permits.
- n) **“Golf”** is a club-and-ball sport in which players use various clubs to hit balls into a series of holes and includes practice hitting of balls other than on a proper golf course.

- o) **“Litter”** means any waste material or non-waste material generated by a Park user that is permitted to be scattered or blown around, or scavenged by animals that ends up in the Park environment in a location other than a designated receptacle.
- p) **“Manager”** means the Manager of Parks and Open Spaces or designate and includes any future positions that may encompass the current roles and responsibilities as they relate to Parks and Open Spaces.
- q) **“Marina Park”** means the property owned by the City that encompasses the Marina Park, Price Arthur’s Landing and Pool 6 Lands, that is used for parks activities, excluding any open street right of ways located within.
- r) **“Motor Vehicle”** means a motor vehicle as defined in the Highway Traffic Act.
- s) **“Natural Feature”** means any object, rock, landform, landscape, slope, environment, habitat, or similar feature, that is not man made.
- t) **“Nuisance”** means a General Nuisance or Noise Nuisance, Nuisance Event, or Nuisance Vibration. **General Nuisance** shall include, but not limited to, any public display, words or vocalizations including the use of discriminatory, harassing, abusive or insulting language or gestures or actions or activities that have the effect of displeasing or offending the average park user, resident, visitor, or by-stander at the specific moment after the nuisance has occurred, whether or not the nuisance actions were clearly visible or audible to persons on the adjacent private or public lands; this includes, but is not limited to, public urination, defecation or engaging in public display of sexual activity; **Noise Nuisance** any use of sounds that is excessive, alarming, unusual or annoying to any other users or visitors or to the community at large at the respective points of reception, based upon the cumulative considerations of all factors including the nature and frequency of complaints, its audibility at Point of Reception, environmental conditions and any extenuating or aggravated circumstances including any medical conditions; **Nuisance Vibration** shall mean vibration that is likely to disturb the inhabitants at the point of reception. **Nuisance Event** means a gathering in the Park which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:
 - i. Public disorderly conduct;
 - ii. Public drunkenness or public intoxication;
 - iii. The unlawful sale, furnishing or distribution of alcoholic beverages or controlled or illegal substances;
 - iv. The deposit of refuse on public or private property;
 - v. Damage to or destruction of public or private property;

- vi. Pedestrian traffic, vehicular traffic or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
 - vii. Unreasonable noise, including loud music or shouting, that is of such a volume or nature that it is likely to disturb Park users or adjacent property owners or occupants;
 - viii. Unlawful open burning or fireworks discharge;
 - ix. Public disturbance, including a public brawl or violence; or
 - x. Outdoor public urination or defecation;
- u) **“Officer”** means a Municipal Law Enforcement Officer for the City.
- v) **“Open Space”** means City lands, including but not limited to green space, that are undeveloped (have no buildings or structures) and are accessible to the public, including areas of lands that are not defined with the name “Park”.
- w) **“Owner”** mean the owner or person in control of a Domestic Animal at the relevant time and includes any person(s) associated with the animal at that time.
- x) **“Park”** means a City-owned land that is administered by the Parks and open Space Section and includes open spaces on properties associated with Recreational Facilities including but not limited to Pool 6 lands and any other City lands that may be used from time to time for Parks and Open Spaces related events.
- y) **“Posted Hours”** means hours that are displayed on any sign or notice which regulate the hours of that area described in the notice which may be different than standard hours set out in the By-law.
- z) **“Provincial Offences Act”** shall mean Provincial offences Act, R.S.O. 1990, c.P33 as amended
- aa) **“Quiet Zone”** mean an area where the use of Audio Devices, that are clearly audible to any person, are prohibited in an area described by notice or signage.
- bb) **“Themed Gathering”** means any event or proposed event that is advertised by any means, as a gathering or party celebrating or themed to a person, place or thing; these could includes, but not limited to, sports or personal celebrations, world events, seasonal events or any other “theme” that would encourage attendees to dress or behave in

celebration of that theme.

cc) **“Unauthorized Special Event”** means any gathering of more than 20 people that has not received approval from the Manager or Authorized Person, in advance to the gathering.

dd) **“Waste”** means any unwanted or discarded materials of any composition that are deposited in the Park, that were not created in the Park.

