

**Vision:** *The City of Greater Sudbury is a growing, world-class community bringing talent, technology and a great northern lifestyle together.*



# Agenda

## Community Services Committee

meeting to be held

Monday, November 5<sup>th</sup>, 2012

**at 4:00 pm**

Tom Davies Square



# COMMUNITY SERVICES COMMITTEE AGENDA

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Community Services Committee Meeting  
**Monday, November 5, 2012**  
Tom Davies Square

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**COUNCILLOR FRANCES CALDARELLI, CHAIR**

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**Terry Kett, Vice-Chair**

4:00 p.m. COMMUNITY SERVICES COMMITTEE MEETING  
COMMITTEE ROOM C-11

Council and Committee Meetings are accessible. For more information regarding accessibility,  
please call 3-1-1 or email [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca).

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

## **COMMUNITY DELEGATIONS**

1. Société Alzheimer Society Sudbury-Manitoulin **6 - 7**  
**(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)**

- Lorraine LeBlanc, Executive Director

(The Société Alzheimer Society Sudbury-Manitoulin would like to address the Community Services Committee regarding their property taxes.)

2. Summerfest **8 - 9**  
**(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)**

- Christopher Nerpin, Board Member
- Bev Briscoe, Board Member
- Elaina Groves, Board Member

(Summerfest would like to address the Community Services Committee.)

## **PRESENTATIONS**

3. Report dated October 31, 2012 from the General Manager of Community Development regarding Review of Draft Parks By-law. **10 - 33**  
**(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)**

- Real Carré, Director of Leisure Services

(This report deals with the draft Parks By-law. Staff have been working with the City Legal Department in preparing a draft Parks By-law for the Community Services Committee's review. The objective is to review the Parks By-law in order to determine if additions and/or modifications should be done prior to final approval.)

## **CONSENT AGENDA**

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

## **CORRESPONDENCE FOR INFORMATION ONLY**

- C-1. Report dated October 31, 2012 from the General Manager of Community Development regarding Update on the Implementation of Full Day Kindergarten. **34 - 36**  
**(FOR INFORMATION ONLY)**

(Full Day Kindergarten is now starting in its third year of implementation. This report describes the impact of the implementation of Full Day Kindergarten on the licensed child care sector. In general, because of changes that the Ministry of Education has made to its original implementation plan, the introduction of Full Day Kindergarten has not had a significant impact on the delivery of licensed child care in Greater Sudbury.)

## **REGULAR AGENDA**

### **REFERRED & DEFERRED MATTERS**

- R-1. Report dated October 17, 2012 from the General Manager of Community Development regarding Review of Building, Property and Park Naming Policy. **37 - 81**

**(RECOMMENDATION PREPARED)**

(This report seeks direction in regards to the naming of municipal Buildings, Properties and Parks. Several options are available for the Community Services Committee's consideration in regards to this matter.)

### **MANAGERS' REPORTS**

- R-2. Report dated October 19, 2012 from the General Manager of Community Development regarding Docking at McNaughton Terrace. **82 - 83**

**(FOR INFORMATION ONLY)**

(This report provides an update related to a dated agreement with previous users of the dock located at 322 McNaughton Terrace - Bell Park.)

### **ADDENDUM**

### **CIVIC PETITIONS**

### **QUESTION PERIOD AND ANNOUNCEMENTS**

### **NOTICES OF MOTION**

**ADJOURNMENT**

**BRIGITTE SOBUSH, DEPUTY CITY CLERK**

**FRANCA BORTOLUSSI, COUNCIL ASSISTANT**

## For Information Only

### Société Alzheimer Society Sudbury-Manitoulin

Presented To:	Community Services Committee
Presented:	Monday, Nov 05, 2012
Report Date	Thursday, Oct 11, 2012
Type:	Community Delegations

### Recommendation

For Information Only

The Société Alzheimer Society Sudbury-Manitoulin would like to address the Community Services Committee regarding their property taxes.

Signed By

No signatures or approvals were  
recorded for this report.

# Société Alzheimer Society

S U D B U R Y - M A N I T O U L I N

October 9 2012

City of Greater Sudbury  
Clerk's Services  
200 Brady Street, Box 5000, Station A  
Sudbury, ON P3A 5P3

RECEIVED

OCT 16 2012

CLERK'S

Re: Société Alzheimer Society Sudbury-Manitoulin property taxes  
Roll. Number Pioneer Manor 030004004000000

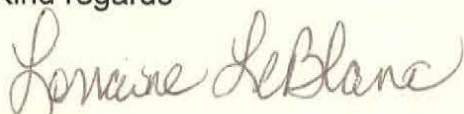
To whom it may concern:

Please accept this letter requesting a presentation to the City's delegates, regarding our property taxes. The following persons are available for a 10-minute presentation on the Alzheimer Society urgent call for a Dementia Strategy and how this will challenge our community. Property taxes will impede the work required to meet the growing needs and would necessitate further fundraising (presently at 25% of our budget). This would not be an effective business decision nor be in the best interests of our most vulnerable citizens who do not have a voice.

Lorraine LeBlanc	Serge Treherne	Marc Bertrand
Executive Director	President of the Board	Past President of the Board
Société Alzheimer Society Sudbury-Manitoulin	Société Alzheimer Society Sudbury-Manitoulin	Société Alzheimer Society Sudbury-Manitoulin
960B Notre Dame Avenue	960B Notre Dame Avenue	960B Notre Dame Avenue
Sudbury Ontario P3A 2T4	Sudbury Ontario P3A 2T4	Sudbury Ontario P3A 2T4
Tel. 705-560-0603 ext. 233	Tel. 705-670-9689	Tel. 705-560-5599 ext. 220
Fax 705-560-6938	Fax 705-560-6938	Fax 705-560-6938
E-mail: <a href="mailto:lleblanc@alzheimersudbury.ca">lleblanc@alzheimersudbury.ca</a>	E-mail : <a href="mailto:lawoffic1@bellnet.ca">lawoffic1@bellnet.ca</a>	E-mail : <a href="mailto:mabertrand@cbsn.ca">mabertrand@cbsn.ca</a>

If we are allowed to present to the City delegates, we will forward to you pertinent documents which include a Power Point presentation, by October 22 for distribution. Thank you for this opportunity to discuss the importance of working together to put in place a direction that will ensure dignity and quality of care for those living with this devastating disease.

Kind regards



Lorraine LeBlanc  
Executive Director  
Société Alzheimer Society Sudbury-Manitoulin



SOCIÉTÉ ALZHEIMER SOCIETY SUDBURY-MANITOULIN  
960B NOTRE DAME AVENUE, SUDBURY, ONTARIO P3A 2T4  
TEL: (705) 560-0603 FAX: (705) 560-6938 TOLL FREE 1-800-407-6369

E-MAIL: [info@alzheimersudbury.ca](mailto:info@alzheimersudbury.ca)  
[www.alzheimersudbury.ca](http://www.alzheimersudbury.ca)

## For Information Only

### Summerfest

Presented To: Community Services  
Committee

Presented: Monday, Nov 05, 2012

Report Date Thursday, Oct 11, 2012

Type: Community Delegations

### Recommendation

For Information Only

Summerfest would like to address the Community Services Committee.

Signed By

No signatures or approvals were  
recorded for this report.





Greater Sudbury's Premier  
Fun, Family Weekend

October 11, 2012

Clerks Services  
City of Greater Sudbury  
PO Box 5000, STN 'A'  
200 Brady St.  
Sudbury, ON P3A 5P3

To Whom it May Concern,

This is an official request on behalf of Sudbury Summerfest Foundation to address the Community Services Committee at the November 5, 2012 meeting.

The purpose of this request is to present to the committee information relating to the proposed changes for the parks by-law relating to the operation of midway's in Greater Sudbury. The proposed changes to the by-law will in effect eliminate that ability of Summerfest to continue offering a midway as part of its annual festival programming, as well as impact its revenue stream.

The presentation will be made verbally, along with a power point presentation. Attending on behalf of Summerfest will be Christopher Nerpin, Bev Briscoe, and Elaina Groves.

On behalf of the Sudbury Summerfest Foundation,

Christopher Nerpin  
Sudbury Summerfest Foundation  
Board Member

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**SUDBURY SUMMERFEST FOUNDATION**

Ontario Corporation no: 001453076 / Goods & Services Tax no: 894337-8710

P.O.Box 22009, 555 Barrydowne Road, Sudbury, ON P3A 6A1

Tel# (705) 523-2003

[www.sudburysummerfest.org](http://www.sudburysummerfest.org)

## Request for Decision

### Review of Draft Parks By-law

Presented To:	Community Services Committee
Presented:	Monday, Nov 05, 2012
Report Date	Wednesday, Oct 31, 2012
Type:	Presentations

### Recommendation

WHEREAS the Community Services Committee at the June 25, 2012 meeting reviewed the results of the public consultations on the draft Parks By-law;

AND WHEREAS members of the Standing Committee requested more information related to vandalism, smoking and dogs in parks;

AND WHEREAS further community concerns have been received related to midways operating on Bell Park;

THEREFORE BE IT RESOLVED THAT vandalism issues be addressed as part of the 2013 Capital and future Capital budgets for parks design with consideration for CPTED (Crime Prevention Through Environmental Design);

AND THAT smoking in parks be restricted where citizens congregate;

AND THAT dogs in parks continue to be addressed in the Animal Control By-law;

AND THAT Planning Services in consultation with Leisure Services prepare a report for the Planning Committee respecting carnival and midway uses in Park zones;

AND THAT the draft Parks By-law as attached be revised to reflect any further revisions requested by members of the Standing Committee from the November 5, 2012 meeting;

AND THAT a By-law be presented for the December 11, 2012 Council meeting for final approval.

### Finance Implications

Capital Funding for CPTED (Crime Prevention Through Environmental Design) and Parks By-law signage will be included as elements in 2013 and future Capital.

#### Signed By

##### **Report Prepared By**

Real Carre  
Director of Leisure Services  
*Digitally Signed Oct 31, 12*

##### **Recommended by the Department**

Catherine Matheson  
General Manager of Community Development  
*Digitally Signed Oct 31, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Oct 31, 12*

## Background

At the March 26, 2012 Community Services Committee meeting, a report and presentation on the draft Parks By-law was provided to members of the Standing Committee. The report provided background information on the existing Parks By-law from the former City of Sudbury along with a recommendation on public consultation dates, locations and online survey.

The results of the community consultations were reviewed with members of the Standing Committee at the June 25, 2012 meeting. At the meeting, members of the Standing Committee requested additional information related to the following:

- Smoking on park property
- Dogs unattended (tied up on bleachers, etc.)
- Vandalism

In addition to the above mentioned concerns, further complaints in regards to authorizing a midway to set up at Bell Park during Summerfest have been received.

### **Smoking**

In regards to the issue of smoking on park property, the City's current Smoking By-law (2004-232) Part 1 - Smoking in Public Places identifies "entranceway" as the area within a nine metre radius surrounding any entrance to a public building or workplace but does not include a public highway. The Sudbury and District Health Unit provided feedback in June, 2012 related to the draft Parks By-law in regards to tobacco control. The SDHU recommends that while in a park, no person shall use tobacco or hold lighted tobacco in and surrounding areas where children under the age of 16 years congregate including but not limited to playground equipment, splash pad surfaces, spectator areas and recreational fields. As reported at the Standing Committee meeting on June 25, 2012, staff has received complaints from adults who were concerned about smoking near the bleachers at the James Jerome Sports Complex. It is recommended that the Sudbury and District Health Unit recommendation on smoking be approved with the following amendment:

*"No person shall smoke tobacco in and surrounding areas where individuals congregate."*

While the Sudbury and District Health Unit is not in a position to offer enforcement related support for the Parks By-law, the Health Unit tobacco enforcement officer can provide support in the way of education for Parks staff (Security).

### **Dogs Unattended**

Concerns were expressed regarding dogs who are on a leash, tied to bleachers, player benches, playgrounds etc. The Parks By-law does not contain extensive provisions around animal control as that issue is already addressed by the Animal Control By-law.

### **Vandalism**

Concerns were identified related to incidents of vandalism at a number of parks. The Parks By-law addresses this issue under Damage:

*"No person, while in any park shall: break, injure, damage, deface, destroy, vandalize, modify, move or remove anything which is the property of the City".*

The department has included as part of the 2013 Capital funding an allocation to fund retrofits to parks as identified in a Crime Prevention Through Environmental Design (CPTED) audit. Additional Capital funding will be requested in future Capital envelopes to continue high priority retrofits which will assist with reducing vandalism in parks such as additional lighting, video cameras, etc. As per past practice, the Parks

Security Patrol visits will be increased at sites which have experienced high volume of vandalism and complaints from citizens.

### **Carnivals (Midways)**

The department and Ward Councillor have received complaints in regard to the Carnival (Midway) which has been part of the activities offered by Summerfest at Bell Park. Carnivals are authorized as per the current Zoning By-law which permits carnivals (midways) on properties zoned C-5 - Shopping Centre for commercial only.

As it is the Zoning By-law that permits the use of land, including lands zoned "P" Park, the Report Recommendation includes direction to staff to bring forward a report for the Planning Committee respecting carnivals and midways in Park zones.

### **Draft Parks By-law**

A copy of the draft Parks By-law is attached for Council's consideration. The proposed by-law assigns to the General Manager of Community Development, the responsibility for administering the by-law and delegates the necessary authority to carry out the responsibilities assigned to the General Manager under the by-law.

