



AGENDA MATERIAL

CITY COUNCIL

MEETING DATE: MONDAY, NOVEMBER 22, 2021

LOCATION: S. H. BLAKE MEMORIAL AUDITORIUM
(Council Chambers)

TIME: Immediately following Committee of the Whole



MEETING: City Council

DATE: Monday, November 22, 2021 *Reference No.* CC - 29/52

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

City Council
Chair: Mayor Bill Mauro

OPENING CEREMONIES

One Minute of Silence.

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - November 22, 2021 - City Council **(Page 5)**

WITH RESPECT to the November 22, 2021 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 Meetings of the Thunder Bay City Council, to be confirmed:

2. The Thunder Bay City Council held on November 8, 2021; **(Pages 6 – 12)**
2. The Thunder Bay City Council (Public Meeting) held on November 15, 2021.
(Distributed Separately)

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

1. The Thunder Bay City Council meeting held on November 8, 2021;
2. The Thunder Bay City Council (Public Meeting) held on November 15, 2021.

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

Committee of the Whole Minutes

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

1. November 8, 2021 Committee of the Whole; **(Pages 13 – 18)**
2. November 15, 2021 Committee of the Whole. **(Distributed Separately)**

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

1. November 8, 2021 Committee of the Whole;
2. November 15, 2021 Committee of the Whole.

Ward Meeting Minutes

The Minutes of the following Ward Meetings to be received:

1. Meeting 02-2021 of the Current River Ward held on June 29, 2021. **(Pages 19 – 24)**

THAT the Minutes of the following Ward Meetings be received:

1. Meeting 02-2021 of the Current River Ward held on June 29, 2021.

Town Hall Meeting Minutes

The Minutes of the following Town Hall Meeting to be received:

1. Meeting 02-2021 of the At Large Town Hall held on June 10, 2021. **(Pages 25 – 43)**

THAT the Minutes of the following Town Hall Meeting be received:

1. Meeting 02-2021 of the At Large Town Hall held on June 10, 2021.

Ratifying Resolutions

BY-LAWS

BL 69/2021 - Appointment of Acting Mayors - 2021 - 2022

A By-law respecting the appointment of Acting Mayors. **(Pages 44 – 46)**

BL 77/2021 - Amendment to By-law 011-2007, to update the Appointment of Officers

A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of Officers. **(Pages 47 – 48)**

BL 82/2021 - Site Plan Control Designation - Gordon Street

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (Gordon Street and Mountdale Avenue). **(Pages 49 – 51)**

BL 84/2021 - By-law to amend By-law 011-2007, being a By-law to Appoint Municipal Enforcement Officers for The Corporation of the City of Thunder Bay

A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of officers. **(Pages 52 – 53)**

BL 85/2021 - Shopping Cart By-law

A By-law to manage abandoned shopping carts in the City of Thunder Bay. **(Pages 54 – 71)**

BL 86/2021 - Fireworks By-law

A By-law relating to regulate and control the sale and discharge of fireworks within the City of Thunder Bay, including the unlawful nuisance discharges that negatively affect both persons and pets. **(Pages 72 – 86)**

BL 91/2021 - A By-law to amend By-law BL 40/2016, being a by-law to Regulate Traffic on the Roads and Highways of the City of Thunder Bay

A By-law to amend By-law BL 40/2016, being a by-law to Regulate Traffic on the Roads and Highways of the City of Thunder Bay with respect to Schedule Two – Prohibited Parking Specified Places and Times, Schedule Eight – Angle Parking, Schedule Ten - Loading Zones, , Schedule Eleven – School Bus Loading Zones and Schedule Nineteen – One Way Streets.
(Distributed Separately)

NEW BUSINESS

NOTICE OF MOTION

CONFIRMING BY-LAW

BL 80/2021 - Confirming By-law - November 22, 2021

A By-law to confirm the proceedings of a meeting of Council, this 22nd day of November 2021.
(Pages 88 – 89)

Confirming By-law Resolution - November 22, 2021

Confirming By-law Resolution - November 22, 2021 - City Council **(Page 90)**

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 22nd day of November, 2021

By-law Number: BL 80/2021

ADJOURNMENT



MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT Confirmation of Agenda

SUMMARY

Confirmation of Agenda - November 22, 2021 - City Council

RECOMMENDATION

WITH RESPECT to the November 22, 2021 City Council meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT City Council Minutes

SUMMARY

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

2. The Thunder Bay City Council held on November 8, 2021;
2. The Thunder Bay City Council (Public Meeting) held on November 15, 2021. **(Distributed Separately)**

RECOMMENDATION

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

1. The Thunder Bay City Council meeting held on November 8, 2021;
2. The Thunder Bay City Council (Public Meeting) held on November 15, 2021.

ATTACHMENTS

1. Minutes - City Council - November 8, 2021



MEETING: City Council

DATE: Monday November 8, 2021

Reference No. CC – 28/52

OPEN SESSION in the S.H. Blake Memorial Auditorium at 7:03 p.m.

City Council

Chair: Mayor Bill Mauro

PRESENT:

Mayor Bill Mauro
Councillor Albert Aiello
Councillor Shelby Ch'ng
Councillor Brian Hamilton
Councillor Kristen Oliver
Councillor Aldo Ruberto
Councillor Peng You

ELECTRONIC PARTICIPATION:

Councillor Mark Bentz
Councillor Andrew Foulds
Councillor Cody Fraser
Councillor Trevor Giertuga
Councillor Rebecca Johnson
Councillor Brian McKinnon

OFFICIALS:

Krista Power, City Clerk
Gordon Stover, Committee & Meeting Management
System Coordinator

OFFICIALS - ELECTRONIC PARTICIPATION:

Norm Gale, City Manager
Patty Robinet, City Solicitor
Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer
Kerri Marshall, General Manager – Infrastructure &
Operations
Kelly Robertson, General Manager – Community
Services
Karen Lewis, General Manager – Development &
Emergency Services

OPENING CEREMONIES

One Minute of Silence.

DISCLOSURES OF INTEREST

Councillor Shelby Ch'ng declared a conflict relative to the Heritage Tax Incentive Program as contained in the October 25, 2021 Committee of the Whole Minutes, as she is an owner of a property listed on the Thunder Bay Heritage Register.

CONFIRMATION OF AGENDA

Confirmation of Agenda - November 8, 2021 - City Council

MOVED BY: Councillor Kristen Oliver
SECONDED BY: Councillor Rebecca Johnson

With respect to the November 8, 2021 City Council, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

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 October 25, 2021.

MOVED BY: Councillor Albert Aiello
SECONDED BY: Councillor Aldo Ruberto

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

1. The Thunder Bay City Council meeting held on October 25, 2021.

CARRIED

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

Committee of the Whole Minutes

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

1. October 25, 2021 Committee of the Whole.
2. November 1, 2021 Committee of the Whole was distributed separately on Friday, November 5, 2021.

It was consensus of Council that the Committee of the Whole minutes be voted on separately.

November 1, 2021 Committee of the Whole Minutes

MOVED BY: Councillor Aldo Ruberto
SECONDED BY: Councillor Brian Hamilton

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

1. November 1, 2021 Committee of the Whole.

CARRIED

October 25, 2021 Committee of the Whole Minutes

MOVED BY: Councillor Aldo Ruberto
SECONDED BY: Councillor Brian Hamilton

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

1. October 25, 2021 Committee of the Whole.

Heritage Tax Incentive Program

It was requested that the above noted resolution as contained in the October 25, 2021 Committee of the Whole minutes be voted on separately.

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Brian Hamilton

WITH RESPECT to the Memorandum from Andrew Cotter, Chair – Heritage Advisory Committee, dated October 13, 2021, relative to Heritage Tax Incentive Program, we recommend that Administration be directed to complete a report outlining the options available and costs associated with developing and implementing a Heritage Tax Incentive Program for heritage property owners;

AND THAT Administration report back on or before April 25, 2022;

AND THAT any necessary by-laws be presented to City Council for ratification.

Amending Resolution - Heritage Tax Incentive Program

Councillor Shelby Ch'ng declared a conflict relative to the above noted as she is an owner of a property listed on the Thunder Bay Heritage Register and refrained from discussing or voting on the above noted resolution.

MOVED BY: Councillor Peng You
SECONDED BY: Councillor Aldo Ruberto

WITH RESPECT to Heritage Tax Incentive Program, we recommend that the motion be amended by adding the following paragraph after the first paragraph:

“AND THAT Administration include the potential for creating and operating a Foundation to receive donations and bequests to benefit the maintenance of designated heritage properties;”

LOST

October 25, 2021 Committee of the Whole Minutes

MOVED BY: Councillor Aldo Ruberto
SECONDED BY: Councillor Brian Hamilton

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

1. October 25, 2021 Committee of the Whole.

CARRIED

BY-LAWS

BL 79/2021 - Records Authority Schedule By-law

A By-law to Adopt Records Authority Schedules for the City Manager's Office; the Community Services Department; the Corporate Services and Long Term Care Department; the Development and Emergency Services Department; the Infrastructure and Operations Department; the Mayor and Council; Thunder Bay Police Services; Tbaytel; Outside Boards; and TOMRMS

BL 81/2021 - A By-law to amend By-law BL 76/2021, being a by-law to establish an Emergency Management Program and Emergency Plan.

A By-law to amend By-law BL 76/2021 being a by-law to establish an Emergency Management Program and Emergency Plan for the protection of public safety, health, environment, critical infrastructure and to promote economic stability and a disaster resilient community in the City of Thunder Bay, in the District of Thunder Bay (the “Emergency Plan By-law”).

By-law Resolution

By-law 81/2021 - A By-law to amend By-law BL 76/2021 - Being a by-law to establish an Emergency Management Program and Emergency Plan was distributed separately on Thursday, November 4, 2021.

By-law Resolution - November 8, 2021 - City Council

MOVED BY: Councillor Rebecca Johnson

SECONDED BY: Councillor Albert Aiello

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

1. A By-law to Adopt Records Authority Schedules for the City Manager's Office; the Community Services Department; the Corporate Services and Long Term Care Department; the Development and Emergency Services Department; the Infrastructure and Operations Department; the Mayor and Council; Thunder Bay Police Services; Tbaytel; Outside Boards; and TOMRMS

By-law Number: BL 79/2021

2. A By-law to amend By-law BL 76/2021 - Being a by-law to establish an Emergency Management Program and Emergency Plan.

By-law Number: BL 81/2021

CARRIED

NOTICE OF MOTION

Notice of Motion to Rescind – Report 112/2021 Work Life Initiatives - Policy

At the August 23, 2021 Committee of the Whole meeting, Report R 112/2021 (City Manager's Office – Human Resources and Corporate Safety) was presented relative to Work Life Initiatives - Policy and Administration was directed to begin a pilot work from home program, information on the pilot would be brought forward to Council in June of 2022.

Memorandum from Councillor Aldo Ruberto, dated October 29, 2021 requesting that a Notice of Motion be introduced at the November 8, 2021 City Council meeting, for debate at the November 22, 2021 City Council meeting.

The City Clerk advised that the above noted item has been withdrawn by Councillor Aldo Ruberto.

CONFIRMING BY-LAW

BL 78/2021 - Confirming By-law - November 8, 2021.

A By-law to confirm the proceedings of a meeting of Council, this 8th day of November, 2021.

Confirming By-law Resolution - November 8, 2021- City Council

MOVED BY: Councillor Rebecca Johnson

SECONDED BY: Councillor Brian Hamilton

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 8th day of November, 2021.

By-law Number: BL 78/2021

CARRIED

ADJOURNMENT

The meeting adjourned at 7:28 p.m.

Mayor

City Clerk

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT Committee of the Whole Minutes

SUMMARY

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

1. November 8, 2021 Committee of the Whole;
2. November 15, 2021 Committee of the Whole. **(Distributed Separately)**

RECOMMENDATION

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

1. November 8, 2021 Committee of the Whole;
2. November 15, 2021 Committee of the Whole.

ATTACHMENTS

1. Minutes - Committee of the Whole - November 8, 2021



MEETING: Committee of the Whole

DATE: Monday November 8, 2021

Reference No. COW – 43/52

OPEN SESSION in S.H. Blake Memorial Auditorium at 6:31 p.m.

Committee of the Whole - Community Services Session
Chair: Councillor S. Ch'ng

PRESENT:

Mayor Bill Mauro
Councillor Albert Aiello
Councillor Shelby Ch'ng
Councillor Brian Hamilton
Councillor Kristen Oliver
Councillor Aldo Ruberto
Councillor Peng You

ELECTRONIC PARTICIPATION:

Councillor Mark Bentz
Councillor Andrew Foulds
Councillor Cody Fraser
Councillor Trevor Giertuga
Councillor Rebecca Johnson
Councillor Brian McKinnon

OFFICIALS:

Krista Power, City Clerk
Gordon Stover, Committee & Meeting Management
System Coordinator

OFFICIALS - ELECTRONIC PARTICIPATION:

Norm Gale, City Manager
Patty Robinet, City Solicitor
Linda Evans, General Manager – Corporate Services
& Long Term Care & City Treasurer
Kerri Marshall, General Manager – Infrastructure &
Operations
Kelly Robertson, General Manager – Community
Services
Karen Lewis, General Manager – Development &
Emergency Services
Leah Prentice, Director – Recreation & Culture

DISCLOSURES OF INTEREST

Councillor Albert Aiello declared a conflict relative to Report R 149/2021 (Community Services - Recreation & Culture) Community, Youth & Cultural Funding Program Emergency Funding as he is employed by an agency that receives funds from this funding source.

CONFIRMATION OF AGENDA

Confirmation of Agenda - November 8, 2021 - Committee of the Whole

MOVED BY: Councillor Brian Hamilton
SECONDED BY: Councillor Rebecca Johnson

WITH RESPECT to the November 8, 2021 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

The District of Thunder Bay Social Services Administration Board Minutes

Minutes of Meetings 13/2021 and 14/2021 (Closed) of The District of Thunder Bay Social Services Administration Board held on September 16, 2021, for information.

Accessibility Advisory Committee Minutes

Minutes of Meeting 07-2021 of the Accessibility Advisory Committee held on September 9, 2021, for information.

REPORTS OF MUNICIPAL OFFICERS

Purchase and Delivery of Three Tandem Trucks with Sanders, Plows, and Wings

Report R 148/2021 (Community Services - Facilities, Fleet and Energy Management) recommending that Tender No. 2021-62 for the Supply and Delivery of three (3) new Tandem Trucks with Sanders, Plows and Wings in the amount of \$1,094,495.40 (inclusive of HST) be awarded to Maxim Truck and Trailer.