2. **Enforcement:** This By-law may be enforced by Municipal Law Enforcement Officers and police officers.
3. **Direction from Manager or Authorized Person:** Every person who is given direction by an Officer or by the Manager or another Authorized Person, to comply with the provisions of this By-law, including the demand to identify yourself or leave when directed; shall immediately follow directions to cease the contravening activity and shall further, if requested, truthfully identify yourself and leave the Park or Open Space immediately.
4. **Power of Manager to Exempt from Provisions/ Add Conditions:** The Manager may vary any provision(s) or exempt any person, group, organization or corporation from complying with the requirements of any section of the By-law. The manager may, in granting relief, also impose such additional provisions, conditions or requirements as the Manager deemed appropriate to the circumstances.
5. **Power to Close Parks or Portions of Park:** The Manager, Authorized Person or an Officer, may close a Park or any portion thereof, for the following purposes; 1) controlling or managing fire, flood or public emergency, 2) protecting public safety, 3) preventing overcrowding of facilities, 4) facilitating maintenance of sport fields, facilities or other maintenance or construction works, and 5) preserving or protecting park assets, including the environment or in support of environmental rehabilitation projects.
6. **Entry Prohibited Closed Areas:** No person shall enter or remain within a Closed Park, or portion of Park that has been closed, without express permission of the Manager, Authorized person or Officer and every person must comply immediately with a direction from same, to leave a Park, or portion of Park that is closed, or is about to be closed.
7. **Power to Evict Person:** The Manager, Authorized Person or an Officer, where they find any person not complying with any provisions of this By-law, may evict that person from that Park location for the remainder of the day or may extend the eviction to all Parks for the remainder of the day; any person who is advised verbally that they are evicted shall immediately leave the Park and shall not re-enter that Park, or any Park if advised, for the remainder of the day.

8. **Eviction Order:** Where the conduct of any individual is such that the Manager believes it is in the best interests of the Park activities that a person should be barred entry from any specific Park or all Parks, the Manager may, in writing, issue an Eviction Order that will prohibit that person from entering the Park or Parks for whatever timeframe that Manager believes is appropriate. The Eviction Order can be sent Register Mail and will be Deemed served after 5 days; no person who has been served an Eviction Order shall re-enter any Park(s) set out in the Order during the effective dates.
9. **Eviction Order-Appeal:** Where a person has received an Eviction Order and feels aggrieved by it, they may apply in writing within 10 days of receiving the Order to Council, setting out the reasons for appeal; Council may make other provisions for hearing such appeals without prejudice to appellant; an appeal will be heard and the decision, which will be communicated in writing, will be mailed 5 days following the appeal, which will be a final decision.
10. **Hours of Operation-General:** All Municipal Parks, except as otherwise authorized, shall be closed to the use or occupancy of the public daily, between the hours of 11:00 p.m., in the evening of one day until 6:00 a.m., in the morning of the following day, and no person shall enter or remain in a Park or Open Space during Closed Hours unless otherwise posted or authorized by the Manager.
11. **Hours of Operation-Marina Park:** Notwithstanding the General Hours of Operation, the area contained between the most southerly point of the public boat launch parking lot south of the Pearl Street entrance, to the northern limit of City-owned property of Marina Park, shall be closed to the use or occupancy of the public daily, between the hours of 1:30 a.m., in the morning of one day until 6:00 a.m., in the morning of the same day, and no person shall enter or remain in the Park during Closed Hours unless otherwise posted or authorized by the Manager.
12. **Hours of Operation- Trowbridge Falls and Chippewa Park Campgrounds:** Notwithstanding the General Hours of Park Operations, hours of operation may be set differently at Trowbridge Campground and Chippewa Park Campground, as determined by the Manager.
13. **Protection Park Property:** Except with written authorization of the Manager, no person shall remove, damage or deface any property or natural feature within a City Park.
14. **Protection Park Environment:** Except with written authorization of the Manager, no person shall, in a Park: a) disturb, cut, kill, remove or harm any plant, tree or natural feature; or b) disturb, kill, harass or harm any animal; or c) make any excavation or deposit any material or deleterious substances.