Activities in the park are governed in different ways. Some activities are prohibited. For instance, activities such as hunting and playing golf are prohibited for safety reasons while actions which would damage City property, are also prohibited outright. Other activities such as skateboarding are permitted only in 'designated areas', and subject to rules and regulations which are posted. Still other activities, such as organized events or organized sports activities are regulated through a permit process. The by-law sets out requirements for applying for a permit, establishes guides for when a permit can be refused, and imposes obligations which always apply to the permit holder. Authority is given to the General Manager to impose conditions appropriate to the circumstances of the application. An appeal process is created to provide flexibility to applicants who are not satisfied with a refusal of a permit, a revocation of a permit, or the imposition of a condition.

The hours of operation set out in the by-law reflect the current practices. The by-law provides for flexibility for the General Manager to make changes to the hours where appropriate to do so. For instance, the General Manager would be able to authorize extended hours for those organized sporting events which wish to operate past the usual park closing time. Similarly, there is authority granted to temporarily close a park in whole or in part, as may be required for health and safety reasons or to protect a park or playing field from damage.

### **Enforcement**

A By-law and police officer(s) have authority to enforce the Parks By-law. In addition, Council has authority to appoint any person for the enforcement of by-laws. Council could in addition appoint members of a hired contract to also enforce the provisions of the Parks By-law. The officers have the ability to lay charges for contravention of the by-law. In addition, it is an obligation of a permit holder to ensure that attendees or participants in an organized event comply with the provisions of the Parks By-law.

### **Conclusion**

Attached are documents for members of the Standing Committee review. A copy of the June 25, 2012 report to Standing Committee provided a survey of the results of the Community Consultation (Appendix A). In addition, a copy of the draft By-Law of the City of Greater Sudbury to Regulate Parks under the Jurisdiction of the City (Appendix B) is attached.

The minutes of the Standing Committee meeting held on November 5, including the draft Parks By-law will be reviewed by Council at the November 20, 2012 meeting. Should the draft be approved as submitted, the Parks By-law of the City of Greater Sudbury to Regulate Parks under the Jurisdiction of the City will be

presented to Council at the December 11, 2012 meeting for final approval.

## Request for Decision

### Draft Parks By-law - Results of Community Consultation

Presented To: Community Services Committee

Presented: Monday, Jun 25, 2012

Report Date Wednesday, Jun 13, 2012

Type: Managers' Reports

### Recommendation

WHEREAS the Community Services Committee at the March 26, 2012 meeting directed staff to hold public consultations on the proposed City parks By-law, and;

WHEREAS consultations were held at six sites across the City, and;

WHEREAS an online survey was made available to the public and 166 individuals responded to the survey, and;

WHEREAS the concerns of the public were rated as follows:  
Cleanliness - 62% Vandalism - 53% Smoking - 43% Animal Control - 42% Motorized Vehicles - 26% Safety - 22% Noise - 16% Public Gathering - 11% Hours of Operation - 10% Commercial activities - 2%

THEREFORE BE IT RESOLVED THAT parks cleanliness and safety be prioritized in the City operations through annual operating budgets, and;

THAT the no smoking By-law be amended as part of the draft parks By-law to include: while in a park, no person shall smoke tobacco or hold lighted tobacco within a nine meter radius surrounding the edge of any playground safety surface or any playground equipment, public seating areas, playfields, wading pools, amphitheatres, gazebos, outdoor rinks, splash pads, and ski lifts, and;

THAT consideration to manage the public boat launching facility equipped with boat washing capabilities such as Ramsey Lake be referred to future budgets, and;

THAT the draft parks By-law be brought back to the Community Services Standing Committee at the September 24th, 2012 meeting for review, and;

THAT the parks By-law for the City of Greater Sudbury be presented to Council on October 30, 2012 for final approval.

#### Signed By

##### Report Prepared By

Real Carre  
Director of Leisure Services  
*Digitally Signed Jun 13, 12*

##### Recommended by the Department

Catherine Matheson  
General Manager of Community Development  
*Digitally Signed Jun 13, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jun 13, 12*

## **Background**

At the March 26, 2012 Community Services Committee, a report and presentation on the drafts parks by-law was provided to members of the Standing Committee. The report provided background information on the existing Parks by-law from the former City of Sudbury along with a recommendation on the public consultation dates, locations and online survey. A number of issues were identified which required consultation as we move towards establishing a Parks By-law for the City of Greater Sudbury.

The concerns and issues identified included:

1. Motorized vehicles in Parks
2. Dog leash free zones
3. Smoking
4. Public boat launching facilities
5. Midways/Carnivals
6. Commercial activities
7. Parks security/Closing hours

In addition to the above, the Standing Committee at the April 30, 2012 meeting requested that we include as part of the public consultation the requests from an individual interested in operating a flight seeing business off Ramsey Lake (Bell Park). The business proposal included using the existing docks located at the McNaughton Terrace to pick up and drop off passengers for flight seeing tours over the City.

### **Surveys/Community Consultation**

Citizens were invited to attend public input sessions to have their views on the use of Municipal Parks. In addition, those who were unable to attend the sessions were encouraged to fill out a questionnaire on line at [www.greatersudbury.ca/parks](http://www.greatersudbury.ca/parks) (copy of the online survey is attached).

The consultation sessions were held from 4 p.m. to 7 p.m. as per the following schedule:

Wednesday, May 16th at Chelmsford Community Centre/Arena (Hall)  
Thursday, May 17th at Dr. Edgar Leclair Community Centre/Arena (Hall)  
Wednesday, May 23rd at T.M. Davies Community Centre/Arena (Hall)  
Thursday, May 24th at Howard Armstrong Recreation Centre  
Wednesday, May 30th at Garson Community Centre/Arena (Hall)  
Thursday, May 31st at Tom Davies Square (Lobby)

Overall, the consultation sessions were not well attended by the public. Citizens provided the majority of their input by completing the online survey. For Council's information, a copy of the on line survey has been attached.

### **Summary of Online Survey**

As of Friday, June 4th, 2012, there were 166 who responded to the survey. Attached is a summary of the parks By-law survey: The highest percentage of the respondents were from the former City of Sudbury. As part of the survey, it was important to identify if citizens had encountered any issues/concerns while visiting a City of Greater Sudbury park. 69% responded yes, while 31% indicated that they had not encountered any issues/concerns.

The following is a summary of issues/concerns identified:

Cleanliness	62%
Vandalism	53%
Smoking	43%
Animal Control	42%
Motorized Vehicles	26%
Safety	22%
Noise	16%
Public Gathering	11%
Hours of Operation	10%
Commercial activities	2%

#### **Public Input on Concerns and Issues Identified at the March 26th Meeting**

1. **Motorized Vehicles in Parks:** Motorized vehicles in parks was identified 5th overall (26%) regarding issues and concerns encountered while visiting City of Greater Sudbury parks. The respondents expressed concerns related to ATV's destroying grass and using multi-use trails. The draft By-Law will recommend that motorized vehicles not be permitted on park properties. The By-Law will however provide exceptions to include emergency vehicles and City maintenance staff.

2. **Dog Leash Free Zones:** Animal control was identified 4th overall (42%). There were comments specific to the lack of off-leash dog parks, dog owners not abiding by the poop/scoop by-laws and dogs not on leashes within park properties. A draft by-law to establish/regulate use of off-leash dog parks will be presented to the Community Services Standing Committee scheduled on Monday, June 25, 2012. The by-law will be presented to Council on July 10, 2012 for final approval.

3. **Smoking:** Smoking was identified 3rd overall at 43% expressing concern. The concerns expressed included smoking near play structures, parks, playgrounds, etc. A resolution has been prepared for Council's approval related to an amendment to the current smoking by-law.

4. **Public Boat Launching Facilities:** There were two questions related to City owned public boat launching facilities:

Should municipal boat launches be used for:

- a) Washing boats prior to launching. There were 84 responses.
  - 54% in favor
  - 46% not in favor
- b) Winter access to lakes by cars/trucks. There were 80 responses.
  - 60% in favor
  - 40% not in favor

The boat washing recommendation has been referred to future capital budget.

5. **Midways/Carnivals:** There were no issues or concerns related to midways/carnivals. It is recommended that midways/carnivals be authorized as per the current zoning by-law which permits carnivals on properties zoned C5 - shopping Centre for commercial only.

6. **Commercial Activities:** Commercial activities was not identified as major concerns (2%). Staff



recommends that while in a park, no person shall, except as part of an activity authorized by permit to operate any commercial activity within the parks.

**7. Parks Security/Closing Hours:** Safety and vandalism were identified as concerns. It is recommended by staff that these concerns be prioritized in the City operations through annual operating budgets. 92% expressed satisfaction on the current hours of park operation (6 a.m.- 11 p.m.)

**8. Commercial Float Plane Sightseeing Venture - Bell Park:** In regards to the proposal to operate float plane sightseeing venture in Bell Park, 109 individuals responded to the question.

- 54% supported the proposal
- 46% did not support the proposal

General Comments were:

- only during specific times
- concerns about noise, safety, water pollution

Staff have prepared options for Council's consideration as per the report on Docking Requests/Bell Park which is also scheduled as part of the Community Services Standing Committee meeting of June 25th, 2012.

### **Next Steps**

Standing Committees direction on certain issues will be incorporated in part of the draft Parks By-law. The draft By-law will be presented Standing Committee on September 24th, 2012. The By-law will be presented to Council for final approval on October 30th, 2012.

**BY-LAW 2012-\***

**A BYLAW OF THE CITY OF GREATER SUDBURY TO  
REGULATE PARKS UNDER THE JURISDICTION OF THE CITY**

**WHEREAS** section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act 2001*") confers the power to a municipality to pass by-laws respecting various matters, including public assets of the municipality acquired for the purpose of exercising its authority under the *Municipal Act, 2001* or other act; the health, safety and well-being of persons; protection of persons and property, including consumer protection; animals; and other matters;

**AND WHEREAS** Paragraph 9(3)(b) of the *Municipal Act, 2001* confers the power upon a municipality in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

**AND WHEREAS** the Council of the City of Greater Sudbury deems it desirable to regulate the use of and activity in parks within the City;

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

Terminology

1. In this By-law:

"Authorized Sign" means any sign, notice or other device which has been placed or erected in or upon a Park under the authority of this or any other By-law;

"By-law Enforcement Officer" means a member of any police service with jurisdiction in the City, or any person appointed by Council for the enforcement of municipal by-laws, including this By-law;

"City" means the municipal corporation of the City of Greater Sudbury or the geographic area, as the context requires;

"Council" means the elected Council of the City of Greater Sudbury;

"Designated Area" means an area, defined, constructed or set aside for a specific use and may include an area with Posted Conditions;

"Fireworks" includes Family Fireworks and Exhibition Fireworks as defined in the City's By-law to Regulate the Sale and Discharge of Fireworks, By-law 2011-100, as amended or replaced;

"General Manager" means the General Manager of Community Development and includes her or his authorized representative and any City employee acting under her or his direction;

"Hearing Committee" means the Hearing Committee appointed by Council from time to time to hear matters referred to the Hearing Committee by By-law;

"Leash-Free Zone" means an enclosed area set aside as an area where dogs are not required to be leashed or otherwise restrained except by the area enclosure as governed by the City's By-law 2012-145, being a By-law to Establish and Regulate the Use of Off - Leash Dog Parks;

"Liquor" means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

"Motor Vehicle" includes an automobile, truck, motorcycle, motor home, trailer or any other similar vehicle which is or can be licenced for use on a public highway and which is capable of being driven, propelled or drawn by any kind of combustible, battery, solar or electric power. For the purposes of this By-law a Motor Vehicle excludes a wheelchair or other similar device (powered or otherwise) used by an individual due to disability and a Motorized Recreational Vehicle;

"Motorized Recreational Vehicle" includes a snowmobile as defined in the *Motorized Snow Vehicle Act*, R.S.O. 1990, c. M.44, as amended or replaced from time to time, an off-road vehicle as defined in the *Off-Road Vehicle Act*, R.S.O. 1990, c. O.4, as amended or replaced from time to time, including, an all-terrain vehicle, a go cart, a motor-assisted bicycle, power-assisted bicycle, golf cart, pocket bike or any other device which is capable of being driven, propelled or drawn by any kind of combustible, battery, solar or electric power, whether or not same can be licenced for use on or operated on a public highway. For the purposes of this By-law a Motorized Recreational Vehicle excludes a wheelchair or other similar device (powered or otherwise) used by an individual due to disability and a Motor Vehicle;

"Organized Gathering" includes picnics, events or gatherings, whether or not formally constituted, for more than 25 persons and also includes festivals;

"Organized Sport or Activity" means a sport, game or activity by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

"Park" means any land, land covered by water and any portion thereof owned by or made available by lease, agreement or otherwise to the City, that is or may in the future be established, dedicated, set apart or made available for use to as open public space for active or passive recreation and includes all buildings, structures, facilities, erections, improvements and amenities, located in or on the land but does not include a Leash Free Zone;

"Permit" means any permit issued by the General Manager, to whom such authority has been delegated by Council pursuant to Section 5;

"Person" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a corporation, and a natural person;

"Post, Posting or Posted" refers to the erection or presence of an Authorized "Sign" ;

"Posted Conditions" means the conditions of use for a Designated Area as shown on an Authorized Sign;

"Public Parking Area " means any area of a Park Posted by the City for the purposes of providing temporary parking of a licensed Motor Vehicle; and

"Refuse" means anything for which the holder has no further use and which the holder has discarded.