MOVED BY: Mayor Bill Mauro
SECONDED BY: Councillor Kristen Oliver

WITH RESPECT to Corporate Report R 148/2021 (Community Services – Facilities, Fleet and Energy Management), Administration recommends that Tender No. 2021-62 for the Supply and Delivery of three (3) new Tandem Trucks with Sanders, Plows and Wings in the amount of \$1,094,495.40 (inclusive of HST) be awarded to Maxim Truck and Trailer of Thunder Bay, Ontario;

AND THAT the Manager – Supply Management be authorized to issue any purchase orders related to this tender;

AND THAT the Mayor and Clerk be authorized to sign all documentation related to these matters;

AND THAT any necessary By-laws be presented to City Council for ratification.

CARRIED

Community, Youth & Cultural Funding Program Emergency Funding – 2021

Report R 149/2021 (Community Services - Recreation & Culture) recommending allocation of Community, Youth & Cultural Funding Program Emergency Funding included in the 2021 budget to assist existing grant recipients with COVID-19 Pandemic response.

Councillor Albert Aiello declared a conflict relative to the above noted as he is employed by an agency that receives funds from this funding source and refrained from discussing or voting on the above noted resolution.

MOVED BY: Councillor Rebecca Johnson

SECONDED BY: Councillor Peng You

WITH RESPECT to Report R 149/2021 (Community Services – Recreation & Culture) we recommend that \$8,300 in Community, Youth & Cultural Funding Program (CYCFP) COVID-19 Emergency Funding be allocated to the Thunder Bay Symphony Orchestra and the Community Arts & Heritage Education Project;

AND THAT this allocation be conditional being that the City may request repayment of funds if provincial or federal funding is allocated towards the specific needs funded by CYCFP Emergency Fund;

AND THAT any necessary by-laws be presented to City Council for ratification.

CARRIED

PETITIONS AND COMMUNICATIONS

Protective (Safety) Netting – Indoor Arenas

Memorandum from Mayor Bill Mauro, dated October 12, 2021 containing a motion recommending that Administration report back by the end of January 2022 on the netting options, financial implications, and potential funding sources for protective (safety) netting systems to be installed at City operated indoor arenas.

MOVED BY: Mayor Bill Mauro

SECONDED BY: Councillor Albert Aiello

WITH RESPECT to the Memorandum from Mayor Bill Mauro dated October 12, 2021, we recommend that Administration report back by the end of January 2022 on the netting options,

financial implications, and potential funding sources for protective (safety) netting systems to be installed at City operated indoor arenas;

AND THAT the costs associated with this work be brought forward to the 2022 City of Thunder Bay Operating & Capital Budget for Council's consideration;

AND THAT any necessary by-laws be presented to Council for ratification.

CARRIED

Outstanding Items – Request for Deferral – Prince Arthur's Landing Final Capital Works

Memorandum from General Manager - Community Services Kelly Robertson dated October 28, 2021 recommending that Outstanding Item No. 2013-010-CS - Prince Arthur's Landing Phase 1 - Project Update and Final Capital Works - Project Update 2013 & December 2014 - be deferred from December 6, 2021 to February 7, 2022.

MOVED BY: Councillor Albert Aiello
SECONDED BY: Councillor Kristen Oliver

WITH RESPECT to the Memorandum from Kelly Robertson, General Manager – Community Services dated October 28, 2021, we recommend that Outstanding Item No. 2013-010-CS - Prince Arthur's Landing Phase 1 - Project Update and Final Capital Works - Project Update 2013 & December 2014 - be deferred from December 6, 2021 to February 7, 2022.

CARRIED

Outstanding Item – New Draft Shopping Cart By-law

Memorandum from Manager – Licensing & Enforcement Doug Vincent, dated November 4, 2021 requesting that the report back date relating to Outstanding Item 2021-101-DEV – Abandoned Shopping Carts By-law be changed from November 15, 2021 to November 22, 2022.

MOVED BY: Councillor Andrew Foulds
SECONDED BY: Councillor Kristen Oliver

WITH RESPECT to the Memorandum from Manager – Licensing & Enforcement Doug Vincent, dated November 4, 2021, we recommend that the report back date relating to Outstanding Item 2021-101-DEV – Abandoned Shopping Carts By-law, be changed from November 15, 2021 to November 22, 2021.

CARRIED

OUTSTANDING ITEMS

Outstanding List for Community Services as of October 26, 2021

Memorandum from City Clerk Krista Power, dated October 26, 2021 providing the Community Services Outstanding Items List, for information.

NEW BUSINESS

Establishment of November 15, 2021 Committee of the Whole – Closed Session

MOVED BY: Councillor Rebecca Johnson
SECONDED BY: Councillor Brian Hamilton

THAT a Committee of the Whole – Closed Session meeting be scheduled for Monday, November 15, 2021 at 5:00 p.m. in order to receive information relative to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

CARRIED

ADJOURNMENT

The meeting adjourned at 7:02 p.m.

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT Ward Meeting Minutes

SUMMARY

The Minutes of the following Ward Meetings to be received:

1. Meeting 02-2021 of the Current River Ward held on June 29, 2021.

RECOMMENDATION

THAT the Minutes of the following Ward Meetings be received:

1. Meeting 02-2021 of the Current River Ward held on June 29, 2021.

ATTACHMENTS

1. Minutes - Current River Ward - June 29, 2021

DATE: TUESDAY, JUNE 29, 2021**MEETING NO. 02-2021****TIME:** 7:01 P.M.**PLACE:** S. H. BLAKE MEMORIAL AUDITORIUM (VIA MS TEAMS)**CHAIR:** COUNCILLOR A. FOULDS

Members of the public were invited to participate via phone call, email submission and viewed the meeting on Shaw Spotlight Ch10 or on BlueCurve Ch105, Tbaytel TV Channel 110 or online at thunderbay.ca/watchcouncil.

RESOURCE PERSONS

Linda Evans, General Manager Corporate Services and Long Term Care & City Treasurer
Dana Earle, Deputy City Clerk
Tina Larocque, Coordinator – Boards, Committees and Special Projects

1.0 WELCOME/OPENING REMARKS

The Chair, Councillor A. Foulds provided introductory comments, an overview of the agenda and welcomed those to the virtual meeting.

The following information was provided for viewers: The Thunder Bay District Health Unit is the main contact for any questions relating to COVID-19. Their website – www.tbdhu.com – has resources for the general public regarding testing, symptoms, how to protect oneself, one's family and the community, and how to stop the spread. If citizens have questions about anything COVID-19 related, they are encouraged to visit the health unit's website or call the health unit at 807-625-5900 or toll free at 1-888-294-6630.

The Chair acknowledged that prior to the meeting, emails and phone calls were received relative to copper pipe concerns and he noted that water pipe questions could be directed to Tony Santos, Manager – Compliance and Quality via email, Tony.Santos@thunderbay.ca or by phoning 807-684-2160.

2.0 MINUTES OF PREVIOUS MEETING

Minutes of Meeting No. 01-2021 of the Current River Ward held on March 3, 2021 for information.

3.0 CITY OF THUNDER BAY FINANCIAL UPDATE – COVID-19

Linda Evans, General Manager Corporate Services & Long Term Care & City Treasurer provided an update and responded to questions relative to the above noted.

Projected COVID-19 2021 Impact

2021 COVID-19 Impact (per Approved Budget)	7.2 million
Less: Q1 – 2021 Projected Covid-19 favourable variance	(1.8)
2021 Covid-19 Impact (Updated)	5.4 million
Less: 2020 Operating Safe Restart Funding to carry forward to 2021	(4.3)

Estimated Stabilization Reserve und required to cover 2021 Covid-19 Impact 1.1 million

Linda Evans provided a chart that summarized the updated projected Covid-19 impact for 2021 and also identified the estimated transfer that would be required to take from the stabilization reserve fund to offset these costs. She advised that City Council had given budget directions that the 2021 budget be prepared with the impact of Covid-19 being excluded from the tax levy, so they prepared the budget with the expectation that the Covid-19 financial impact would be funded by the stabilization reserve fund. At the first quarter it was estimated that \$1.1 million would be the estimated stabilization reserve fund required to cover 2021 Covid-19 impact. The next update to Council will be provided in the budget variance report #2 in July.

4.0 FISHERMAN’S PARK UPDATE

G. Willis and R. Mackett, Lakehead Region Conservation Authority provided a PowerPoint presentation relative to the above noted, including the following information:

- Location and History of the Site Development from 1920-2019.
- Fisherman’s Park Rehabilitation Project, Phase 1, 2019, which included the Inventory of exiting plant and wildlife, habitat assessment of existing site, and site conditions, recommendations for shoreline and habitat improvements, and recommendations for public use improvements.
- Fisherman’s Park Rehabilitation Project, Phase 11, which included Environmental site assessment, Site preparation, maintain barrier by installing traffic barrier to restrict vehicle access, Install wildlife habitat structures, and concept design of nearshore/shoreline rehabilitation.
- Provided an update of the work completed up to date such as Installed bird nesting boxes, Invasive removal, site and shoreline garbage clean-up days, Conceptual designs for pollinator garden areas, public consultation on final design concepts and improved and maintained restricted vehicle access into the park.
- Fisherman’s Park Climate Change Awareness, 2021, with the goal of directly increasing awareness that naturalized areas in urban parks can alleviate the impacts of climate change.

5.0 WARD & CITY ISSUES

The Chair received the following questions via email from citizens prior to and during the meeting:

Question 1. Poor Road Condition – Minot and Velva Avenue

A while ago you had taken a walk around the area near my house in Current River. We had agreed that both the two block long streets, Minot Street and Velva Ave are in poor condition. What is the plan going forward with this street remediation?

Response provided from Kayla Dixon, Director – Engineering & Operations:

Minot Street has been reviewed and is not currently in the short term forecast for paving. This residential street is in better condition than many others and not at a point where the asset management plan recommends a resurfacing. We expect to be doing some water main lining in the near future where the main has not already been replaced.

Velva Street requires a full reconstruction on one of the blocks the other block is performing relatively well. The strategy here will be to complete the one block reconstruction and then just resurface the rest. Reconstruction projects are expensive and arterial and collector streets are prioritized ahead of residential streets so although this street is on our radar, it has not made it to our three year forecast yet. It will continue to be reviewed during the annual road review for consideration during budget planning.

Question 2. Boulevard Lake Dam - Cleaning of the reservoir bottom

The Boulevard Lake Dam rebuild is a welcome, overdue, project. With all the false starts and delays caused by missing deadlines, failed applications and the like, it is extremely sad that we missed the opportunity to do a proper cleaning of the reservoir bottom. What is the plan going forward to complete this much needed work for this Jewel of Thunder Bay?

Response received from Kayla Dixon, Director – Engineering & Operations:

Parks staff had taken the opportunity three times last year while Boulevard Lake levels were lowered to clean debris off the lake bottom. A report was brought to Council concerning dredging options and further cleaning of sediment from the lake bottom, noting concerns with removing fish habitat and minimal impacts to water quality from these efforts, and Council provided direction not to proceed.

Question 3. City MAT Funds

About two months ago Council passed a motion to allocate \$100,000.00 of MAT money to the CEDC for work planned at the Pool 6 dock on the potential of cruise ships coming to Thunder Bay via this point. I understand that the money was to be allocated for depth soundings, lighting

and landscaping but, I must submit that that will never be enough to put our best foot forward in this endeavor. It truly is an exciting possibility with a potential greatly underestimated, but what is the overall plan? I submit that the roadway to the dock from the Sprit Gardens parking lot to the dock is in shambles and no plan is there to address that specific concern. There needs to be an overall plan for this concept and without it we simply threw the original \$100k out the window. What is the actual plan for this project?

Response received from Eric Zakrewski, CEO – CEDC:

The plan was part of a Report to Council, prepared by Ms. Marshall in association with the budget request for the \$100,000 of City Mat Funds. The report to council was part of the public council meeting agenda and has been available to the public since prior to that Open Session meeting of City Council. The Report to Council outline several required studies and site improvements associated with the budget request, including:

- Bathymetric Survey (depth soundings) to ensure the Viking Octantis has sufficient draft available to dock safely.
- Structural Engineering Survey of Bollards (to ensure they can hold the Viking Octantis to specified load capacities).
- Minor site improvements, security upgrades and clean up (ie. fencing improvements)

The intention of the MAT Funds requested from City Council (\$100,000) were not to facilitate the longer term or more robust development of a cruise ship terminal with associated permanent infrastructure and works. The requested budget is to facilitate immediate work required to ensure the ships can safely dock at Pool 6 in the upcoming 2022 season. Each of the three cruise ship lines that have expressed commitment to utilize Thunder Bay as a turnaround or home port have indicated that Pool 6 likely meets their minimum requirements as is. The studies being conducted are to ensure that each ship can safely dock at Pool 6 and that existing infrastructure meets their required vessel tolerances. The immediate MAT Funds are being utilized in a very efficient and effective manner to satisfy important due diligence items for the start of the 2022 cruise ship season.

The CEDC and City of Thunder Bay Infrastructure and Operations Division are collaborating on a potentially larger scale improvement plan; however the details of any such plan have not been fully defined as of yet. Potential funding sources have been identified and staff will collaborate on any opportunities for further site enhancements in the future.

As stated, the CEDC and Infrastructure & Operations are collaborating on completing the initial, required studies and minor site improvements to facilitate the 2022 cruise ship season. Additional basic site improvement plans may be announced once preliminary planning, engineering and funding application efforts are completed.

6.0 ADJOURNMENT

The Chair thanked members of the public for participating and staff support for assisting with the virtual ward meeting.

The meeting adjourned at 8:18 p.m.

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT Town Hall Meeting Minutes

SUMMARY

The Minutes of the following Town Hall Meeting to be received:

1. Meeting 02-2021 of the At Large Town Hall held on June 10, 2021.

RECOMMENDATION

THAT the Minutes of the following Town Hall Meeting be received:

1. Meeting 02-2021 of the At Large Town Hall held on June 10, 2021.

ATTACHMENTS

1. Minutes - At Large Town Hall - June 10, 2021

DATE: THURSDAY, JUNE 10, 2021**MEETING NO. 02-2021****TIME:** 7:01 P.M.**PLACE:** S.H. BLAKE MEMORIAL AUDITORIUM (via Microsoft Teams)**CHAIR:** COUNCILLOR MARK BENTZ

Members of the public were invited to participate via phone call or email submission, and viewed the meeting on Shaw Spotlight Ch10, BlueCurve Ch105, Tbaytel TV Channel 110 or online at thunderbay.ca/watchcouncil.

ELECTRONIC PARTICIPATION:**RESOURCE PERSONS:**

Councillor Mark Bentz
Councillor Trevor Giertuga
Councillor Rebecca Johnson
Councillor Aldo Ruberto
Councillor Peng You

Krista Power, City Clerk
Katie Piché, Council & Committee Clerk

1.0 WELCOME/OPENING REMARKS

The Chair, Councillor Mark Bentz welcomed viewers to the virtual Town Hall Meeting and introduced the At Large Councillors. Councillor Rebecca Johnson, Councillor Trevor Giertuga, Councillor Peng You and Councillor Aldo Ruberto provided opening remarks.

