



COUNCIL MEETING AGENDA

**Tuesday, November 19, 2019
7:00 P.M.
COUNCIL CHAMBERS – CIVIC SQUARE**

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:30 p.m.)
(See yellow tab)**
 - Proposed or pending acquisition or disposition of land by the municipality or local board:
 - *Sale of land and development updates.*
 - *Youngs Sportsplex update.*
 - 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:
 - *Potential service delivery changes.*
 - Personal matters about an identifiable individual, including municipal or local board employees:
 - *Personnel matter.*

- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 p.m.)**

- 3. OPEN COUNCIL MEETING (7:00 p.m.)**
 - 3.1 NATIONAL ANTHEM**
 - 3.2 OPENING REMARKS**
 - 3.3 ADDITIONS/DELETIONS TO AGENDA**
 - 3.4 ADOPTION OF MINUTES**

Regular Council Meeting of November 5, 2019 and Special Council Meeting of November 12, 2019 (*Previously Distributed*).
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.6 DISCLOSURES OF INTEREST**
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**



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4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATIONS

19-28 Stephen Armstrong, Principal - Armstrong Planning & Project Management, on behalf of Empire Communities Ltd., and Steven Wimmer, Principal - The MBTW Group re: Empire Communities Ltd., Dain City Developments.

19-19 Richard Dalton, Manager of Recreation and Culture and Steve Zorbas, General Manager of Corporate Services, Chief Financial Officer/Treasurer re: Federal Infrastructure Grant Application for Community Recreation Stream of Funding.

4.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil

4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS

99-90 Kelly Jones, Chair, Welland Downtown Business Improvement Area (WDBIA) re: 2020 Budget.

19-4 Councillor McLeod, Chair, Budget Review Committee - meetings of October 28, 2019 and November 4, and 11, 2019.

4.5 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil

5. COMMITTEE-OF-THE-WHOLE (OPEN) (to discuss items removed from Agenda Block)

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion)

(Councillor Van Vliet)

13-50 THAT THE COUNCIL OF THE CITY OF WELLAND directs the Region of Niagara to cease all investigation into the takeover of Niagara District Airport and Niagara Central Dorothy Rungeling Airport until such time that it can be determined that a triple majority vote of all local municipalities is required in order for the Region of Niagara to proceed with the takeover; and further THAT a copy of this motion be forwarded to all other municipalities.



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(Councillor DiMarco)

10-108 WHEREAS that prior to construction Council and the General Public were informed that the build of what is now known as Youngs Sports Complex on River Rd would not cost the taxpayer anything; and
WHEREAS since such time, and as per a Council decision, funding from the soon to end Atlas Remediation Funding that totaled over \$10 million was used to fund the yearly deficits; and
WHEREAS yet another deficit is predicted for the year 2020 and will no doubt be a yearly concern; and
WHEREAS other sources of potential funding from the proposed sale of city owned lands on Rice Road and also the recent creation of a Youngs Sports Complex Reserve Fund will be allocated to this complex annual yearly losses; and further
WHEREAS the above mentioned dollars could and should be used to ease the financial burden of the taxpayer for city wide infrastructure, namely but not limited to Roads, Sidewalks, Water & Sewer.
THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to place the Youngs Sports Complex facility on the Real Estate Market with the intentions of securing a potential interested party that would not disturb the current programs offered at this location.

7.3 Call for Notices of Motion (for introduction at the next scheduled Council meeting)

8. CORPORATION REPORTS

8.1 Mayor's Report

8.2 Chief Administrative Officer's Report

9. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 19th day of November, 2019. Ref. No. 19-1

10. ADJOURNMENT



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AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION - Nil

2. COMMITTEE AND STAFF REPORTS

1. Business Arising from Committee-of-the-Whole (closed)

1 2. General Committee Report to Council - November 12, 2019

**2 - 39 TRAF 2019-16 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Review of the Clean Yards By-law. Ref. No. 03-59
(See By-laws 1, 2 & 3)**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRAF-2019-16: REVIEW OF THE CLEAN YARDS BYLAW; and further THAT Welland City Council approves the Clean Yards By-law as set out in Appendix I; and further

THAT Welland City Council approves the Administrative Penalty By-law for Non-parking Related Offences as set out in Appendix II; and further

THAT Welland City Council amends the Property Standards By-law 2009-108 as amended, as follows:

ADD the following:

16.3 Administrative Penalty By-law 2019-XX applies to each administrative penalty issued pursuant to this By-law.

16.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-XX, be liable to pay to the City an administrative penalty.

DELETE: Schedule A of the Property Standards By-law and replace with Schedule A contained in Appendix III.

ADD: Schedule B to the Property Standards By-law contained within Appendix IV.



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- 81 - 82 3. Larry Layne, Treasurer, Port Colborne/Welland & District Shrine Club re: Request to sell lottery tickets in the City of Welland. Ref. No. 19-3

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND grants permission to Port Colborne/Welland & District Shrine Club to sell raffle tickets in the City of Welland under authority of Lottery License M810442.

4. Council to appoint one Councillor as Chair to Corporate Services. Ref. No. 19-12
Remove From Block

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints _____ to the Corporate Services Chair for the term November 30, 2019 to June 30, 2021 or until another successor has been appointed.

5. Council to appoint one Councillor as Chair to Infrastructure and Development Services. Ref. No. 19-12
Remove From Block

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints _____ to the Infrastructure and Development Services Chair for the term November 30, 2019 to November 30, 2020 or until another successor has been appointed.

4. BY-LAWS

MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.

1. A By-law to provide regulations for maintaining land in a clean and clear condition (Clean Yards By-law) and to repeal By-law 10727. Ref. No.03-59
(See Report TRAF-2019-16)
2. A By-law to establish an administration penalty system for non-parking related offences. Ref. No. 19-22
(See Report TRAF-2019-16)
3. A By-law to amend Property Standards By-law 2009-108. Ref. No. 08-48
(See Report TRAF-2019-16)



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4. A By-law to amend By-law 89-2000, being a By-law regulating Traffic and Parking within the city of Welland (Schedules I, V, XVII and Part III). Ref. No. 19-22
(See Report TRAF-2019-17)
5. A By-law to appoint certain Members of Council as Vice Mayor for the period from December 1, 2019 to November 14, 2022. Ref. No. 19-12
(Appoint Councillors as Vice Mayor for the remainder of the term of Council)
6. A By-law to authorize retention of ML Consulting for a Compensation Review of Remuneration of Council. Ref. No. 19-14
(See Report CLK-2019-19 from the November 5, 2019 Council Meeting)
7. A By-law to cancel city taxes and to cancel a portion of regional taxes for 240 Denistoun Street (File: BROWN 2019-02). Ref. No. 19-113
(See Report P&B-2019-53 from the October 22, 2019 Special Council Meeting)

GENERAL COMMITTEE REPORT TO COUNCIL

On Tuesday, November 12, 2019, the General Committee met with the following members in attendance: Chair, L. Van Vliet, J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M.A. Grimaldi, J. Larouche (until 9:00 p.m.), D. McLeod, G. Speck, and L. Spinosa.

The General Committee recommends Council approval on the following matters:

DELEGATIONS**19-13**

THAT GENERAL COMMITTEE receives for information the presentation by Carolyn Ryall, Director, Niagara Region Transportation Services and Frank Tassone, Associate Director, Niagara Region Transportation Engineering, regarding Overview of the Niagara Region Transportation Services 5 Year Forecast.

19-28

THAT GENERAL COMMITTEE receives for information the presentation by Leslie Bellingham, Director of Development and Communications, Open Arms Mission regarding Current Programs/Services and New Initiative at Open Arms Mission.

Respectfully submitted,



TARA STEPHENS
City Clerk

2
GENERAL COMMITTEE
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2019-16
NOVEMBER 12, 2019

03-59

SUBJECT: REVIEW OF THE CLEAN YARDS BYLAW

**AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
SUPERVISOR, TRAFFIC, PARKING & BY-LAWS**

**APPROVING MANAGER: CHRIS ANDERS, P. ENG
MANAGER, ENGINEERING SERVICES**

**APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2019-16 REVIEW OF THE CLEAN YARDS BYLAW**; and further
2. THAT Welland City Council approves the Clean Yards By-law as set out in Appendix I; and further
3. THAT Welland City Council approves the Administrative Penalty By-law for Non-parking Related Offences as set out in Appendix II; and further
4. THAT Welland City Council amends the Property Standards By-law 2009-108 as amended, as follows:

ADD the following:

- 16.3 Administrative Penalty By-law 2019-XX applies to each administrative penalty issued pursuant to this By-law.
- 16.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-XX, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "B" attached.

DELETE: Schedule A of the Property Standards By-law and replace with Schedule A contained in Appendix III

ADD: Schedule B to the Property Standards By-law contained within Appendix IV.

ORIGIN AND BACKGROUND:

At the August 06, 2019 Council meeting, the following motion was approved:

“THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review the Clean Yards By-law and to forward a report to General Committee on any possible changes. Further to focus specifically on additional fines and immediate action for repeat offenders for both long grass and refuge on property.”

COMMENTS AND ANALYSIS:

The City of Welland Clean Yards By-law sets out the minimum standards of maintenance for the exterior portions of privately owned properties within The City. The Clean Yards By-law is used to resolve issues such as overgrown grass on a property, excessive accumulations of garbage, refuse or miscellaneous debris, and the placement of derelict motor vehicles on a property.

The Clean Yards By-law (10727) was enacted in 1996. Over the years, several amendments were made to tweak the by-law based on court decisions and to increase the minimum maintenance standards for all residents within the City. Some key changes were:

- 2008: The definition of Inoperative Motor Vehicle was amended after an unsuccessful court case.
- 2015: The height requirements for grass and weeds was reduced from 8 inches to 6 inches. By allowing the reduction, By-law Enforcement Staff were be able to issue a notice at an earlier stage and minimize the impacts of an overgrown property within its respective neighborhood.
- 2016: The definition of yard was amended and provisions were added to regulate injurious insects, termites, rodents, vermin and other pests.
- 2019: Provisions were added to regulate bird feeders in response to the rodent issues facing the community.

As the by-law evolved over the years, efficiencies were also added. The most notable change was in 2015, when the height limit for grass and weeds was reduced from 8 inches to 6 inches. The by-law was also amended to require only one notice per calendar year for property owners not in compliance with the grass/ weed provision of the by-law. This amendment helped expedite the enforcement process, allowing for quicker results. Welland is currently the only municipality within the Region that has this clause within the Clean Yards By-law.

During our recent review of the Clean Yards By-law, two sections were added to regulate refuse containers and standing water. Refuse containers kept in the yard will need to be made of rigid, watertight construction with a tight fitting cover and be maintained in good condition. The refuse containers must also be located in the side or rear yard and be placed against a building or fence and arranged in an orderly manner. The standing water provisions are not new to the City of Welland. They were contained in By-law 2004-47. Staff felt it would be more efficient to move the provisions to the Clean Yards By-law.

Current Compliance Procedure regarding Tall Grass:

The Clean Yards By-law requires every owner, lessee or occupant of grounds, yards or vacant lands to cut, trim or remove the grass and weeds whenever the growth of the grass/weeds exceeds 15 centimeters (6 inches) in height.

If there is a house present on the property, staff will post a notice on site providing 48 hours to comply. If the land is vacant, staff will send out a notice and give 7 days to comply. If the home owner fails to comply, staff will issue a work order for our contractor to complete the work necessary to achieve compliance with the by-law. The contractor has 5 days to complete the work. If the property is a repeat offender within the same year, by-law staff does not issue a second notice to cut the grass. Staff automatically issues a work order for the contractor to cut the grass/ weeds. Once the property is cut, the contractor submits an invoice to the Municipality, which in turn is charged back to the property owner. Currently there is a \$100.00 administrative charge added to the invoice. If the invoice is not paid, it is added to the tax roll. Staff will be recommending the administrative fee be increased to \$200.00 in the 2020 budget.

Compliance Procedure regarding Refuse:

At the present time, staff, upon receiving a complaint pertaining to garbage/refuse, will issue a notice and provide 7 days (5 days for the mail to be deemed delivered and 2 days for compliance) to complete the work. If the property owner fails to comply, arrangements are made with a contractor to remove the refuse. Currently there is a \$200.00 administrative charge added to the invoice. If the invoice is not paid, it is added to the tax roll.

While reviewing our current procedures and timeframes for infractions under the Clean Yards By-law, staff conducted an informal survey of surrounding municipalities. The results contained in Appendix V:

Fines for By-law Infractions:

It should be noted that currently all municipal by-laws (except Parking) are dealt with through the Provincial Court system. Under the Clean Yards bylaw, staff can issue fines to property owners that fail to meet compliance. However, as more serious offences take precedence over minor offences in the courts, non-serious matters (including many municipal by-law infractions) are not scheduled in reasonable time frame. Due to current court backlogs, municipal by-law matters can often see wait times of 4 to 6 months before matters are first heard and up to a full year to be completed. As a result, staff involve a private contractor to remove the refuse on private property as an alternative to issuing fines.

Implementation of Administrative Penalty System for By-law Infractions:

Based on staff discussions with the City's legal team, the best option to implement fines for repeat offenders is to implement an administrative penalty system for non-parking related offences.

In 2014, the City of Welland successfully implemented an Administrative Penalty System (APS) for parking-related offences. APS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer-focused

adjudication process for by-law offences. One of the main objectives of an APS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations.

Under the current Provincial Offences Act and Court regime for non-parking offences, a person receives either a "Part I - Certificate of Offence" for failing to comply with a municipal by-law. If the person wishes to dispute the Certificate of Offence, he/she can do so by requesting a trial and the matter is subsequently heard by a Justice of the Peace in Court, which may take 4 to 6 months.

Under an APS program, a person receives a municipal penalty notice rather than a POA Certificate of Offence. A person who wishes to dispute a penalty notice can request a review by a Screening Officer, and can subsequently appeal the Screening Officer's decision to a Hearing Officer. The review and adjudication process, the language used in the issuance of a penalty notice and the penalty amount imposed (any by-laws enacted under the Municipal Act and Building Code Act) are under the jurisdiction of the municipality and no longer require the use of Provincial Courts or the approval of the Chief Justice of Ontario.

Time spent preparing and attending Provincial Court will be drastically reduced. Enforcement Officers do not have to attend APS Hearings to defend tickets (it was estimated that Officers spent a minimum of two to three hours waiting to make a brief appearance in court with a minimum of three appearances to resolve the matter).

Subject to Council approval, staff is recommending that regular fines for all infractions under the current clean yards bylaw be set at \$400.00 and fines for repeat offenders be set at \$800.00. The proposed fines will assist in ensuring that property owners take care of their properties on their own rather than relying on City services.