#### Interpretation

**2.-(1)** Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

- (2) References to items in the plural include the singular, as applicable.
- (3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them.
- (4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time and include regulations thereunder.
- (6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.
- (7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.
- (8) Where any expression of time occurs, the time referred to is intended to be the system of timekeeping in force in the City at the time of application of the By-law. For example, during the month of December, the time is expressed in standard time; however, during the month of July, the time is expressed in daylight savings time.
- (9) Words which are not defined for the purposes of this By-law shall be read in their ordinary, everyday meanings.
- (10) References to a whole include references to a part of the whole, whether or not so specified.

#### Severability / Conflict

**3.-(1)** If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

- (2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.
- (3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

#### Application / Risk

**4.-(1)** Except as expressly provided to the contrary in this By-law, this By-law shall apply to every Park in the City.

- (2) Despite subsection 4(1), this By-law shall not apply to:
  - (a) an employee of or contractor of the City while in the course of carrying out assigned work or duties on behalf of the City in a Park;
  - (b) a contractor of the City or while engaging in activities in the Park authorized pursuant to agreement under the City's Purchasing By-law;
  - (c) an emergency service responder, while in the course of providing emergency response services; or

- (d) an employee or contractor of a public utility in the course of providing services offered by the utility.

(3) The use by or presence of any Person in any Park for any activity or purpose shall be entirely at his or her own risk. Such uses include all passive or active recreational activities, including, without limitation, use of any natural or artificial ice surface, any swimming area and use of any playground equipment and any playing field, tennis court or facility provided in a Park. It is the responsibility of the parent or guardian of any minor to ensure that the minor is adequately supervised at all times while on or in any Park.

#### Administration

5.-(1) The administration of this By-law is assigned to the General Manager who is also delegated the authority to make all decisions required of the General Manager under this By-law and to perform all administrative functions identified herein and those incidental to and necessary for the due administration of this By-law. The authority granted hereunder does not include the authority to negotiate or sign agreements of a type referred to in Section 18.

#### Delegation

(2) The General Manager may delegate the performance of any one or more of her or his functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The General Manager may continue to exercise authority granted hereunder despite any such delegation.

#### Guidelines - Posted and Designated Areas

(3) The General Manager may establish Designated Areas, establish conditions of use and direct the Posting in a Park of an Authorized Sign which relates to uses or activities or conditions of use where, in the opinion of the General Manager, so doing:

- (a) does not prejudice the safety of the public;
- (b) will not result in the contravention of any other applicable law;
- (c) will be in accordance with an approved process, policy, plan or study;
- (d) will improve, enhance or make safe the passive or active use of a Park; or
- (e) will protect the condition of the Park.

#### Application for Permit

6.-(1) Every applicant for a Permit under this By-law shall:

- (a) file with the General Manager an application in the form established by the General Manager from time to time, which includes the following:
  - (i) the applicant's name, address, contact information;
  - (ii) a telephone number or other acceptable emergency contact information;
  - (iii) particulars of the proposed date, time, Park and location within the Park for which the Permit is sought;
  - (iv) particulars of the activity or use for which the Permit is sought;

- (v) such other particulars as the General Manager may require to investigate, assess and process the application; and
  - (vi) the signature of the applicant, and where the applicant is a corporation, the signature of a person who has authority to bind the applicant, and where the applicant is a member of an unincorporated association or group, by an individual accepting liability on behalf of the unincorporated association or group, certifying the accuracy of the information provided. An agent of the applicant is not authorized to sign the application on behalf of the applicant;
- (b) file with the General Manager as part of the application such supporting documentation as may be set out in the application or required by the General Manager to assess the application;
  - (c) provide proof of insurance required under Subsection 8(1); and
  - (d) pay any applicable user fee determined in accordance with the City's Miscellaneous User Fee By-law then in effect.
- (2) The application is complete once all required information, documentation and fees have been submitted.

#### Refuse to Issue Permit

7.-(1) The General Manager shall refuse to issue a Permit under this By-law if:

- (a) the application is incomplete;
- (b) the approval of the application will result in the contravention of any applicable law;
- (c) the proposed activity or use for which the Permit is sought is not of a type authorized by this By-law;
- (d) the proposed activity or use for which the Permit is sought will, in the opinion of the General Manager:
  - (i) interfere unduly with the enjoyment of the Park by others;
  - (ii) unduly interfere with the use and enjoyment of persons who own or occupy property in the area of the Park;
  - (iii) result in damage to the Park;
  - (iv) result in undue health or safety risks for Park users or others; or
  - (v) be inconsistent with another City By-law or City policy;
- (e) a review of records indicates that the applicant owes money to the City for any reason related to
  - (i) this By-law or a By-law repealed by this By-law; or
  - (ii) any activity or program operated by the City's leisure services department; or
  - (iii) any facility use permit previously issued by the General Manager;

- (f) the past behavior of the applicant is such that that the General Manager does not believe the applicant will comply with the terms and conditions of the Permit;
- (g) a prior Permit has been revoked due to non-compliance with the Permit, whether the Permit was issued under this By-law or a By-law repealed by this By-law;
- (h) the applicant is under the age of 18 years; or
- (i) the proposed activity is not an activity permitted under the City's Zoning By-law for the Park.

(2) The General Manager shall advise the applicant in writing of her or his decision to not issue a Permit under this By-law and the reason for the refusal. Notice of the decision may be delivered to the applicant, or mailed to the address for the applicant shown in the application. Service shall be deemed effective immediately, if delivered to the applicant or on the 5<sup>th</sup> day after mailing, if the notice of decision is mailed to the applicant, whether or not the notice is actually received.

#### Issuance of Permit / Permit Conditions

**8.-(1)** Where the applicant has complied with the requirements of Section 6 and the issuance of the Permit is not otherwise prohibited under this By-law, the General Manager is authorized to issue a Permit specifying particulars of:

- (a) the name of the Permit holder;
- (b) the Park, the authorized location within the Park, the permitted use, approved day, date and times of use; and
- (c) such conditions or provisions as the General Manager determines to be appropriate in the circumstances.

(2) In issuing a Permit, the General Manager may specify particulars that differ from that proposed in the application.

(3) Whether or not specified by the General Manager in the Permit, every Permit is issued subject to the following conditions:

- (a) the Permit holder shall be responsible to comply with and ensure that participants under the authority of the Permit comply with the provisions of and conditions in the Permit and this By-law;
- (b) the Permit holder shall maintain at his or her own expense, liability insurance coverage in the name of the Permit Holder related to the activity authorized by the Permit and subject to limits of not less than Two Million Dollars inclusive per occurrence, for bodily injury, death and damage to property or such other or greater coverages as the General Manager determines to be appropriate in the circumstances, and naming the City as an additional insured as its interests may appear;
- (c) the Permit holder shall follow incident reporting procedures established by the General Manager, in the event of an incident in a Park; and
- (d) the Permit holder shall indemnify and safe harmless the City, its elected and non-elected officials, employees and agents from any and all claims, demands, causes of action, losses, costs or damages that any of the foregoing may suffer, incur or be liable for resulting from or arising from

the use of the Park whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors or agents.

- (5) The General Manager issues a Permit by dating as of the date of issuance and signing the Permit.

#### Expiry / Revocation / Transfer of Permit

**9.-(1)** A Permit issued under this By-law shall be in effect only on the day / date and during the time specified in the Permit and authorizes the Permit holder to use only the use of the location specified in the Permit.

(2) The General Manager may revoke a Permit wherein the opinion of the General Manager, the Permit Holder has failed to comply with any condition or provision of a Permit or this By-law. The revocation of the Permit shall be in addition to any other enforcement proceedings against the Permit holder under this By-law.

(3) Upon revocation of a Permit, the Permit holder of the revoked Permit shall immediately cease or ensure the immediate cessation of all the activities under the Permit and the use of the Park for which the Permit was issued.

(4) No Permit issued under this By-law is transferable. Every Permit remains the property of the City.

#### Appeal

**10.** An applicant shall be entitled to appeal to the Hearing Committee:

- (a) a decision of the General Manager to refuse to issue a Permit;
- (b) a condition imposed by the General Manager in a Permit; or
- (c) a decision of the General Manager to revoke a Permit.

#### Duties – Permit Holder

**11.-(1)** Every Permit holder shall keep a copy of the Permit, or cause a copy of the Permit to be kept at the site of the activity authorized in the Permit.

(2) Every Permit holder shall produce the Permit or cause the Permit to be produced when asked to do so by a By-law Enforcement Officer.

(3) Every Permit holder shall comply with and cause every Person participating in any activity authorized under the Permit to comply with this By-law and the provisions in the Permit including any conditions included or deemed to be included in the Permit.

#### Permit Required - Exclusive Use

**12. (1)** No Person shall have or claim exclusive use of any portion or all of a Park, except in accordance with a Permit.

(2) No Person, while in any Park, shall:

- (a) hold or organize an Organized Gathering unless authorized by Permit; or
- (b) arrange or engage in an Organized Sport or Activity, unless authorized by Permit; or
- (c) interfere with an Organized Gathering or an Organized Sport or Activity authorized by Permit.



#### Interfere with Permitted Activity

**13.** No Person shall interfere with or attempt to interfere with any use or activity authorized by Permit.

#### Designated Area

**14-(1).** No Person, while in a Park shall:

- (a) enter into a Designated Area which is Posted under the authority of this By-law to prohibit or restrict admission of the public; or
- (b) enter into a Designated Area for a purpose contrary to the Designated purpose; or
- (c) fail to abide by Posted Conditions or Authorized Signs placed under the authority of this By-law.

#### Closing Hours

**15.-(1)** Subject to Subsections 15(2) to 15(4) inclusive, all Parks shall be closed from 11:00 p.m. each day until 6:00 a.m. the following day.

#### Posted Closing Hours

(2) Despite Subsection 15(1) the General Manager may Post hours of closing of a Park other than as set out in Subsection 15(1) and in any such instance, the posted hours shall prevail.

#### Temporary Extension of Closing Hours - Permit

(3) Despite Subsection 15(1) the General Manager may, in a Permit, temporarily extend the hours of a Park for the purposes of the activity or use authorized by the Permit, where the General Manager feels it is appropriate to do in order to accommodate an Organized Gathering or Organized Sport or Activity and subject to such conditions as the General Manager may impose in the Permit.

#### Guidelines - Temporary Closing of a Park

(4) Despite Subsection 15(1) the General Manager may temporarily close a Park where:

- (a) ground conditions exist which may be a hazard;
- (b) the use of the Park may result in damage to the grounds;
- (c) the General Manager determines it is necessary for the health or welfare of the public; or
- (d) to accommodate an Organized Gathering or an Organized Sport or Activity being held within the Park pursuant to a Permit.

(5) Where the General Manager temporarily closes a Park pursuant to Subsection the General Manager may communicate the temporary closure by Posting an Authorized sign notifying of the temporary closure, or by any other means the General Manager determines to be appropriate in the circumstances.

(6) Any Permit issued for use of a Park during a period that the Park is temporarily closed for any of the reasons in Paragraphs 15(4)(a) - (c) is automatically revoked.

#### Prohibition - When Park Closed

**16.** No Person shall enter or remain in a Park during any period when a Park is closed, except where permitted in accordance with a Permit which has not been revoked.

#### Damage

**17.** No Person, while in any Park shall:

- (a) climb any building, structure, equipment or other thing unless it was designed for climbing;
- (b) break, injure, damage, deface, destroy, vandalize, modify, move or remove anything which is the property of the City;
- (c) move or remove any rocks, boulders or rock faces;
- (d) remove any soil, sand, gravel, stone or wood or any tree, plant or vegetation;
- (e) in any manner, disturb ground which is under repair, prepared for planting, newly seeded or in an area Posted to that effect; or
- (f) use a play structure, playing field, ball diamond, tennis court, skateboard facility, or any building, structure, park furniture, improvement or facility provided in the Park for the use and benefit of the public, for any purpose except the purpose for which it was intended.

#### Encroachment

**18.-(1)** No Person shall encroach upon or take possession of any Park by any means whatsoever, including, without limitation:

- (a) planting or cultivation of any hedge, tree, shrub, grass, or garden;
- (b) construction or placement of any fence, gate, storage shed, retaining wall or other structure of any kind or any equipment of any kind;
- (c) dumping, storing or keeping of any composting receptacle, composting pile, waste container or other material or article; or
- (d) placing of any string, wire, chain, rope or similar material;

unless authorized by way of written encroachment agreement or other licence agreement entered into with the City.

(2) No Person shall enter upon or occupy a Park for the purposes of engaging in work on private property unless authorized by way of written agreement with the City.

(3) No Person shall:

- (a) dump or dispose of or authorize or permit the dumping or disposal of any snow, fill, soil, building or construction materials or any discarded or unused item in any Park; or
- (b) dump, drain or discharge or authorize or permit the dumping, draining or discharging onto any soil or into any water source or water body, natural or manmade, within a Park, any substance, liquid or solid, toxic or otherwise which may have the effect of polluting or contaminating the soil or water.

(4) No Person shall make or authorize or permit the making of any change or alteration to the Park, including without limitation, installing park furniture, planting a garden, tree, plant or other vegetation, installing items of ornamentation, installing sports equipment, constructing obstacle courses or jumps intended for use by a Person riding a bicycle, skateboard, snowboard, rollerblades or the like. Nothing herein shall restrict the authority of Council to authorize agreements for the installation of public art, equipment, structures or the like in a Park, as Council determines to be appropriate in the circumstances.

(5) Despite Subsection 18(4), the General Manager may authorize temporary installations in a Park, as part of an event being held in a Park pursuant to a Permit and may impose conditions in the Permit for the purpose of protecting the condition of the Park.