The Chair provided the following information for viewers: The Thunder Bay District Health Unit is the main contact for any questions relating to COVID-19. Their website – www.tbdhu.com – has resources for the general public regarding testing, symptoms, how to protect oneself, one's family and the community, and how to stop the spread. If citizens have questions about anything COVID-19 related, they are encouraged to visit the health unit's website or call the health unit at 807-625-5900 or toll free at 1-888-294-6630.

The Chair provided an overview of the agenda.

The Chair acknowledged that prior to the meeting, emails and phone calls were received relative to water pipe concerns and noted that water pipe questions could be directed to Tony Santos, Manager – Compliance and Quality via email, Tony.Santos@thunderbay.ca or by phoning 807-684-2160.

2.0 MINUTES OF THE PREVIOUS MEETING

An overview of Minutes of Meeting No. 01-2021 of the At Large Town Hall held on Wednesday, March 31, 2021 was provided, for information.

3.0 EDWARD STREET BRIDGE & ROUNDABOUT CONSTRUCTION

Councillor Peng You provided an update relative to the upcoming Edward Street construction. The following information was provided:

Edward Street Bridge Update:

- Started May 17th
- Demolition going well, approach slabs at south removed, beams removed and salvaged, driving piles at south abutment this week.
- Work continuing through November
- Detour is James Street with access at Victoria and Redwood. Through traffic should use this route and avoid Churchill, Riverview, Parkway unless they are local traffic. Pedestrian access has been established across Edward St so trail users can continue to travel east-west along the Neebing River trail.

Edward Street Watermain and Roundabout Update:

- Work on the Edward Street Roundabout project started on Wednesday, June 9th. During this initial phase of construction, the contractor will be replacing the watermain on Edward Street from Ward Avenue through the Redwood Avenue intersection.
- Later in July, the contractor will be proceeding with the decommissioning of the existing traffic signals at the Edward Street & Redwood Avenue intersection and construction of the roundabout.
- The remaining watermain replacement work to Ironwood Avenue and resurfacing of Edward Street to the James St/ William St intersection will be completed later in the construction season.
- Work will continue for the full 2021 construction season.
- Edward Street between James / William and Ward Avenue will remain open to traffic, but with lane restrictions. Motorists are asked to follow the posted traffic control signage.
- During the construction, transit routes, and stops on Edward Street will be affected. Details for transit impacts will be available at www.thunderbay.ca/transit and notices will be posted at the stops.
- The City is developing an education plan for the roundabout this summer. Details of planned events will be provided in the coming months. In the meantime, anyone

interested to learn more about how to walk, drive, and cycle through a roundabout, please visit the City's website at www.thunderbay.ca/roundabout. An informational brochure on roundabouts is available electronically.

The Chair received the following questions via email from citizens prior to the meeting:

1. At proposed cost of \$2.6 million dollars, why would the City needlessly spend an additional \$1.7 million dollars to install a roundabout at that intersection after 65 years of traffic light control that has worked perfectly fine?

Councillor Peng You advised that the total project is valued at \$2.7 million. This includes resurfacing of Edward Street from Ward Avenue to William Street, replacement of the watermain, street lighting improvements, and repairs to sidewalk and curb and gutter. A new multi-use path and asphalt resurfacing of Redwood Avenue from Edward Street to Sherbrooke Street are also part of the overall project costs.

With all of the underground and surface works being completed, it was opportune time to re-build this intersection. The difference to re-build this intersection as it is seen today with traffic signals or a roundabout is \$150,000. While, the initial cost to construct the roundabout is higher, the roundabout has lower annual operation and maintenance costs which will result in longer term savings to the City.

The Chair provided other benefits to the roundabout including better traffic flow, less severe accidents because of design and lower maintenance costs.

Councillor Rebecca Johnson provided an overview of the Medicine Wheel design within the roundabout.

4.0 POLICE FACILITY REQUEST

Councillor Mark Bentz provided an overview of the Police Facility Request timeline to date and advised that Councillor Kristen Oliver is the Chair of the Thunder Bay Police Services Board and questions relative to the proposed facility can be directed to Councillor Oliver via email or phone.

A discussion was held relative to other facility options that have been proposed.

The following information was provided by Chief Sylvie Hauth, Thunder Bay Police Service:

The Thunder Bay Police Service is moving towards the development of a new police headquarters due to the deteriorating state of the current facility at 1200 Balmoral Street, space limitations, and risks and liability concerns.

During the first quarter of 2021, Vice Chair of the Thunder Bay Police Services Board Michael Power and Chief of Police Sylvie Hauth met with Members of Council, Members of City Administration, Community Leaders, Health Care Executives, Business Leaders, Mental Health Workers, and Indigenous Leaders to provide them with information about their vision for the Thunder Bay Police Service and to receive their thoughts and feedback relative to the move towards a new facility. There was strong support shown to invest in community safety with the development of a new police station.

On April 20, 2021, the Thunder Bay Police Services Board showed their support for the development of a new facility by passing a motion recommending that a new centralized headquarters be constructed including ensuring that funding for land acquisition and tender documents be included in the 2022 capital budget for consideration.

At the May 19, 2021 meeting of the Board, Vice-Chair of the Board Michael Power introduced a Notice of Motion to Amend the Motion carried at the April meeting. The purpose of this motion is to allow for the full cost of the building project, including land acquisition, project management, and contingencies, to be included in the 2022 capital budget for consideration.

This motion will be presented to the Thunder Bay Police Services Board at their June 15, 2021 Regular Session meeting for consideration.

The Chair received the following questions via email from citizens prior to the meeting:

1. A constituent raised concern relative to the proposed police facility and asked how the City can afford this type of project at this time? The cost is estimated at approximately \$56 million and as always, costs will most likely be higher. The constituent feels that is it too high of a cost for the City of Thunder Bay.

The Chair expressed concern relative to the high cost of the project. The existing station was built in the 1980s, and an addition to that building was made in the 1990s. It is not currently meeting the needs of the current police department. The Chair commented on other possible options instead of a new facility, which included having the civilian staff or officers move to another building, instead of building a brand new facility for all staff under one roof.

Councillor Trevor Giertuga noted that the TBPS did report back to Council on potential satellite stations instead of a new facility for all, but are still recommending the new facility.

It was noted that a public consultation is an important step with a project of this magnitude.

Councillor Rebecca Johnson made comments relative to the crucial importance of the City of Thunder Bay putting funds into reducing crime. Prevention is key.

5.0 COMMUNITY SAFETY & WELL-BEING

Councillor Rebecca Johnson provided an overview and update relative to the Community Safety & Well-being Plan and discussed the public consultation sessions that have occurred. The following information was also provided:

- Plan has been developed in accordance with provincial legislation (Police Services Act 2019), mandating every municipality to develop and implement such a plan
- The legislation requires municipalities to work in partnership with a multi-sectoral advisory with representation from diverse sectors including law enforcement, local service providers in health and mental health, education, community/social services and children/youth services – a steering committee was developed locally to guide the development of the plan and includes the required representation of identified sectors and more
- Six Local Priorities were identified through a combination of methods
- Phase 1 Community Engagement took place between Jan-Mar 2020 – with a total of 779 residents engaged
- Phase 2 Community Engagement took place between Mar-May 2021 – with a total of 208 residents engaged
- Local Data Review – working group established to conduct comprehensive review of local safety and well-being data
- The Six Local Priorities are as follows:
 - Racism & Discrimination
 - Housing & Homelessness
 - Mental Health & Substance Misuse
 - Community Violence & Gender Based Violence
 - Poverty Reduction & Financial Empowerment
 - Supports for Children, Youth & Families
- Initially the Plan was to be developed by January 1, 2021 – but due to the pandemic, the province extended the deadline to July 1, 2021
- Thunder Bay is on target to complete the plan, and present to City Council on June 28th

The Chair received the following questions via email from citizens prior to the meeting:

1. In the six local priorities for community safety and well-being <https://www.thunderbay.ca/en/city-services/resources/Documents/Crime-Prevention/Six-Local-Priorities-for-Thunder-Bay-Community-Safety--Well-Being-Plan.pdf>, we could not find seniors' safety mentioned. Given the incident that happened on Saturday May 8 in the south core as reported on NetNewsLedger: <https://www.netnewsledger.com/2021/05/09/are-we-as-safe-as-we-could-be-in-thunder-bay/> and the many other incidents of violence that continue to occur towards seniors

living in the city of Thunder Bay, why is seniors' safety not included in the six priorities?
How can/will this be included in Thunder Bay's Community Safety and Well-being Plan?

Councillor Rebecca Johnson advised that reducing violence – for everyone, will be a priority in the Community Safety and Well-Being Plan. The City has worked closely with Age Friendly to gather feedback from seniors in Thunder Bay during both rounds of community engagement. The City will continue to work with Age Friendly and other groups advocating for seniors and will support all efforts to increase the safety and well-being of seniors in our community.

6.0 TAX POLICY

Councillor Trevor Giertuga provided an overview relative to the City of Thunder Bay's Tax Policy. The following items were discussed:

- At the April 26, 2021 Committee of the Whole meeting, the 2021 Tax Policy Report was passed – overview of report was provided
- 1999-2021 Tax Levy Summary and Tax Shifts overview
- Long Term Tax Strategy overview
To summarize, the long term tax strategy seeks to eliminate graduated taxation in the large industrial class, and reduce the Industrial, Commercial, and Multi-Residential tax ratios to the provincial thresholds while ensuring that the impact on the residential property class does not exceed the Council approved tax levy increase by more than 0.5%. The Long Term Tax Strategy is designed to reduce the long term risks associated with changes that are occurring to the City's property assessment base due to assessment growth, assessment appeals, and reassessment changes.
- Municipal Levy Summary overview
 - Spreadsheet shows that in the year 2000, Residential property class paid 50% of the tax levy; Multi-Residential 9%; Commercial 26% and Industrial 15% so about a 60% -40% (Residential/Commercial & Industrial)
 - In 2021, Residential property owners will pay 65 % of the tax levy; Multi-Residential 7%; Commercial 25% and Industrial 2% so a shift to 72% Residential – 28% (Commercial & Industrial)
- Some other points:
 - In the last 10 years the industrial tax base has shrunk by 40%. As a result, the taxes have shifted to the other property classes. This equates to \$4.1 million of the tax levy shifting from Industrial property class to other classes (Residential and Commercial)
 - In 2012, the Industrial property classes' share (Industrial and Large Industrial) of the tax levy was 5.81% and in 2021 its share is 2.40%

A discussion was held relative to the significant drop in local Industrial properties since 2000. In 2000, the tax rate was 15% and now in 2021, the tax rate is only 2%.

It was noted that the global economy has shifted significantly since 2000.

The Chair received the following question via email from citizens prior to the meeting.

1. A citizen inquired about receiving a 25% reduction in property taxes because they are not able to use their yard 25% of the time due to outdoor wood burning fires.

Councillor Trevor Giertuga advised that no, property taxes are levied based on the assessed value of the property multiplied by the tax rate. The property tax system is not structured to allow for tax reductions based on a property owner's usage of the property.

Councillor Rebecca Johnson provided details on the report back to Council relative to the City of Thunder Bay's Open air Burning By-law. Administration will report back in the next few months.

2. A citizen inquired about the debenture on the Long-Term Care homes and how those funds will be spent of where will they be re-allocated?

Councillor Rebecca Johnson advised that the debenture is approximately \$3,000,000 and will be retired in 2023. There has been discussion on using it towards the City's infrastructure deficit, or rolling it into the tax rate.

7.0 MULTI-USE INDOOR SPORTS FACILITY UPDATE

Councillor Mark Bentz provided a brief overview of the timeline to date.

At the June 24, 2019 COW meeting, Council approved in principal the development of a new Multi Use Indoor Sports Facility to be located at Chapples Park as outlined in Report R 86/2019.

At the October 28, 2019 Committee of the Whole meeting, R 150/2019 was presented. A resolution was passed awarding the facility design contract to Stantec Architecture Ltd.

At the August 10, 2020 Committee of the Whole meeting, Report 74/2020 was presented. A resolution was passed to approve project advancement, and that the Multi-Use Indoor Sports Facility be tendered for construction upon completion of the tender package.

At the March 8, 2021 Committee of the Whole meeting, Report R 9/2021 was presented, recommending that the tender for construction of the Thunder Bay Multi-Use Indoor Sports

Facility, be awarded to Tom Jones Corporation, up to the amount of \$39,194,680 inclusive of all taxes and a contingency allowance. The resolution lost.

A Non-Business meeting was held on March 29, 2021 with Members of Council and City Administration to discuss the background and current state of the project. Location, Project Timelines, Funding and Next Steps were also discussed.

At the May 17, 2021 Committee of the Whole meeting, a memorandum from Councillor Mark Bentz was presented for Council's consideration, recommending that Administration be directed to begin an Expression of Interest Process to invite proposals from the private sector and other interested organizations for a Multi-Use Indoor Sports Facility; and that proposals be invited for both short and long term solutions; and that the location of Chapples Park be the preferred location but also allow for the inclusion of other locations for consideration; and that Administration report back on the status of this process by June 14, 2021.

Report R 58/2021 (Community Services) will be presented at the June 14, 2021 Committee of the Whole meeting. The report is recommending a proposed Expression of Interest process to solicit proposals from the private sector and other organizations regarding potential facility solutions for a proposed multi-use indoor sports (turf) facility in a manner that is consistent with the City's Supply Management By-law No. 113-2011 including proposed activities and timelines. If this report passes at Committee of the Whole, there will be another report back to Committee of the Whole on the Expression of Interest proposals in the Fall 2021.

The Chair received the following questions via email from citizens prior to the meeting:

1. At next Monday's Committee of the Whole meeting, Councillors will consider a report from administration on the indoor turf facility. If approved, the report authorizes administration to ask the private and public sectors for expressions of interest in building, managing and sharing a new indoor facility. The report, however, says nothing about transparency. What will you do to make sure the public gets to see every expression of interest before any short list is created or decision is made by council? If your answer is you that trust administration to do the right thing, then please explain why the expressions of interest for the Municipal Golf Course were never made public?

All At-Large Councillors provided input and agreed that transparency is very important.

The Chair noted that the City of Thunder Bay does have Procurement by-laws that may protect some confidentially.

2. Has Council discussed not moving forward with the Multi-Use Indoor Sport Facility with user groups? What are the users' thoughts on how to move forward with a facility that

meets the needs of all users and groups? Will whatever project that moves forward meet the new goals the City has of being carbon neutral?

Councillor Rebecca Johnson noted that there are programs in place that the City adheres to relative to efficiency and being carbon neutral. There are clean and green components that are already in place as well.

Councillor Aldo Ruberto discussed the need for a facility in Thunder Bay. Council wants to move forward with the project, however, need to assess other options. A facility that is available for different user groups is definitely needed, as some users do not have adequate resources in Thunder Bay for their sport. Some current spaces that are being used by these users are not suitable for the activity/sport they play.