Review of the Property Standards By-law:

During our review process, the Building Division thought it would be beneficial to amend the Property Standards By-law and include it as a designated by-law within the Administrative Penalty By-law. This would allow penalty notices to be issued under the APS program.

Implementation:

The proposed by-laws and amendments contained within this report will take effect on January 1, 2020. This will allow the Clerks Division time to implement the Administrative Penalty System for Non-parking related by-laws.

FINANCIAL CONSIDERATION:

While using the Provincial Court System is the last resort, it does prove to be quite costly and does not guarantee compliance. By adopting an administrative penalty by-law for non-parking related offences by-law contraventions can be dealt with out of the Provincial Court System thus reducing legal fees incurred.

In addition, all fines collected by the Court are split among all 12 Niagara Municipalities based on population size. Under the administrative penalty system, all monies collected will remain with the City of Welland.

The implementation of an administrative penalty system for non-parking related offences will require the Clerks department to hire Screening/ Hearings Officers to adjudicate penalty notice disputes. The cost to hire Screening/ Hearings Officers will be approximately \$2500.00 per year. It is anticipated that all additional costs will offset by additional fine revenue.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to prepare the necessary by-laws associated with this report.

SUMMARY AND CONCLUSION:

The Municipal Act specifically authorizes the implementation of an administrative penalty system for non-parking related by-laws. Staff is seeking Council approval to implement an administrative penalty by-law for non-parking related by-laws and to approve an updated Clean Yards By-law.

The proposed changes will allow the City to have more control over the enforcement process and the City will no longer need to apply to the Attorney General for set fine amounts. With the increased fine amounts,

ATTACHMENTS:

- APPENDIX I - By-law 2019-XX: The Clean Yards By-law
- APPENDIX II - By-law 2019-XX: The Administrative Penalty By-law
- APPENDIX III - Schedule A; The Property Standards By-law; Staff Appointments
- APPENDIX IV - Schedule B; The Property Standards By-law; Set Fines
- APPENDIX V – Regional Survey: Number of Days for Compliance

APPENDIX I**THE CORPORATION OF THE CITY OF WELLAND****BY-LAW NUMBER _____****A BY-LAW TO PROVIDE REGULATIONS FOR MAINTAINING
LAND IN A CLEAN AND CLEAR CONDITION (CLEAN YARDS
BY-LAW)**

WHEREAS the Municipal Act, S.O. 2001, c.25 as amended (the "Act") section 128 provides that a local municipality may 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 WHEREAS Section 128(2) of the Act states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 127 of the Act provides that the municipality may, among other things, require the owner or occupant of land to clean and clear the land, not including buildings and regulate when and how these matters shall be done and to prohibit the depositing of refuse or debris on land, and to define refuse for the purposes of this section;

AND WHEREAS Section 446 of the said Act, among other things, authorizes municipal remedial action, entry onto land, recovery of costs and addition of costs to the tax roll;

AND WHEREAS Section 391 of the Act provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS the Council of the Corporation of the City of Welland deems it necessary and expedient to use the powers granted to it pursuant to the aforementioned Sections of the Municipal Act:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

1.1 This By-law may be referred to as the Clean Yards By-law.

APPENDIX I**SECTION 2 - DEFINITIONS**

For the purposes of this By-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

- 2.1 "By-Law Enforcement Officer" means a person appointed by The Corporation of the City of Welland for the purposes of enforcement of its By-laws.
- 2.2 "City" means The Corporation of the City of Welland.
- 2.3 "Inoperative Motor Vehicle" means any vehicle which does not, display a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the Highway Traffic Act, but does not include:
- (a) one (1) unplatd vehicle per premises, owned by the Owner, provided the vehicle is:
 - I. a "hobby repair vehicle" where hobby repair is being actively carried on; or
 - II. a "historic vehicle", being an automobile that is at least thirty (30) years old; or
 - III. a vehicle used seasonally and plated annually for a period of time less than a full year;
 - (b) a vehicle in a salvage yard and the like where an unplatd vehicle is an integral component of a legally operating business.
- 2.4 "owner" means and includes an owner, lessee or occupant.
- 2.5 "person" means an owner, individual, corporation or other entity.
- 2.6 "property" means and includes yards, vacant lands, or any part of a lot not occupied by a principal building, if any, and includes the space within or upon unenclosed decks, unenclosed porches, unenclosed carports and unenclosed accessory structures;
- 2.7 "Region" means The Regional Municipality of Niagara.
- 2.8 "Sewage" includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off.

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2.9 "Refuse" means any debris, article, thing, matter or effluent that: has been cast aside, discarded or abandoned; or is used up in whole or in part, or expended or worn out in whole or in part; or appears to be worthless, or useless or of no practical value; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that refuse extends to the following classes:

- (a) Branches, brush or tree clippings;
- (b) Paper, paper cartons, and other paper products;
- (c) Rotting vegetable matter, or rotting animal matter, unless it is contained in an appropriate composting container;
- (d) Appliances, including refrigerators, stoves, dishwashers, microwaves, freezers, washers, dryers or any part or parts of such things;
- (e) Electronic devices, including televisions, computers and related components, radios, amplifying devices, speakers, audio and visual players and any parts of such things;
- (f) Furnaces or furnace parts, air-conditioners, ducting, pipes, heat pumps, fittings and wire;
- (g) Water or fuel tanks;
- (h) Inoperative motor vehicles, and parts or accessories of such items;
- (i) Inoperative bicycles, lawnmowers, engines and mechanical tools;
- (j) Accumulations, deposits, leavings, litter, remains, rubbish or trash of any sort, whether animal, mineral or vegetable;
- (k) Broken or discarded furniture;
- (l) Crockery, dishes, pots and pans, and small kitchen appliances;
- (m) Sewage;
- (n) Animal waste products, hides, parts of carcasses other than those arising from industrial or agricultural businesses legally operating on the land;
- (o) Construction, demolition, repair or renovation debris;

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- (p) Accumulation of broken concrete, asphalt pavement, brick pavers and sidewalk slabs;
- (q) articles, things, matter, effluent which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - I. agricultural, animal, vegetable, lumber or wood products; or
 - II. mineral, metal, or chemical products, whether or not the products are manufactured or otherwise processed;
- (r) Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials; and
- (s) Discarded clothing;

Refuse as defined in this by-law does not cease to become refuse by reason only that it may be commercially saleable or recyclable.

2.10 "Standing Water" means any still water found upon any privately owned property in the City between April 1 and October 31 of each year other than:

- (a) A natural, moving body of water;
- (b) A body of water effectively maintained and treated to prevent the breeding or larval existence of mosquitos;
- (c) A body of water containing live fish;
- (d) Storm water management ponds and catch basins on private property;
- (e) A body of water which is a natural pond, bog, marsh or wetland; and
- (f) A body of water contained for less than four (4) days.

APPENDIX I**SECTION 3 - GENERAL PROVISIONS APPLICABLE TO ALL PROPERTIES**Refuse

- 3.1 Every owner of property in the City of Welland shall keep and maintain the same in a clean and clear condition and free from refuse of any kind.
- 3.2 No person shall throw, place or deposit by any means any refuse on private property without the written authority of the owner or occupant of the property.
- 3.3 No owner shall permit refuse to remain on any property within the City.
- 3.4 No person shall throw, place or deposit any refuse on City property or Region property without the written authority of the City or Region and where such property is occupied by a person other than the owner, without the written authority of the occupant.
- 3.5 Every owner shall, in accordance with the provisions of the Environmental Protection Act, dispose of refuse at a site approved by the Ministry of Environment and Energy.

Health and Safety

- 3.6 No person shall put, permit to be put, or permit to remain in an unsafe condition:
- (a) any property;
 - (b) any excavation or opening on any property;
 - (c) any septic tank, cistern or well located on any property.
- 3.7 Every owner of property in the City of Welland shall keep and maintain the same in a clean and clear condition and free from the following:
- (a) Injurious insects, termites, rodents, vermin or other pests;
 - (b) Refrigerators, freezers, appliances, and other containers that could trap a child.
 - (c) Syringes, needles and other sharps;

Vegetation

- 3.8 Every owner of property in the City of Welland shall cut, trim or remove the grass and weeds whenever the growth of the grass or weeds exceeds six (6) inches in height.

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- 3.9 No person shall be permitted to have more than three (3) bird feeders located on any property, excluding hummingbird feeders containing nectar.
- 3.10 Every owner shall maintain the ground underneath the bird feeder by regularly removing and disposing of the bird food/ birdseeds.
- 3.11 No person shall throw or place, or permit to be thrown or placed, any type of food, on a property for the purposes of feeding any birds.
- 3.12 Section 3.11 of this By-law shall not apply to bird feeders that are suspended off the ground and dispense commercially available bird food such as seeds.

Refuse Containers

- 3.13 Every owner shall ensure that all refuse which accumulates on their property and when not placed out for collection is:
- (a) In containers:
 - I. Made of rigid, watertight construction;
 - II. Provided with a tight fitting cover, which may be removed only when the container is empty or is being actively loaded;
 - III. Maintained in good condition;
 - IV. Located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner.
 - (b) Not permitted to accumulate longer than 7 days.

Standing Water

- 3.14 Every owner shall keep and maintain any property free from standing water.
- 3.15 Every owner shall maintain every swimming pool, hot tub, wading pool and artificial pond within on any property in a safe and proper manner and in a good state of repair;
- 3.16 No owner shall obstruct or cause or permit the obstruction of a private drain, swale or watercourse in a manner which causes the holding or ponding of standing water on any property;

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- 3.17 Every owner shall keep and maintain all vessels, containers, statuary or objects on any property, which are capable of holding standing water, free from standing water.

SECTION 4 – WORK ORDER

- 4.1 Where a By-law Enforcement Officer is satisfied that an owner has failed to comply with any provision of this By-law, the By-law Enforcement Officer may issue an Order requiring the owner to correct the contravention.
- 4.2 An Order shall set out:
- (a) The municipal address and/ or the legal description of the property;
 - (b) Reasonable particulars of the contravention adequate to identify the contravention;
 - (c) The date by which there must be compliance with the order.
- 4.3 Every owner who contravenes an order is guilty of an offence.
- 4.4 Any order issued under this by-law may be given by ordinary mail, registered mail or hand delivered to the address of the owner according to the last revised assessment roll of the subject property or the notice may be posted at the subject property, and such service shall be deemed good and sufficient service.
- 4.5 Only one (1) order per calendar year is required for any contravention of section 3.8. If, after an order has been served in accordance with this by-law, the By-law Enforcement Officer, determines that a subsequent violation has occurred, the Municipality may proceed with the remedy set forth in Section 4.7 without further notice. In addition the City shall publish annual notice once in a local newspaper of general circulation advising residents of the requirements of section 3.8.
- 4.6 Every owner shall comply with any order issued under the authority of this by-law.
- 4.7 Where the owner is in default of an order, the By-law Enforcement Officer may, without notice and in addition to any other action, cause the work to be done at the owners expense. Without limitation, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work required to make the property comply with this By-law. The City's rights pursuant to this section are in addition to the penalty provisions contained in section 6 and the City shall have the option to exercise the rights contained herein as well as the rights contained in section 6.

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- 4.8 Any thing removed may be immediately disposed of or deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed and stored, the owner or person may reclaim such thing upon payment to the City any costs incurred by the City, its employees, agent or contractor in the removal of such thing. Where the thing has not been reclaimed within thirty (30) days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.
- 4.9 Where any of the matters or things are done in accordance with Subsection 4.7, the expense of having the thing done shall be recovered in a like manner as municipal taxes, in accordance with Section 446 of the Act.

SECTION 5 - ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

- 5.1 This By-law shall be administered and enforced by the City, the By-law Enforcement Officer or anyone appointed or otherwise delegated the authority of administration and enforcement.
- 5.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision in this By-law shall apply.
- 5.3 It is hereby declared that notwithstanding that any part of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of Council to enact such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacted as such.
- 5.4 Pursuant to the provisions of Sections 23.1 to 23.5 of the Act, 2001 the Clerk of the City of Welland is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this By-law as may be necessary after the passage of this By-law.
- 5.5 A By-law Enforcement Officer designated to perform inspections pursuant to this by-law may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened and/ or to determine if an order has been complied with.
- 5.6 A By-law Enforcement Officer may, for the purposes of the inspection under section 5.5, alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

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- 5.7 Any cost incurred by the City in exercising its authority to inspect under section 5.6, including but not limited to the cost of examination, test, sample or photograph necessary for the inspection, shall be paid by the owner of the property where the inspection takes place.
- 5.8 The By-law Enforcement Officer shall have inspection powers described in Section 436 of Act.
- 5.9 No person shall obstruct or hinder, or attempt to obstruct or hinder, a By-law Enforcement Officer, in the exercise of a power or the performance of a duty under this by-law.
- 5.10 No person shall refuse to produce any documents or things required by a By-law Enforcement Officer under Sections 5.5 and 5.8 of this By-law, and every person shall assist any entry, inspection, examination, or inquiry by a By-law Enforcement Officer.
- 5.11 No person shall knowingly furnish false information in any form to the By-law Enforcement Officer with respect to this by-law.

SECTION 6 - PENALTY

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence.
- 6.2 A person convicted of an offence contrary to a provision of this By-law in a proceeding commenced under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, is liable to a fine of no more than Ten Thousand Dollars (\$10,000.00).
- 6.3 Administrative Penalty By-law 2019-XX applies to each administrative penalty issued pursuant to this By-law.
- 6.4 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law 2019-XX, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "A" attached.

SECTION 7 – TRANSITION, REPEAL, FORCE AND EFFECT

- 7.1 All prosecutions and other enforcement processes commenced under By-law 10727, as amended, which have not been completed on the day this By-law comes into force shall be completed under By-law 10727, as amended, as if it had not been repealed.

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- 7.2 By-law 10727, as amended, is repealed as of the day this By-law comes into force and effect.
- 7.3 This By-law comes into force and effect on January 1, 2020.

SECTION 8 – EXEMPTIONS

- 8.1 This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara or the City of Welland.
- 8.2 This by-law does not apply so as to prevent a farm, defined as an “agricultural operation” under the Farming and Food Production Protection Act, from carrying on a normal farm practice as defined in that Act.
- 8.3 Section 3.6 of this By-law does not apply to land on which construction is proceeding under a valid building permit or Municipal Consent.
- 8.4 Section 3.8 of this By-law does not apply to a bog, marsh, forested area or wetland.

READ THE FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
XXTH DAY OF XXXXXX, 2019.