#### Objectionable Behaviour

19. No Person, while in a Park shall:

- (a) engage in language, behaviour or conduct which is loud, boisterous, threatening, abusive, insulting or indecent;
- (b) engage in disorderly conduct or behaviour;
- (c) engage in any activity, conduct or behaviour so as to interfere with or become a nuisance to the general public using the Park;
- (d) engage in any activity, conduct or behaviour that endangers the health and safety of himself, herself or others; or
- (e) urinate or defecate except in a washroom facility intended for such purpose.

#### Refuse

20.-(1) No Person while in any Park shall:

- (a) fail to deposit Refuse in containers provided; or
- (b) fail to remove Refuse from the Park, where Refuse containers are not provided or are full; or
- (c) bring any Refuse into the Park for disposition or any other purpose.

(2) No Person shall throw, deposit, drop, place, dispose of or abandon in a Park, including in a refuse container in a Park, any needle, syringe, lancet, razor blade, or other sharp object.

#### Wildlife

21.-(1) No Person, while in any Park shall hunt, kill, attempt to kill, maim, injure, trap, collect, remove or disturb any animal, bird, nest, eggs, waterfowl, fish, worms or other wildlife, unless authorized by an applicable governmental licensing body.

(2) No Person, while in any Park shall provide, cause to be provided, deposit, put out or leave any food intended for consumption by or that may be consumed by any animal, bird, waterfowl or other wildlife.

#### Liquor

22. No Person shall bring into, keep, consume, serve or sell any liquor in any Park, unless such Person has received a license from the Alcohol and Gaming Commission

of Ontario, as required for such activity and a Permit has been issued permitting such activity. Nothing in this section relieves any person from the requirements to obtain a liquor license pursuant to the *Liquor License Act*.

#### Fireworks

**23.** No Person, while in any Park, shall ignite, discharge or set off any Fireworks, except where such Person has received a Permit for Exhibition Fireworks authorized in accordance with the City's Fireworks By-law 2011-100 as amended or replaced from time to time for such activity and a Permit has been issued permitting the activity.

#### Barbeque

**24.** No Person, while in any Park, shall:

- (a) use gas, charcoal or other solid-fueled portable barbecues unless authorized by Permit; or
- (b) leave a barbecue without extinguishing the barbecue and ensuring that any remaining embers are cold.

#### Sound Equipment

**25.** No Person, while in any Park, shall operate or authorize or permit the operation of any loud speakers or amplifying equipment, except as part of an activity authorized by Permit and in accordance with the conditions of the Permit.

#### Camping

**26.-(1)** No Person, while in any Park, shall dwell, camp, lodge or erect or authorize or permit the erecting of any tent, shelter or structure of any kind, or place or park any camping trailer or the like, unless authorized by Permit.

(2) No Person shall be entitled to a Permit to authorize overnight camping except for the Designated camping areas in Ella Lake Park, Centennial Park or Whitewater Lake Park.

#### Commercial Activities

**27.** While in a Park no Person shall, except as part of an activity authorized by Permit and in accordance with the conditions of the Permit and any other applicable licence required for the activity:

- (a) sell, offer to sell or display for sale any flowers, food, including fruits and vegetables, drink or refreshment;
- (b) operate any business, game, show or amusement for admission by the public;
- (c) solicit funds for any charity, organization or individual of any kind;
- (d) sell, offer to sell or display for sale any goods, wares, merchandise, or articles including promotional material, souvenirs and novelties ; or
- (e) sell, offer to sell or display or sale, any art, skill, service or work.

#### Swimming

**28.** No Person, while in any Park, shall:

- (a) fail to obey the instructions of any lifeguard or other authorized Person, while in or adjacent to any Designated Area Posted as a swimming area; or
- (b) misuse or damage any equipment of the City designed or intended for use as life-saving equipment.

#### Washrooms / Shower Facility / Change Rooms

**29.-(1)** No Person, while in any Park, shall:

- (a) enter into any portion of any washroom, shower facility or change room Posted for use by the opposite sex;
- (b) use or operate or turn on while in a washroom, shower facility or change-room any photographic device, including a camera, video equipment or cellular phone with video or photographic function;
- (c) loiter in any washroom, shower facility or change-room; or
- (d) use any washroom, shower facility or change room for any purpose other than its intended use.

(2) Notwithstanding Paragraph 29(1)(a), children six (6) years of age and under are permitted to access an opposite sex washroom, or change-room while in the presence and care of a parent or guardian. Nothing in this Subsection shall affect the City's Arena Dressing Room Policy, By-law 2012-63 as amended or replaced from time to time.

#### Promotional Material

**30.** No Person, while in any Park shall:

- (a) expose, post or affix notices or promotional material to any surface in a Park, except a bulletin board created for that purpose and in accordance with protocols established by the General Manager; or
- (b) to hand out, distribute or leave or make available for distribution, any promotional or informational flyers, circulars or other similar materials unless authorized as part of an activity or use authorized by a Permit and in accordance with the conditions of the Permit.

#### Dogs / Animals

**31.-(1)** Except as provided in Subsection 31 (2) no Person shall bring, allow or permit an animal under his or her care and control, in a Park, except as part of an activity or use authorized by a Permit.

(2) Subsection 31(1) shall not apply to:

- (a) a Person who has care and control of a dog, where the Person is compliant with the City's Animal Control By-law 2002-285 as amended or replaced; or
- (b) a Person using the services of a dog that is a guide dog or other trained service animal identifiable by a harness used principally to assist persons with a visual, hearing or other impediment.

(3) No Person with care and control of a dog shall fail to take reasonable precautions, while in a Park to prevent the dog from:

- (a) behaving in a manner that poses a menace to the safety of persons or animals; and
- (b) causing damage to any garden, plant, vegetation, building, structure, fence, park furniture, playground equipment, playing field or other facility or thing provided or intended for the use of the public in a Park.

(4) Subject to 31(5) no Person with care and control of dog, shall, while in a Park, allow or permit the dog to enter into or remain in any splash pad, playground area, sports field, ball diamond, tennis court, any natural or artificial ice surface intended for ice skating, ski hill, garden, flower bed, planter or landscaped area or any Designated Area Posted for use for swimming or skateboarding.

(5) Subsection 31(4) does not apply to a Person using the services of a dog that is a guide dog or other trained service animal identifiable by a harness used principally to assist persons with a visual, hearing or other impediment.

#### Golf

**33.** No Person, while in a Park, shall strike a golf ball.

#### Gamble

**34.** No Person, while in any Park, shall gamble or wager sponsor or organize or participate in a gambling or wagering event unless authorized by a City-issued lottery license or a license issued by the Alcohol and Gaming Commission and a Permit has been issued authorizing such activity.

#### Skateboards, Rollerblades

**35.** No Person shall participate in skateboarding, rollerblading, inline skating or similar activity in a Park except in a Designated Area Posted for such purpose.

#### Kites

**36-(1)** No Person while in a Park shall:

- (a) fly a kite with a line that is metallic or contains wire;
- (b) fly a kite within 25 metres of any tree, building, light pole, hydro or other utility pole; or
- (c) fail to remove from the Park, any part of the kite, including the string or other type of tethering material that could cause damage to any person, property or wildlife.

(2) Despite Subsection 36(1), no Person shall fly a kite in the Park located on Lot 35 on Plan M-324, known as Matson Park.

#### Ice Surface

**37.-(1)** No Person, while on any natural or artificial ice surface located in any Park shall engage in the sport of speed skating except as part of an activity authorized by Permit.

(2) No Person, while in any Park shall use any natural or artificial ice surface while it is being maintained or prepared for use.

(3) No Person, while using any natural or artificial ice surface in any Park shall fail to obey the instructions of skate patrol personnel.

### Watercraft

**38.(1)** No Person while in a Park shall:

- (a) launch or retrieve a motorized watercraft except from a boat ramp Posted for such purpose; or
- (b) moor or dock a motorized water craft except in an area Posted for such purpose.

(2) Despite Subsection 38(1), a Person may launch or remove a motorized watercraft from the Park on Nephawin Lake commonly known as Nephawin Park, in accordance with protocols established by the General Manager from time to time.

### Use of Vehicles

**39.-(1)** No Person shall:

- (a) park a Motor Vehicle in any Park, except in a Public Parking Area;
- (b) drive or operate a Motor Vehicle in a Park except in a Public Parking Area or in the case of the Parks commonly known as Camp Wasaka, Camp Sudaca, Ella Lake Trailer Park, Centennial Trailer Park, Whitewater Lake Trailer Park, on the driveways Posted for use;
- (c) park any Motor Vehicle or leave a Motor Vehicle parked in a Public Parking Area when the Park is closed except where authorized as part of an activity or use authorized by a Permit and in accordance with the conditions of the Permit;
- (d) wash, clean, polish a Motor Vehicle while in a Park except as part of an activity authorized by Permit; or
- (e) service, maintain or, with the exception of an emergency, to repair any Motor Vehicle while in a Park;
- (f) use any Public Parking Area for the purpose of instructing, teaching or coaching any Person in the driving or operation of a Motor Vehicle.

(2) No Person shall drive, operate, ride, park or be in possession or control of any Motorized Recreational Vehicle in any Park.

### Enforcement - No Obstruction - Self Identify Etc.

**40.-(1)** This By-law may be enforced by any By-law Enforcement Officer.

(2) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.

(3) No Person shall fail to identify himself or herself to a By-law Enforcement Officer when requested to do so.

### Trepass / Direction to Leave Park

**41.-(1)** Where any Person contravenes any provisions of this By-law, such Person is subject to the provisions of the *Trepass to Property Act*, R.S.O. 1990, c. T.21.

(2) Where any Person contravenes any of the provisions of this By-law the permission of such Person to remain in that Park is revoked.

(3) Every Person using a Park is subject to all applicable City By-laws and all Provincial and Federal laws and regulations. Where any Person contravenes the

provisions of any applicable City By-law, or Provincial or Federal law or regulation while in a Park, the permission of such Person to remain in the Park is revoked.

(4) The General Manager or a By-law Enforcement Officer or any person under contract with the City to provide security services in City Parks may orally or in writing, order any Person he or she believes to be in contravention of this By-law or any other applicable City By-law or Provincial or Federal law or regulation, to:

- (a) cease the activity that is in contravention of this By-law; or
- (b) leave the Park.

(5) No Person shall fail to comply with an order issued pursuant to Subsection 41(4) by the General Manager or by a By-law Enforcement Officer or any person under contract with the City to provide security services in City Parks.

#### Offences and Penalties

**42-(1)** Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of Subsection 42 (1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of paying any costs or charges for which such person is liable under this By-law.

(4) An offence and subsequent conviction under this By-law pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 or the *Municipal Act, 2001*, shall not be deemed in any way to preclude the City from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the City and which may be recovered in a Court of competent jurisdiction.

(5) The making of a false or intentionally misleading recital of fact, statement or representation in any application provided required by this By-law shall be deemed to be a violation of the provisions of this By-law.

#### Costs Recoverable as Debt

**43.** Every person who acts in contravention of this By-law so as to cause the City to incur costs due to his or her actions, shall, in addition to any penalty provided for herein, be liable to the City for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials and such expenses may be recovered by court action.

#### Prohibition Order

**44.** When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.



Confidential Information

**45.- (1)**All information submitted to and collected by the City, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(2) In the event that any person in submitting information to the City or to the General Manager in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the City or the General Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Short Title

**46.** This Bylaw may be referred to as the “Parks By-law”.

Repeals

**47.** Each of the following By-laws and all amendments thereto are hereby repealed:

- (a) By-law 76-100 and Chapter 594 of the Municipal Code of the former Corporation of the City of Sudbury;
- (b) By-law 83-16 of the former Town of Nickel Centre; and
- (c) By-law 76-100 of the former Town of Valley East.

Transition

**48.** Every Permit issued prior to the passage of this By-law under the authority of a By-law repealed under Section 47 shall continue in force and be deemed to be issued under this By-law.

Enactment

**50.** This By-law shall come into force and take effect immediately upon the final passing thereof.

**READ AND PASSED IN OPEN COUNCIL** this    day of

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

## For Information Only

### Update on the Implementation of Full Day Kindergarten

Presented To:	Community Services Committee
Presented:	Monday, Nov 05, 2012
Report Date	Wednesday, Oct 31, 2012
Type:	Correspondence for Information Only

### Recommendation

For Information Only

## Background

On October 26, 2009 the Premier of Ontario announced that Ontario would start phasing in the Early Learning Kindergarten program (ELK), a full-day kindergarten for four-and five year-olds. The program was scheduled to begin a phased implementation in September 2010 and be fully implemented in all schools by 2015-2016

The ELK model introduced included blended staffing, with a teacher and an early childhood educator (ECE) working in partnership in each classroom with an average of 26 children per classroom, providing more overall attention over a full day than children receive now in most schools.

The program design included a fee for service extended day portion where sufficient demand exists to offer a seamless day for children. The extended day program, operated by the school boards, was to offer before and after school programming for a fee, with subsidies available for families that need help with the cost of the program.

The Province committed to collaborating with school boards and municipalities to develop and implement full day learning for four-and five-year-olds.

When the program was introduced licensed child care operators and municipalities raised several concerns:

1. That the loss of kindergarten age children from licensed child care programs would impact their viability.
2. That school boards, at the time, had very little experience to assist them in delivering the fee-based extended day component of the program.

#### Signed By

##### Report Prepared By

Tyler Campbell  
Manager of Children Services  
*Digitally Signed Oct 31, 12*

##### Division Review

Ron Henderson  
Director of Citizen Services  
*Digitally Signed Oct 31, 12*

##### Recommended by the Department

Catherine Matheson  
General Manager of Community Development  
*Digitally Signed Oct 31, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Oct 31, 12*

3. That if a separate subsidy system was developed for the extended day program, it would create duplication and confusion for families and would require the school boards to develop new expertise and infrastructure.