Councillor Peng You noted that it's important to work together with the user groups to determine their needs.

Councillor Trevor Giertuga advised that the Net-Zero Strategy Plan was passed at Council recently, which will guide the City's future direction and investment in climate change mitigation and by reducing greenhouse gas emissions.

The Chair advised that Council has given direction to Administration to consult with user groups on this project and that Administration has a good understanding of what the user groups need. Administration will evaluate the expressions of interest with those user group needs in mind. The Chair also noted that a facility cannot be carbon neutral unless it is 100% solar powered or wind powered, which is not envisioned in the City's Net-Zero Plan.

3. The Multi-Use Indoor Sports Facility was voted down. Why is it still being brought up?

The Chair advised that the award of tender for the proposed facility was voted down, however, the project itself passed, as Council believes there is a need in Thunder Bay for this type of facility in Thunder Bay. The Chair is in favour of developing partnerships to provide these services to the community.

Councillor Aldo Ruberto provided input on the need for this facility. Quality of life (facilities, job, air quality) is critical to attract youth moving to and staying in Thunder Bay.

Councillor Rebecca Johnson advised that a Notice of Motion would have to be made to change the decision on the facility project.

4. How is it that we are having a hard time responding to the infrastructure gap but have funding for the Multi-Use Indoor Sports Facility? Could the funds be used for the infrastructure gap instead?

The Chair advised that yes, budgets are about priorities and addressing the needs of the community. Infrastructure deficits do need to be addressed as well as recreational facilities, as they bring value and wellbeing to the community.

8.0 COVID-19 UPDATE – CITY SERVICES

Councillor Peng You provided a general overview of what programs/services are anticipated to resume in each stage of the revised Provincial Framework. Individual service start dates, hours of operation, and rules will vary.

Regulations associated with the revised Framework are pending and will guide operating details. Further details will be communicated in an upcoming Service Update to Council, as well as on City websites, social media and in media releases.

Currently open:

- Marina & boat launches
- Golf Courses
- Skate parks
- Sports Fields
- Tennis Courts & Tennis Centre
- Basketball courts

Stage 1: starting on or after Friday, June 11

Outdoor recreation & small group activities up to 10 people

- Campgrounds (Open Friday, June 11)
- Limited outdoor programs

Fitness at select Community Centres

- Youth Move & Youth Inclusion Program
- West Thunder Community Centre outdoor patio café
- Seasonal operations commencing in late June - early July
- Outdoor pools
- Beaches
- Parks Splashpads & PAL Splashpad (Open by Saturday June 19)
- Summer Camps & Playgrounds Program

Stage 2: date TBD - July 2 or later

Increased outdoor recreation, small events up to 25 people

- Fort William Stadium & Legion Track
- Live on the Waterfront
- Muskeg Express

Stage 3: dates TBD - July 23 or later:

Indoor recreation facilities

- Indoor Pools
- Volunteer Pool (Churchill pool is closed for maintenance at this time)
- Canada Games Complex
- Older Adults Centres (registered programs will resume in September)
- 55+
- West Arthur
- Kinsmen Youth Centre
- Summer Ice @ Current River Arena
- Community Centres
- Conservatory

The Chair received the following questions via email from citizens prior to the meeting:

1. Due to COVID-19, with many working from home and using devices, can battery powered devices be picked up in the summer, curbside?

The Chair advised that there are a number of businesses in the community that will accept batteries as well as the landfill site. Further information is also available on the City's website.

2. With respect to federal government and reducing restrictions on travel, and the Thunder Bay District Health Unit mentioning the same, when will the city stop its requirements for people not to enter city buildings if they've travelled outside of Northwestern Ontario – could the policy be changed to reduce from 14 days to 7 days?

Councillor Rebecca Johnson advised that the government is in the process of making changes on this, and that citizens should be referring to the Thunder Bay District Health Unit website, for the most up-to-date information.

The City of Thunder Bay's Corporate Safety division follows all directives from the TBDHU.

9.0 2022 BUDGET

Councillor Rebecca Johnson provided overview relative to the 2022 Public Engagement events and dates:

- Public Pre-Budget Consultation (The following details will also be made available via Media release and an ad in Chronicle Journal on June 8, and the Pre-Budget Survey will be included in The Source on June 10th)
- Pre-budget survey released – June 8-29 online at thunderbay.ca/getinvolved. Printed Copy will be in The Source on June 10.
- Pre-budget town hall June 22 6:30-7:30 p.m. Watch on Shaw Spotlight Channel 10, Tbaytel TV Channel 110, or at thunderbay.ca/watchcouncil
- Residents can submit questions by e-mailing ctbbudget@thunderbay.ca or calling 625-2230: Monday-Friday 8:30 a.m. – 4:30 p.m. or during the live event.
- Public Pre-Budget Deputation Meeting – January 13, 2022 6:30 p.m. start
- Public Post-Budget Deputation meeting – February 3, 2022

Once the proposed budget is published another online survey will be available to residents: January 4 - February 3, 2022 at thunderbay.ca/getinvolved. All input received through the survey will be shared with City Council on a weekly basis during their deliberation process.

No questions were received from citizens relative to 2022 Budget.

10.0 CITY INITIATIVES

Councillor Aldo Ruberto provided comments relative to positive initiatives occurring in the City. For example, the Community Economic Development Commission (CEDC) is working on bringing cruise ships to Thunder Bay, and assisting entrepreneurs with getting their businesses started. The Waterfront trails and Tiny Homes Initiatives have also been discussed at Committee of the Whole meetings.

The City of Thunder Bay Digital Strategy video was shared, providing details of how the City of Thunder Bay can use technology to be more open and transparent, use smart technology to make the community work better in the digital age and how to stimulate the local digital economy. Also, digital inclusion making sure that everyone has the access they need to prosper.

No questions were received from citizens relative to City Initiatives.

11.0 COMMUNITY ISSUES

The Chair received the following questions via email from citizens prior to the meeting:

1. A constituent inquired about a plebiscite at the next Municipal Election and also inquired about why this topic was not listed as an agenda item for this meeting. The constituent believes that a question with an open ended result would be best. “Do you support a Citizen lead review of City Council’s Size and Structure is in Order” Yes or No. If this

passes then the design that is brought forward. There should be All Citizen Committee created. To propose a plebiscite based on any one Councillor's or Administration's concept is counterproductive to the attempted end being sought. But there is one thing absolutely that must be dealt with. And that is if a consensus on the committee is found by 2023 it should wait for 2026 to be voted on by the public.

The Chair advised that a motion was brought forward by Councillor Kristen Oliver relative to the Composition of Council and potentially reducing the number of Councillors. Council was in the process of moving towards a citizen lead committee to review size and composition of Council pre-pandemic. Once the pandemic hit, City Administration and Council realized there would not be sufficient time/focus to strike a citizen committee, perform proper consultation and perform any necessary changes to ward boundaries etc., so it was deferred to a post-pandemic time in which it could be carried out more effectively. Given the realities of the timing, this is likely to occur at the beginning of the next term of Council and changes would be in place by 2026.

The Chair agreed that this should be a citizen lead initiative rather than a Council lead initiative including a lot of genuine consultation.

It was also noted that Councillor Peng You brought forward a motion to Committee of the Whole relative to a question on the ballot regarding reducing the number of Councillors on City Council. That decision has not yet been ratified by Council.

City Clerk Krista Power also confirmed that a citizen committee has always been part of this process and if the constituent has more questions relative to the report on Composition of Council, they can refer to the Corporate Report on the City's website.

2. A constituent raised concerns around the complete lack of effect the MAT money will have on the great potential of the potential cruise ships coming to Thunder Bay by the CEDC and would like to know where the project sits at this time.

Councillor Trevor Giertuga provided the following response, which was provided by the CEDC:

The plan was part of a Report to Council, prepared by General Manager Kerri Marshall in association with the budget request for the \$100,000 of City MAT Funds. The Report to Council was part of the public Council meeting agenda and has been available to the public since prior to that Open Session meeting of City Council. The Report to Council outlines several required studies and site improvements associated with the budget request, including:

- Bathymetric Survey (depth soundings) to ensure the Viking Octantis has sufficient draft available to dock safely.
- Structural Engineering Survey of Bollards (to ensure they can hold the Viking Octantis to specified load capacities).

- Minor site improvements, security upgrades and clean up (i.e. fencing improvements etc).

The intention of the MAT Funds requested from City Council (\$100,000) were not to facilitate the longer term or more robust development of a cruise ship terminal with associated permanent infrastructure and works. The requested budget is to facilitate immediate work required to ensure the ships can safely dock at Pool 6 in the upcoming 2022 season. Each of the three cruise ship lines that have expressed commitment to utilize Thunder Bay as a turnaround or home port have indicated that Pool 6 likely meets their minimum requirements as is. The studies being conducted are to ensure that each ship can safely dock at Pool 6 and that existing infrastructure meets their required vessel tolerances. The immediate MAT Funds are being utilized in a very efficient and effective manner to satisfy important due diligence items for the start of the 2022 cruise ship season.

The CEDC and City of Thunder Bay Infrastructure and Operations Division are collaborating on a potentially larger scale improvement plan; however the details of any such plan have not been fully defined as of yet. Potential funding sources have been identified and staff will collaborate on any opportunities for further site enhancements in the future. The constituent's positive support and vision for a more robust facility to create an enhanced impression on tourists and the assumption that more significant funds would be required to further develop Pool 6 are appreciated.

As stated above, the CEDC and Infrastructure & Operations are collaborating on completing the initial, required studies and minor site improvements to facilitate the 2022 cruise ship season. Additional basic site improvement plans may be announced once preliminary planning, engineering and funding application efforts are completed.

A discussion was held relative to the significant benefit to the Tourism industry by having the cruise ships dock in Thunder Bay.

3. A constituent voiced concern about the smell and pollution from backyard firepits. The citizen is unable to enjoy their yard because of wood burning fire pits in their neighbourhood.

The Chair advised that Administration will be reporting back to Council on revisions to the bylaw this year.

The following response was provided by Thunder Bay Fire Rescue:

When TBFR responds to a recreational burning complaint, our crews assess the existence of a valid permit in addition to the issue of smoke and whether it could be reasonably considered bothersome to a neighbour, in many cases we will extinguish the fire if the atmospheric

conditions are such that the smoke is laying low in the area. TBFR has no medical expertise or understanding regarding what tolerance someone may have for either smoke or noise etc. which may result from someone using a backyard recreational fire pit.

4. A citizen inquired about an amendment to policy regarding the lot size/area and that is must be a minimum of 30m x 50m to obtain a fire permit.

Councillor Trevor Giertuga provided the following response from Thunder Bay Fire Rescue:

TBFR has put in place a permit system which requires the safe and reasonable location of recreational fire pit and which ensures that all property holders can obtain a recreational fire pit regardless of the size of property they can afford.

5. A constituent asked the following question relative a plebiscite:

Many of us were disappointed other members of Council did not support Councillor Peng You's call for a plebiscite in 2022 that would have allowed voters to decide whether to get rid of the ward system. City Councillors have agreed to hold consultations with the public in 2023 over the size and composition of City Council.

The constituent would also like to know what will convince Councillors that the majority of voters in Thunder Bay want to get rid of the ward system. Will it have to be a second plebiscite or will Councillors be satisfied with some other form of input?

Councillor Trevor Giertuga noted that "Are you in favour of reducing the number of Councillors" would potentially be the plebiscite question. If that proceeds and citizens agree to that, then public consultation would have to take place to determine more detail about the At Large and Ward system. It is too premature at this point to determine the answer to that at this time.

6. A constituent asked the following question relative to the Police Services Board:

The Board's sole purpose is to serve the community. There is not one single member that was elected by the community (to sit on the Board). How can the Board represent a core service to the community when they are not accountable to the community?

City Clerk Krista Power advised that the Police Services Act delineates what that Board looks like. There are two provincial appointees, two elected officials from the City of Thunder Bay (one being the Mayor) and one citizen appointee. This is all governed under the Police Services Act.

7. A constituent asked a question relative to fundraising. Why is it that groups come forward to City Council asking for funding when there are any opportunities for fundraising in the community? (for example, the TBRHSC's 50/50 draw success). The constituent is concerned about their tax rate.

Councillor Aldo Ruberto discussed supporting organizations, and the City's return on investment.

It was also noted that due to COVID-19, organizations have not been able to hold fundraising events as they normally would.

Councillor Rebecca Johnson noted that there is a \$2,000,000 fund through the City's Community, Youth & Cultural Funding program to apply for organizations to apply for. CEDC also has funding available for entrepreneurs.

8. A constituent asked the following question regarding the Ontario Legislature and the not withstanding clause relative to third party spending for elections:

As Councillor Peng You is running for the Conservative Party, how does he feel about the Province's not withstanding clause overruling the Supreme Court? How do other Council members feel about this as well?

The Chair provided a brief comment regarding when government appears to have abused power, it loses the trust of citizens.

The At Large Councillors stated that they were not familiar enough with the topic to provide a comment.

9. A constituent provided comments relative to the Parkdale subdivision which was mandated to have air exchange units installed after 2006. The constituent has experienced the air exchange unit bringing smoke into their home when the residents are having fires which creates an unpleasant smell in their home and takes multiple hours to subside. Not everyone is in favor of outdoor fire burning.

Councillor Trevor Giertuga provided an overview of the following response, which was provided by Thunder Bay Fire Rescue:

If desired, air exchange units (required for all new residential construction regardless of location) can be turned off in the instance of significant smoke.

It is also noted that open burning in the City of Thunder Bay is regulated by the Ontario Fire Code vs a municipal by-law.

Open-air burning

2.4.4.4. (1) Open-air burning shall not take place unless

- (a) it has been approved, or
- (b) the open-air burning consists of a small, confined fire that is
 - (i) used to cook food on a grill, barbecue or spit,
 - (ii) commensurate with the type and quantity of food being cooked, and
 - (iii) supervised at all times.

(2) Sentence (1) does not apply to the use of an appliance that

- (a) meets the requirements of the Technical Standards and Safety Act, 2000,
- (b) is for outdoor use,
- (c) if assembled, has been assembled in accordance with the manufacturer's instructions, and
- (d) if installed, has been installed in accordance with the manufacturer's instructions.

The use of the term approved is defined as approved by the Chief Fire Official. As you can see from the Regulation, open air burning used for grilling is allowed regardless of whether or not it is approved.

Despite receiving hundreds of fire safety complaints each year, Thunder Bay Fire Rescue receives a very small number of fire safety complaints relating to open burning. The vast majority of complaints received regarding open burning relate to non-compliance with the rules which have been established.

Thunder Bay Fire issue approximately 8000 recreational fire permits per year, indicating vast community support for having recreation burning. With 8000 permit holders using their fire pits several times per year there are 10s of thousands of fire pit uses per year within the city. We receive very few complaints overall, with an average of 75 per year. In many cases, one person will file several complaints per year.