15. **Introduction Plants or Animal Prohibited:** No person, without the express written permission of the Manager, shall introduce or release or permit the escape of any plant, animal or other living thing, into a Park.
16. **Keeping Park Clean:** No person shall deposit, or cause to be deposited, any litter except in designated receptacles.
17. **Other Waste Prohibited:** No person shall deposit, or cause to be deposited in designated receptacles, any waste that was not generated while using the Park, including personal waste from residential or commercial activities outside the Park.
18. **Responsible Practices-Prevent Litter:** Any person that uses any shelter, facility, bench, table or other Park area, shall maintain it in a clean and sanitary condition in a manner that prevents littering and protects from access to wildlife.
19. **Wildlife Feeding Prohibited:** No person shall feed wildlife or leave attractants in any manner that is likely to attract wildlife, without the express consent of the Manager.
20. **Fires Regulated:** No person shall start or tend a fire in a Park, except in such areas and upon such term and conditions that may be posted in that area, except with the express consent of the manager or Authorized Person. If signs are not posted in that area, no person shall start or tend a fire until permission is obtained from the Manager.
21. **Firearms Prohibited:** Firearms shall not be used, displayed or otherwise possessed within a Park, without the express written permission of the Manager.
22. **Fireworks/Explosives:** Fireworks or other Explosives shall not be ignited or possessed within a Park, without the express written permission of the Manager.
23. **Golf and Archery:** Golfing and the practice of archery in a Park are prohibited without the express written permission of the Manager
24. **Domestic Animal Control:** Every owner of a domestic animal shall exercise responsible pet ownership and shall at all times by doing the following: 1) tether the animal on a sturdy lead (leash) that is not longer than 3 meters and capable of restraining the animal without escape and shall, where the animal escapes recapture the animal that is at large for whatever reason; such leash requirements are suspended when in a designated off-leash area, 2) prevent the animal from emitting sounds that are excessive and disturbing to other Park users, at their point of reception when a complaint is communicated, 3) immediately recover the animals' excrement and dispose of in proper receptacle, 4) prevent the animal damaging the Park property or vegetation, 5) prevent the animal from chasing or harassing wildlife, and 6) prevent the animal from attacking or acting aggressively toward another animal or person.

25. **Exemption-Disability:** Notwithstanding the requirement to be on tether (leash) at all times and to immediately recover excrement, any person, with a disability that would be prevented from complying because of that disability, may alternatively utilize a lead-harness or similar device to restrain the animal that is not a tether, and further if a person is unable to recover excrement do to the nature and extend of a disability, and are not in the company of persons who could willingly assist in recovering the waste, then that person shall be exempt from this requirement for their animal.
26. **Animals-Hot Cars:** No person in a Park, shall leave their animal in a vehicle where the external weather conditions appear to be causing the animals respiration to increase significantly, causing the animal to pant or otherwise show discomfort or distress, to the average person.
27. **Soliciting Activities-Prohibited:** No person in a Park, without the express permission of the Manager or Authorized Person, shall beg, solicit, busk, canvass or invite subscriptions or contributions, by erection of signs or otherwise.
28. **Selling Activities-Prohibited:** No person in a Park, without the express permission of the Manager or Authorized Person, shall sell or barter, or attempt to sell or barter any article, things or service and further, no person shall erect any signs, stands, displays or vend or attempt to vend any product, good or service from a vehicle, trailer or any other location.
29. **Unauthorized Events/Large Gatherings:** No person, without the express permission of the Manager, shall hold or attempt to hold an Unauthorized Special Event or Themed Gathering in a Park or invite, advertise or otherwise organize or attempt to invite, advertise or otherwise organize such events or similar events where there is reasonably known to be, or expected to be, more than twenty (20) persons in attendance at any such gathering, or where the Manager has refused to permit the event or gathering.
30. **Camping-Restrictions:** Except where currently permitted in Trowbridge and Chippewa Parks, no person in any other Park, without the express written permission of the Manager, shall camp or attempt to camp or utilize Park property, personal vehicles or other equipment for the purpose camping.
31. **Vehicles –Utilize Roads and Parking Areas Only:** No person, without the express permission of the Manager or Authorized Person, shall operate a motor vehicle in a Park, except on a roadway or parking area that is open to and designed for public vehicular traffic.
32. **E-Bikes/Other Battery Power-Operate like Bicycles:** No person in a Park, without the express permission of the Manager, shall operate any e-bike or similar device, in any areas of a Park except where motor vehicles are otherwise permitted to operate. This restriction shall not apply when the e-bike is being operated using only muscular power.