Mayor

Clerk

APPENDIX I

SCHEDULE "A"

CITY OF WELLAND

SET FINE SCHEDULE

**CITY OF WELLAND BY-LAW 2019-XX, BEING A BY-LAW TO PROVIDE
REGULATIONS FOR MAINTAINING LAND IN A CLEAN AND CLEAR CONDITION
WITHIN THE CITY OF WELLAND**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to keep property in a clean and clear condition	Sec. 3.1	\$400.00	\$800.00
2.	Fail to keep property free from refuse	Sec. 3.1	\$400.00	\$800.00
3.	Throw refuse on private property without written authority	Sec. 3.2	\$400.00	\$800.00
4.	Place refuse on private property without written authority	Sec. 3.2	\$400.00	\$800.00
5.	Deposit refuse on private property by any means without written authority	Sec. 3.2	\$400.00	\$800.00
6.	Owner permit refuse to remain on a property	Sec. 3.3	\$400.00	\$800.00
7.	Throw refuse on public property without written authority	Sec. 3.4	\$400.00	\$800.00
8.	Place refuse on public property without written authority	Sec. 3.4	\$400.00	\$800.00
9.	Deposit refuse on public property by any means without written authority	Sec. 3.4	\$400.00	\$800.00
10.	Fail to dispose of refuse at an approved site	Sec. 3.5	\$400.00	\$800.00
11.	Permit property to remain in an unsafe condition	Sec. 3.6 (a)	\$400.00	\$800.00

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12.	Permit an excavation to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
13.	Permit an opening on a property to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
14.	Permit a septic tank to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
15.	Permit a cistern to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
16.	Permit a well to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
17.	Fail to keep property free from Injurious insects, termites, rodents, vermin or other pests	Sec. 3.7 (a)	\$400.00	\$800.00
18.	Fail to keep property free from refrigerators, freezers, appliances, and other containers that could trap a child	Sec. 3.7 (b)	\$400.00	\$800.00
19.	Fail to keep property free from syringes, needles and other sharps	Sec. 3.7 (c)	\$400.00	\$800.00
20.	Fail to cut/trim/remove grass/weeds more than six inches in height	Sec. 3.8	\$400.00	\$800.00
21.	Fail to remove a bird feeder	Sec. 3.9	\$400.00	\$800.00
22.	Fail to maintain the ground underneath a bird feeder	Sec. 3.10	\$400.00	\$800.00
23.	Throw any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
24.	Place any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
25.	Permit any type of food, on a property for the purposes of feeding any birds	Sec. 3.11	\$400.00	\$800.00
26.	Fail to keep refuse in containers	Sec. 3.13 (a)	\$400.00	\$800.00
27.	Permit refuse to accumulate longer than 7 days	Sec. 3.13 (b)	\$400.00	\$800.00
28.	Fail to keep property free of standing water	Sec. 3.14	\$400.00	\$800.00
29.	Fail to maintain swimming pool/ hot tub/ wading pool/ pond	Sec. 3.15	\$400.00	\$800.00
30.	Obstruct private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00

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31.	Cause/ Permit the obstruction of private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
32.	Fail to maintain container/ object free of standing water	Sec. 3.17	\$400.00	\$800.00
33.	Fail to comply with an order	Sec. 4.3	\$400.00	\$800.00
34.	Obstruction	Sec. 5.9	\$400.00	\$800.00
35.	Fail to produce any documents or things required by a By-law Officer	Sec. 5.10	\$400.00	\$800.00
36.	Furnish false information to a By-law Officer	Sec. 5.11	\$400.00	\$800.00

APPENDIX II

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

A BY-LAW TO ESTABLISH AN ADMINISTRATIVE PENALTY
SYSTEM FOR NON-PARKING RELATED OFFENCES

WHEREAS sections 8, 9, 10 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") authorize The Corporation of the City of Welland to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 434.1 (1) of the Municipal Act, 2001 provides that, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 434.1 (2) of the Municipal Act, 2001, provides that the purpose of a system of administrative penalties established by a municipality under this section shall be to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 15.4.1 of the Building Code Act, 1992 as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Building Code Act, 1992, as amended or an order of an officer authorized under 15.2(2) or 15.3, 2017, c. 34, Sched. 2, s. 10 of the Building Code Act, 1992, as amended;

AND WHEREAS section 434.2 (1) of the Municipal Act, 2001, provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality;

AND WHEREAS section 391 (1) of the Municipal Act, 2001, provides that without limiting sections 9, 10 and 11, those sections authorize a Municipality to impose fees or charges on persons;

AND WHEREAS the City of Welland considers it desirable to have one administrative penalty system for all non-parking related offences;

AND WHEREAS the City of Welland considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the administrative penalty system;

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

PART I – SHORT TITLE

- 1.0 This By-law may be referred to as the “Administrative Penalty By-law for Non-parking Related Offences”.

PART II – DEFINITIONS

- 2.0 For the purposes of this By-law:

“Administrative Fee” means any fee specified in this by-law and listed in Schedule “B”;

“Administrative Penalty” means a monetary penalty set out in Schedule “C” attached to this by-law and approved by Council for a contravention of a Designated By-law;

“City” means The Corporation of the City of Welland;

“Council” means the elected Council of the City;

“Designated By-law” means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedule “A”, to which this by-law applies;

“Hearing Non-appearance Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to appear at the time and place scheduled for a review before a Hearings Officer and listed in Schedule “B”

“Hearings Officer” means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

“Hearing Decision” means a notice that contains the decisions of a Hearings Officer;

“Holiday” means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any day the offices for the City are officially closed for business;

“Late Payment Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed in this By-law and listed in Schedule “B”;

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“Manager” means the person from time to time performing the function of the City’s Chief Administrative Officer;

“NSF Fee” means an Administrative Fee from time to time established by Council in respect of a demand for payment received by the City from a Person for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, and listed in Schedule “B”;

“Officer” means each of:

- (a) A Municipal By-law Enforcement Officer, Building Inspector, Property Standards Officer, Fire Prevention Officer or other person appointed by or under the authority of a City By-law to enforce a Designated By-law; and
- (b) A police officer employed by Niagara Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;
- (c) Any employee or agent of the Welland and District SPCA appointed by or under the authority of a City By-law to enforce a Designated By-law;

“Penalty Notice” means a notice given to a Person pursuant section 4.0 of this by-law;

“Penalty Notice Date” means the date of the contravention specified on the Penalty Notice pursuant to section 4.2 (a);

“Penalty Notice Number” means the number specified on the Penalty Notice pursuant to section 4.2;

“Person” includes an individual, corporation, partnership or limited partnership;

“Request for Review by Hearings Officer” means the form attached to the Notice of Decision which may be filed by a Person under section 6.2 of this by-law;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Non-appearance Fee” means an Administrative Fee from time to time established by Council in respect of a Person’s failure to appear at the time and

APPENDIX II

place scheduled for a review by a Screening Officer and listed in Schedule “B” of this by-law; and

“Screening Officer” means a person from time to time performing the functions of a Screening Officer pursuant to this by-law.

PART III – DESIGNATED BY-LAWS

- 3.0 City by-laws or portions of City by-laws, that are listed in Schedule “A” to this by-law shall be Designated By-laws and are hereby designated to be under an administrative penalty system pursuant to section 434.1 and section 434.2 of the Municipal Act, 2001 as amended.
- 3.1 Schedule “B” of this By-law provides Administrative Fees imposed for the purposes of this By-law.
- 3.2 Schedule “C” of this By-law sets out Administrative Penalties for the Designated By-laws.

PART IV – PENALTY NOTICE

- 4.0 Every person who contravenes a provision of a Designated By-law shall, when given a Penalty Notice, be liable to pay to the City an Administrative Penalty.
- 4.1 An Officer who has reason to believe that a Person has contravened a provision of a Designated By-law may issue a Penalty Notice as soon as reasonably practicable.
- 4.2 A Penalty Notice shall include the following information:
- (a) the Penalty Notice Date;
 - (b) the Penalty Notice Number;
 - (c) the Municipal Address;
 - (d) the name of the Person;
 - (e) the details of the Designated By-law infraction including short form wording or other particulars reasonably sufficient to indicate the contravention;
 - (f) the amount of the Administrative Penalty;

APPENDIX II

- (g) the date on which the Administrative Penalty is due and payable;
- (h) such information as the Clerk determines is appropriate respecting the process by which the Person may exercise the Person's right to request a review of the Administrative Penalty; and
- (i) a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Person to the City.

4.3 A Person who is served a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Penalty Notice is due and payable, shall also pay to the City any applicable Administrative Fee(s).

PART V – REVIEW BY SCREENING OFFICER

5.0 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so within 15 days after the Penalty Notice Date. A Person may request that the review by a Screening Officer be held in person or in writing.

5.1 If a Person has not requested a review within the time limit set out in Section 5.0, a Person may request that the Screening Officer extend the time to request a review within 45 days after the penalty notice date. A Person's right to request an extension of time expires if it has not been exercised within 45 days after the penalty notice date at which time:

- (a) the Person shall be deemed to have waived the right to request a review;
- (b) the Administrative Penalty shall be deemed to be affirmed on the 16th day after the Penalty Notice Date; and
- (c) the Administrative Penalty shall not be subject to any further review, including a review by any Court.

5.2 A Person's right to request a review or to request an extension of time to request a review are exercised by:

- (a) submitting a Request for Screening form available at the City's web page as set out in the Penalty Notice by mail, fax or e-mail and scheduling the time and place for the review; or

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- (b) attending in person at the location listed in the Penalty Notice to complete a Request for Screening form and scheduling the time and place for review.
- 5.3 A review or request for extension of time to request a review shall only be scheduled by the City if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 5.0 and 5.1.
- 5.4 Where a person fails to attend at the time and place scheduled for review of the Administrative Penalty:
 - (a) the Person shall be deemed to have abandoned the request for review of the Administrative Penalty;
 - (b) the Administrative Penalty as set out in the Penalty Notice shall be deemed to be affirmed on the 16th day after the Penalty Notice Date and is not subject to any further review, including by any Court; and
 - (c) the Person shall pay to the City a Screening Non-appearance Fee.
- 5.5 For the purposes of section 5.1, the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 5.6 Where an extension of time is not granted by the Screening Officer the Administrative Penalty is deemed to be affirmed.
- 5.7 On a review of the Administrative Penalty, the Screening Officer may affirm the Administrative Penalty, or the Screening Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
 - (a) where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
 - (b) where the Person establishes on a balance of probabilities that the reduction or extension of time for payment of the Administrative Penalty, including any Administrative Fee, is necessary to relieve any undue hardship.

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5.8 After a review has been held, the Screening Officer shall serve the Screening Decision on the Person.

PART VI – REVIEW BY HEARINGS OFFICER

6.0 A Person may request a review of a Screening Decision by a Hearings Officer and shall do so within 15 days after the Screening Decision has been delivered to the Person.

6.1 If a Person has not requested a review within the time limit set out in section 6.0, a Person may request that the Hearings Officer extend the time to request a review within 30 days of the Screening Decision being delivered to the Person. A Person's right to request an extension of time expires if it has not been exercised within 30 days after the Screening Decision has been delivered at which time:

- (a) the Person shall be deemed to have waived the right to request a hearing;
- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be affirmed; and
- (c) the Screening Decision and the Administrative Penalty shall not be subject to any further review, including review by any Court.

6.2 A Person's right to request a review of a Screening Decision or to request an extension of time to request the review are exercised by attending in person or by representative at the place specified in the Request for Review by Hearings Officer form and filing a completed form.

6.3 A review or request for an extension of time to request a review shall only be scheduled by the City if the Person has exercised his or her right to request a review or an extension of time to request a review within the time limits set out in sections 6.0 and 6.1.

6.4 Where a Person fails to attend at the time and place scheduled for a review by the Hearings Officer:

- (a) the Person shall be deemed to have abandoned the request for a review of the Screening Decision;

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- (b) the Screening Decision and the Administrative Penalty, if applicable as modified in the Screening Decision, shall be deemed to be final and are not subject to any further review, including by any Court;
 - (c) the Administrative Penalty, if applicable as modified in the Screening Decision, is deemed to be affirmed on the date the Screening Decision was served on the Person; and
 - (d) The Person shall pay to the City a Hearing Non-Appearance Fee.
- 6.5 For the purposes of section 6.1, the Hearings Officer may only extend the time to request a review of a Screening Decision where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- 6.6 Where an extension of time is not granted by the Hearings Officer the Screening Decision and Administrative Penalty, if applicable as modified in the Screening Decision, are deemed to be affirmed.
- 6.7 A Hearings Officer shall not make any decision respecting a review of a Screening Decision unless the Hearings Officer has given the Person and the City an opportunity to be heard at the time and place scheduled for the hearing of the review.
- 6.8 On a review of a Screening Decision, the Hearings Officer may affirm the Screening Decision, or the Hearings Officer may cancel, vary or extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
- (a) Where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
 - (b) Where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.
- 6.9 All hearings conducted by the Hearings Officer shall be in accordance with the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended.
- 6.10 After a hearing is complete, the Hearings Officer shall serve the Person with a Hearing Decision.

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- 6.11 Any decision by a Hearings Officer is final.
- 6.12 Neither a Screening Officer nor a Hearings Officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

PART VII – SERVICE OF DOCUMENTS

- 7.0 Service of any document or notice, including a Penalty Notice, respecting the By-law may be given in writing in any of the following ways and is effective:
- (a) When a copy is immediately served on the Person to whom it is addressed;
 - (b) On the 5th day after a copy is sent by registered mail or by regular mail to the Person's last known address;
 - (c) Upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.
- 7.1 For the purposes of subsections 7.0 (b) and (c), a Person's last known address and e-mail address may include an address and e-mail provided by the Person to the City as may be required by a form, practice or policy developed under this By-law.

PART VIII – ADMINISTRATION OF THE BY-LAW

- 8.0 The Manager, or his or her delegate shall administer the By-law and establish any practices, policies and procedures necessary to implement the By-law and may amend such practices, policies and procedures from time to time as the Manager deems necessary.
- 8.1 The Manager, or his or her delegate shall prescribe all forms and notices, including the Penalty Notice, necessary to implement the By-law and may amend such forms and notices from time to time as the Manager deems necessary.
- 8.2 The Manager, or his or her delegate may designate areas within the City for conducting screening reviews and hearings under this By-law.

PART IX – GENERAL PROVISIONS

- 9.0 The Manager may appoint as Screening Officers such individuals and on such terms as the Manager considers appropriate.

APPENDIX II

- 9.1 It is Council's opinion that the delegations in this By-law to the Manager, to Hearings Officers and Screening Officers are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of geographic area and the time period affected by the exercise of each delegated power.
- 9.2 An Administrative Penalty, including any Administrative Fees, that is affirmed or reduced or in respect of which the time for payment has been extended is due and payable and constitutes a debt to the City owed by the Person to whom the Penalty Notice was given.
- 9.3 Where an Administrative penalty is not paid within 15 days after it becomes due and payable, the Person to whom the Penalty Notice was given shall pay to the City a Late Payment Fee.
- 9.4 Where an Administrative Penalty is not paid within 30 days after it becomes due and payable, the City shall add the outstanding amount to the tax roll and collected in the same manner as municipal taxes.
- 9.5 Where a Person provides a payment to the City for any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the City a NSF Fee.
- 9.6 Where an Administrative Penalty is cancelled by a Screening Officer or a Hearings Officer, any Administrative Fee is also cancelled.
- 9.7 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.
- 9.8 No Officer may accept payment in respect of an Administrative Penalty.
- 9.9 Any Schedule attached to this By-law forms part of this By-law.