While some of these are valid complaints by residents who have made poor decisions, many are simple issues where a neighbour does not accept that another neighbour should be allowed to have a fire pit. We respond with a fire crew for all complaints and address rare fire safety issues as well as do our best to facilitate neighbourly interaction by asking a valid permit holder to extinguish a fire for the evening or in some cases advising on an improved location for the fire pit so as to avoid bothering neighbours.

There is no way to allow the burning of wood in the community without making smoke. Our goal has been to provide a functional system which meets the needs of the vast majority of the community, but we continue to take direction from council as well as seek feedback from the community on improving the recreational burning experience.

City Clerk Krista Power passed on a message from a viewer who thanked City Council for doing a great job.

The Chair thanked all those who tuned in to the At Large Townhall meeting, thanked members of Administration for assisting with the meeting, and also thanked the At Large Councillors for their participation.

12.0 ADJOURNMENT

The meeting adjourned at 9:14 p.m.



Memorandum

Corporate By-law Number BL 69/2021

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

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

DATE: 09/17/2021

SUBJECT: BL 69/2021 - Appointment of Acting Mayors - 2021 - 2022.

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law respecting the appointment of Acting Mayors.

Authorization: Report R 155/2021 (City Manager's Office/Office of the City Clerk) - Committee of the Whole – November 15, 2021.

By-law Explanation: To appoint Acting Mayors for the term of Council, commencing December 1, 2021, up to and including November 14, 2022.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 69/2021

A By-law respecting the appointment of Acting Mayors.

Recitals

1. Section 242 of the Municipal Act, 2001 provides that the Council of any municipality may by By-law or resolution appoint a member of the Council to act from time to time in the place and stead of Head of the Council when the Head of the Council is absent from the municipality or absent through illness or his office is vacant.

December	2021	Councillor Kristen Oliver
January	2022	Councillor Brian McKinnon
February	2022	Councillor Aldo Ruberto
March	2022	Councillor Cody Fraser
April	2022	Councillor Andrew Foulds
May	2022	Councillor Rebecca Johnson
June	2022	Councillor Mark Bentz
July	2022	Councillor Peng You
August	2022	Councillor Trevor Giertuga
September	2022	Councillor Shelby Ch'ng
October	2022	Councillor Brian Hamilton
November	2022	Councillor Albert Aiello

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

1. Subject to Sections 2 and 3 of this By-law, the following Members of Council shall act from time to time in the place and stead of the Mayor, when the Mayor is absent from the Municipality or absent through illness or his office is vacant, during the month opposite their names respectively;

2. Where the member of Council who would otherwise be appointed under Section 1 of this By-law is absent from the Municipality or absent through illness or his office is vacant, then the next following member of Council as listed in Section 1 who is not absent and is in office shall act from time to time in the place and stead of the Mayor during the month or portion of the month during which this Section applies. If it is necessary to have reference to a period beyond the month of December, the list shall be repeated beginning again with the Member of Council listed opposite January.

3. Where no Member of Council holds office of Acting Mayor pursuant to the preceding provisions of this By-law, then the Council may by resolution appoint one of its members to act as such.

4. This By-law shall come into force and take effect from the period commencing December 1, 2021 up to and including November 14, 2022.

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

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk



Memorandum

Corporate By-law Number BL 77/2021

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

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

DATE: 10/19/2021

SUBJECT: BL 77/2021 - Amendment to By-law 011-2007, to update the Appointment of Officers.

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of Officers.

Authorization: Report No. 2003.231 (Development Services) - Committee of the Whole - August 5, 2003.

By-law Explanation: The purpose of this By-law is to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of Officers.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 77/2021

A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of Officers.

Recitals

1. By-law Number 192-2003, enacted and passed August 11, 2003 authorizes amendments to update the appointment of Lottery Licensing Officers as appointed by By-law Number 011-2007.

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

1. Paragraph 7 is amended by adding the following name:

Matthew Van Ramshorst

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

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk



Memorandum

Corporate By-law Number BL 82/2021

TO: Office of the City Clerk **FILE:** B-52-2021

FROM: Jillian Fazio
Development & Emergency Services - Planning Services

DATE: 11/02/2021

SUBJECT: BL 82/2021 - Site Plan Control Designation – SE corner of Gordon Street and Mountdale Avenue

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (SE corner of Gordon Street and Mountdale Avenue).

Authorization: Committee of Adjustment –B-52-2021 - Gordon Street – September 29th, 2021.

By-law Explanation: The purpose of this By-law is to designate an area of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, as it applies to a portion of PCL 3527 PLAN WM85 LOTS 13 14 15 AND 16 PT LOT 17 RP 55R6664 PART 1 PCL 22836 PLAN WM38 PT RD ALLOWANCE RP 55R6664 PARTS 2 AND 5.

Schedules and Attachments:

EXHIBIT TO BL 82/2021

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 82/2021

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (SE corner of Gordon Street and Mountdale Avenue).

Recitals

1. Authority is provided in accordance with Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended (the “Act”), to pass a By-law designating a Site Plan Control Area.
2. Council has determined it is necessary to designate a Site Plan Area, as referenced by decision of the Committee of Adjustment dated September 29, 2021.

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

1. The lands described in section 2 of this By-law (the “Lands”) are designated as a Site Plan Control Area within the meaning of Section 41 of the Act, and no person shall undertake any development on the Lands, until the Council of the Corporation has approved plans and drawings as may be required under Subsection 41(4) of the Act.
2. The Lands to which this By-law applies are more particularly described as follows, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay, in the District of Thunder Bay, and being composed of a portion of a portion of PCL 3527 PLAN WM85 LOTS 13 14 15 AND 16 PT LOT 17 RP 55R6664 PART 1 PCL 22836 PLAN WM38 PT RD ALLOWANCE RP 55R6664 PARTS 2 AND 5 and shown as "Property Location" on the Exhibit to and forming part of this By-law.

3. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.
4. This By-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro
Mayor

Krista Power
City Clerk



Memorandum

Corporate By-law Number BL 84/2021

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

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

DATE: 11/04/2021

SUBJECT: BL 84/2021 - By-law to amend By-law 011-2007, being a By-law to Appoint Municipal Enforcement Officers for The Corporation of the City of Thunder Bay.

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of officers.

Authorization: Report No. 2003.231 (Development Services) - Committee of the Whole - August 5, 2003

By-law Explanation: The purpose of this By-law is to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of officers.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 84/2021

A By-law to amend By-law 011-2007, being a By-law to Appoint Officers for The Corporation of the City of Thunder Bay (Development Services Department/Finance Department) to update the appointment of officers.

Recitals

1. By-law Number 192-2003, enacted and passed August 11, 2003, authorizes amendments to update the appointment of officers as appointed by By-law Number 011-2007.

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

1. Paragraph 6 is amended by adding the following names:

Dona-Lee Robinson

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

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk



Memorandum

Corporate By-law Number BL 85/2021

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

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

DATE: 11/09/2021

SUBJECT: BL 85/2021 - Shopping Cart By-law

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law to manage abandoned shopping carts in the City of Thunder Bay.

Authorization: Report R 121/2021 (Development & Emergency Services/Licensing & Enforcement) - Committee of Whole - September 20, 2021.

By-law Explanation: The purpose of this by-law is to control the depositing, disposal and abandonment of Shopping Carts on land within the City of Thunder Bay.

Schedules and Attachments:

APPENDIX "A" – REQUIREMENTS OF SHOPPING CART IDENTIFICATION PLATE

APPENDIX "B" - REQUIREMENTS OF A SHOPPING CART MANAGEMENT PLAN

APPENDIX "C" – REQUIREMENTS OF A RECOVERY RECORD

APPENDIX "D" – GRADUATED RECOVERY FEE SCHEDULE

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 85/2021

A By-law to manage abandoned shopping carts in the City of Thunder Bay.

Recitals

1. A By-law relating to the depositing, disposal and abandonment of Shopping Carts on land within the City of Thunder Bay, and the disposal by the City of abandoned Shopping Carts.
2. Section 10(2), paragraph 6, of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws for the health, safety and well-being of persons,
3. Section 63 of the *Municipal Act, 2001*, authorizes a municipality to pass a by-law to prohibit and to regulate the placing, stopping or standing of an object on or near a highway, and s. 27 of the Act further authorizes a municipality to pass by-laws in respect of a highway over which it has jurisdiction,
4. Section 127(c) of the *Municipal Act, 2001*, provides that the municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;
5. Pursuant to Section 128 of the *Municipal Act, 2001*, The Council of the Corporation of the City of Thunder Bay has the power to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and that the opinion of council under this section, if arrived at in good faith, is not subject to review by any court;
6. City Council has determined that Shopping Carts which are deposited, disposed of or abandoned on land within the City of Thunder Bay, including but not limited to land owned or occupied by the City, constitute a public nuisance in that they may be a traffic hazard, impede sidewalks and street maintenance, and be a risk to public safety or become unsightly litter and debris;
7. Section 446 (1) of the *Municipal Act, 2001*, provides that if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense.

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

1. **Definitions**

For the purposes of this By-law, the following terms shall have the definitions set out below:

“**Abandon**” shall mean any shopping cart that is not located on the owners property and is not under the direct control of any person, at the time it becomes relevant.

“**City**”, means The Corporation of the City of Thunder Bay.

“**City Property**”, any lands owned by the City or under the City’s control through a lease or other instrument.

“**City Staff**”, means any City employee who’s functions includes the clearing and maintenance of city lands and includes any agent of the city that recovers abandoned shopping carts.

“**Collection Fee**”, shall be the fee set out in the User Fee By-law for collecting a shopping cart from private lands or City lands, other than highway lands.

“**Current**”, means that the information displayed properly identifies the current owner of the cart and that the contact information, including phone number and/or e-mail is valid and can be used to communicate with the owner or the owners’ agent for reporting shopping cart issues.

“**Deposit**”, means to place, leave unattended, discard or abandon.

“**Designated Fee**”, shall be the fee set out by the City in the annual schedule of User Fees for the description requiring a fee.

“**User Fee By-law**”, shall be the annual schedule of user fees, approved by Council.

“**General Manager**”, shall mean the General Manager, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

“**Graduated Recovery and Return Fee**”, shall be the fee established for those owners who have an approved Shopping Cart Management Plan and are being notified by an Officer of abandoned shopping carts, in accordance with the schedules for Graduated Recovery and Return Fees.

“**Is Made Available**”, refers to any shopping carts that are available to persons, on the owners premises, either for a fee or without a fee, for the intended use on the premises whether or not they are subsequently removed from the premises.

“Impoundment & Storage Fee”, shall be the fee set out in the User fee By-law for both the impoundment fee and the subsequent daily storage fee for impounded shopping carts found on municipal highway lands.

“Highway”, for the purposes of this by-law, means a common and public highway or part of a highway, and includes the sidewalk and boulevard and any bridge, trestle, viaduct or other structure forming part of the highway, owned or under the jurisdiction of the City.

“Manager”, shall mean the Manager of Licensing and Enforcement Division, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

“Notice of Abandoned Cart”, shall mean the Notice delivered by an Officer to the owner of shopping carts, or named designate agent, regarding abandoned shopping carts that need to be recovered by the owner.

“Occupant (lands)”, shall be the person(s) who lawfully occupy a parcel of land and includes the registered owner(s) of said land.

“Officer”, shall include a Municipal Law Enforcement Officer or a Police Officer.

“Owner”, means a person or business who owns or makes shopping carts available to persons in connection with the business, and includes the owner of property where any shopping carts are provided thereon; and for the purposes of the retrieval of an impounded shopping cart(s) owner shall include an agent authorized in writing by the owner.

“Owner (lands)”, shall have the same meaning as “Registered Owner”.

“Parking Area”, means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

“Person”, shall include a corporation;

“Premises”, means the property area owned or used by an owner’s business, including the parking area and all common areas used by customers of businesses in a shopping area or complex of which the owner’s business is a part;

“Property Owner”, shall have the same meaning as Registered owner.

“Private Property”, shall be property other than the lands owned or under control of the City but shall exclude provincially-owned or federally-owned lands.

“Recovery Record”, shall mean the record of actions made by, or on behalf of the owner of shopping carts, that documents all activities associated with the searching, locating and recovery of the owners shopping carts.

“Registered Owner”, shall mean the actual owner or owners of the lands at issue, identified as having title to that land parcel, by the Ontario Land Registry.

“Shopping Cart”, means a non-motorized basket or tray, mounted on wheels, that is made available to anyone, by an owner, for the primary purpose of transporting a customer's goods while on the premises of the owner, but includes any shopping carts that are found off the owner's property.

“Shopping Cart Identification Plate”, shall mean an identification plate that is affixed to an owner's shopping cart that contains the required contact and owner information.

“Shopping Cart Management System”, shall mean any physical, mechanical or auditory system employed by the owner to educate the cart users as to the intended purpose of the shopping carts and to advise, restrict or retain shopping carts from inadvertently or intentionally being removed from the owner's premises, including signage, locking devices, monetary incentives or other security measures required.

“Shopping Cart Management Plan”, means a plan established by, or behalf of a business that uses or supplies shopping carts, that sets out the steps that a business will follow to most effectively prevent the shopping carts from being taken from the property and includes an actionable plan to recover errant shopping carts that are not on the business property on a regular basis or when reported by the public, police or the municipality.

“Shopping Cart Retrieval Fee” means the fee that must be paid to the City by an owner of an impounded shopping cart prior to the release of the shopping cart, in the amount set in the City's User fee by-law.

“Storage Fee”, shall be the fee set out in the by-law for shopping carts collected from private lands or City lands, other than highway lands.

GENERAL

2.0 Identification

2.1 Every owner of a shopping cart, that is made available for use, shall ensure that there is a Shopping Cart Identification Plate securely affixed to it and that it is located in a highly visible location to any user of the cart.

2.2 Every Shopping Cart Identification Plate shall be maintained or replaced as needed, to ensure the information displayed is clearly legible and current as to the required content, at anytime the shopping cart is made available for use.

2.3 Every owner shall provide on the Shopping Cart Identification Plate, the name of the business, address where cart is made available and a phone number and/or e-mail address where issues surrounding the owners' shopping carts, can be communicated to the owner and that is, in the case of a phone number, likely to be answered during normal business hours of the owner's business where the cart was made available or in the case of an e-mail address, an address that is monitored and responded to by the owner.

2.4 Every Shopping Cart Identification Plate shall conform to the standards set out in Appendix "A" of this by-law and any amendments to that standard that may be required from time to time.

2.5 Where any changes are made to the standards in Appendix "A", required on the Shopping Cart Identification Plate, unless otherwise stated, the owner shall have one year from the date the amendment is passed, to bring any carts with an existing Shopping Cart Identification plate, into conformance with the new standard.

2.6 Notwithstanding the requirements of every owner of carts to have a Shopping Cart Identification Plate affixed to all shopping carts made available, every owner shall have until May 15, 2022 to comply with this requirement, unless an alternate date has been approved by the Manager.