As the Service Manager for child care, the Children's Services section agreed to monitor the impact of the introduction of full day kindergarten on their operations and to assist the school boards with planning for the implementation of the extended day program.

## **Full Day Kindergarten Implementation in Greater Sudbury**

Since the introduction of the full day kindergarten the following progress has been made:

- All four school boards implemented the Early Learning Kindergarten program. The program started in 11 schools in 2010, in 5 more schools in 2011, and a further 11 schools in 2012. This represents approximately 50% of 4 and 5 year olds in Greater Sudbury.
  - The two English boards of education passed motions to extend full day Junior Kindergarten programming to the schools which were not selected to provide the Early Learning Kindergarten program in the first round, starting in September 2010. The two French boards of education had already been offering full day programs for four and five year olds for more than ten years. This has resulted in consistency for parents and ensured that there has not been competition for a limited number of full day spots.
  - School boards worked with Children's Services staff to assist in selecting schools to pilot the ELK program and to try to minimize the impact of the program on child care operators.
  - School boards created a new employment category for Early Childhood Educators and started hiring them to teach in the Early Learning Kindergarten. As the number ECE's hired to work in ELK classrooms has increased each year, it has exacerbated the shortage of ECE's in licensed child care, especially in francophone programs.
  - The Ministry of Education relaxed the requirement that Boards of Education were required to directly operate the extended day program.
- o As a result, three of the four school boards opted to work with third-party licensed child care providers already operating in their schools to deliver the extended day program. This has helped to support the viability of these child care operators.
- o In contrast, the Conseil scolaire publique du Grand nord de l'Ontario (French public school board) decided to take on the operation of all of the before and after school programs in their schools. This has had a significant impact on one child care operator, which provided all of the child care programs in that school board.
- Municipal child care subsidy programs were funded by the Ministry of Education to deliver the subsidy for programs operated by School Boards, ensuring that there was no service interruption or duplication for families.
  - The curriculum for the Early Learning Kindergarten was released as well as a framework document for the delivery of all early learning programs starting from birth. These documents have created opportunities for child care, Best Start Hubs and kindergarten programs to develop more consistent and seamless learning environments for children and shared training opportunities for professionals.

## **Challenges and Opportunities**

Overall, the implementation of Full Day Early Learning Kindergarten in Greater Sudbury has been positive for children and families, and has not had the negative impacts on the child care system that many feared. This is due mostly to the Ministry of Education's decision to allow school boards to partner with child care providers to deliver before and after school programs for kindergarten and school age children.

The most pressing issue at this time is a shortage of qualified early childhood educators to provide the quality education and care required in licensed child care, Best Start Hub and Early Learning Kindergarten programs. The City, through the Best Start Network, has identified this issue and is working with education, post secondary, child care and economic development partners to develop strategies to attract, recruit, train and retain Early Childhood Educators in our community.

At the same time, the Best Start Network and its partner agencies are advocating to the Ministry of Education to develop a funding model that will ensure that ECE's working in licensed child care can be paid more competitive wages to achieve parity with ECE's now working in the education system.

The Children's Services section will continue to work in partnership with education, child care and children's services partners to support the successful implementation of full day kindergarten.

## Request for Decision

### Review of Building, Property and Park Naming Policy

Presented To:	Community Services Committee
Presented:	Monday, Nov 05, 2012
Report Date	Wednesday, Oct 17, 2012
Type:	Referred & Deferred Matters

### Recommendation

WHEREAS at the Council Meeting of the City of Greater Sudbury on May 15, 2012, staff were directed to review how other cities manage the naming of municipal facilities and properties, and to more clearly define criteria for significant contributions from people and groups to public life in general and to the City of Greater Sudbury, and;

WHEREAS staff have conducted a review of other cities and have developed four options (1, 2, 3A and 3B) in this report relating to recognizing people and groups in relation to the Building, Property and Park Naming Policy;

THEREFORE BE IT RESOLVED THAT The City of Greater Sudbury approve Option \_\_\_\_ for the Building, Property and Park Naming Policy as it relates to recognizing significant contributions from people and groups to public life in general and to the City of Greater Sudbury.

#### FURTHERMORE

WHEREAS it has been found in other cities, where a large financial support exceeding 35% of the total capital contributions towards new or redeveloped facilities and properties can also result in the naming of a municipal facility or property;

THEREFORE BE IT RESOLVED THAT when there is a substantial financial contribution toward a municipal facility or property in excess of 35% of the total capital contribution, the request for naming may be brought forward for the approval of the Council of the City of Greater Sudbury outside of the Building, Property and Park Naming Policy, and;

THAT any necessary By-laws be passed.

#### Signed By

##### Report Prepared By

Jason Nelson  
Coordinator of Community Initiatives  
and Quality Assurance  
*Digitally Signed Oct 18, 12*

##### Division Review

Real Carre  
Director of Leisure Services  
*Digitally Signed Oct 18, 12*

##### Recommended by the Department

Catherine Matheson  
General Manager of Community  
Development  
*Digitally Signed Oct 18, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Oct 18, 12*

### Option 1

Eliminate the practice of naming municipal buildings, properties and parks and their elements after individuals and organizations for honorific purposes by repealing By-law 2003-126 and all amendments.

### Option 2

Adopt procedures for the current Building, Property and Park Naming Policy that were brought forward at the meeting of May 15, 2012 as presented in this report dated November 5, 2012. By example, bringing forward a request by way of a standardized application form, establishing one staff person to manage the request from start to end and vetting the request through a Standing Committee.

### Option 3 A

Repeal the current Building, Property and Park Naming By-law and replace it with a new By-law and policy for the purposes of honourific naming of municipal buildings, properties and parks and their elements. Aspects of the policy include a graduated structure to clarify significant contributions from people and groups to public life, as specified in this report dated November 5, 2012.

### Option 3 B

Repeal the current Building, Property and Park Naming By-law and replace it with a new By-law and policy for the purposes of honourific naming of only interior spaces, portions or elements of municipal buildings, properties and parks. This policy mirrors the one mentioned in Option 3 A, with the exception of modifying the process to only allow for the naming of portions or elements of a municipal facility as identified in the report dated November 5, 2012.

## **Finance Implications**

The applicant is responsible for associated costs to the process – i.e. advertising, translations etc.

## **Background**

At the City Council Meeting of the City of Greater Sudbury on January 24, 2012, staff presented a resolution which stated that procedures would be developed for By-law 2003-126 being the Building, Property and Parks Name Policy. At the City Council meeting of the City of Greater Sudbury on May 15, 2012, a report on the procedures for the naming policy was brought forward for Council's consideration. At that time members of Council sought additional information on the naming policy as a whole. This report will examine the four options before Council as well as the following:

- History of the Building, Property and Park Naming Policy
- Current City of Greater Sudbury Policies
  - Building, Property and Parks Naming
  - Corporate Sponsorship
  - Parks Services Donation and Memorial Program
  - Display Flower Bed
- Significant Financial Contributions

- Options for Council's Consideration

### **History of By-law**

At the Priorities Committee Meeting of December 11, 2002, staff were directed to draft a Building Naming Policy. In May of 2003, the Council of the City of Greater Sudbury adopted the Building, Property and Park Name Policy. This policy reflected the City's heritage, history and geography, while allowing for new names to be included.

After receiving various naming requests under the adopted naming policy, it became apparent that a broader process was needed for public input. In November of 2004, the Council of the City of Greater Sudbury amended the Building, Property and Park Name Policy to include changes to the community consultation process.

### **Current City of Greater Sudbury Policies**

Currently there are four policies that have been adopted by the Council of Greater Sudbury which associate and recognize people and individuals with municipal facilities, events, features and programs:

- Building, Property and Parks Naming Policy
- Corporate Sponsorship Policy
- Parks Services Donation and Memorial Program
- Display Flower Bed Policy

### **Building, Property and Parks Naming Policy**

The current Building, Property and Parks Naming Policy provides for the honorific naming of municipal facilities or their elements. This policy allows organizations to come forward and recommend a facility be named to honour an individual or organization that has provided a significant contribution to the community. Examples of facilities that would carry an honorific name would be: an arena, a lobby, a trail or a gazebo.

The Building, Property and Parks By-law 2003-126 and policy (Appendix A) as well as the amended Building, Property and Parks By-law 2004-303 and policy (Appendix B), have been attached to this report for the reference of Council.

### **Corporate Sponsorship Policy**

The Corporate Sponsorship Policy provides an opportunity for businesses to make financial contributions towards programs, events, services or facilities in return for public recognition. This policy provides for a variety of benefits for both the municipality and the sponsor – for example, the Volunteer Recognition Program, investment to infrastructure at Adanac Ski Hill etc. Any sponsorship opportunities exceeding \$35,000.00 will trigger a competitive bid process.

The Corporate Sponsorship By-law 2012-91 and policy (Appendix C) have been attached to this report for the reference of Council.

### **Parks Services Donation and Memorial Program**

The Parks Services Donation and Memorial Program provides an opportunity for the public to make donations towards park enhancements and memorial gifts. All costs associated with the purchase and installation of park enhancements or memorial gifts are the responsibility of donors on a cost recovery basis. Donations for enhancements would include such things as benches, trees and sun shelters.

The Parks Services Donation and Memorial Program By-law 2011-152 and policy (Appendix D) have been attached to this report for the reference of Council.

### **Display Flower Bed Policy**

The Display Flower Bed Policy Applies to specific flower beds in Greater Sudbury – east side of Paris Street north of the parking area for Grace Hartman Amphitheatre, west side of Paris Street across the street from the parking area for the Grace Hartman Amphitheatre and the corner of Balsam Street and highway 17 West in the community of Copper Cliff. A flower bed may be designed for events and activities sponsored by the City of Greater Sudbury, or to recognize anniversaries / celebrations of community groups, or to recognize community, volunteer and not for profit charitable groups.

The Display Flower Bed By-law 2010-49 and policy (Appendix E) have been attached to this report for the reference of Council.

### **Significant Financial Contributions**

The term Significant Financial Contribution implies a minimum gift or contribution exceeding 35% of the total real or capital costs that is being put towards a new or redeveloped municipal facility or property – this is a percentage used by municipalities such as the Cities of Hamilton and Welland. The request for naming of a municipal facility will be sent directly to Council for consideration outside of the Building, Property and Park Naming Policy. The By-law associated to significant financial contributions will address the processes – application submission, following Naming Principles and Priorities etc.

### **Options for Council's Consideration**

#### **Option 1**

#### **Eliminate honorific naming for individuals and organizations**

Council may wish to consider no longer naming municipal facilities in honour of a person or organization. As facilities are still going to require names, the geographical location or ecological and natural resources of the area would be used for selecting a name. No public consultations would be required and City Staff would select an appropriate name for Council's consideration. An example of this would be the naming of Vintage Green Playground which is located in the Vintage Green subdivision. Existing policies such as the Corporate Sponsorship Policy, the Parks Services Donation and Memorial Program or the Display Flower Bed Policy are all ways that an individual or group can be associated or recognized with municipal facilities, events, features and programs.

In addition, there are several avenues that exist in Greater Sudbury for people and organizations to have their efforts honoured and acknowledged. The Memorial Wall in Memorial Park lists those residents of Greater Sudbury who made the supreme sacrifice and lost their life while serving in combat or in peacekeeping missions. The Sports Hall of Fame will honour and preserve the history of sports in Sudbury, as well as the people and organizations that have made outstanding contributions to the community. The



Rock of Fame will be another opportunity to recognize people who have played different roles in making Greater Sudbury the city it is today.

## **Option 2**

### **Adopt New Procedures as Summarized Below - Associated to the Current Naming By-law 2003-126**

Council may wish to look at adopting the report regarding procedures for the Building, Property and Parks Naming By-law 2003-126 that was presented at the meeting of May 15, 2012. The report (Appendix F) from that meeting is attached for the reference of Council.

The procedures for By-law 2003-126 align with the current naming policy. The following will provide further detail on some of the questions raised by Council at the meeting as they relate to the procedures:

- All requests for naming shall be submitted in writing, by way of application form along with a deposit (amount based on initial advertising cost) to the attention of the Office of the City Clerk, which will then be forwarded to the appropriate General Manager or Member of the Senior Management Team. A lead staff person will be assigned to the project and all documentation will flow through this person.
- A detailed public and advertised process has been established for informing the public about the naming and how to provide comments and feedback on the naming.
- The lead staff person will work with the applicant and review that the rationale for the name is brought forward by way of written format with supporting documents. The applicant is responsible for ensuring that documents meet the naming principles and priorities as they are laid out in the current policy.
- By way of report, the Standing Committee (Community Services or Operations) reviews the application form, written submissions, supporting documents and feedback from City Departments/Divisions and provides a recommendation if the naming of a property, building or park will proceed as requested, or be recommended as altered or not considered. Having the application vetted through a Standing Committee parallels the process established by most municipalities where a Naming Committee or Board reviews the information prior to moving for final approval from Council.

## **Option 3 A**

### **New - Building, Property, Parks Naming Policy – Clarifying Individual or Group's Significant Contributions to Public Life and Minimizing Time and Costs (to Applicants)**

To fully address questions raised by Council in regards to the current naming policy, a proposed Building, Property and Parks Naming Policy 2012 has been developed for Council's consideration and is attached for Council's review (Appendix G). This policy, like the current one, allows for the naming of an element of, or an entire municipal facility. Naming policies and procedures from several municipalities from across Canada were reviewed to help guide the new policy presented before Council.