PART X – VALIDITY

- 10.0 This By-law shall come into force on January 1, 2020.
- 10.1 If a court of competent jurisdiction declares any provision, or any part of a 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 in accordance with its terms to the extent possible according to law.

Schedule "A"

CITY OF WELLAND
ADMINISTRATIVE PENALY BY-LAW 2019-XX

DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Clean Yards By-law	2019-XX
Property Standards By-law	2009-108, as amended

APPENDIX II

Schedule "B"

CITY OF WELLAND
ADMINISTRATIVE PENALY BY-LAW 2019-XX

ADMINISTRATIVE FEES

ITEM	FEE
Hearing Non-appearance Fee	\$250.00
Late Payment Fee	\$20.00
NSF Fee	\$30.00
Screening Non-appearance Fee	\$100.00

Schedule "C"

**CITY OF WELLAND
ADMINISTRATIVE PENALTY BY-LAW 2019-XX**

SET FINE SCHEDULE

TO

THE CLEAN YARDS BY-LAW, 2019-XX

**BEING A BY-LAW TO PROVIDE REGULATIONS FOR MAINTAINING LAND IN A
CLEAN AND CLEAR CONDITION WITHIN THE CITY OF WELLAND**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to keep property in a clean and clear condition	Sec. 3.1	\$400.00	\$800.00
2.	Fail to keep property free from refuse or refuse material	Sec. 3.1	\$400.00	\$800.00
3.	Throw refuse or refuse material on private property without written authority	Sec. 3.2	\$400.00	\$800.00
4.	Place refuse or refuse material on private property without written authority	Sec. 3.2	\$400.00	\$800.00
5.	Deposit refuse or refuse material on private property by any means without written authority	Sec. 3.2	\$400.00	\$800.00
6.	Throw refuse or refuse material on public property without written authority	Sec. 3.3	\$400.00	\$800.00
7.	Place refuse or refuse material on public property without written authority	Sec. 3.3	\$400.00	\$800.00
8.	Deposit refuse or refuse material on public property by any means without written authority	Sec. 3.3	\$400.00	\$800.00
9.	Owner permit refuse or refuse material to remain on a property	Sec. 3.4	\$400.00	\$800.00

APPENDIX II

10.	Fail to dispose of refuse at an approved site	Sec. 3.5	\$400.00	\$800.00
11.	Permit yard to remain in an unsafe condition	Sec. 3.6 (a)	\$400.00	\$800.00
12.	Permit an excavation to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
13.	Permit an opening in a yard to remain in an unsafe condition	Sec. 3.6 (b)	\$400.00	\$800.00
14.	Permit a septic tank to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
15.	Permit a cistern to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
16.	Permit a well to remain in an unsafe condition	Sec. 3.6 (c)	\$400.00	\$800.00
17.	Fail to remove weeds more than six inches in height	Sec. 3.7	\$400.00	\$800.00
18.	Fail to keep property free from Injurious insects, termites, rodents, vermin or other pests	Sec. 3.7 (a)	\$400.00	\$800.00
19.	Fail to keep property free from Refrigerators, freezers, appliances, and other containers that could trap a child	Sec. 3.7 (b)	\$400.00	\$800.00
20.	Fail to keep property free from syringes, needles and other sharps	Sec. 3.7 (c)	\$400.00	\$800.00
21.	Fail to remove grass more than six inches in height	Sec. 3.8	\$400.00	\$800.00
22.	Fail to trim weeds more than six inches in height	Sec. 3.8	\$400.00	\$800.00
23.	Fail to trim grass more than six inches in height	Sec. 3.8	\$400.00	\$800.00
24.	Fail to remove a bird feeder	Sec. 3.9	\$400.00	\$800.00
25.	Fail to maintain the ground underneath a bird feeder	Sec. 3.10	\$400.00	\$800.00
26.	Throw any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00
27.	Place any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00
28.	Permit any type of food, in a yard for the purposes of feeding any birds.	Sec. 3.11	\$400.00	\$800.00

APPENDIX II

29.	Fail to keep refuse or refuse material in containers.	Sec. 3.13 (a)	\$400.00	\$800.00
30.	Permit refuse or refuse material to accumulate longer than 7 days	Sec. 3.13 (b)	\$400.00	\$800.00
31.	Fail to keep property free of standing water	Sec. 3.14	\$400.00	\$800.00
32.	Fail to maintain swimming pool/ hot tub/ wading pool/ pond	Sec. 3.15	\$400.00	\$800.00
33.	Obstruct private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
34.	Cause/ Permit the obstruction of private drain/ swale/ watercourse	Sec. 3.16	\$400.00	\$800.00
35.	Fail to maintain container/ object free of standing water	Sec. 3.17	\$400.00	\$800.00
36.	Fail to comply with an order	Sec. 4.3	\$400.00	\$800.00
37.	Obstruction	Sec. 5.9	\$400.00	\$800.00
38.	Fail to produce any documents or things required by a By-law Officer	Sec. 5.10	\$400.00	\$800.00
39.	Furnish false information to a By-law Officer	Sec. 5.11	\$400.00	\$800.00

Schedule "C"

**CITY OF WELLAND
ADMINISTRATIVE PENALTY BY-LAW 2019-XX**

SET FINE SCHEDULE

TO

**THE PROPERTY STANDARDS BY-LAW 2009-108, as amended
BEING A BY-LAW PRESCRIBING STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to comply with an Order, direction or other requirement	Sec. 16.1 (a)	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00

SCHEDULE A

**TO BY-LAW 2009-108 OF THE CITY OF WELLAND
THE PROPERTY STANDARDS BY-LAW, as amended**

1. The following person employed by the City of Welland as Chief Building Official is assigned the responsibility of administering and enforcing this By-law;

- (a) Jack Tosta

2. The following persons employed by the City of Welland as Building Inspector/ Property Standards Officers are assigned the responsibility of administering and enforcing this By-law:

- (a) Silvestro Ravenda
 - (b) Thomas Ferguson
 - (c) Gary Graziani
 - (d) Jennifer Blacklock
 - (e) Tony Ranalli

3. The following persons employed by the City of Welland as Municipal By-law Enforcement Officers are assigned the responsibility of administering and enforcing this by-law:

- (a) James Cronshaw
 - (b) Adam White
 - (c) Jeff Petruzzo

(By-law 2011-19)
(By-law 2015-104)
(By-law 2016-157)

Schedule "B"

CITY OF WELLAND

SET FINE SCHEDULE

THE PROPERTY STANDARDS BY-LAW 2009-108, as amended

BEING A BY-LAW PRESCRIBING STANDARDS FOR THE
MAINTENANCE AND OCCUPANCY OF PROPERTY

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to comply with an Order, direction or other requirement	Sec. 16.1 (a)	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00

APPENDIX V

Regional Survey: Number of Days for Compliance

Regional Survey: Number of Days for Compliance				
Municipality	Grass		Refuse	
	1st Offence	Repeat Offence	First Offence	Repeat Offence
Welland	48 Hours (Notice posted on Door) 7 Days: if sent by mail	Property inspected and sent directly to contractor (Contractor has 5 days to complete the task)	7 Days	
Fort Erie	10 Days	3 Days	10 to 21 Days	10 Days
Pelham	5 to 7 Days		Depends on scope of work. Small jobs: 14 Days. Large jobs: 30 Days	
Port Colborne	72 Hours (Notice posted on Door) 8 Days: if sent by mail	48 Hours (Notice posted on Door) 7 Days: if sent by mail	12 Days	8 Days
Niagara Falls	5 Days		Depends on scope of work. Small jobs: 5 days. Large jobs: 30 days	
Niagara On The Lake	8 Days		8 Days	
St Catharines	6 Days		12 Days	
Thorold	48 Hours (Notice posted on Door) 8 Days- if sent by mail		8 Days	

19-3

REPORT CLK-2019-20

The following organization has applied for Lottery Licensing and is presented to City Council for approval.

NAME

Holy Name Catholic School
Council

ADDRESS

290 Fitch Street
Welland, Ontario
L3C 4W5




Respectfully submitted by Tara Stephens, City Clerk

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for lottery licensing for Holy Name Catholic School Council.

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2019-17
NOVEMBER 19, 2019

19-22

SUBJECT: UPDATE TO TRAFFIC AND PARKING BY-LAW 89-2000

AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
SUPERVISOR, TRAFFIC, PARKING & BY-LAWS

APPROVING MANAGER: CHRIS ANDERS, P. ENG.
MANAGER OF ENGINEERING SERVICES

APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND
DEVELOPMENT SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2019-17** Update to Traffic and Parking By-law 89-2000; and further
2. THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "I" – MUNICIPAL/ PRIVATE PROPERTY:

SKETCH No.	LOCATION	COMMON NAME
No Sketch	Borden Trail (Parcel No.: 33652)	Shout Communities (Welland) Inc.
No Sketch	Laurier Trail (Parcel No.: 33653)	Shout Communities (Welland) Inc.
No Sketch	85 First Avenue	Chippawa Towers
No Sketch	624 South Pelham Road	Ricks Service Centre

DELETE the following from Schedule "V" – PARKING PROHIBITIONS:

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
1King Street	East Side	23 metres south of Fifth Street	Fifth Street	AT NO TIME
2King Street	East Side	Third Street	53 metres north of Lincoln Street	AT NO TIME

ADD the following to Schedule "V" – PARKING PROHIBITIONS:

COLUMN 1 STREET	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES\DAY)
		FROM	TO	
East Main Street	North Side	Ross Street	Patterson Avenue	AT NO TIME
King Street	East Side	43 metres south of Fifth Street	Fifth Street	AT NO TIME
King Street	East Side	Third Street	53 metres north of Lincoln Street	AT NO TIME

DELETE the word "motor" from Section 3.9 (3)

DELETE the following from SCHEDULE "XVII" – PARKING LOTS

Lot #	Lot Name	Control	Rate	Time of Day	Maximum Stay
5	Park Street Lot	Monthly Permit	\$35.00/ Month	Monday to Friday 6am to 6pm	12 Hours
6 Area A	Firehall Parking Lot	Ticket Dispenser	\$1.50/ hour	Monday to Friday 8am to 6pm	10 Hours
6 Area A	Firehall Parking Lot	Monthly Permit	\$35.00/ Month	Monday to Friday 6am to 6pm	12 Hours
6 Area B	Firehall Parking Lot	Parking Meter	\$1.25/ Hour	Monday to Friday 8am to 6pm	10 Hours
8	Plymouth Road Lot	Monthly Permit	\$35.00/ Month	Monday to Friday 6am to 6pm	12 Hours

ADD the following to SCHEDULE "XVII" – PARKING LOTS

Lot #	Lot Name	Control	Rate	Time of Day	Maximum Stay
5	Park Street Lot	Monthly Permit	\$35.00/ Month	Monday to Sunday	24 Hours
6 Area A	Firehall Parking Lot	Signage	Free	Monday to Friday 8am to 6pm	10 Hours
6 Area A	Firehall Parking Lot	Monthly Permit	\$35.00/ Month	Monday to Sunday	24 Hours
6 Area B	Firehall Parking Lot	Signage	Free	Monday to Friday 8am to 6pm	10 Hours
8	Plymouth Road Lot	Monthly Permit	\$35.00/ Month	Monday to Sunday	24 Hours

ADD the following to Schedule "XX" – STOP SIGNS

COLUMN 1 HIGHWAY	COLUMN 2 AT	COLUMN 3 FACING TRAFFIC
Clare Avenue	Lynbrook Lane	Northbound on Clare Avenue
Clare Avenue	Lynbrook Lane	Southbound on Clare Avenue

ORIGIN AND BACKGROUND:

On this occasion, **SCHEDULE "I", SCHEDULE "V", SCHEDULE "XVII", SCHEDULE "XX"** and **PART III** will be affected.

SCHEDULE "I" – Municipal/ Private Property

An amendment is required to include the above noted properties into the City of Welland Municipal/ Private Property Schedule of By-law 89-2000:

This will allow Parking Enforcement Officers to enter onto private lands at the request of the property owner to issue a penalty notice and/ or remove unauthorized vehicles. Authorization letters has been attached as Appendix I, II and III.

SCHEDULE "V"

The amendment to the parking prohibitions on King Street are required to accommodate a new entrance what was installed.

An amendment is required to prohibit parking on the north side of East Main Street; from Ross Street to Patterson Avenue. This parking prohibition is required to accommodate the new fire hall that will be constructed.

SCHEDULE "XVII"

An amendment is required to accommodate monthly permit holders within our City lots. Previously, permit holders were restricted to a 12 hour maximum stay. This amendment will allow permit holders to stay up to 24 hours. As well, the amendment will reflect the removal of the parking machine and parking meters at Firehall Lot.

SCHEDULE "XX"

At the Council Meeting on November 5th, 2019 the following motion was approved:

WHEREAS Vanier Estates and Drapers Creek off Clare Avenue will see significant residential growth up to 135 new homes.

WHEREAS Clare Avenue between Webber Road and Fitch Street has partial sidewalks and a park.

WHEREAS speeding has been a major concern of local residents and 100% have signed a petition.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff in the interest of public safety, install two stop signs at the intersection of Lynbrook and Clare Avenue next to the park.

This amendment reflects the changes already approved by Council.

PART III – STOPPING, STANDING AND PARKING

The By-law Enforcement Division continually receives complaints regarding trailers parked on the front yard. Removing the word "motor" from Section 3.9 (3) will allow the Parking Enforcement team to issue penalty notices to trailers parked on the front yard. Within the by-law, the definition of motor vehicle does not include a trailer. However, the definition of a vehicle does include a trailer.

COMMENTS AND ANALYSIS:

The proposed amendments to the Traffic and Parking By-law are necessary to define the traffic and parking regulations within the City of Welland.

FINANCIAL CONSIDERATION:

As properties are added to the Municipal/ Private Property Schedule a slight increase to parking ticket revenue can be expected.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

SUMMARY AND CONCLUSION:

To ensure the appropriate regulations and wording of By-law 89-2000, Staff recommends the modifications as outlined in this report.

The addition to the Municipal/ Private Property schedule are at the request of the property owners. Private property owners are experiencing difficulties with illegally parked vehicles on their property and the best solution to solve their problems would be to join our Traffic and Parking By-law and request enforcement when required.

The proposed parking restrictions on East Main Street are at the request of the Fire Chief to accommodate the new fire hall.