2.7 Every owner of shopping carts that are purchased, used or otherwise acquired after May 15, 2022, shall ensure that a Shopping Cart Identification Plate is affixed to each cart, before it is made available for use.

2.8 No owner shall cause any shopping cart to be made available after May 15, 2022, where there isn't an owner's Shopping Cart Identification Plate attached or that does not conform to the requirements for that Plate, as set out in the By-law.

3.0 Shopping Cart Management Plan

3.1 Every owner of shopping carts shall establish a Shopping Cart Management Plan for each premises that uses or makes shopping carts available for use.

3.2 Every Shopping Cart Management Plan shall contain information and responses to the requested information, as set out in Appendix "B" of the By-law (Contents of a Shopping Cart Management Plan) and any amendments that may be required from time to time.

3.3 Every owner of shopping carts shall submit to the Manager, for review and approval, a fully completed Shopping Cart Management Plan, that meets the requirements set out in Appendix "B", by May 31, 2022.

3.4 Every owner of shopping carts shall submit a fully completed plan for each premises owned or under control of the owner, where shopping carts are made available.

3.5 Every Shopping Cart Management Plan will be reviewed by the Manager and discussed with each owner to ensure that the proposed plan submitted will, if followed by the owner, reasonably address the prevention, retention and recovery of the owners shopping carts and thereby serve to minimize nuisances created by abandoned shopping carts that are removed off of the owners' business premises.

3.6 Where a Shopping Cart Management Plan is complete and a reasonable approach, in the opinion of the manager, has been proposed; the Manager will accept the plan and will then monitor its' effectiveness on an annual basis.

3.7 Every owner of Shopping Carts must maintain a permeant bound record book, called a Recovery Record as specified in Appendix "C" that will document all reports of owners' carts off-premises and all owner efforts to monitor owners' carts off-premises and record the actions and outcomes of those actions in recovering carts, both proactively and reactively.

3.8 Where a Shopping Cart Management Plan is incomplete or is vague or lacks sufficient details of how the owner will prevent, retain or recover their shopping carts, the Manager may reject the plan, in writing specifying the deficiencies and requiring that additional information be submitted and a timeframe for that submission.

3.9 Every owner of a Shopping Cart Management Plan, that has been rejected, shall re-submit a new plan, within the timeframe required by the Manager.

3.10 Where any owner of shopping carts, fails to resubmit any additional information required, to the satisfaction of the Manager, the owner shall be deemed to have not met the requirement of submitting a complete plan.

3.11 Where a Shopping Cart Management Plan has been submitted and approved by the Manager, the owner of shopping carts shall make every reasonable effort to adhere to the plan for prevention, retention and recovery.

3.12 Where a Shopping Cart Management Plan has been approved but the owner does not appear to be complying with other provisions of the by-law, the Manager may upon 30-days Notice, rescind the approval and deem the owner to not have met the requirements of an approved plan.

3.13 Where a plan has not be approved, or where a plan was approved but subsequently rescinded, no owner shall cause any shopping carts to be made available in respect of a premises where a plan has not been approved or has been rescinded, until a new plan has received approval.

4.0 Abandoning Cart Prohibited

4.1 Every Owner shall take every reasonable effort to ensure that their Shopping Carts are not taken from the business premises or associated parking area for which it is provided, such that the Shopping Cart is not deposited, disposed of or abandoned on any land, including land owned or occupied by the City, without the consent of the occupant or registered owner of such land; proof of an on-going Shopping Cart Management System would be considered proof of such efforts if maintained.

4.2 No person shall deposit or cause a shopping cart to be deposited, or abandoned anywhere except on the premises of the owner that supplied the cart or as set out of the Shopping Cart Identification Plate.

5.0 Recovery-Notice from Public

5.1 Every owner of a shopping cart, that has been notified by the public that a shopping cart bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises, shall attempt to recover the cart within three (3) business days at the location identified

5.2 Where the owner of any shopping cart responds to a report from the public that the owners cart is abandoned and the owner or agent subsequently believe the cart to be located on private lands, other than the City lands, the owner must seek authorization from the owner or occupant of such private lands, before entering such lands to recover the owners shopping cart

6.0 Notice of Abandoned Shopping Carts - City Notification

6.1 Where an Officer finds any shopping carts off the premises of the owner, either on City or private lands where express consent has not been obtained, the Officer may notify the owner of such times, dates and locations of each cart, by issuing a Notice of Abandoned Cart(s), and may invoice the administrative fee as prescribed in the Graduated Recovery Fee, Schedule "D", for each such Notice issued.

6.2 Where an Officer locates abandoned cart(s) off the premises of the owner, the owner of the shopping cart shall be deemed to be the person stated on the Shopping Cart Identification Plate affixed, and may be issue an Abandoned Cart Recovery Notice and may invoice the owner for every such Notice as set out in the Graduated Recovery Fee Schedule "D".

6.3 The preceding section does not apply where the owner has authorized the removal for the purposes of maintenance and repair, or where the carts have been impounded off City highway property or removed from other City or private property, by the City, and they are being held pending recovery by owner or awaiting disposal.

7.0 Recovery- Notice from Police, Municipality

7.1 Every owner of a shopping cart, that has been notified by the police or the municipality, that a shopping cart, bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises, shall attempt to recover the cart within one (1) business day, at the location identified, unless otherwise directed or agreed and shall record such actions and outcomes of the response in the Recovery Record.

8.0 Immediate Recovery- Hazard

8.1 Every owner of a shopping cart, that has been notified by the police or a Municipal Law Enforcement Officer, that a shopping cart bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises and is creating an immediate hazard to the safety of the public, shall immediately recover the cart(s), at the location identified, unless otherwise directed or agreed.

8.2 No owner of shopping carts shall fail to respond to the request to immediately action and remove carts, when requested by police or a Municipal Law Enforcement Officer.

8.3 No owner of shopping carts shall fail to respond to the request to remove carts in a time set out in any Notice or in the time frame requested by police or a Municipal Law Enforcement Officer

9.0 Impoundment/Collection of Abandoned Shopping Carts

9.1 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any highway lands owned or occupied by the City, without the consent of the City or of the occupant of the land, as the case may be, City staff or an authorized agent of the City may impound and collect such Shopping Cart for recovery, at the expense of the Owner.

9.2 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any other lands owned or occupied by the City, without the consent of the City or of the occupant of the land, as the case may be, City staff or an authorized agent of the City may collect and hold such Shopping Cart for recovery, at the expense of the Owner.

9.3 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any land that is not owned or occupied by the City, without the consent of the occupant or registered owner of the land, City staff or an authorized agent of the City may, with the express consent of the registered owner or the occupant of the land, collect and hold such Shopping Cart for recovery, at the expense of the Owner.

9.4 The Owner of any Shopping Cart collected under Section 8.1, 9.1, 9.2, 9.3 or 10.3 shall be responsible for payment of the Collection Fee and of any Storage Fee, as set forth in User Fee By-law, The Administration, Impound or Collection Fee and Storage or Holding Fees may be collected as set out in that By-law.

10.0 Issue Order to Stop or Remedy

10.1 Notwithstanding that a Shopping Cart Management Plan was submitted and subsequently approved, the Manager, in response to an potential public safety issue or growing nuisance created by the owners shopping carts, may Order any owner of shopping carts to take such steps to prevent, minimize or resolve the situation and the owner shall comply with that Order

10.2 Where the Manager has issued an Order to Remedy or, an Order to Stop or Discontinue an Activity, in the absence of the owner of shopping carts, complying with such Order(s); the municipality may take whatever steps that were required by the owner to resolve the issue(s) involving the owners shopping carts, including entering onto private property, to remove shopping carts that are off the owners' premises.

10.3 An Order may be served on the owner by delivering in person to the owner or by leaving it with the person whom appears to be in-charge at the premises where the shopping carts are made available or by delivery to the e-mail address stated on the Shopping Cart Identification Plate, or via registered mail to the address of the owner and shall be deemed to be delivered after five days.

10.4 Where the municipality has been required to action an Order that has not been complied with by the owner of shopping carts, the municipality may charge back all costs and expenditures, including prescribed administrative fees and it is a debt due the municipality. Where the owner does not reimburse those costs, the municipality may add those to the roll for the property and they may be collected in a manner like taxes

10.5 No person shall fail to comply with an Order made pursuant to this by-law that has been issued by a Municipal Law Enforcement Officer or the Manager.

10.6 No person shall interfere with or obstruct or attempt to obstruct an Officer in carrying out an Order that was not otherwise complied with.

11.0 Recovery Record- Required

11.1 Every owner of shopping carts shall maintain in a binder, a copy of this By-law and a copy of the current approved Shopping Cart Management Plan as well as a "Recovery Record", containing information that is set out in Appendix "C" of the By-law, including all proactive recovery efforts as well as calls from the public or police and calls or Notices from the municipality and documents all responses and the outcome(s) of each notification.

11.2 Every owner of shopping carts that has an approved plan shall, upon request, provide an Officer access to the plan and the recovery records, for inspection.

12.0 Graduated Recovery and Return Fee Schedule

12.1 Where the owner of shopping carts has an approved Shopping Cart Management Plan and has complied with the Shopping Cart Identification Plate requirements, the owner of shopping carts is entitled to the benefit of the “Graduated Recovery and Return Fee Schedule” set out in Appendix “D” of the By-law where an Officer chooses to provide a Noticed of Abandoned Shopping Cart, and the owner subsequently recovers the cart in accordance with this by-law.

12.2 Where the owner of shopping carts did not submit a Shopping Cart Management Plan, or did not receive approval, or such approval was subsequently rescinded, or where the owners shopping carts do not conform to the Shopping Cart Identification requirements, such owners are not entitled to benefit of the Graduated Recovery and Return Fee Schedule, set out in schedule “D” of the by-law, nor will any such owners be entitled to any automatic return programs that may be developed.

13.0 Cart Return- Approved Shopping Cart Management Plan

13.1 If following collection of a Shopping Cart under Section 9 the Owner has been identified and there is an approved Shopping Cart Management Plan in place, the City staff or an authorized agent of the City will follow the terms of the “recovery & return plan” desired by the owner, this may include returning the Shopping Cart to the Owner and may either receive payment on behalf of the City at that time for each Shopping Cart returned in accordance with the Collection Fee or invoice the Owner on behalf of the City for the number of Shopping Carts returned in accordance with the Collection Fee schedule and recovery agreement.

13.2 Following the collection of a Shopping Cart under Section 9, and the Owner has been identified, and there is an approved Shopping Cart Management Plan in place, City staff or an authorized agent of the City may, instead of impounding the cart, return the Shopping Cart to the Owner for the designated fee. The owner may either provide payment immediately to the City, in the approved form at the time each Shopping Cart is returned or agree in writing that the City may invoice the Owner on behalf of the City for the number of Shopping Carts returned as.

14.0 Cart Return - Impounded without Approved Shopping Cart Management Plan

14.1 If following collection of a Shopping Cart under Section 9, the Owner has been identified and there is NOT an approved Shopping Cart Management Plan in place, the City may impound or collect and store/hold the Shopping Cart at the expense of the Owner for the Storage Fee as set out in User Fee By-law, and immediately notify the owner from the Shopping Cart Identification Plate information found on the cart, that they have 5 business days to pay all fees and recover the cart(s). Carts held past 5 business days, where there isn't a Shopping Cart management Plan approved, shall have an escalating daily fee assessed as set out in User Fee By-law. Unclaimed carts, where the owner has been notified and has not paid the fees and recovered the carts within 30 days, those cart will be deemed to be unwanted waste and disposed of in proper manner. The

accumulated costs (recovery and storage fees) are a debt due to the municipality and can be recovered as set out in the by-law.

14.2 If following collection of a Shopping Cart under Section 8 or 9, the identity of the Owner cannot be determined from a visual inspection of the Shopping Cart or the Owner cannot reasonably be located, City staff or an authorized agent of the City may impound or collect and store/hold the Shopping Cart at the expense of the Owner for the Impound and Storage Fee as set out in User Fee By-law. If the Owner claims the Shopping Cart from the storage location, the Shopping Cart shall be returned to the Owner or the Owner's agent when all outstanding fees have been paid. Where no person claims the shopping cart within 30 days, the City may dispose of such carts at their discretion.

15.0 Entry on Private Lands- Identification

15.1 A Municipal Law Enforcement Officer may enter onto any private lands, at a reasonable hour, to inspect any shopping carts that appear to be abandoned, to determine if the cart(s) bear a Shopping Cart Identification Plate and further, the Officer may impound and remove any shopping carts that are deemed by the Officer to be abandoned and located off the owners property unless the owner of property request that the Officer does not remove the cart(s); the Officer will not remove carts where the established owner, makes such a request.

15.2 An Officer, who enters onto private lands to inspect for abandoned carts, may be accompanied by any such person(s) as the Officer deems necessary for the purposes of identifying the proper ownership of the shopping cart and/or to assist in the recovery

15.3 Any Officer entering onto private lands with express purpose to inspect shopping carts to determine abandonment, will only inspect those carts that are visible in the external environment, and will not enter any building, including buildings used as a dwelling, while exclusively inspecting for shopping carts.

15.4 Nothing in section 15.3 above, should be interpreted as to diminish an Officer's powers to enter and inspect in regard to other by-laws or statutes, as is defined in those other by-laws and statutes, including powers defined in sections 435 through 439 of the Municipal Act, 2001.

15.5 No person shall interfere, impede, obstruct or refuse entry onto private lands of Municipal Law Enforcement Officer and those accompanying the Officer, while in the lawful execution of duties.

16.0 Forms or Document Execution

16.1 The General manager is authorized to approve, create and maintain, or change, from time-to time the following: any forms, documents, notices or other required processes to ensure operational functionality for this by-law, including executing or approving any agreements that may be required.

17.0 Review – 3 Years

17.1 The manager shall commence a review after the third year, following the implementation of the requirements of the By-law and shall report back to Council. This review should include an assessment on the effectiveness of the by-law in addressing the abandoned shopping cart issues along with any recommendations for Council's consideration.

18.0 Offences

18.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

19.0 Fee/Debt Recovery

19.1 Any requirement for any fee established in this by-law for notifications, impoundment and storage, or any works performed under any Order not complied with or where the municipality is authorized to act without notice under any by-law, concerning every shopping cart shall be a debt due and payable, by the owner.

19.2 Any Fees, due pursuant to this by-law that remain unpaid by the owner, constitutes a debt of the owner to the City and may be added to the tax roll for the property on which the business is located and collected by the City in the same manner as municipal taxes.

19.3 In addition to any other rights and remedies that the City may have, the City may collect any Collection or Storage Fees as a debt owing by the Owner to the City by way of an action in a court of competent jurisdiction.

20.0 Service of Notice

20.1 Any Notice, may be served on the owner by delivering it, verbally, in person to the owner or in writing by leaving it with the person whom appears to be in-charge at the premises where the shopping carts are made available or by delivery to the e-mail address stated on the Shopping Cart Identification Plate or specified in the Shopping Cart management Plan, or via registered mail to the address of the owner and shall be deemed to be delivered after five calendar days.