33. **Drones/Aerial Remote Vehicles:** No person in a Park, except with the express permission of the Manager, Authorized Person or as signs permit, shall operate a Drone or other Aerial Remote Vehicles.
34. **Nuisance:** No person shall engage in any activity that causes, or is likely to cause, a negative effect on the peaceful enjoyment of other park users or adjacent residents to the park, except where the engaged activity is lawfully permitted at the time and location and the sounds and other effects are reasonable and expected by-product from the lawful activity being engaged.
35. **Nuisance Sounds/Vibrations-Audio Devices:** Notwithstanding that operating a personal car stereo, personal audio player or other device is normally a lawful activity, no person in a Park, without the express written permission of the Manager, shall disturb the peaceful enjoyment of other park users or adjacent residents where, at the point of reception, those person(s) claiming nuisance sound can feel or hear basal vibrations or sounds or distinguish words, phrases, instruments or rhythms, from the audio device, and consider it an unwanted sound.
36. **Nuisance Sounds-Vehicle Operation:** Notwithstanding that a motor vehicle does conform to vehicle manufacturers regulations for noise emissions, no person in a Park, without the express written permission of the Manager, shall operate a vehicle in a manner that creates a nuisance to the peaceful enjoyment of other Park users by 1) excessively revving vehicle engine while the vehicle is parked or in neutral, 2) operating other sound producing devices or allowing loose or attached items to bang, rattle or otherwise produce a constant or intermittent sounds that disturb the peaceful enjoyment of other Park users or adjacent residents, at the point of reception.
37. **Nuisance Sounds-Yelling/Banging:** Except in the case of summoning help in an emergency or through the normal course of persons engage in a lawful sporting activity/event, for which cheering, shouting, yelling or other normally associated sounds are reasonably expected during the course of the game/event, no person shall engage in yelling, shouting, screaming or use of electronic amplification or by making or causing by any means, any loud or annoying sound, that is or is likely to disturb the peaceful enjoyment of other Park users or adjacent residents.
38. **(1) Quiet Zones-Designation by Signage:** In balancing the interests of all Park users and the effects of actions and activities that negatively effect the peaceful enjoyment of Parks, by both all Park users and the adjacent resident property owners, the Manager can, by erecting signage, designate any areas of any Park, as a “Quiet Zone”, where all electronic audio devices, including vehicle sound systems, are prohibited, from being used within in within a specified distance from such signage. Except as otherwise permitted, no person, without express written permission of the Manager or Authorized Person, shall operate or permit the operation of an audio device within a Quiet Zone of any Park.

(2) Notwithstanding, the restrictions in the foregoing section 38. (1) where a person is in a quiet zone, it is permitted to use headphones or similar technology that limits the audible sound to the user only or when vehicle openings are closed and no sound or vibration is audible outside the vehicle.

39. **Identification-Eviction:** Where a Manager, Authorized Person or an Officer evicts a person and demands that person identify themselves, that person who is notified of the eviction, shall truthfully provide their full name to the person demanding it.
40. **Obstruction:** No person shall obstruct or attempt to obstruct any Officer or other person, who is exercising a power or performing a duty under this By-law. Refusal to leave when directed or refusal to identify yourself or failure to truthfully identify yourself to the Manager, Authorized Person or an Officer constitutes obstruction for the purposes of this section.
41. **Offences:** Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine that shall not exceed that which is set out in the Municipal Act, 2001, S.O. 2001, Chapter c.25, as amended, and shall be subject to all provisions for fine and penalty as established in the Provincial Offences Act, but the minimum fine shall not be less than \$50.00.
42. **Additional Penalty:** Upon conviction, in addition to any other penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may make an Order prohibiting the continuation or repetition of the offence by any person convicted.
43. **Severability:** Should a court of competent jurisdiction declare a part or the whole of any provision of this By-law to be invalid or of no force or 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 and to the extent possible under the law.
44. **General:** By-law 40-1971, By-law 45-1972, and By-law 122-1975, are repealed. Chapter 744, Chapter 760 and Chapter 790 of the City of Thunder Bay Municipal Code are repealed.
45. **Effect:** This By-law comes into force and effect on the date it is passed.