	Honourific Naming	Committee or Board Reviews Initial Request	Defined Evaluation Criteria	Public Notice and Consultation Process	Information Flows Through One source	Combines Corporate Sponsorship Naming and Honourific Naming
Ottawa	Yes	Yes	No	Yes	Yes	No
London	Yes	Yes	No	Yes	Yes	Yes
Edmonton	Yes	Yes	No	No	Yes	No
Guelph	Yes	Yes	Yes	Yes	Yes	No
Windsor	Yes	Yes	No	Yes	Yes	Yes
Calgary	Yes	Yes	No	Yes	Yes	No
Sudbury	Yes	Yes	Yes	Yes	Yes	No
<i>*Proposed</i>						

The following are points of interest for Council's consideration that appear in the new policy:

## 1. Defining Support

To better clarify an individual or group's significant contribution to public life in general and to the City of Greater Sudbury, the policy includes a graduated structure that identifies three boundaries within the municipality that reflect the type of facility to be named and the level of accomplishments by an individual or group that support the naming application. The graduated reflects the Parks Classification System developed in the Green Space Advisory Panel Final Report of 2010. The following is an overview of the graduated structure:

- i. Neighbourhood: Area that provides services and amenities in a specific locality within Greater Sudbury to a small group of citizens. The type of facility to be named would be an accessory use of a building or a park that meets the immediate needs of the residents. Individuals or organizations that have made contributions which enhance the neighbourhood, would fall within this category for naming of facilities and properties.
- ii. Community: Area that provides services and amenities to an area or district of Greater Sudbury that may encompass several neighbourhoods. The type of facility could be named include the inside of a building or a park that meets the needs of residents in the community. Support for the proposed name reflect contributions that an individual or group have made within the community.
- iii. City: Area that provides services and amenities to all the citizens of Greater Sudbury. The type of facility to be named would be an entire building or a park that serves the needs of all residents in the City. Support for the proposed name reflect contributions from an individual or organization which are well acknowledged throughout all of Greater Sudbury or on a Provincial or National level.

## 2. Minimizing Costs and Time for the Applicant

The applicant is responsible for all costs associated to the naming of a facility and would include such expenses as advertisements, translations, signage etc. A new process has been developed to reduce the costs and expedite the process for the applicant. One advertisement will appear with local media to ask for

comments and feedback on the proposed name. This same notice will have the date, time and location of a public meeting regarding the naming. This will reduce the need for the applicant to pay for any additional notices and eliminates the step to determine if a public meeting is required before proceeding to Council.

**Option 3 B**

**New - Naming of Only Portions/Components of Building, Property and Parks as it Relates to Option 3 A**

Council may wish to maintain the practice of honourific naming, but only for an interior space, portion or element of a municipal building, property or park. The same policy and processes as presented in Option 3 A would apply, however, the applicant would be restricted and only have the option of selecting a part or component of a municipal facility. The following is an overview of the proposed graduated structure for two boundaries:

- i. Neighbourhood: Area that provides services and amenities in a specific locality within Greater Sudbury to a small group of citizens. The type of facility to be named would be an accessory use of a building or a park that meets the immediate needs of the residents. Individuals or organizations that have made contributions which enhance the neighbourhood, would fall within this category for naming of facilities and properties.
- ii. Community: Area that provides services and amenities to an area or district of Greater Sudbury that may encompass several neighbourhoods. The type of facility could be named include the inside of a building or a park that meets the needs of residents in the community. Support for the proposed name reflect contributions that an individual or group have made within the community.

The Proposed Building, Property and Parks Naming Policy 2012 for only portions/components of municipal facilities has been attached for the reference of Council (Appendix H).

**Conclusion**

The following table is a glance at the four options presented for Council’s consideration. The option selected by Council will be implemented accordingly along with any necessary By-laws.

	<b>Opportunity for Naming of Entire Facility</b>	<b>Opportunity for Naming Portion of Facility</b>	<b>Public Consultation Process Required</b>	<b>Significant Contributions Recognized</b>	<b>Recognizes Financial Contributions - 35% of Total Real or Capital Costs</b>
<b>Option 1</b> – Eliminate current naming policy	No	No	No	No	No
<b>Option 2</b> – Maintain current policy	Yes	Yes	Yes	No	No
<b>Option 3 A</b> – New naming policy	Yes	Yes	Yes	Yes	No

<b>Option 3 B – New</b>	No	Yes	Yes	Yes	No
naming policy for portions/components of facilities only					
<b>Gifting or Financial Contribution</b>	Yes	Yes	No	No	Yes

**BY-LAW 2003-126**

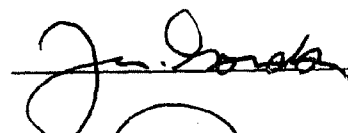
**A BY-LAW OF THE CITY OF GREATER SUDBURY TO  
ADOPT A BUILDING, PROPERTY AND PARK NAME POLICY**

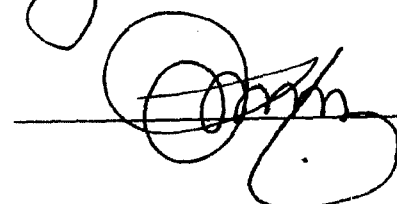
**WHEREAS** the Council of the City of Greater Sudbury deems it advisable to  
adopt a building, property and park name policy;

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

1. The Building, Property and Park Name Policy, attached hereto as Schedule "A"  
and forming part of this By-law, is hereby adopted.
2. This By-law shall come into force and take effect immediately upon the final  
passing of same.

**READ THREE TIMES AND PASSED IN OPEN COUNCIL** this 29<sup>th</sup> day of May,  
2003.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

2003-126

## **SCHEDULE "A"**

to By-law 2003-126 of the City of Greater Sudbury

Page 1 of 5

### **POLICY: BUILDING NAMING POLICY**

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The City of Greater Sudbury is located in a unique geographic setting and has a rich community history which has, over the past 120 years, been a source for many of the names used for community landmarks. Junction Creek derives its name from Sudbury Junction, the original name of the railroad camp that evolved into the City of Greater Sudbury. Azilda was named in 1891 by Joseph Belanger in honour of his wife. Bell Park was named after lumber magnate William J. Bell who donated 110 acres of land to the City of Sudbury for use as "a public park and recreation ground" while Centennial Park in Whitefish was named in honour of Canada's centennial. Many of our names reflect the aboriginal heritage of our community including Onaping which derives from a Cree word meaning "red paint" or "Vermillion Place".

The City of Greater Sudbury wishes to retain our traditions of celebrating our unique heritage, history and geography in the naming of municipal buildings, property and parks while at the same time allowing for the introduction of new names that reflect and respect the community as a whole. The City of Greater Sudbury believes that existing names have an historical significance and are an important component of place recognition within the community and as such should not be changed except in exceptional circumstances when it can be proven that the majority of the community is in support of the name change. Examples of exceptional circumstances could include re-naming of a recreational facility as a requirement to attract an event of national or international significance.

## **SCHEDULE "A"**

to By-law 2003-126 of the City of Greater Sudbury

Page 2 of 5

It is a matter of policy that all naming and re-naming of municipal buildings, properties and parks and of elements of buildings and parks will require Council approval and that such naming will be governed by the considerations set out below. The only exception to this practice shall be for new neighborhood parks created as part of the subdivision development process, which if named based on geographical location would not require Council approval.

### **1. NAMING PRINCIPLES:**

- ▶ Names shall be unique and distinctive. Names shall assist in emergency response situations by avoiding duplication and by avoiding the use of similar sounding names and by ensuring consistency between building and geographical naming conventions.
- ▶ Names should convey a sense of place and community and should celebrate the distinguishing characteristics of the City of Greater Sudbury.
- ▶ Names should be understandable, recognizable and explainable to the citizens of the community and should respect the values of all members of our community.
- ▶ Naming requests must come from community groups or organizations, rather than from individuals. Individual request for naming may be more appropriately addressed in commemorative programs or through founder or donor recognition programs.

## **SCHEDULE "A"**

to By-law 2003-126 of the City of Greater Sudbury

Page 3 of 5

### **2. NAMING PRIORITIES:**

In naming buildings, properties and parks, consideration will be given to the following elements in order of priority:

- ▶ Names that place the building, property or park in its geographic context, so as to assist the community in locating the named facility. Names of this type include names that reflect significant ecological or natural resources features of the area.
- ▶ Names that reflect the purpose or use of the building, property or park.
- ▶ Names that reflect and respect the history, heritage and culture of the community.
- ▶ Names that reflect the particular contributions of community groups or organizations.
- ▶ Names that reflect an individual's significant contributions to public life in general and to the City of Greater Sudbury in particular and that are appropriate to the specific building, property or park so named.



## **SCHEDULE "A"**

to By-law 2003-126 of the City of Greater Sudbury

Page 4 of 5

When naming a building, property or park after an organization or individual, every care will be taken to ensure that the name selected reflects an individual of such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternative names. Furthermore, the community will be consulted to ensure that there is community support for the proposed name. In the event that a naming request is proposed as a result of a significant financial donation towards the acquisition, construction or redevelopment of a property, consideration will be given to the value of the donation relative to the overall value of the project, the construction costs and operating costs. Consideration will be given to using a donor's name in conjunction with a community name as well as to having a specific sunset clause on a donor name which is associated with support that is finite in time or amount. Wherever possible, naming of an interior space or portion of a building, property or park will be preferred to naming of an entire building after an individual or organization. Where an individual or organization name is used, permission must be obtained from the individual, his or her family or the organization to be named, prior to selection of the name.

### **3. NAMING PROCESS**

- ▶ All requests shall be submitted in writing and shall include the rationale for the proposed name. In the case of a proposal to honor an organization or individual, documentation of the individual or group's record of achievements, is required. Letters of support from appropriate organizations and individuals which provide evidence of substantial community support for the proposed name are required.

**SCHEDULE "A"**

to By-law 2003-126 of the City of Greater Sudbury

Page 5 of 5

- ▶ All requests will be forwarded to the appropriate department for review within the framework of this policy. As part of the review, staff will ensure that the contributions of an organization or individual are well-documented and broadly acknowledged within the community.
- ▶ All requests for naming will be circulated to stakeholder groups, including all emergency responders, for their comments.
- ▶ Where the naming request is substantiated and has been documented to be supported by the community, it will be brought forward in an option package for City Council's consideration. Such an options package may include alternatives to the original request which could include naming an interior space or portion of a building, property or park rather than the entire facility.
- ▶ Where a request for naming or renaming has been initiated by a community group or organization and approved by Council, all costs associated with the naming or renaming of the building, property or park will be paid by the originators of the naming request. In exceptional circumstances, this requirement may be waived by the Council of the City of Greater Sudbury.

**BY-LAW 2004-303**

**A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO AMEND BY-LAW 2003-126, BEING A BY-LAW TO  
ADOPT A BUILDING, PROPERTY AND PARK NAME POLICY**

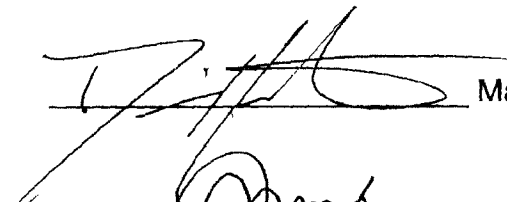

**WHEREAS** the Council of the City of Greater Sudbury adopted a building,  
property and park name policy by By-law 2003-126;

**AND WHEREAS** Council wishes to amend that By-law;

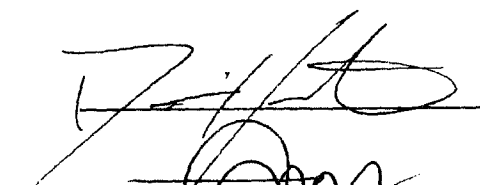
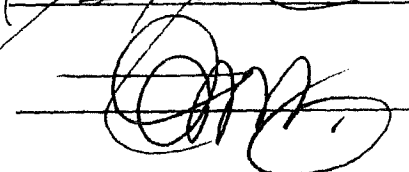
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY  
HEREBY ENACTS AS FOLLOWS:**

1. By-law 2003-126 is hereby amended by deleting therefrom Schedule "A" and replacing it with the Building, Property and Park Name Policy, attached hereto as Schedule "A" and forming part of this By-law.
2. This By-law shall come into force and take effect immediately upon the final passing of same.

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL** this 10<sup>th</sup> day of  
November, 2004.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN  
COUNCIL** this 10th day of November, 2004.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Clerk

**SCHEDULE "A"**  
to By-law 2003-126 of the City of Greater Sudbury  
as amended by By-law 2004-303

Page 1 of 5

**POLICY: BUILDING NAMING POLICY**

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The City of Greater Sudbury is located in a unique geographic setting and has a rich community history which has, over the past 120 years, been a source for many of the names used for community landmarks. Junction Creek derives its name from Sudbury Junction, the original name of the railroad camp that evolved into the City of Greater Sudbury. Azilda was named in 1891 by Joseph Belanger in honour of his wife. Bell Park was named after lumber magnate William J. Bell who donated 110 acres of land to the City of Sudbury for use as "a public park and recreation ground" while Centennial Park in Whitefish was named in honour of Canada's centennial. Many of our names reflect the aboriginal heritage of our community including Onaping which derives from a Cree word meaning "red paint" or "Vermillion Place".