The ability to issue a penalty notices to trailers parked on the front yard will be more effective than sending letters. Issuing penalty notices to vehicles parked on the front yard has had a positive impact in neighbourhoods throughout the City. It is anticipated that issuing penalty notices to trailers will also have a positive impact. Our main priority is to efficiently and effectively enforce the by-law and maintain a decent streetscape within residential areas.

ATTACHMENTS:

Appendix I – Authorization Letter, Borden Trail (Parcel No.: 33652)/
Laurier Trail (Parcel No.: 33653)

Appendix II - Authorization Letter, 85 First Avenue

Appendix III - Authorization Letter, 624 South Pelham Road

Schout -----
 Communities
 (Welland) Inc

Schout Communities (Welland) Inc.
 12 Amberdale Way
 New Hamburg, ON N9A 0C1
 519-662-6621

AUTHORIZATION LETTER
 Parking Enforcement Unit as AGENTS

The Corporation of the City of Welland
 60 East Main Street – City Hall
 Welland, ON
 L3B 3X4

Attention: James Cronshaw, MLEO(C)
 Senior By-law Enforcement Officer

**Re: Authorization for Private Property Tagging and/or Towing
 Borden Trail – parcel number 33652 & Laurier Trail – parcel number 33653**

Cannon Greco Management are agents for the owners of Borden Trail – parcel number 33652 & Laurier Trail – parcel number 33653 and request the City of Welland to control unauthorized parking at the above noted address as per Traffic and Parking By-law 89-2000.

The following person(s) have been designated with signing privileges:

1. Nick Deacon – Junior Property Manager
2. Lisa Murray – Property Administrator
3. Karen Charette – Property Administrator
4. Chanda Giancola – Sales Rep Royal LePage

A copy of this letter and identification will be produced each time a Parking Enforcement Officer arrives to enforce the offence of "Park on Private Property without the owners consent" or "Park on Private Property in contravention of Traffic and Parking By-law 89-2000".

We understand that you require a "FORM 2" to be fully completed for each and every enforcement attendance by one of the above authorized person(s), who will call (905)735-1700 Ext. 2250 or 2113 for enforcement.

Signage is affixed to permanent post approximately 6' high and are located on both sides of each entrance/exit of the property. The signs indicate:

Private Property
 Unauthorized vehicles will be
 Tagged and/or towed
 At owner's expense
 City of Welland
 By-law 89-2000

Schout -----
Communities
(Welland) Inc

Schout Communities (Welland) Inc.
12 Amberdale Way
New Hamburg, ON N3A 0C1
519-662-6621

If further information is required, please call Greg Schnarr at 519-465-0475

Sincerely,

A handwritten signature in cursive script that reads "Greg Schnarr". The signature is written in black ink and is positioned above the typed name and title.

Owner
Administrator



A Member of The Crestview Group of Companies

AUTHORIZATION LETTER
Parking Enforcement Unit as AGENTS

October 3, 2019

The Corporation of the City of Welland
60 East Main Street – City Hall
Welland, ON L3B 3X4

Attention: James Cronshaw, MLEO(C)
Senior By-law Enforcement Officer

Re: Authorization for Private Property Tagging and/or Towing
85 First Avenue, Welland, ON L3C 1X9 (Municipal Address)

Bert F. Grant Management Limited are agents for the owners of 85 First Avenue, Welland, ON L3C 1X9 and request the City of Welland to control unauthorized parking at the above noted address as per Traffic and Parking By-law 89-2000.

The following person(s) have been designated with signing privileges:

1. Jim Emery – superintendent
2. Debbie Emery – superintendent
3. Viktor Batino – property manager

A copy of this letter and identification will be produced each time a Parking Enforcement Officer arrives to enforce the offence of "Park on Private Property without the owners consent" or "Park on Private Property in contravention of Traffic and Parking By-law 89-2000".

We understand that you require a "FORM 2" to be fully completed for each and every enforcement attendance by one of the above authorized person(s), who will call (905)735-1700 Ext. 2250 or 2113 for enforcement.

Signage is affixed to permanent post approximately 6' high and are located on both sides of each entrance/exit of the property. The signs indicate:

Private Property
Unauthorized vehicles will be
Tagged and/or towed
At owner's expense
City of Welland
By-law 89-2000

.../2

Page 2

If further information is required, please call Jim Emery at (905) 734-6693.

Sincerely,

BERT F. GRANT MANAGEMENT LIMITED
As agent for the Landlord
Apriori Investments Limited



Viktor Batino
Property Manager

Ricks Service Centre
624 South Pelham Rd.
Welland, ON L3C 3C8

September 17, 2019

CORPORATION OF THE CITY OF WELLAND
60 EAST MAIN ST.
WELLAND, ONTARIO L3B 3X4
CANADA

Attention: James Cronshaw, MLEO(C)
Senior By-law Enforcement Officer

Re: Authorization for Private Property Tagging and/or Towing
(624 South Pelham Rd.)

Ricks Service Centre are agents for the owners of
(624 South Pelham Rd.).. request the City of Welland to control unauthorized
parking at the above noted address as per Traffic and Parking By-law 89-2000.

Please accept this letter as our wish to join the private property bylaw 89-2000
Designated individuals to request parking enforcement are:

1. Richard S Kannenberg
2. Tim Tran
3. Jon Kuckyt

A copy of this letter and identification will be produced each time a Parking
Enforcement Officer arrives to enforce the offence of "Park on Private Property
without the owners consent" or "Park on Private Property in contravention of
Traffic and Parking By-law 89-2000".

We understand that you require a "FORM 2" to be fully completed for each and
every enforcement attendance by one of the above authorized person(s), who
will call (905)735-1700 Ext. 2250 or 2113 for enforcement.

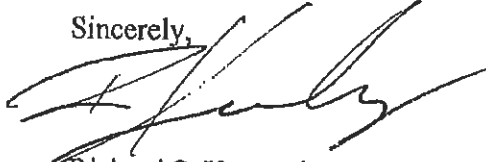
Signage is affixed to permanent post approximately 6' high and are located on
both sides of each entrance/exit of the property. The signs indicate:

Private Property
Unauthorized vehicles will be
Tagged and/or towed
At owner's expense
City of Welland

By-law 89-2000

If further information is required, please call Richard Kannenberg at 905.735.9314.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Kannenberg', written over a horizontal line.

Richard S. Kannenberg

O/O

Ricks Service Centre

51
COUNCIL

INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-118

REPORT ENG-2019-44
NOVEMBER 19, 2019

SUBJECT: REQUIREMENTS FOR UNASSUMED SUBDIVISION DEVELOPMENT IN RELATION TO SNOW PLOWING AND STORM WATER MANAGEMENT FACILITIES

AUTHOR: C. SCOTT RICHARDSON, C.E.T.
DEVELOPMENT SUPERVISOR

APPROVING MANAGER: CHRIS ANDERS, P. ENG.,
MANAGER OF ENGINEERING SERVICES

APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND authorize the City of Welland Policy for new requirements of Snow Clearing and Storm Water Management Facilities Maintenance in unassumed subdivisions, and inclusion in the Municipal Standards; and
2. THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to create the new fees for winter maintenance.

ORIGIN AND BACKGROUND:

The City has been reviewing its responsibilities in terms of works that are undertaken in un-assumed subdivisions, specifically with respect to snow clearing and storm water management facility maintenance.

Snow Clearing

The City of Welland has been clearing snow from newly created rights of way (streets) in unassumed subdivision developments, on behalf of the developers. It is staffs view that this responsibility should be borne by the Developer of the individual tracts of land being developed within the City of Welland.

Stormwater Management Facility Maintenance

Previously Storm Water Management Facilities (SWMF) have been assumed with unknowingly higher sedimentation levels than are acceptable and it is staffs view that the cleaning of pertinent SWMF's should be completed when a development is finalized and prior to assumption and release of securities.

COMMENTS & ANALYSIS

When a subdivision agreement is entered into between a Developer and the City, new rights of way or streets are created. The lands upon which the streets and SWMFs are constructed are then deeded to the City at registration of the subdivision. Traditionally, upon completion of this construction, these streets, rights-of-ways and SWMFs become the responsibility of the City, despite not being under City ownership.

Snow Clearing

Under the current conditions, the City of Welland currently plows the roadways to our minimum maintenance standards. Staff requested a legal opinion, through our solicitor, and it was determined that the City of Welland has a joint responsibility to plow the streets on behalf of the residents.

As of the date of this report there are 7 unassumed subdivisions which contain 16 unassumed roads, or portion of, within the City. This equates to 15 lane kilometers of roadways on which the City performs winter maintenance. Through the subdivision agreement process, assumption of municipal works in subdivisions can take on average from 3 to 8 years.

If you consider the extra work required to plow unassumed and partially vacant subdivisions, this further taxes the existing staff compliment therefore staff is recommending that this become the full responsibility of the developer through cost recovery. The cost would equate to a fee per lane kilometer and the developer invoiced each time the City performs maintenance on an unassumed subdivision.

Any existing unassumed subdivisions will be required to pay the fee once council ratifies this report.

Storm Water Management Facility Maintenance

Storm Water Management Facilities (SWMF) are constructed as one of the first operations of subdivision development. These facilities accept flow from the newly created streets during the years in which the subdivision is created. During the construction the amount of debris and siltation that enters the roadway catch basins, storm sewers and ultimately the SWMF, is unacceptable. The SWMF is meant to catch silt and particles from storm water runoff. This is done by making two cells of a SWMF, one a forebay and two the permanent pool which accepts a larger quantity of water to continue to 'treat' the water. The vacant stripped land with disturbed soil directly causes the sedimentation of the SWMF when runoff occurs during rain events. This is a direct result of building the subdivision. There have been subdivision developments that have lasted 10 years or more prior to assumption. The siltation of the complete system is unacceptable.

There is an existing practice that staff require the cleaning of the catch basins and storm sewer prior to assumption. There is also a requirement that the Consulting Engineer certify that the levels of sedimentation within the SWMF are at acceptable levels that would allow an approximate fifty-year life span. After that time the entire SWMF would require cleaning and be brought back to design standards. Staff have recently done an assessment of our ponds and the findings are concerning. Most, if not all, of our ponds are fairly full and will require cleaning in the near future. As an example the forebay for the Gaiser Road SWMF was cleaned at a cost to the developer of approximately \$50,000. The permanent pool cleaning cost was going to be in the range of an additional \$200,000. Fortunately, for the

developer, sedimentation was contained in the forebay. Staff would like approval to require the developer maintain the SWMF throughout the entire development process and also require cleaning of the entire pond prior to assumption of the development. This would provide the City with a 'brand new' pond and the life cycle of the pond would then be renewed.

It is Staff's recommendations that the City of Welland Municipal Standards be updated to reflect these changes and ensure that these conditions are included in any future Subdivision Agreements as of January 1st 2020.

FINANCIAL CONSIDERATION:

During winter operations the relevant developers will be assessed their fair share of lane kilometers fronting their unassumed developments. The developers will be billed accordingly. In 2018/19 winter season, the City of Welland spent \$910,364 on winter maintenance. This would include all aspects of the winter maintenance such as road patrol, sanding, salting, plowing, and spring cleanup of sanding operations.

The City of Welland has 597 lane kilometers in the City as of early 2019. If one does a simple calculation of the amount spent divided by the lane kilometers the result is a figure of \$1,525 (rounded to the nearest dollar) per lane kilometer. This amount would be charged to the developers each time the City plows unassumed streets within an unassumed development. This charge would be in place for the duration of the development, until assumed.

In relation to the SWMF, after a development has been accepted as complete and all deficiencies are corrected, the developer will be fully responsible to clean all catch basins, storm sewers and to 'clean' the SWMF to bring it back to its original condition when constructed. No securities will be released until all requirements are completed.

OTHER DEPARTMENT IMPLICATIONS:

Public Works will continue to plow the streets on an as needed basis and consistent with the City of Welland Winter Operations procedures. They will be required to notify the Development Supervisor when plowing operations are complete and an invoice will be created and sent to the developer for payment.

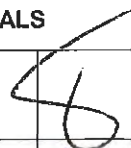


SUMMARY AND CONCLUSION

That Council authorize the new City of Welland Policy for requirements of Snow Clearing and Storm Water Management Facilities Maintenance in unassumed subdivisions, and inclusion in the future Municipal Standards

ATTACHMENTS:

None

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICESENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-114

REPORT ENG-2019-45
NOVEMBER 19, 2019

SUBJECT: DAIN CITY STORM WATER RISK ASSESSMENT

AUTHOR: MARVIN INGEBRIGTSEN, P. ENG.
INFRASTRUCTURE PLANNING & DEVELOPMENT
SUPERVISOR

APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

- 1) THAT Council authorize Wood Environment & Infrastructure Solutions (Wood) to complete the Dain City StormWater Risk Assessment as per it's proposal dated October 17, 2019 for an amount of \$84,884.00 exclusive of HST.; and
- 2) THAT Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Wood to complete the described work.

ORIGIN AND BACKGROUND:

A Request for Proposal (RFP) was triggered by the effects of a recent significant storm event that happened on April 16, 2018. This event resulted in surcharging of local storm sewer system, significant surface flooding, and basement flooding (sanitary sewer surcharge caused by high inflow and infiltration. An analysis of this event concluded that the rainfall event itself was comparable to a 2 yr. return period storm event, however due to the partly frozen ground conditions, resulted in a runoff volume comparable to a 100 yr. runoff.

The existing storm sewer system in Dain City is an old system constructed in sections over a period of time. The minor system is a network of pipes, many of which are corrugated steel pipes, which were installed to close in road side ditches. The major system, being the system to accommodate larger storm events, is relatively non-existent, and due to the flat topography, results in significant surface flooding.

A funding application was submitted to the National Disaster Mitigation Program (NDMP), which is part of the Public Safety Canada Department of the Federal Government. The purpose of this program is to address rising flood risks and costs, and to build the foundation for informed mitigation investments that could reduce, or even negate, the effects of flood events. Staff have applied for funding to focus on the vulnerability of the stormwater network in Dain City to wet weather events and the corresponding vulnerability to climate change. The funding application was approved and the program must be completed by March 31, 2020.

COMMENTS & ANALYSIS

The City of Welland would like to complete a flood risk assessment of the Dain City area of Welland to assess what can happen during a severe storm event and the costs/damages the community might incur. All of this information will be used for consideration of future construction improvements.

The Dain City Stormwater Risk Assessment project is required to determine the severity of surface flooding, storm sewer surcharge, roadside ditch flooding and determining the properties that are at risk of basement flooding during more major storm events. The success of this Dain City Stormwater Risk Assessment project is critical for obtaining funding for capital improvements for the storm water infrastructure in the area.