21.0 Severability

21.1 If a court of competent jurisdiction declares any provision or part of any provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced to the extent possible according to law.

21.0 **Short Title**

21.1 This by-law may be cited as the “Shopping Cart By-law.”

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

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

APPENDIX “A”

of By-law BL 85/2021

Shopping Cart By-law

REQUIREMENTS OF SHOPPING CART IDENTIFICATION PLATE:

Every Shopping Cart Identification Plate shall continue to display at all times relevant, in a legible font and clearly visible at a distance of 0.5m, the following information to all cart users:

1. The owner’s business name associated with the shopping cart’s originating location.
2. The address of the owner’s business where the shopping cart was made available and may be returned to.
3. A phone number that, persons finding the abandoned shopping cart belonging to the owner, can call (or text) to advise of a cart’s location and that the number is monitored and answered or otherwise responded to (including recorded voice messages), to facilitate recovery.
4. Alternatively to a phone number being displayed, a valid e-mail address where persons finding an abandoned shopping cart belonging to the owner, can e-mail advising the owner of a carts location for recovery.
5. Each Shopping Cart Identification Plate shall be permanently affixed to each shopping cart in a conspicuous location visible to a user pushing the cart (ie. handle, basket area), in contrasting colour to surroundings that cannot be readily removed, damaged, defaced or otherwise obliterated.

Every Shopping Cart Identification Plate shall be regularly monitored for legibility and replaced or refreshed, as necessary, to ensure abandoned carts can be easily Identified by all persons.

APPENDIX “B”

of By-law 85/2021

Shopping Cart By-law

REQUIREMENTS OF A SHOPPING CART MANAGEMENT PLAN:

Every Shopping Cart Management Plan shall contain, at a minimum, the following information:

1. The Owner’s name and contact information.
2. The owner’s business name and contact information (person-in-charge (and title), contact phone #/cell #, e-mail) associated with the shopping cart’s originating location.
3. The address of the owner’s business where the shopping cart was made available and may be returned to.
4. The designation of any persons (agents) that may represent the owner, or accept notification concerning abandoned shopping carts, including business name, contact names and contact information.
5. The approximate number of shopping carts that are made available at this specific location, including an break-down of the types of carts available.
6. The normal (or seasonal hours) of business where a phone call or e-mail may be received or returned during the routine course of business.
7. A description of the current shopping cart management system they have in-place and what normal daily, monthly or seasonal practices are used to look for and recovery abandoned shopping carts, including the approximate weekly removal and abandonment that currently occurs and any processes currently employed to become aware of errant carts and recover such carts.
8. Identify the top five (5) locations (cross-street intersections or transit-stops) where carts are being abandoned most frequently in descending order of frequency (worst to least) and estimate the weekly numbers at each.
9. Identify any additional measures that the owner is contemplating in addressing the problem and associated costs that may be realized,
10. Identify any regulatory changes, enforcement actions, or other? you believe would help reduce the recurrence of abandoned carts.
11. Direct the City on the method of return, should the City need to impound or collect an owner’s cart and the provisions of schedule “D” no longer apply or the circumstances are outside of the application of that schedule.

APPENDIX “C”

of By-law 85/2021

Shopping Cart By-law

REQUIREMENTS OF A RECOVERY RECORD:

Every Owner of Shopping Carts shall create and maintain a permeant bound record of shopping cart recovery efforts in a “Recovery Record”, which contains, at a minimum, the following information:

1. The Owner’s name and contact information.
2. The owner’s business name and contact information (person-in-charge (and title), contact phone #/cell #, e-mail) associated with the shopping cart’s originating location.
3. The address of the owner’s business where the shopping cart was made available and may be returned to.
4. The individual record of each proactive attempt by the owner to locate and recover any shopping carts around the city, including the date, duration and results, including the location and quantity of recovered carts.
5. The individual record of all reports from the public/staff of abandoned shopping carts including the date/time received, the location and details of report and the actions taken by the owner to investigate and recover, including the date of response and details of recovery.
6. The individual record of all reports from enforcement Officers, including police, of abandoned shopping carts including the date/time received, the location and details of report and the actions taken by the owner to investigate and recover, including the date of response and details of recovery.
7. Once annually, at years end, a summary of how many carts were reported (all sources) and how many, in total, were recovered from proactive and reactive actions, is to be recorded in the Recovery Record.

APPENDIX “D”

of By-law 85/2021

Shopping Cart By-law

GRADUATED RECOVERY FEE SCHEDULE:

Every Owner of Shopping Carts, that has an approved Shopping Cart Management Plan, is entitled to the benefits of the following Graduated Recovery Fee Schedule, where an Officer chooses to give notification to the owner to recover as per this by-law in-lieu of impounding or removing any abandoned shopping carts on City or private property, providing said carts are subsequently recovered within the specified/agreed to timeframe(s):

Timeframe-months	# of Notices- no fee	Fee per/cart over
1-6	25	\$10
7-12	20	\$20
13-18	15	\$30
19-24	10	\$40
25-30	05	\$50
31-36	0	Full User Fee rate

Note: Where carts are not recovered within the specified/agreed timeframes and the shopping carts are otherwise recovered by the City, full fees and storage or holding costs will apply and this fee schedule will not apply.



Memorandum

Corporate By-law Number BL 86/2021

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

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

DATE: 11/09/2021

SUBJECT: BL 86/2021 - Fireworks By-law

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law relating to the regulation and control of the sale and discharge of fireworks within the City of Thunder Bay, including the unlawful nuisance discharges that negatively affect both persons and pets.

Authorization: Report R 87/2021 (Development and Emergency Services/Licensing & Enforcement) - Committee of the Whole - June 14, 2021.

By-law Explanation: The purpose of this by-law is to reduce the negative impacts of Fireworks Discharge on persons and pets and to modernize the regulatory controls of fireworks sale and discharge within the City of Thunder Bay.

Schedules and Attachments:

APPENDIX "A" - LIST OF "NAMED DAYS"

APPENDIX "B" - DISCHARGE DAYS ONLY - NO IMMEDIATE DISPLAY/SALES DATES

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 86/2021

A By-law relating to the regulation and control of the sale and discharge of fireworks within the City of Thunder Bay, including the unlawful nuisance discharges that negatively affect both persons and pets.

Recitals

1. Section 10(2), paragraph 6, of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws for the health, safety and well-being of persons,
2. Section 121 of the *Municipal Act, 2001* authorizes a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks;
3. Pursuant to Section 128 of the *Municipal Act, 2001*, The Council of the Corporation of the City of Thunder Bay has the power to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and that the opinion of council under this section, if arrived at in good faith, is not subject to review by any court;
4. Section 429 of the *Municipal Act, 2001*, provides that the municipality may establish a system of fines for offences under a by-law, including designating continuing or multiple offences and establishing a system of escalating fines or minimum fines;
5. Section 444(1) of the *Municipal Act, 2001*, provides that if a municipality has authority by by-law or otherwise to direct or require that be discontinued, the municipality may, in the same or another by-law direct that, in default of it not being done by the person directed or required to do it, such matter or thing shall be prevented by municipal actions at the person's expense;
6. City Council considers the illegal discharges of fireworks, within the City boundaries are extremely disturbing to some inhabitants and/or their pet companions and does create a public nuisance, and furthermore may create a hazard to public health and safety;

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

1.0 DEFINITIONS

For the purposes of this By-law, the following terms shall have the definitions set out below:

“**Act**” means the Explosives Act, R.S.C. 1985, c. E-17.

“**Business Days**” means any regular business week-day but does not include weekend days or statutory holidays.

"City", means The Corporation of the City of Thunder Bay.

"City Property", any lands owned by the City or under the City's control through a lease or other instrument.

"Discharge" when used in relation to fireworks, prohibited fireworks and firecrackers, includes firing, igniting, exploding and setting of such articles or causing the setting off of such articles.

"Display Fireworks" means High Hazard Fireworks and both terms shall have interchangeable meanings.

"Display Fireworks Permit" means a written authorization by the City's Fire Chief for the discharge of display fireworks which would otherwise be prohibited by this by-law, subject to any terms and conditions that may be imposed on such authorization.

"Display Fireworks Manual" means the manual published from time to time by the Explosives Branch of Natural Resources Canada, or any publication in substitution therefor that applies to display fireworks.

"Dusk" means the period of the evening, one half-hour before the astronomical sunset time determined for that date and geographic location and elevation, until darkness begins.

"Emergency Response" for the purpose of establishing a nuisance event, means a priority response, where emergency lights are activated by responding vehicle(s), including member of police, fire and ambulance.

"Evening of preceding day" when used in association of the "Named Days" only, means the evening of the day, prior to each "Named Day" and specifically begins at Dusk, until midnight of that same evening.

"Explosives Act" means the *Explosives Act* (R.S.C. 1985, c.E-17) and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefor.

"Explosive Regulations" means the Explosives Regulations, C.R.C., c.599 as amended issued under the *Explosives Act*, and any regulations enacted from time to time in substitution therefor.

"Family Fireworks" means low hazard fireworks and both terms shall have interchangeable meanings.

"Family Fireworks Discharge Permit" means written authorization from the City's Fire Chief to discharge family fireworks on a date that is otherwise prohibited by this by-law, subject to any terms and conditions that may be imposed on such authorization.

"Fire Chief", means the City of Thunder Bay Fire Chief or their designate(s).

“General Manager”, shall mean the General Manager, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

“High Hazard Fireworks”, also known as Display Fireworks, means High Hazard Fireworks generally used for recreation that are classified under Class 7, Subdivision 2 of Division 2 under the Explosives Regulations and includes, but not limited to, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons.

“Highway”, for the purposes of this by-law, means a common and public highway or part of a highway, and includes the sidewalk and boulevard and any bridge, trestle, viaduct or other structure forming part of the highway, owned or under the jurisdiction of the City.

“Law Enforcement Officer” means any person authorized to perform an inspection required for the purpose of the administration or enforcement of the by-law and shall include a municipal law enforcement officer, any member(s) of the City’s Fire department or a member of the Thunder Bay Police Service.

“Lawful Tenant” means a person lawfully engaged in a residential tenancy agreement pursuant to the *Residential Tenancies Act*; lawful tenancy will have corresponding meaning.

“Low Hazard Fireworks”, also called Family Fireworks, mean low hazard fireworks generally used for recreation that are classified under Class 7, Subdivision 1 of Division 2 of the Explosives Regulations, and includes but not limited to fireworks showers, fountains, gold rain, lawn lights, pinwheels, Roman candles, volcanoes, sparklers and other similar devices.

“Manager”, shall mean the Manager of Licensing and Enforcement Division, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

“Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

“Nuisance Event” means, the inappropriate, illegal, careless or reckless discharge of fireworks from a property that has caused neighbour(s) to call for emergency service response, to ensure the health and safety of, either the neighbours surrounding the property or persons on the subject property, or both.

“Occupant (lands)”, shall be the person(s) who lawfully occupy a parcel of land and includes the registered owner(s) of said land and could include a lawful tenant.

“Officer”, shall include a Law Enforcement Officer or a Police Officer.

“Owner (lands)”, shall have the same meaning as “Registered Owner”.

“Permitted Fireworks” mean fireworks that are not Prohibited Fireworks and are within the class of explosives of family fireworks, also known as low-hazard fireworks.

“Person”, shall include a corporation.

“Private Property”, shall be property other than the lands owned or under control of the City.

“Prohibited Fireworks” are any fireworks that are not included on the most recent list of authorized fireworks as published from time to time by the Explosives Regulatory Division of natural resources Canada, or their successors, and includes, but not limited to, cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or keychain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down and step down torpedoes, and cracking balls; exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle rockets, fake firecrackers and other trick devices or practical jokes.

“Property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant to the building or structure and all mobile buildings, mobile structures or in the case where buildings or structures are not present, the vacant land.

“Property Owner”, shall have the same meaning as Registered owner.

“Pyrotechnician” means a person certified under the Explosives Act as a theatrical user, an assistant, a pyrotechnician or special effects pyrotechnician and is qualified to purchase and supervise the display of theatrical fireworks under the Explosives Act.

“Pyrotechnics Special Effects Manual” means the pyrotechnics special effects manual as published from time to time by the Explosives Branch of Natural Resources Canada, or any publication in substitution therefor that applies to theatrical fireworks.

“Registered Owner”, shall mean the actual owner or owners of the lands at issue, identified as having title to that land parcel, by the Ontario Land Registry;

“Residential Tenancies Act” means the *Residential Tenancies Act*, 2006, S.O. 2006, c. 17, as amended.

“Tenant” means a person(s) that meets the definition as set out in the *Residential Tenancies Act*.

“Theatrical Discharge Permit” means written authorization from the City’s Fire Chief to discharge theatrical fireworks, which would otherwise be prohibited by this by-law, subject to any terms and conditions that may be imposed on such authorization.

“Theatrical Fireworks” means explosives that are classified under Class 7, Subdivision 5 of Division 2 of the Explosives Regulations and any authorized explosive of a class set out in Section 6 of the Explosive Regulations that is made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theater or television production, or as a performance, before a live audience.

“User Fee By-law”, shall be the annual schedule of user fees, approved by Council.

2.0 GENERAL

2.1 No person shall possess, sell or set off any fireworks not authorized by the Explosives Regulatory Division of the Government of Canada.

2.2 No person shall sell fireworks to a person under the age of 18 years.

2.3 No person shall sell or supply fireworks to a person who appears to be under twenty-five years of age, without proof of age

2.4 No person shall knowingly sell or supply fireworks to a person who is not buying for their personal use but for a person who is under eighteen years of age.

2.5 A person may set off Permitted Fireworks subject to the restrictions of the by-law.

2.6 No person shall discharge or cause the discharge of any fireworks:

- a) In, on or into any building, structure or motor vehicle;
- b) On or into any highway, street, lane, square, public park or other public place;
- c) Within one hundred (100) meters of any place explosives, gasoline or other highly flammable substances are sold or stored;
- d) Without limiting subsection 2.0, on any land other than land belonging to, or under the control of, the person discharging the family fireworks, or on other private property where the prior written consent of the owner has been obtained; Proof of such consent shall be provided to the Fire Chief or other law enforcement officer upon request; and
- e) In a manner that may create a nuisance or unsafe condition, risk of fire or injury or damage to any person or property.

2.7 Every person who discharges family fireworks shall provide and maintain fully operational fire extinguishing equipment, being a minimum of a 2A40BC fire extinguisher, ten liter pressurized water unit or a fully charged garden hose, ready and accessible at all times when family fireworks are being discharged and for a reasonable period thereafter, at the fireworks discharge site.