The City of Greater Sudbury wishes to retain our traditions of celebrating our unique heritage, history and geography in the naming of municipal buildings, property and parks while at the same time allowing for the introduction of new names that reflect and respect the community as a whole. The City of Greater Sudbury believes that existing names have an historical significance and are an important component of place recognition within the community and as such should not be changed except in exceptional circumstances when it can be proven that the majority of the community is in support of the name change. Examples of exceptional circumstances could include re-naming of a recreational facility as a requirement to attract an event of national or international significance.

**SCHEDULE "A"**  
to By-law 2003-126 of the City of Greater Sudbury  
as amended by By-law 2004-303

Page 2 of 5

It is a matter of policy that all naming and re-naming of municipal buildings, properties and parks and of elements of buildings and parks will require Council approval and that such naming will be governed by the considerations set out below. The only exception to this practice shall be for new neighbourhood parks created as part of the subdivision development process, which if named based on geographical location would not require Council approval.

**1. NAMING PRINCIPLES:**

- ▶ Names shall be unique and distinctive. Names shall assist in emergency response situations by avoiding duplication and by avoiding the use of similar sounding names and by ensuring consistency between building and geographical naming conventions.
- ▶ Names should convey a sense of place and community and should celebrate the distinguishing characteristics of the City of Greater Sudbury.
- ▶ Names should be understandable, recognizable and explainable to the citizens of the community and should respect the values of all members of our community.
- ▶ Naming requests must come from community groups or organizations, rather than from individuals. Individual request for naming may be more appropriately addressed in commemorative programs or through founder or donor recognition programs.

**SCHEDULE "A"**  
to By-law 2003-126 of the City of Greater Sudbury  
as amended by By-law 2004-303

Page 3 of 5

**2. NAMING PRIORITIES:**

In naming buildings, properties and parks, consideration will be given to the following elements in order of priority:

- ▶ Names that place the building, property or park in its geographic context, so as to assist the community in locating the named facility. Names of this type include names that reflect significant ecological or natural resources features of the area.
- ▶ Names that reflect the purpose or use of the building, property or park.
- ▶ Names that reflect and respect the history, heritage and culture of the community.
- ▶ Names that reflect the particular contributions of community groups or organizations.
- ▶ Names that reflect an individual's significant contributions to public life in general and to the City of Greater Sudbury in particular and that are appropriate to the specific building, property or park so named.

**SCHEDULE "A"**  
to By-law 2003-126 of the City of Greater Sudbury  
as amended by By-law 2004-303

Page 4 of 5

When naming a building, property or park after an organization or individual, every care will be taken to ensure that the name selected reflects an individual of such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternative names. Furthermore, the community will be consulted to ensure that there is community support for the proposed name. In the event that a naming request is proposed as a result of a significant financial donation towards the acquisition, construction or redevelopment of a property, consideration will be given to the value of the donation relative to the overall value of the project, the construction costs and operating costs. Consideration will be given to using a donor's name in conjunction with a community name as well as to having a specific sunset clause on a donor name which is associated with support that is finite in time or amount. Wherever possible, naming of an interior space or portion of a building, property or park will be preferred to naming of an entire building after an individual or organization. Where an individual or organization name is used, permission must be obtained from the individual, his or her family or the organization to be named, prior to selection of the name.

**3. NAMING PROCESS**

- ▶ All requests shall be submitted in writing and shall include the rationale for the proposed name. In the case of a proposal to honor an organization or individual, documentation of the individual or group's record of achievements, is required. Letters of support from appropriate organizations and individuals which provide evidence of substantial community support for the proposed name are required.

**SCHEDULE "A"**  
to By-law 2003-126 of the City of Greater Sudbury  
as amended by By-law 2004-303

Page 5 of 5

- ▶ All requests will be forwarded to the appropriate department for review within the framework of this policy. As part of the review, staff will ensure that the contributions of an organization or individual are well-documented and broadly acknowledged within the community.
- ▶ All requests for naming will be circulated to stakeholder groups, including all emergency responders, for their comments.
- ▶ All requests for naming will be advertised in the local media and citizens will be provided with a period of 30 days within which to comment on the naming request.
- ▶ In the event that all responses are supportive of the proposed name, there will be no requirement for a public meeting. In the circumstances where there are different perspectives on the proposed name, a public meeting will be held to review the name request in more detail.
- ▶ Where the naming request is substantiated and has been documented to be supported by the community, it will be brought forward in an option package for City Council's consideration. The option package will include a summary of the advertising and public meeting process. Such an options package may include alternatives to the original request which could include naming an interior space or portion of a building, property or park rather than the entire facility.
- ▶ Where a request for naming or renaming has been initiated by a community group or organization and approved by Council, all costs associated with the naming or renaming of the building, property or park will be paid by the originators of the naming request. In exceptional circumstances, this requirement may be waived by the Council of the City of Greater Sudbury.



**BY-LAW 2012-91**



**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO  
ADOPT THE CORPORATE SPONSORSHIP POLICY**

**WHEREAS** Council of the City of Greater Sudbury wishes to adopt a  
Corporate Sponsorship Policy;

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

1. Council for the City of Greater Sudbury adopts the Corporate Sponsorship Policy attached hereto as Schedule A forming a part of this by-law.
2. This By-law shall come into force and effect upon passage.

**READ AND PASSED IN OPEN COUNCIL** this 1st day of May, 2012

 Mayor  
 Clerk

## SCHEDULE A TO BY-LAW 2012-91

### Appendix C - Corporate Sponsorship By-law 2012-91 and Policy - May 1, 2012

#### **Corporate Sponsorship Policy**

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##### **Purpose**

The purpose of the Corporate Sponsorship Policy is to provide an opportunity for businesses to make financial contributions towards programs, events, services or facilities in return for public recognition.

##### **Scope**

If the value of the public recognition contribution is over \$35,000 a competitive process will be undertaken.

##### **Definition**

Corporate Sponsorship: A mutually beneficial business arrangement between the municipality and an external company wherein the external party contributes funds to a municipal program, event, service or facility in return for recognition, acknowledgement or other promotional consideration.

##### **Policy Guidelines**

Corporate Sponsorships must:

- respect and comply with City of Greater Sudbury policies, by-laws and plans;
- be consistent with the City of Greater Sudbury Visual Identity Program;
- support the City of Greater Sudbury's vision and mission.

The Corporate Sponsorship Policy excludes:

- corporations that are not in good standing with the municipality;
- businesses which derive revenue from the production of tobacco or alcohol products (except events and facilities licensed under the LLBO);
- funding obtained through formal government programs from other levels of government;
- donations received under the Parks Services Donation and Memorial Program (By-law 2011-152);
- third parties who lease City of Greater Sudbury properties or hold facility agreements with the City of Greater Sudbury for activities or events; and
- existing advertisement agreements that the City of Greater Sudbury has entered into through a competitive process. (Sudbury Wolves O.H.L advertising agreement).

The Corporate Sponsorship Policy does not:

- imply endorsement of businesses, products or services;
- relinquish control of program and service delivery, event planning or facility management; or

- include Naming Rights, Pouring Rights or advertisements within printed material produced by the City of Greater Sudbury.

Recognition of Corporate Sponsors will:

- be consistent with the proposed sponsorship of the program, event or facility in question;
- designed in a manner not to detract from the physical attributes and visual integrity of the facility or event/program location; and
- must not negatively impact the experience of users of sponsored events and facilities.

#### **Sponsor Solicitation and Processes**

The solicitation of sponsorships shall be conducted in a manner that enhances access and fairness and results in a mutually beneficial agreement for both the City, residents of the City of Greater Sudbury and the corporate sponsor.

Corporate sponsors will advise the CAO and appropriate General Manager in writing of interest in potential sponsorship agreements.

City staff shall be specifically designated by the appropriate General Manager to meet with potential sponsors to discuss arrangements and expectations.

Sponsorships valued less than \$35,000 may be considered when brought forward to the City.

A competitive process will be undertaken for any sponsorship over \$35,000, in accordance with the threshold identified in the Purchasing By-law, or those sponsorships that offer a significant corporate profile.

The competitive bid process threshold for Corporate Sponsorship will mirror any revisions made in the Purchasing By-law.

Departments will establish the level and manner of sponsor recognition through the negotiation process associated with each sponsorship agreement.

Any costs to the City associated with a corporate sponsorship must be within approved operating and capital budgets.

Approved corporate sponsorships will be confirmed with a written agreement. Agreements will include at minimum the following:

- The program, service, event or facility in question
- The value of the sponsor contribution
- Obligations for sponsorship recognition

- Responsibility for maintenance, insurance, etc. of any assets associated with or resulting from a corporate sponsorship
- The term of the sponsorship agreement
- Specific plans for marketing and branding of the program, service, event or facility in question

Written corporate inquiries denied sponsorship approval will be advised in writing with a detailed rationale.

The City of Greater Sudbury reserves the right to reject any unsolicited sponsorships that have been offered to the City and to reject any proposals for sponsorship that have been openly solicited by the City.

#### **Termination of Sponsorship Agreements**

The City reserves the right to terminate a sponsorship agreement under the following circumstances:

- the sponsor in question uses the City's name outside the parameters of the sponsorship agreement, without prior consent;
- the sponsor in question develops a public image which conflicts with the City's vision, mission and services.

#### **Term**

Corporate sponsorship agreements will not exceed the program or service cycle, the event duration or the life of the asset in question, and are negotiated with private sector partners and CGS.

**BY-LAW 2011-152**

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO  
ADOPT THE PARKS SERVICES DONATION AND  
MEMORIAL PROGRAM POLICY**

**WHEREAS** Council for the City of Greater Sudbury deems it advisable to adopt a  
Parks Services Donation and Memorial Program as a Council policy;


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

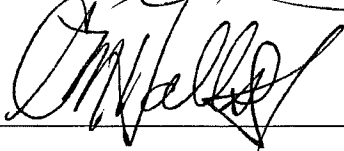
1. The Council of the City of Greater Sudbury hereby adopts the policy attached as  
Schedule "A" to this By-law and entitled "The Parks Services Donation and Memorial  
Program".

**Effective Date**

2. This By-law comes into effect upon final passage.

**READ AND ENACTED IN OPEN COUNCIL** this 29th day of June, 2011

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

## SCHEDULE A TO BY-LAW 2011-152

Page 1 of 2

### **Parks Services Donation and Memorial Program**

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#### **Policy Statement**

Donations to the City of Greater Sudbury Parks Services Section will be accepted through the Parks Services Donation and Memorial Program.

#### **Purpose**

The purpose of the Parks Services Donation and Memorial Program is to provide an opportunity for the public to make donations towards park enhancements and memorial gifts.

#### **Scope**

The Parks Services Donation and Memorial Program is administered and managed by the Leisure Services Division, Parks Services Section. All costs associated with the purchase and installation of park enhancements or memorial gifts are the responsibility of donors on a cost-recovery basis.

#### **Policy Details**

Members of the public are invited to make a donation through the Parks Services Donation and Memorial Program to commemorate a special person, a momentous occasion or simply donate as a philanthropic gesture to beautify a community park.

Donations towards the purchase of park enhancements or memorial gifts can include:

- Park Benches
- Trees (hardwoods and conifers)
- Bike Racks
- Picnic Tables
- Sun Shelters
- π Sports equipment (basketball standards, tennis nets, soccer goals, etc.)
- π Playground Structures
- π Other options can be discussed with Parks Services

**Gifting:** Items purchased by donors for Greater Sudbury parks will be accepted by Parks Services (exceptions: trees, benches). Donors must consult with Park Services before making any purchases in order to ensure adherence to safety standards.

**Location:** Items will be situated in available areas based on current inventory at specific sites. Parks Services will provide interested donors with options for consideration.

**Cost:** Every park in Greater Sudbury has a predetermined style and aesthetic plan that conforms to the usage of the space. The range of costs for specific items will be provided to donors based on location and installations fees (if installation is required). Donations towards the purchase of park enhancements or memorial gifts will be quoted using a cost-recovery formula.

## SCHEDULE A TO BY-LAW 2011-152

Page 2 of 2

**Installation:** Parks Services will be responsible for all installations. The City of Greater Sudbury maintains ownership of all park enhancements and memorial gifts purchased through donations. Park enhancements and memorial gifts will be available for public use and not the exclusive use of donors.

**Maintenance/ Replacement:** Parks Services will maintain park enhancements and memorial gifts in the same manner as similar items within parks. Tree replacements will be issued at no charge to donors within five years of the original planting or a subsequent replanting date, if required.

**Plaques:** Recognition or commemorative plaques will be installed at the request of donors.

**Tax Receipts:** Donations greater than \$10.00 paid to the City of Greater Sudbury Parks Services Division will receive a tax receipt. Tax receipts will also be issued for gifted items where supporting documentation of the purchase price, such as an invoice, is provided.

### Procedure

**Applications:** Application forms for the Parks Services Donation and Memorial Program will be available on the City of Greater Sudbury website and at all Citizen Service Centre locations.

**Tax Receipts:** Official tax receipts will be mailed to donors by Financial Services after payment is received by the Parks Services Division.