The intended purpose of all of this work is to gain a better understanding of how the storm water control systems behave in the Dain City area which would allow the City of Welland to design and construct projects (not a part of this intake/application stream) which will greatly mitigate flooding in the area. Current level of service for storm sewer systems in Welland is 2 year storm design. The City of Welland is working towards updates to its storm water system design criteria for both the minor and major systems. These updates include an increase in the design criteria for the minor system from the current 2 yr. level to a 5 or 10 yr. level and for the major system an incorporation of a new IDF curve generated utilizing future climate change data.

Assessing risk, implementing mitigation planning, and completing construction projects to reduce flooding will positively impact a large percentage of residents/community in the area. Future projects may include disconnection of foundation drains from the sanitary system and swapped over to sump pump surface discharge or storm sewer laterals. Sizing of a storm sewer network should account for storm laterals where required.

Potential impacts of flooding in this area are basement flooding, interruption of services (sewer, electricity), potential erosion of surfaces such as walkways and road ways, water over road, forced discharge of sanitary sewage to the environment due to overwhelming the sanitary sewer collection system, and general public safety issues.

A competitive Request for Proposal (RFP) process was followed and five proposals were received in response. The proposals were reviewed and scored based on both technical and cost criteria and the proposal from Wood received the highest overall score.

Wood has been working with the City of Welland on climate change vulnerability and resiliency studies dating back almost ten years. Wood has been instrumental in building the foundation to climate change assessments in the City with specific knowledge of the storm water system, climate change data, models, and risk assessments.

FINANCIAL CONSIDERATION:

The funding formula for this NDMP project is a 50/50 cost sharing partnership with the Federal government. The successful application for funding under this program is for \$150,000, with \$75,000 being funded from the Federal Government and \$75,000 from the City of Welland. This project is identified in the approved 2019 Capital Budget.

2019 Capital Budget	Amount
Dain City Storm Sewer Study (10-327-19506)	\$150,000.00

The cost associated with the proposal submitted by Wood is \$84,884.00 exclusive of HST and is within the approved budget amount.

OTHER DEPARTMENT IMPLICATIONS:

Findings from this assessment will be used to guide future capital works in the Dain City area. Additionally the information gained and processes used in this project will be expanded for use in a City wide stormwater modelling/risk assessment project. Further, information gained from this study will be considered for the update of the City's Municipal Design Standards and as part of the City's Climate Change Adaptation Plan, both of which will have positive impacts on other City departments and the City of Welland as a whole.

SUMMARY AND CONCLUSION

As a continuation of the investigation into the April 2018 flooding event in Dain City, a successful application for funding has been received through the Federal National Disaster Mitigation Program. The funding application submitted is to complete a risk assessment of the current stormwater network, which services the Dain City area of Welland. Findings from this assessment will be used to support future capital improvements in the area, to update the City's Municipal Design Standards, support the City's Climate Change Adaptation Plan and incorporate into future maintenance of the existing storm water network.

A competitive request for Proposal (RFP) process was followed and five proposals were received in response. The proposals were reviewed and scored based on both technical and cost criteria and the proposal from Wood received the highest overall score.

Staff recommend authorizing Wood to complete the Dain City Stormwater Risk Assessment as per their proposal dated October 17, 2019 at a cost of \$84,884.00 exclusive of HST.

Wood has been working with the City of Welland on climate change vulnerability and resiliency studies dating back almost ten years. Wood has been instrumental in building the foundation to climate change assessments in the City with specific knowledge of the storm water system, climate change data, models, and risk assessments.

ATTACHMENTS:

None

COUNCIL
CORPORATE SERVICES
RECREATION & CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT R&C-2019-10
NOVEMBER 19, 2019

19-19

SUBJECT: ICIP GRANT APPLICATION, COMMUNITY, CULTURE & RECREATION STREAM

APPROVING SUPERVISOR: RICHARD DALTON,
MANAGER, RECREATION & CULTURE DIVISION

APPROVING G.M.: DAN DEGAZIO, GENERAL MANAGER ECONOMIC DEVELOPMENT,
RECREATION & CULTURE

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report R&C-2019-10; and further

THAT Welland City Council approves a capital investment of \$13,562,500 consisting of five components along the Welland Recreational Corridor, and that the City's share (26.67%) or \$3,617,119 to be funded from the Economic Development Reserve, and included in the 2020 Tax Supported Budget.

ORIGIN AND BACKGROUND:

The Investing in Canada Infrastructure Program (ICIP) is a Federal funding program which is designed to create long-term economic growth and build inclusive, sustainable and resilient communities. A total funding envelope of \$11.8 billion dollars is available to cost-share projects; one of the eligible funding streams is for Community Culture, and Recreation.

The Community, Culture and Recreation stream supports projects that improve access to, and increases quality of community infrastructure in the areas of recreation, sport, arts, culture, and leisure.

COMMENTS AND ANALYSIS:

The City of Welland has submitted an application to the 2019 intake of the ICIP Funding Program which seeks funding to invest in five components along the Welland Recreational Corridor; each of the components represents an additional and/or enhanced community infrastructure asset.

The following is a full synopsis of the proposed Project:

Design, development and construction of a suite of recreational components to be constructed along the City of Welland's Recreational Waterway Corridor. These

investments will enhance year-round access to a range of affordable, accessible amenities to all Welland residents. The facilities include: (1) Floating Pool with modular decking and accessible entry ramp to water, as well as secure shoreline walkway entrance, fencing to control admission, all safety signage and equipment, as well as shaded, secure area for staff rotation; (2) New Outdoor multi-use playing courts for pickleball, basketball, volleyball, tennis, and beach volleyball, along with canteen and washroom/change room amenities and enhancement to existing parking in vicinity; (3) Removal of ageing Floating Stage at the Merritt Park Amphitheatre and placement of a new stage; component also includes new public washrooms, green room for talent, storage for stage maintenance, and canteen; (4) Install of new age-friendly exercise equipment along the hard surface Trails that align on both sides of the Waterway, including apparatus' that provide safe development of mobility, agility, strength, as well as cognitive and memory skills; this exercise equipment will provide year-round access for seniors to promote healthy active living; (5) New two story fully accessible Rowing Centre of Excellence housing 5 rental groups in one building, featuring five bays for storage, upstairs erg & exercise room, office space, washrooms, external to the building will be fenced-in space for additional storage, upgrade of parking area to accommodate accessibility needs, and paved pathway to launch docks for user groups and to support seasonal events

All Project facilities will be built on City of Welland lands. The Project budget includes building costs for all amenities noted, site costs, site servicing and landscaping. Soft costs include design consultant, technical fees, furniture/fixtures/equipment (FF&E), testing and inspection, communication & signage.

FINANCIAL CONSIDERATION:

The cost sharing matrix for this funding program is as follows:

	Percentage
Federal Contribution	40.00%
Provincial Contribution	33.33%
Municipal Contribution	26.67%

Specific investments included in application:

Component	Total Projected Cost	Municipal Portion
Floating Pool	\$1,875,000	\$500,063
Multi-Purpose Courts	\$4,375,000	\$1,166,813
Floating Stage	\$5,000,000	\$1,333,500
Age-Friendly Fitness Component	\$437,500	\$116,681
Rowing Centre of Excellence	\$1,875,000	\$500,063
Total	\$13,562,500	\$3,617,119

The proposed Project carries an estimated \$60,000 combined annual incremental operating cost, should all components be approved.

The planned funding source for the City portion of this capital investment will be the Economic Development Reserve.

OTHER DEPARTMENT IMPLICATIONS:

A number of Departments will be involved in delivering the components of the Project, should the application be successful, including: Engineering, Public Works, Parks, Recreation & Culture, as well as Planning.

SUMMARY AND CONCLUSION:

The Investing in Canada Infrastructure Program represents a great opportunity to advance and increase the recreational facilities along the Welland Recreational Corridor.

ATTACHMENTS:

Appendix I – Project Site Map & Welland Recreational Corridor Map (circa 2019)



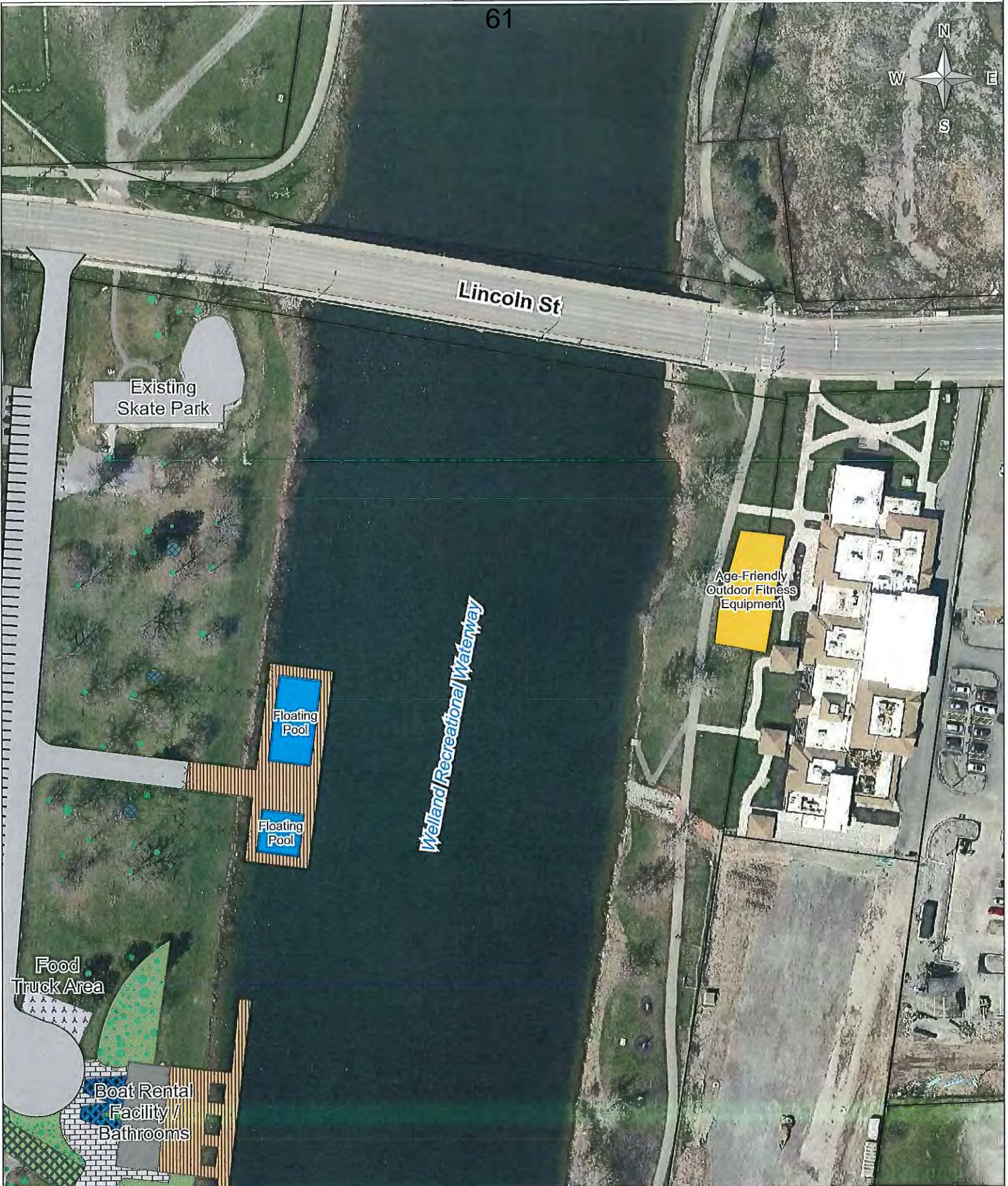
LOCATION MAP

Floating Stage

Aerial Photography flown April 2019.

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Development Services
Planning Division*



LOCATION MAP
Floating Pool & Age-Friendly
Outdoor Fitness Equipment

Aerial Photography flown April 2019.

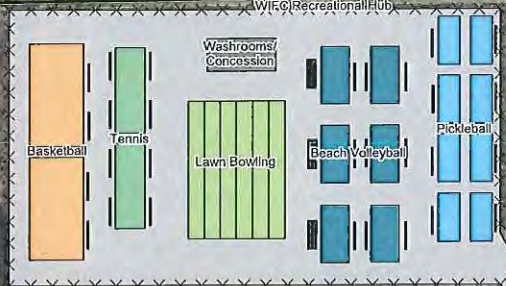
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*Infrastructure and
Development Services*
Planning Division



Shaw St

WRC Recreational Hub



Enhanced Parking Area

Townline Tunnel Rd // Hwy 58A

Welland Recreational Waterway



LOCATION MAP
Multi-Purpose Courts

Aerial Photography flown April 2019.

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LOCATION MAP
Rowing Centre of Excellence

Aerial Photography flown April 2019.

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*Infrastructure and
Development Services*
Planning Division

Administration

Office of the Regional Clerk

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www.niagararegion.ca

November 1, 2019

CL 16-2019, September 19, 2019

DISTRIBUTION LIST***SENT ELECTRONICALLY***

**Re: Actions & Resources to Join the Coalition of Inclusive Municipalities
Report CAO 14-2019**

Regional Council, at its meeting held on September 19, 2019, passed the following resolution:

That Report CAO 14-2019, dated September 19, 2019, respecting Actions & Resources to Join the Coalition of Inclusive Municipalities, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **RESOLVE** to join the Coalition of Inclusive Municipalities (CIM), formerly known as Canadian Coalition for Municipalities Against Racism and Discrimination (CCMARD) and **SIGN** a declaration to support the ten CIM commitments;
2. That staff **BE DIRECTED** to create supporting governance structures with internal and external stakeholders to advise on internal diversity, equity, and inclusion issues and support the creation of a Diversity, Equity, and Inclusion Action Plan;
3. That the dedicated resources required for developing the Diversity, Equity, and Inclusion Action Plan **BE REFERRED** for consideration as part of the 2020 budget process; and
4. That Report CAO 14-2019 **BE CIRCULATED** to all municipalities in the Coalition of Inclusive Municipalities, the local area municipalities and the Association of Municipalities of Ontario (AMO).

A copy of Report CAO 14-2019 is enclosed for your information.

19-119

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2019-234

Distribution List:

Municipalities in the Coalition of Inclusive Municipalities
Niagara Region Local Area Municipalities
Association of Municipalities of Ontario

Subject: Actions & Resources to Join the Coalition of Inclusive Municipalities

Report to: Regional Council

Report date: Thursday, September 19, 2019

Recommendations

1. That Council **RESOLVE** to join the Coalition of Inclusive Municipalities (CIM), formerly known as Canadian Coalition for Municipalities Against Racism and Discrimination (CCMARD) and **SIGN** a declaration to support the ten CIM commitments; and
2. That staff **BE DIRECTED** to create supporting governance structures with internal and external stakeholders to advise on internal diversity, equity, and inclusion issues and support the creation of a Diversity, Equity, and Inclusion Action Plan; and
3. That the dedicated resources required for developing the Diversity, Equity, and Inclusion Action Plan **BE REFERRED** for consideration as part of the 2020 budget process.