Enacted and passed this 29 day of July, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro
Mayor

Krista Power

Deputy City Clerk



Memorandum

Corporate By-law Number BL 83/2019

TO: Office of the City Clerk **FILE:**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: 16/07/2019

SUBJECT: BL 83/2019 - By-law Appointment Municipal By-law Enforcement
Officers - Regional Hospital

MEETING DATE: City Council - 29/07/2019 (mm/dd/yyyy)

By-law Description: A By-law to amend By-law 110-2013, being a by-law to appoint Municipal Law Enforcement Officers for the Thunder Bay Regional Health Sciences Centre

Authorization: Report R 260/2014 (Licensing and Enforcement) - Committee of the Whole – December 15, 2014.

By-law Explanation: The purpose of this By-law is to amend By-law No. 110-2013, being a By-law to appoint Municipal Law Enforcement Officers for the City of Thunder Bay for the enforcement of the Smoking Prohibition By-law No. 052-2010, only on the grounds of Thunder Bay Regional Health Sciences Centre property.

Report No. R 260/2014 was submitted to Committee of the Whole on December 15, 2014 that authorizes the General Manager of Development & Emergency Services to submit by-laws to City Council, to appoint new Municipal Law Enforcement Officers and to delete the appointment of inactive officers, as required.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 83/2019

A By-law to amend By-law 110-2013, being a by-law to appoint
Municipal Law Enforcement Officers for the Thunder Bay
Regional Health Sciences Centre

Recitals

1. By-law 110-2013, enacted and passed October 21, 2013, authorizes amendments to update the appointment of officers as appointed by By-law Number 110-2013.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF
THUNDER BAY ENACTS AS FOLLOWS:

1. The following Municipal Law Enforcement Officers are added:

Ruby Adams	Chris Baker
Norm Clement	Jayden Dekker
Bryce Hron	Christian Nielsen
James Ross	

2. The following Municipal Law Enforcement Officers are deleted:

Jared Adams	Zach Borutski
Chris Bunk	Tyler Dunn
Ryan Jones	Tanya Sagutch
Austin Spooner	

3. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 29th day of July, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

Deputy City Clerk

MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT By-law Resolution

SUMMARY

By-law Resolution - July 29, 2019

RECOMMENDATION

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to provide for the appointment of a City Clerk for The Corporation of the City of Thunder Bay. A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 45-1972 and a section of By-law 150-1974.

By-law Number: BL 74/2019

2. A By-law to regulate the use and activities within Municipal Parks and Open Spaces of the City of Thunder Bay and to repeal By-laws 45-1972 and a section of By-law 150-1974.

By-law Number: BL 79/2019

3. A By-law to amend By-law 110-2013, being a By-law to appoint Municipal Law Enforcement Officers for the purpose of enforcing the Smoking Prohibition By-law No. 052-2010, on the Thunder Bay Regional Health Sciences Centre Property.

By-law Number BL 83/2019



Memorandum

Corporate By-law Number BL 80/2019

TO: Office of the City Clerk **FILE:**

FROM: Linda Crago
City Manager's Office - Office of the City Clerk

DATE: 09/07/2019

SUBJECT: BL 80/2019 - Confirming By-law - July 29, 2019

MEETING DATE: City Council - 29/07/2019 (mm/dd/yyyy)

By-law Description: A By-law to confirm the proceedings of a meeting of Council, this 29th day of July, 2019

Authorization: Committee of the Whole - 2003/02/24

By-law Explanation: To confirm the proceedings and each motion, resolution and other action passed or taken by the Council at this meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 80/2019

A By-law to confirm the proceedings of a meeting of Council,
this 29th day of July, 2019

Recitals

1. Subsection 5(1) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the powers of a municipal corporation are exercised by its Council. Subsection 5(3) provides that those powers are to be exercised by by-law.
2. Council considers it appropriate to confirm and adopt its proceedings at this meeting by by-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF
THUNDER BAY ENACTS AS FOLLOWS:

1. The actions of the Council at the following meeting:

29th day of July, 2019 OPEN SESSION, CITY COUNCIL MEETING

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Thunder Bay are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.
3. This By-law shall come into force on the date it is passed.

Enacted and passed this 29th day of July, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

Deputy City Clerk

MEETING DATE 29/07/2019 (mm/dd/yyyy)

SUBJECT Confirming By-law Resolution - July 29, 2019 - City Council

SUMMARY

Confirming By-law Resolution - July 29, 2019 - City Council

RECOMMENDATION

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to confirm the proceedings of a meeting of Council, this 29th day of July, 2019
By-law Number: BL 80/2019