3.0 ILLEGAL OR NUISANCE ACTIVITIES – OWNER/TENANT ALSO RESPONSIBLE

3.1 Where activities occur on or originate from persons located on private property, that are contrary to the provisions of this by-law, in addition to any individual(s) who may have committed the illegal act(s), the owner(s) of property, who also reside at that property, shall be deemed to commit the same offence(s), by allowing or permitting those actions to occur or continue to occur on their property, at any time relevant, unless at that time:

- a) In the case of vacant lands, where the owner does not reside at that location and the lands are properly posted to prohibit trespassing, and persons enter without the owners knowledge and without express written permission of the owner, then the owner shall not be held responsible or deemed to have committed an offence, or
- b) Where person(s) have entered committed offences against the wishes of the owner and refuse to leave, or in the case of a tenancy where the owner does not reside on the same property, against the wishes of the lawful tenant and person(s) have committed offences and refuse to leave, and the police were called by the owner/lawful tenant and subsequently attend; then owner /lawful tenant shall not be held responsible or deemed to have committed any offence.

3.2 No owner(s) of property or tenant of property, upon which they maintain a residence, shall cause or permit unlawful activities upon the property, which contravenes provisions of the Fireworks By-law, to occur or to continue to occur on that property.

3.3 Every owner of property, or tenant of property, upon which they maintain a residence, shall take whatever steps are reasonable necessary to educate persons on the property to the provisions of the by-law and to prevent persons from committing an offence.

3.4 Notwithstanding section 3.1 above, that deems the owner(s) of property responsible for illegal fireworks activities, with exceptions, that are committed at or on their property, where they also have primary access to a residence, where:

- a) The property is under the control of a legal tenant, that can be identified in a lawful tenancy agreement, and
- b) The owner(s) of property do not reside on the same property and are considered landlord(s) under the Residential Tenancies Act, and
- c) The owner(s) of subject property do not reside in or upon another adjoining property or unit, regardless if it is the same address or different, where they can easily observe and or regulate unwanted activities on their rental property.

3.5 Where 3.4 above is confirmed, the lawful tenant, identified upon in the lawful tenancy agreement, and not the property owner(s) shall be responsible for any illegal fireworks activities that originate on or from the property, no matter whom may have also actually committed and offence under the fireworks By-law and will be deemed to be allowing or permitting the illegal activities.

3.6 Any owner(s) of property, that claim the property where illegal fireworks activities are occurring, is a rental property where a lawful tenant is in control, shall, on request of an Officer, produce and supply any necessary documents to prove the tenancy.

4.0 SALE

4.1 No person shall display, offer for sale, sell or buy Low hazard Fireworks except on the following days:

- The “Named Days” set out in Appendix “A” of the by-law, where July 1st can only be used to calculate lawful sale dates and any alternative dates for discharge purposes only
- The seven (7) preceding “Business Days” to each “Named Day”

4.2 No person shall acquire, hold, store, display, buy, sell or otherwise be in possession of any Firework, except in accordance with the Explosives Act, R.S.C. 1985, c. E-17 and its regulations.

4.3 The restrictions set out above, do not apply as it applies to paper toy caps, Christmas crackers and alike, that do not contain more than twenty five one-hundredths on a grain of explosive on average per cap or low hazard fireworks having a practical use such as highway safety flares, fuses and other small distress signals classed Class 7, Subdivision 4 of Division 2 (or Subdivision 1 of Division 2 for caps), of the Explosives Regulations.

4.4 No person shall sell possess, buy, sell or set-off any High Hazard Fireworks within the City, except in accordance with approved permit requirements of this by-law and in conformance to all other provincial and federal laws.

4.5 No person shall sell any firecrackers or prohibited fireworks within the City.

4.6 No person shall display or cause to be displayed any fireworks for sale or purchase unless they are displayed for sale in a package, a glass case or other suitable receptacle way from flammable goods and out of the reach of minors; fireworks not in approved packaging must be inaccessible to the public.

4.7 No person shall display or cause to be displayed any family fireworks, such that the fireworks are for sale in lots exceed 25 kilograms each in gross weight and or do not have sufficient separation distance to prevent fire from rapidly spreading between such lots.

4.8 No person shall display fireworks in a shop window unless they are mock samples and do not contain any explosive compound.

4.9 No person shall display fireworks in a place where they exposed to the rays of the sun or to an excess heat source.

5.0 LAWFUL DISCHARGE

5.1 Family fireworks may be discharged, without a permit, on the evenings of the “Named Days” set out in Appendix “A” and on the preceding evening of the “Named Days”, starting at Dusk

5.2 Additionally, Family fireworks may be discharged, without a permit on the day(s)-only, set out in Appendix “B”, but does not include the evening prior.

5.3 No person shall discharge any firework on any days of the year, except those authorized in Appendix “A” or Appendix “B” without obtaining a permit authorization, in advance, from the Fire Chief.

5.4 No person shall discharge any firecrackers or prohibited fireworks within the City.

6.0 ALTERNATIVE - WEATHER DAY

6.1 Where inclement weather makes discharging Family fireworks on both the “Named Day” and the prior evening to the “Named Day”, the only alternative discharge date will be the next calendar days’ evening, immediately following the “Named Day”.

7.0 SPECIAL RULES- JULY 1st MID-WEEK

7.1 In a year where the actual Canada Day falls on a Monday or Tuesday of the week, persons can choose to set off Family Fireworks on the evening preceding the July 1st holiday as well as the evening of July 1st, or Family Fireworks may be lawfully discharged during the Saturday evening only, of the PRECEDING (weekend before) the July 1st holiday.

7.2 In a year where the actual Canada Day falls on a Wednesday, Thursday or Friday of the week, persons can choose to set off Family Fireworks on the evening preceding the July 1st holiday as well as the evening of July 1st, or Family Fireworks may be lawfully discharged during the Saturday evening only, of the FOLLOWING (weekend after) the July 1st holiday.

8.0 DISCHARGE EXEMPTION PERMIT – Family Fireworks

8.1 Persons who wish to obtain authorization to discharge Family Fireworks, other than on a Days authorized by Appendix’s “A” or “B”, may apply to the City Fire Chief for consideration of a recognized religious or cultural event, or other significant personal event; with the required application and/or submitting any required information and pay the prescribed user fee.

8.2 The Fire Chief, taking into account the contents of the application along with any additional information requested and obtained, may issue a permit on such terms & conditions as is deemed appropriate to the proposed display, taking all known factors into consideration.

8.3 The Fire Chief, may refuse to grant the exemption request and such decision and reasons for the refusal, will be in delivered, in writing, and shall be final and not subject to appeal.

8.4 No person shall discharge any firework authorized by a permit, except in keeping with the terms and conditions of any authorizing permit.

8.5 No person shall apply for or obtain any discharge permit through fraud, deceit or deception, or by suppling false information.

8.6 The Fire Chief, may cancel any permit issued or Order any display occurring under a permit, to cease, where the Chief believes, at the specific moment there is a very real risk of public safety or a fire ignition may result, or where, in the Fire Chief's opinion, the applicant has not been truthful.

9.0 DISPLAY FIREWORKS (High Hazard) - PERMIT REQUIRED

9.1 No person shall set off display fireworks (high hazard) without first applying and obtaining authorization from the City's Fire Chief.

9.2 Every person that wishes to hold a display of High-Hazard Firework shall fully complete the require application and/or submit any required information and pay the prescribed user fee, before the application is considered.

9.3 Every applicant for a Display Permit, for high hazard fireworks displays, shall provide any additional information to the satisfaction of the Fire Chief to allow proper consideration of the application, including proof of required pyrotechnic certifications, required under the Explosives Act and knowledge of the display fireworks manual.

9.4 The Fire Chief, taking into account the contents of the application along with any additional information requested or obtained, may issue a permit on such terms & conditions as is deemed appropriate to the proposed display, taking all known factors into consideration.

9.5 The Fire Chief, may refuse to grant the permit request and such decision and reasons for the refusal, will be in writing and shall be final and not subject to appeal

10.0 THEATRICAL FIREWORKS (Pyrotechnics) - PERMIT REQUIRED

10.1 No person shall set off Theatrical Fireworks without first applying and obtaining authorization from the City's Fire Chief.

10.2 Every person that wishes to hold an event or theatrical production, where theatrical fireworks are to be used, shall fully complete the require application and/or submit any required information and pay the prescribed user fee, before the application is considered.

10.3 Every applicant for use of theatrical fireworks Display shall provide any additional information to the satisfaction of the Fire Chief to allow proper consideration of the application, including proof of required pyrotechnic certifications required under the Explosives Act and knowledge of the pyrotechnics special effects manual.

10.4 The Fire Chief, taking into account the contents of the application along with any additional information requested or obtained, may issue a permit on such terms & conditions as is deemed appropriate to the proposed display, taking all known factors into consideration.

10.5 The Fire Chief, may refuse to grant the permit request and such decision and reasons for the refusal, will be in writing and shall be final and not subject to appeal.

11.0 FIRE CHIEF PERMITS - GENERAL

11.1 No person shall discharge any firework authorized by a permit, except in keeping with the terms and conditions of any authorizing permit.

11.2 No person shall apply for or obtain any discharge permit through fraud, deceit or deception, or by supplying false information.

11.3 The Fire Chief, may cancel any permit issued or Order any display occurring under a permit, to cease, where the Chief believes there is a very real risk of public safety or fire ignition may result or where, in the Fire Chief's opinion, the applicant has not been truthful and no person shall continue a display where a permit has been cancelled.

12.0 OBSTRUCTION – OFFICER

12.1 No person shall interfere or obstruct with any Law Enforcement Officer in the execution of their duties, including failure to allow entry onto private lands to inspect lands, other than access into a dwelling area without a search warrant, or by failing to produce any permit(s) claiming to authorize fireworks related activities being investigated.

13.0 OFFENCES

13.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

14.0 MINIMUM FINE – NUISANCE / ILLEGAL DATE

14.1 Where any person is found guilty of an offence under sections 2 or 3 (illegal discharges by date/time, cause nuisance or unsafe conditions), and multiple offences occurred on the same day, the minimum fine for each offence, as authorized under section 429 (1) of the Municipal Act, shall be five hundred dollars per offence, to a maximum fine not to exceed ten thousand dollars.

15.0 SYSTEM OF FINES - OFFENCES

15.1 Where any person engages in the unlawful sale, display, or discharge of fireworks, contrary to any provision of this by-law, the following system of fines shall apply:

- a) Any offence will be designated as a continuing offence for every hour upon which it continues to occur and the minimum fine for every hour shall not be less than one-hundred dollars per hour, to a maximum not to exceed a fine of ten thousand dollars per day, and
- b) Where more than one offence is committed on the same property on the same day, they will be deemed multiple offences and each offence committed shall have a minimum fine of five hundred dollars each, to a maximum fine not to exceed ten thousand dollars per day.

16.0 ADDITIONAL ORDER – COURT

16.1 Additionally, section 431 of the *Municipal Act* allows, if any by-law of a municipality or by-law of a local board of a municipality under this or any other Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted.

17.0 NUSIANCE FEE / DEBT RECOVERY

17.1 Where, due to illegal fireworks activity, a nuisance event has required more than one emergency response in any four-hour period, and a conviction for an associated offence has been registered, the City may invoice the owner of property, upon which those multiple emergency responses have attended, for any and all costs if those emergency responses, including additional administrative costs set out in the user fees.

17.2 Any fees due to the City, pursuant to this by-law that remain unpaid by the owner, constitutes a debt of the owner to the City and may be added to the tax roll for the property on which the business is located and collected by the City in the same manner as municipal taxes.

17.3 In addition to any other rights and remedies that the City may have, the City may collect any Fees as a debt owing by the Owner to the City by way of an action in a court of competent jurisdiction.

18.0 SERVICE OF NOTICE

18.1 Any Notice, may be served on the owner by delivering it, verbally or in person to the owner or in writing, by leaving it with the person whom appears to be in-charge at the property and shall be deemed to be delivered after five calendar days, where mailed.

19.0 SEVERABILITY

19.1 If a court of competent jurisdiction declares any provision or part of any provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced to the extent possible according to law.

20.0 SHORT TITLE

20.1 This by-law may be cited as the "Fireworks By-law."

21.0 REPEAL

21.1 By-law 45-1993, as amended is hereby repealed.

21.2 Chapter 896 of the City of Thunder Bay Municipal Code is hereby repealed.

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

Enacted and passed this 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

APPENDIX “A”

of By-law BL 86-2021

Fireworks By-law

LIST OF “NAMED DAYS”

The following “Named Days” are the calendar days upon which discharge is permitted, and includes the evening of the preceding day. These days are also to be used to calculate the lawful display & sale dates, where retail displays & sales are permitted within the City. Additionally, there is an exception for retail sales concerning Canada Day, where discharge dates may vary dependant on any days that are not on a weekend, while lawful sale days will always tie to the actual July 1st date, for the purposes of calculating sale dates:

- Canada Day (Dusk June 30th –to 12:30am on July 1, and Dusk July 1 – to 12:30am July 2nd)
- Civic Holiday [also referred to as August-long] (Dusk Sunday evening prior to holiday Monday –to 12:30am of the Monday, and dusk on Holiday Monday – to 12:30am of Tuesday morning following)
- New Years Day (Dusk on new Years’ eve –to 12:30am Jan.1, and dusk Jan.1st – to 12:30 am of Jan.2nd)

APPENDIX “B”
of By-law BL 86/2021
Fireworks By-law

Discharge Days Only- No immediate display/sales dates.

The following is a list of the lawful discharge-only days-only; does not permit discharge the evening prior or allow and associated display/sale dates, associated with these days:

- Lunar New Year

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT BL 91/2021 - A By-law to amend By-law BL 40/2016, being a by-law to Regulate Traffic on the Roads and Highways of the City of Thunder Bay

SUMMARY

A By-law to amend By-law BL 40/2016, being a by-law to Regulate Traffic on the Roads and Highways of the City of Thunder Bay with respect to Schedule Two – Prohibited Parking Specified Places and Times, Schedule Eight – Angle Parking, Schedule Ten - Loading Zones, , Schedule Eleven – School Bus Loading Zones and Schedule Nineteen – One Way Streets.
(Distributed Separately)



Memorandum

Corporate By-law Number BL 80/2021

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

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

DATE: 10/21/2021

SUBJECT: BL 80/2021 - Confirming By-law - November 22, 2021

MEETING DATE: City Council - 11/22/2021 (mm/dd/yyyy)

By-law Description: A By-law to confirm the proceedings of a meeting of Council, this 22nd day of November 2021.

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 Land Tribunal 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 80/2021

A By-law to confirm the proceedings of a meeting of Council,
this 22nd day of November 2021.

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:
22nd day of November, 2021 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 Land Tribunal 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 22nd day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk

MEETING DATE 11/22/2021 (mm/dd/yyyy)

SUBJECT Confirming By-law Resolution - November 22, 2021- City Council

SUMMARY

Confirming By-law Resolution - November 22, 2021

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 22nd day of November, 2021

By-law Number: BL 80/2021