Key Facts

- The purpose of this report is to outline the action and resources involved for Niagara Region to join the Coalition of Inclusive Municipalities, in response to the motion of Council (COM 14-2019) on May 16, 2019.
- In 2017, there were 21 hate crimes reported to police in Niagara, which was an increase from 11 in 2016. In London there were 26, Windsor had 19, Hamilton had 91 and was the second highest rate per 100,000 in Canada. In Canada the majority of hate crimes are motivated by race or ethnicity (45%), religion (35%), sexual orientation (11%).
- The population of Niagara is growing, as is the diversity of those coming to Niagara. According to the 2016 census, 8.9% of people in Niagara are a visible minority (38,810 individuals), up from 7.0% in 2011. There are 18,625 people (4.3%) in Niagara with North American Indigenous origins (First Nations, Inuit, or Métis). In 2011, there were 14,720 people (3.8%) with North American Indigenous origins.
- Recognizing the importance of attracting and retaining a diverse workforce for achieving economic prosperity, a Global Attractiveness project was undertaken under the previous Council Strategic Plan. The 2017 report outlined actions associated with three objectives (see Appendix 1):
 - Supporting community readiness
 - Marketing to migrants
 - Supporting retention programs

- A strategic marketing manager has been hired to address one of the objectives, however, work has not yet been able to progress for the other two objectives absent dedicated resources.
- There are 77 municipalities across Canada that have joined CIM, with 20 in Ontario, including City of Hamilton, City of London, and City of Windsor.
- Other municipalities that have supported CIM have resourced at least one FTE for developing and implementing an action plan, and/or up to one FTE support for advisory committees.

Financial Considerations

Based on the experiences of other municipalities in Canada, providing dedicated resources is crucial to realize Council-led action pursuant to joining CIM.

Dedicated resources are recommended for a two-year period in order to fulfill the requirements of joining the CIM. The annual operating impact is estimated at \$144,000, which includes one temporary non-union FTE dedicated for the duration of the project, student support, and funds for training, conferences, mileage and community engagement. We estimate a total project cost of \$288,000 over two years. If the recommendations in this report are approved, a business case will be submitted for consideration through the 2020 budget approval process. The financial implication of these resources would be equivalent to 0.04% of the levy.

This potential financial implication should be considered in context of new budget commitments previously endorsed by Council and new budget pressures outlined by staff, as summarized in the following table presented to Budget Review Committee to illustrate the potential levy impact estimated for the 2020 budget.

<i>Previously Identified Budget Commitments/Pressures</i>	<i>Council Report</i>	<i>Levy Amount (M\$)</i>	<i>Levy Increase %</i>
Suicide Prevention Initiative	PHD 8-2019	0.200	0.05%
Niagara Airports	CAO 04-2019	2.240	0.61%
Waterfront Investment Program – Base funding	CSD 40-2019	1.000	0.27%
Smarter Niagara Incentive Program – Base funding	CSD 40-2019	0.600	0.16%
Brock LINC request for funding	ED 9-2019	1.500	0.41%
Niagara Regional Transit - phase in cost	CSD 40-2019	6.213	1.70%
NRPS 2019 position hiring deferral	BRC-C 7-2019	0.706	0.19%
Long-Term Care Home Redevelopment capital funding	COM 32-2019	5.899	1.62%
GO Project - Station Operations	CSD 17-2019	1.410	0.39%

<i>Previously Identified Budget Commitments/Pressures</i>	<i>Council Report</i>	<i>Levy Amount (M\$)</i>	<i>Levy Increase %</i>
EMS Central Hub capital funding	CSD 40-2019	0.390	0.11%
Potential Budget Pressure To-date		\$20.158	5.51%

Analysis

Background

The Niagara Region Global Attractiveness Committee Report was submitted in February 2017, written by external consultants, Sarah Wayland and Huyen Dam, in conjunction with the internal Niagara Region Global Attractiveness Committee. The report outlined current immigration patterns, the attraction and retention factors in Niagara, and an action plan with three objectives:

1. To support community readiness to be a welcoming region through engagement and fostering collaboration with key stakeholders using tailored information and data.
2. To improve Niagara's existing marketing and migrant/immigrant focused literature and create new marketing to attract primary and secondary migration from within Canada and internationally.
3. To support further implementation of concrete programs that will retain immigrants and international students.

The objectives were supported by six tactics, and short, medium, and long term actions (see Appendix 1). A Strategic Marketing Manager was hired to address the second objective, however, work has not yet progressed on the other two objectives due to a lack of dedicated resources. Although these objectives focus on Niagara being a welcoming community, able to retain immigrants, it was not focused specifically on addressing discrimination and racism as in the CIM ten common commitments.

The Canadian Coalition Against Racism and Discrimination (CCMARD) was launched in 2004 as part of the International Coalition of Inclusive and Sustainable Cities (ICCAR) supported by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The name changed to Coalition of Inclusive Municipalities in 2019. Joining the Coalition and working actively towards the 10 commitments is beneficial for municipalities to be able to build respectful, inclusive and diverse societies, for the whole region, and specifically for newcomers, immigrants, refugees, Indigenous peoples, visible minorities, people with disabilities, and the LGBTQ2S+ community.

Additional benefits of joining CIM include access to a network of municipalities across the world to share best practices and resources, strengthening community partnerships,

involving diverse community stakeholders to understand their realities, and working together to form an Action Plan. Joining CIM can lead to increased accountability to citizens around issues of racism and discrimination, and increased trust, loyalty and respect towards the municipality, as the government works towards equity, inclusion, and appreciation of diversity in the community.

Creating an inclusive and diverse workforce and municipality leads to greater economic innovation and increased profitability. A 2018 report by McKinsey & Company called *Delivering through Diversity* described research conducted with 1,000 companies in 12 countries.¹ The research found that companies in the top-quartile for gender diversity on executive teams were 21% more likely to outperform on profitability and 27% more likely to have superior value creation. Companies in the top-quartile for ethnic/cultural diversity on executive teams were 33% more likely to have industry-leading profitability.

Focus groups and interviews with community partners and residents of Niagara conducted while developing the Public Health & Emergency Services Health Equity Strategic Plan found that discrimination based on race, gender, religion, sexuality, and other characteristics is experienced by people in multiple locations across the region. This results in negative health, social, and justice impacts for individuals and groups of people.² These negative results include physical harm as well as social or emotional impacts.² Studies have shown that when services have been withheld from people from certain populations due to stereotypes and misconceptions, has led to negative social and health outcomes and reluctance to access services when issues arise in the future.³ This applies not only for that individual, but for other family members as well. There is an over-representation of Indigenous peoples and visible minorities in many social services, including Family and Children's Services, the justice system, and in the homeless shelters.

Joining the Coalition

There are six steps to join the Coalition:

1. Prepare the case
2. Adopt a resolution to join
3. Sign the Declaration
4. Inform the Canadian Commission for UNESCO
5. Announce your involvement to local partners and residents
6. Agree to develop or adapt a unique plan of action

¹ Hunt V, Prince S, Dixon-Fyle S, & Yee L. (2018). *Delivering through Diversity*. McKinsey & Company.

² Paradies Y, Ben J, Denson N, Elias A, Priest N, Pieterse A, et al. (2015). Racism as a Determinant of Health: A Systematic Review and Meta-Analysis. *PLoS ONE* 10(9): e0138511.

<https://doi.org/10.1371/journal.pone.0138511>

³ Ben J, Cormack D, Harris R, & Paradies Y. (2017). Racism and health service utilisation: A systematic review and meta-analysis. *PLoS ONE* 12(12): e0189900. <https://doi.org/10.1371/journal.pone.0189900>

A summary of the ten Common Commitments grouped under three categories are listed in Appendix 2 with examples of current internal and external facing work from across the Regional departments and potential opportunities.

Other Municipal Action

There are 77 municipalities across Canada that have joined CIM, and 20 within Ontario. Here are some of the activities and resources of other similar municipalities.

Municipality	Committee	Action Plan	Staff Resources
Region of Peel	Diversity, Equity, and Anti-Racism Committee Seven members		Office of Culture and Inclusion – seven staff
City of Hamilton	Hamilton Committee Against Racism	Equity, Diversity, and Inclusion Plan (announced 2019)	Human Rights, Diversity and Inclusion Office – eight staff
City of London		Diversity and Inclusion Strategy (2015-2019)	One staff member (Coordinator, Government & External Relations)
City of Windsor	Diversity Committee Nine members		One staff (Diversity & Accessibility Advisor) – Clerks Office
Region of Waterloo (Not part of CIM)	Grand River Accessibility Advisory Committee (GRAAC) 12 members	Diversity, Equity and Inclusion Plan (2018-2022)	One staff member

Based on the learnings and experiences of other municipalities in Canada, we recommend dedicated personnel and operating costs. Personnel would coordinate the governance structures with internal and external stakeholders, and draft a Diversity, Equity, and Inclusion Action Plan.

Drafting the Action Plan would include conducting literature reviews, community engagement, and an environmental scan of best practices across Canada and internationally, as well as identifying needs, best practices, resources, and areas of focus for advancing a more inclusive Niagara that supports the ten CIM commitments.

Alternatives Reviewed

Staff considered waiting until the 2021 budget cycle to request dedicated resources for this initiative. This is not recommended as there are no staff that can be reassigned in the meantime to support the proposed governance structures. This alternative would result in the work towards the commitments and action plan to progress slower, with an action plan not being created until 2021-2022.

A second alternative considered was for potential FTE support through the Community Safety and Well-Being (CSWB) Plan. There is potential alignment between the CSWB Plan and the CIM recommendations for some aspects of the two projects, however, this would require the community consultations to identify diversity, equity, and/or inclusion as a key issue. This option is dependent on many variable factors, and does not offer committed support for CIM.

A third alternative considered was to hire a consultant to conduct research and draft an Action Plan. However, this would still require FTE support in directing the consultant, and would not be able to provide sustainable support to the internal Task Force or the Advisory Committee. A consultant would also not be able to develop and sustain quality internal and external stakeholder relationships that are important for this work.

A final alternative considered was leveraging existing resources by repurposing a current position. This option is not recommended, as there are no staff available for reallocation without significant impact on core Region operations or other strategic priorities.

Relationship to Council Strategic Priorities

Supporting Business and Economic Growth, which works towards a coordinated approach to fostering economic growth in Niagara. Research has shown that culturally diverse regions are more innovative and economically prosperous.

Healthy and Vibrant Community, specifically with objective 2.1: Enhancing Community Wellbeing with the intended outcome to foster a safe and inclusive community. Council will contribute to creating a healthy and vibrant community through advancing the ten commitments, which include monitoring and taking action against racism and discrimination in the region, supporting people who experience racism and discrimination, as well as the police as they combat racism and discrimination.

Sustainable and Engaging Government, through committing to high quality, efficient, fiscally sustainable and coordinated services. Creating an inclusive, equitable, and diverse region will enhance Council's ability to provide customer focused services, demonstrates a value to continuous improvement, collaboration and innovation, and be inclusive through reaching and maximizing the assets of all members of the community.

Other Pertinent Reports

- COM 14-2019 - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD)
- CAO 08-2019 - Community Safety and Well-Being Plan
- CWCD 70-2017 - Global Attractiveness Committee Report

Prepared by:

Cassandra Ogunniyi
Strategic and Health Equity Initiatives
Coordinator
Public Health and Emergency Services

Recommended by:

M. Mustafa Hirji, MD MPH RCPC
Medical Officer of Health/Commissioner
(Acting)
Public Health and Emergency Services

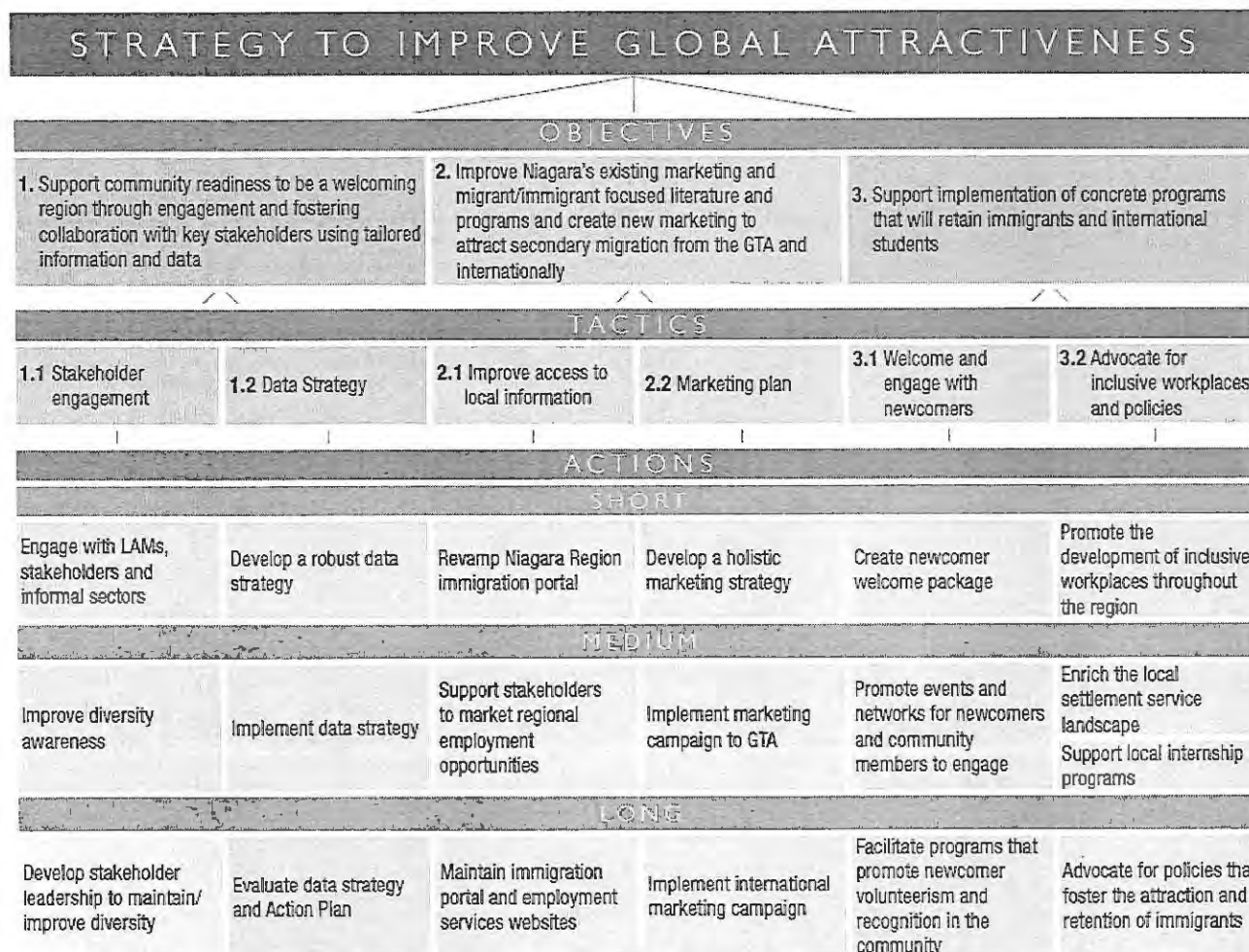
Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Farzana Crocco, Strategic Marketing Manager; Sandy Dupuis, Corporate Performance Specialist; Donovan D'Amboise, Manager, Program Financial Support, and reviewed by Dr. Andrea Feller, Associate Medical Officer of Health.

Appendices

Appendix 1 Global Attractiveness Action Plan



Appendix 2 CIM Commitments - Current and Potential Future Activities

The municipality as a guardian of the public interest

1. Increase vigilance against systemic and individual racism and discrimination.

Current Internal Activities: HR policies

Potential Opportunities: Establish an external consultation or advisory committee

2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.

Current Activities: None

Potential Opportunities: Report on the incidence of hate crimes, racism, and discrimination, as well as the responses taken, including areas such as housing, recreation, health, and other social programs

3. Inform and support individuals who experience racism and discrimination.

Current Internal Activities: HR Policies

Potential Opportunities: Use awareness materials and campaigns to inform citizens about their rights and obligations, including available resources and mechanisms for prevention and redress, as well as penalties for racist acts or behaviour and other forms of discrimination

4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

Potential Opportunities: Consult with local communities to hear concerns and receive input on responsive measures. Establish or enhance a comprehensive anti-racism and anti-discrimination vision statement and implement effective policies and procedures (including a complaints mechanism), as well as staff training to help prevent and respond to issues of racism and discrimination in policing services and in the community.

The municipality as an organization in the fulfillment of human rights

5. Provide equal opportunities as a municipal employer, service provider, and contractor.

Current Internal Activities: HR Policies

Current External Activities: Support Social Procurement

Potential Opportunities: Examine equity at a systemic level, such as auditing different aspects of the municipality's operations, including corporate planning, policy and program development, and procedures and practices with respect to employment, service delivery and contracting, as well as organizational culture; take steps to eliminate barriers; and finally, measure progress. Educate and sensitize elected officials and civil servants on mutual respect, citizenship and the obligation to protect and promote human rights.

6. Support measures to promote equity in the labour market.

Current Internal Activities: Corporate Diversity Training

Current External Activities: SAEO Employment Services, Bend the Curve

Potential Opportunities: In partnership with local chambers of commerce, set up a certification program for businesses, organizations, and professional bodies to integrate mechanisms into their own organizations for combating racism and building inclusive and respectful workplaces. Facilitate monitoring and removal of systemic barriers that impede fair and equitable access for full participation of Aboriginal and racialized communities in the economic life of the municipality, as well as access to professions and trades for foreign trained professionals.

7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.

Current External Activities: 10 Year Housing and Homelessness Action Plan, Niagara Housing Statement

Potential Opportunities: Work with landlords and social housing providers, with the assistance of tenant associations and community organizations, including legal clinics, to adopt equitable policies and practices with respect to qualifying applicants and selecting tenants for market rent units consistent with human rights principles. Work with homebuilder, realtor, rental, hotel, tourist and hospitality associations to draw up anti-discrimination codes of practice for their respective industry businesses and organizations.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.

Current Internal and External Activities: Accessibility Advisory Committee, Lived Experience Advisory - homelessness, Mental Health Client Advisory, Youth Advisory Committee (YAC), Lived Experience Advisory Network (LEAN) - poverty, Council Strategic Plan (Shape Niagara)

Potential Opportunities: Take steps to facilitate and increase the representation of Aboriginal and racialized communities on municipal boards, commissions and committees. Organize regular community forums in collaboration with existing organizations and mechanisms in order to offer citizens an opportunity to discuss and be heard on issues of racism and discrimination in the municipality, including effectiveness of local policies and programs

9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning

Current Internal Activities: Public Health – Indigenous Cultural Safety Training

Current External Activities: SAEO – Local Immigration Partnership (LIP)

Potential Opportunities: Support partnerships between educators and front-line community organizations to reach out to vulnerable youth whose access to education is adversely affected by bullying and violence or discriminatory discipline policies or practices. Create a program to recognize schools for their anti-racism and anti-discrimination initiatives.

10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

Current Internal Activities: Public Health - Indigenous Cultural Safety Training, Public Health - Health Equity Strategic Plan, Seniors Services and Community Programs – Diversity and Inclusivity Committee, Diversity Calendar for new International Plaza and Civic Park

Current External Activities: SAEO - LIP, 10 Year Housing and Homelessness Action Plan, Indigenous Community Engagement Consultant, Overdose Prevention and Education Network of Niagara (OPENN), Public Health - Health Equity Strategic Plan, Economic Development marketing and promotion of Niagara, Diversity Calendar for new International Plaza and Civic Park

Potential Opportunities: Support initiatives that increase expertise and capacity within ethno-cultural organizations to effect change in their communities and enable their members to participate fully in society. Promote awareness of the fact that integration of a community's cultural fabric, together with its economic, educational, social and security interests, strengthens and benefits the whole community.



National Awareness Month ... Turn Canada Purple

November is Pancreatic Cancer Awareness Month (PCAM) - an opportunity for us to come together to raise awareness of this deadly disease and provide comfort and support to those who have lost loved ones.

Landmarks across Canada are participating in the national awareness campaign - see below for a list of participating landmarks.

Pancreatic Cancer Awareness Kit:

Download our awareness resources and spread awareness in your community.

Downloadable PDF's



[Know the Facts](#)

[2016 Statistics and Facts](#)

[Signs and Symptoms](#)

[Facts about Pancreatic Cancer](#)

[Proclamation Form for World Pancreatic Cancer Day](#)

[Letter - Ask Landmarks to Light Up Purple this November](#)

WPCD [Pitch Letter](#) and [Press Advisory](#)

[Purple Awareness Kit](#) - includes purple ribbons, glowsticks and information cards

Ways to get involved:

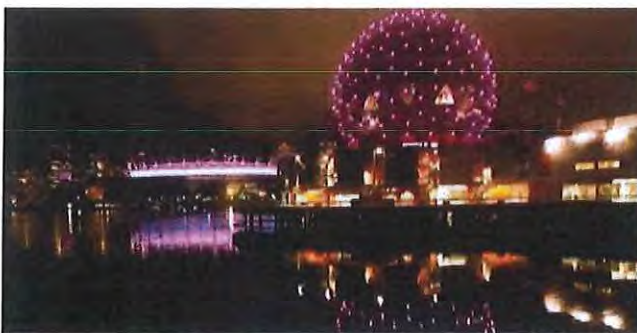
- Ask a local landmark to turn purple to raise awareness (*downloadable letter above*)
- Request that your city, municipality or province declares November as National Awareness Month or Pancreatic Cancer Day. (*downloadable proclamation form above*)

- Wear a purple ribbon throughout November or wear purple to work on World Pancreatic Cancer Day (awareness items)
- Raise awareness among your social media network - see our edgy new awareness campaign on facebook
- Host a DIY Purple Fundraiser or a Purple Light Vigil on World Pancreatic Cancer Day
- Honour a Loved One - **Buy a Kite** and help support our new research initiative

We rely on your support to make a difference. By turning Canada purple throughout National Awareness Month, we generate conversation and awareness of pancreatic cancer. November is our time to **UNITE in the Fight** against pancreatic cancer.

Light it Purple

We thank the following Landmarks for shining a purple light on pancreatic cancer this November. Let us know of any building in your community that has turned purple to support this important fight - we will post it below.



TELUS Science World - Nov 22



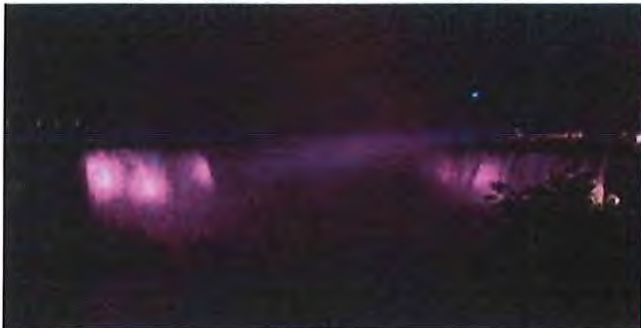
BC Place - Nov 22



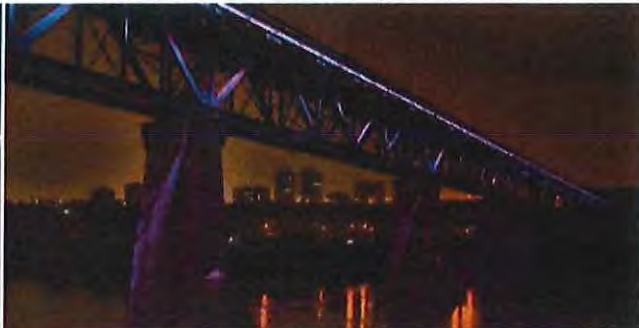
Sails of Light - Vancouver - Nov 17



Calgary's Telus Spark Science Ctr - Nov 17



Niagara Falls - Nov 17



Edmonton's Highlevel Bridge - Oct 22 & Nov 15

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Fredericton City Hall - Nov 14-21



Fredericton Legislative Bldg - Nov 17



Calgary Tower - Nov 17



Halifax City Hall - Nov 17



Confederation Bldg in Fredericton - Nov 1-30



Gazebo in Wilmot Park NB - Nov 17



Fortis Bldg in St. John's NL - Nov1-30



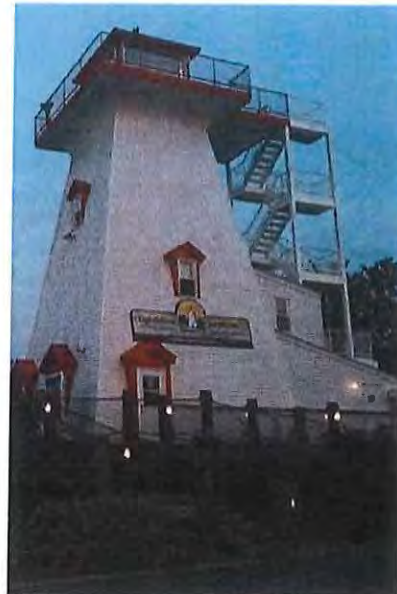
Oliver Restaurant in St. John's NL

Pancreatic Cancer Canada Foundation
Suite 3500, 2 Bloor Street East, Toronto, ON M4W 1A8
T: 1-888-pancan9 or 1-888-726-2269
Charitable Registration Number 84870 1967 RR0001

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Niagara Falls Skylon Tower
Nov 17



Fredericton Lighthouse
on the Green - Nov 17



RBC Zipper Toronto - Nov 17



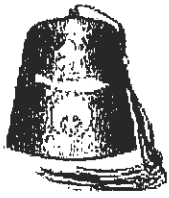
Calgary Galleria Tree - Nov 17



CN Tower Toronto - Nov 28th



Toronto City Hall - Nov 16



Port Colborne⁸¹ / Welland & District Shrine Club

Owing allegiance to and operating by permission of Shriners International & Rameses Head Quarters, No. 33, Toronto, Ontario Ca

Date: November 12, 2019

To: City of Welland
60 Main St. E.
Welland, ON, L3B 3X4

From: Port Colborne/Welland & District Shrine Club
c/o 318 Victory Avenue
Welland, ON, L3

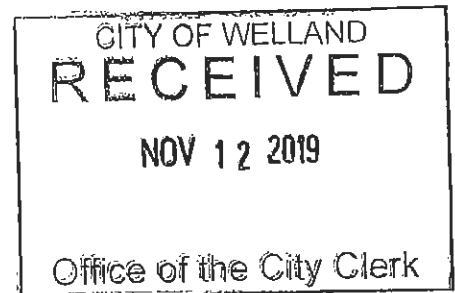
To whomever it may concern,

The Port Colborne/Welland & District Shrine Club is requesting permission to sell our Daily Cash Draw Calendar tickets at the Seaway Mall for the remainder of 2019 .
The license issued to us in Port Colborne has a license number #M810442 .

I can be contacted by phone (905)714-2578 or email llayne5@cogeco.ca

Thank you


Larry Layne , Treasurer



19-3



Alcohol and
Gaming Commission
of Ontario

Commission des
alcools et des jeux de
l'Ontario

Lottery Licence Licence de loterie

M 810442

Licensee/Titulaire de licence

Address (no. of street, name of street, suite no., city/town, province, postal code)

Adresse (n° de rue, nom de rue, bureau, ville, province, code postal)

Port Colborne/Welland and District Shrine Club

422 King Street Port Colborne, Ontario L3K 4H4

Type of Lottery Scheme
Genre de loterie

Calendar Draw

Location/Lieu

422 King Street

Municipality/Municipalité

Port Colborne

Specific date(s) of the lottery event(s) (yyyy/mm/dd)
Date(s) spécifique(s) de la loterie (aaaa/mm/jj)

Specific time(s) of the lottery event(s)
Heure(s) spécifique(s) de la loterie
From/de (HH:MM) To/à (HH:MM)

27-Jan-20	26-Oct-20	7:00 PM	7:00 PM
24-Feb-20	30-Nov-20	7:00 PM	7:00 PM
30-Mar-20	28-Dec-20	7:00 PM	7:00 PM
27-Apr-20		7:00 PM	
25-May-20		7:00 PM	
29-Jun-20		7:00 PM	
27-Jul-20		7:00 PM	
24-Aug-20		7:00 PM	
28-Sep-20		7:00 PM	

Total value of all prizes in any lottery conducted under this licence not to exceed \$ 15,400.00 in cash, or merchandise or articles at equivalent market value.

La valeur totale des prix d'une loterie organisée en vertu de la présente licence ne doit pas excéder \$ en espèces ou une valeur équivalente en nature.

The licensee must observe all terms and conditions of this licence as agreed to in its application.

The conduct of this lottery scheme is restricted to the dates, hours and limits specified on this licence.

L'organisme autorisé doit se conformer à toutes les modalités dont il a convenu dans la demande de licence. On doit conduire la loterie selon les dates, heures et limites qui y sont indiquées.

Special Terms and Conditions/Modalités spéciales

Lottery Report due a maximum of 30 days from the date of the draw.

Number of Draws: 12.00

Number of Tickets Available for sale: 2000 tickets available at \$20 each

Date of Issue (yyyy/mm/dd)

Date de délivrance de la licence (aaaa/mm/jj)

24-Jul-19

Licence Fees/Droits - licence

\$ 231.00

\$

Licensing Officer/Agent de délivrance des licences

Registrar of Alcohol and Gaming
Registreur des alcools et des jeux