**BY-LAW 2010-49**

**A BY-LAW OF THE CITY OF GREATER SUDBURY TO  
ADOPT A DISPLAY FLOWER BED POLICY**

**WHEREAS** the Council of the City of Greater Sudbury deems it advisable to  
adopt a display flower bed policy;

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

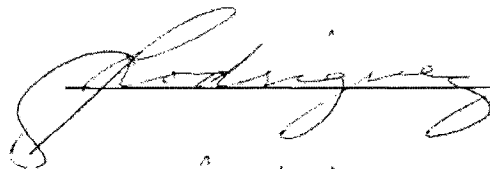
**Adoption**


1. The Display Flower Bed Policy attached hereto as Schedule "A" is hereby adopted.

**Effective Date**

2. This By-law shall come into force and take effect immediately upon final passage.

**READ AND PASSED IN OPEN COUNCIL** this 10th day of March, 2010.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



**SCHEDULE "A"**  
**TO BY-LAW 2010-49**  
**DISPLAY FLOWER BED POLICY**

Page 1 of 2

Application

The Display Flower bed Policy shall apply to each of the following display flower beds:

- a) the circular flower bed located on the east side of Paris Street north of the parking area for the Grace Hartman Amphitheatre;
- b) the circular flower bed located on the west side of Paris Street, across the street from of the parking area for the Grace Hartman Amphitheatre; and
- c) the rectangular flower bed located on the corner of Balsam Street and highway 17 West in the community of Copper Cliff.

Process

All references in this Policy to the General Manager shall mean the City's General Manager of Community Development, and shall include her or his authorized designate. The City shall provide the plants for the display flower beds, plant and maintain the gardens in the display flower beds. However, the choice of design for each display flower bed shall be determined by the General Manager, after an evaluation of applications submitted in accordance with the guidelines set out below. Applications shall be made in writing, in the form determined by the General Manager of Community Development from time to time, but shall include:

- a) the name and contact information for the applicant and for the organization on behalf of which the application is submitted;
- b) where the applicant is an organization, information as to the mandate of the organization, its role in the community, its history;
- c) particulars of the event, the activity, the organization, the goal or the message proposed to be promoted in the Display Flower Bed, and an explanation of why the Display Flower Bed should be allocated for that purpose;
- d) the design, drawn to scale, proposed to be used in the Display Flower Bed. Where the colors are integral to the design or logo, those colors should be noted on the sketch;
- e) the signature of the applicant, certifying that he or she is authorized to apply on behalf of the organization.

Applications shall be submitted no later than October 1<sup>st</sup>, in each year, for the following season, or such other date as may be announced by the General Manager. Applications which are not submitted in compliance with this policy will not be considered.

**SCHEDULE "A"**  
**TO BY-LAW 2010-49**  
**DISPLAY FLOWER BED POLICY**

Page 2 of 2

Applications will be required for events or activities sponsored by the City and may be submitted by the authorized representative of organizing committee for such an event. Applications will be assessed by the General Manager on the following criteria, listed in decreasing order of importance:

- a) Events or activities sponsored by the City of Greater Sudbury of provincial or national significance;
- b) Events or activities sponsored by the City of Greater Sudbury with a local focus;
- c) Celebration of significant anniversaries of recognized community groups/organizations;
- d) recognition of community, volunteer or not for profit charitable groups.

The decision as to the approved design for each Display Flower Bed will be announced by the General Manager. The decision shall be final.



## Request for Decision

### Procedures Associated to the Building, Property and Park Naming By-law 2003-126

Presented To: City Council

Presented: Tuesday, May 15, 2012

Report Date Wednesday, May 02, 2012

Type: Managers' Reports

### Recommendation

WHEREAS at the Council Meeting of the City of Greater Sudbury on January 24, 2012, staff were directed to develop procedures for the Building, Property and Park Naming By-law 2003-126 and associated amendments, and;

WHEREAS procedures reflect the current Building, Property and Park Naming By-law, experiences on the honorific naming process of municipal facilities in Greater Sudbury, as well as best practices from other municipalities;

THEREFORE BE IT RESOLVED that the Council of the City of Greater Sudbury adopt the procedures for honorific naming of a municipal facility as they relate to the Building, Property and Park Naming By-law 2003-126.

### Finance Implications

Staff time is required to deal with the honorific naming process and will be provided for within the approved operating budget. The applicant is responsible for all other associated costs to the process – i.e. advertising, translations etc.

## Background

At the City of Greater Sudbury Council meeting of January 24, 2012, Council adopted resolution number CC2012-24 to name a park in honour of Leo Gerard. Furthermore, the resolution stated that staff be directed to develop procedures for the Building, Property and Park Naming By-law/Policy, that would be brought forward for Council's consideration.

This report purposes to establish set procedures for the current Building, Property and Park Naming By-law/Policy that will assist applicants, staff and council in the honorific naming process. No changes will be required to the By-law.

#### Signed By

##### Report Prepared By

Jason Nelson  
Coordinator of Community Initiatives  
and Quality Assurance  
*Digitally Signed May 2, 12*

##### Division Review

Real Carre  
Director of Leisure Services  
*Digitally Signed May 2, 12*

##### Recommended by the Department

Catherine Matheson  
General Manager of Community  
Development  
*Digitally Signed May 2, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed May 9, 12*

## **Procedures**

1. A request is made to the City Clerk for the honorific naming of a municipal building, property or park from a community group or organization. A delegated City staff person meets with the applicant to review the request and to outline next steps.
2. The application form is circulated to the Mayor, Members of Council and City Departments for information and comments.
3. The applicant completes the necessary documentation that supports the rationale for the naming. Support from the community may be in the form of a petition or a letter indicating substantial support.
4. Depending on the facility being named, an information report will go to either the Community Services or Operations Committee to review the request. Supporting documentation and feedback will be provided by the City Departments to assist the Committee in determining if the application will proceed as requested, or be recommended as altered or not considered. Based upon the recommendation from the Committee, the applicant will decide how to proceed.
5. If the applicant decides to proceed with the naming request, an advertisement will be placed with local media to allow for citizen comments and feedback for 30 days.
- 6 (a). If all responses are supportive after the 30 days, a report with the application form, supporting documentation, feedback from City Departments, notification processes undertaken to advise the public and the Committee's recommendation are all sent to Council for a decision.

OR

- 6 (b). If there are sufficient and meaningful objections received during the 30 days, the City staff person assigned to the project will consult with the necessary City management to determine if a public input meeting will be scheduled to review the name request in more detail. A report with the application form, supporting documentation, feedback from City Departments, notification processes undertaken to advise the public, comments from citizens and the Committee's recommendation are all sent to Council for a decision.
7. If the naming is approved by Council, the Applicant and appropriate City Departments are notified of the name change.

## **Highlights of Procedures**

The procedures are reflective of past and current experiences with the naming of municipal facilities. A standardized application form has been developed to assist in the process – a practice that is undertaken by several municipalities across Canada. The form contains a check list to assist members of Council when reviewing information.

A deposit is required upon submitting the application form. Collecting a deposit to start an application is similar to an established practice followed by the City of Greater Sudbury Real Estate section when dealing with requests for surplus land. As the naming process will be time consuming, the deposit will ensure that legitimate requests are brought forward.

Forwarding applications to the Mayor and all Members of Council where the proposed naming is to occur will provide notice. Additionally, a list of departments within the City of Greater Sudbury will receive the application to provide comment.

The applicant will work with staff to ensure that all the necessary documents are in order and that the name being proposed is reflective as to the level of involvement in the community from the person/organization.

To provide a clear and transparent process, after all the documentation (letters of support, credentials of the person or organization have been established/proven) have been collected, the request will be brought to the Community Services or Operations Committee. Bringing the request forward to Committee by way of report will allow for the matter to be placed on record, questions asked and for direction to be given. Bringing the application and related documents to Committee prior to proceeding to Council for final approval is within the structure of the City of Greater Sudbury Procedure By-law and is similar to processes established by The City of Guelph, City of Hamilton and City of Ottawa where the naming request is vetted through a Naming Committee.

A new public and advertised process has been established for informing the public about the naming and how to provide comments and feedback on the matter. This includes the notification process as well as method in which input is received.

Unlike the Corporate Sponsorship Policy, these procedures relate to the honorific naming of a facility. The Corporate Sponsorship Policy involves agreements normally comprised of a variety of benefits and opportunities for both the sponsor and municipality. For example, company X may decide to sponsor a Bell Park Billboard. The sponsoring company would have their name appear on the billboard, but would not change the name of the park.

### **Conclusion**

It is recommended that the procedures for the Building, Property and Park Name By-law/Policy 2003-126 be adopted by Council.

## **New - Building, Property and Park Name Policy 2012**

### **Policy**

The naming and re-naming of municipal buildings, properties, parks and elements of the buildings, properties and parks are important for public awareness, promotion, recognition and emergency awareness. All honourific naming and re-naming will respect the need for public consultation and follow appropriate legislative approvals. Honourific naming requests must come from a recognized community or service group or organization, rather than from individuals or affiliated groups or organizations.

### **Purpose**

The purpose of this policy is to ensure consistency and fairness in the naming and re-naming of municipal buildings, properties and parks and their elements. The goal is to provide an evaluation framework and approval process that is reflective of the name being proposed.

### **Scope**

This policy applies to Honourific Naming and New Park Development. Names of municipal facilities will not be named after elected officials currently in office. The details of this policy refer to the honourific naming and re-naming of municipal assets which reflect the achievements and contributions from an individual or organization. The significance of their contribution(s) is based on a graduated structure – Neighbourhood, Community and City **SEE DEFINITIONS\***. This structure determines the type of facility to be named and the type of supporting documentation required from the applicant.

### **TYPES OF SITUATIONS APPLICABLE TO NAMING**

#### **1. Honourific Naming**

Requested by a community group/organization to recognize a group or an individual's outstanding accomplishments, involvement or work in the local community or in a provincial or national forum.

#### **2. New Park Development**

New neighbourhood parks created as part of the subdivision development process, are names based on geographical association. This will not require Council approval unless there is a request for an alternate name, in which case the guidelines for honourific naming apply.

### **Policy Guidelines**

Naming Principles and Priorities will be used in conjunction with the graduated system in order to consider an honourific name:

- Names shall assist in emergency response situations by: avoiding duplication, using similar sounding names and ensuring consistency between building and geographical naming conventions.

- Names that place the building, property, park or it's element in geographical context, so as to assist the citizens in locating the named facility – this may reflect such things as significant ecological or natural resource features.
- Names reflect the purpose or use of the building, property, park or it's element.
- Names convey a sense of place and community and celebrate the distinguishing characteristics of the neighbourhood, community or City of Greater Sudbury.
- Names are understandable, recognizable and explainable to citizens and respect the values in regards to history, heritage and culture of the neighbourhood, community or City of Greater Sudbury.
- Names for a an interior space, portion or elements of a building property or park as opposed to an entire building, property or park take precedence.
- Names reflect an individual or organization's significant contributions to public life in general.
- Names reflect an individual or organization with such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternatives.

**DEFINITIONS**

**Element:** A component within a park or facility, being walkways, meeting rooms, dressing rooms, corridors, gazebos, squares, fountains and other such features.

<b>GRADUATED STRUCTURE</b>		
<b>MUNICIPAL BOUNDARIES</b>	<b>TYPES OF FACILITIES TO BE NAMED</b>	<b>SUPPORTING DOCUMENTATION</b>
<b>Neighbourhood</b> = area that provides services and amenities in a specific locality within Greater Sudbury to a small group of citizens.	Accessory use of a public building  Neighbourhood Park (meets the recreational needs of its immediate neighbourhood)	Acknowledgements reflect the contributions made by an individual or organization in regards to a specific neighbourhood.
<b>Community</b> = area that provides services and amenities to an area or district of Greater Sudbury that may encompass several neighbourhoods and benefit a large group of citizens.	Indoor building features  Community Parks (provides the space and supportive facilities needed for active recreation)	Acknowledgements reflect the contributions made by an individual or organization in regards to the community and may be recognized throughout the City of Greater Sudbury.
<b>City</b> = area that provides services and amenities to the all citizens of Greater Sudbury.	Entire building  Regional Park (a focal point for the City as a whole)	Acknowledgements reflect contributions made by an individual or organization to the City of Greater Sudbury that are broadly acknowledged and may be recognized on a Provincial or National level.

**PROCEDURE - APPLICATION AND APPROVAL PROCESS FOR HONOURIFIC NAMING****Step 1**

Applicant shall submit a request – Application Form, for naming to the City Clerk, along with a permission letter obtained from the organization, individual or family member for the proposed name.

A deposit of \$900.00 (price to vary according to costs of advertisement) will be submitted with the application form.

The application form will then be forwarded to the appropriate department that will lead the process.



The lead staff will forward the application form to the Mayor, all members of Council and the appropriate applicable City departments. Comments on the suitability of the application will be gathered from City departments.

The lead staff will work with the applicant to ensure that the following documentation is included:

- Background information outlining the rationale for consideration of the request;
- Biographical information;
- Documentation including but not limited to media clipping (s) as well as petitions and letters from organizations and individuals providing substantial support for the request – support is based on the graduated structure (Neighbourhood, Community or City);
- Lead staff to review that the contributions from an organization or individual are well documented;
- All discussions of naming and re-naming of municipal buildings, properties or parks and their elements will be considered initially by the appropriate Committee of Council (e.g. Community Services or Operations);
- The Committee will review the application form, comments from City Departments and documentation from the applicant to complete the Checklist. The graduated structure (neighbourhood, community, city) selected and information provided to the Committee will determine if the Naming Priorities and Principles satisfy the naming request;
- Lead staff and applicant will determine whether or not a special event is planned to coincide with a formal naming ceremony;
- All costs of establishing the naming option e.g., advertising, signage, event, etc., will be made known to the applicant. Funds from the applicant must be confirmed in order to proceed.

## Step 2

- The applicant will work with the lead staff person for ensuring that community consultation is met in accordance with City of Greater Sudbury approved guidelines;
- All requests for naming will be advertised in the local media. Citizens will be provided with a period of 30 days within which to comment, as well, the advertisement will contain information about the day of the public meeting;
- All promotion will be done in both English and French;

- News release will be issued;
- PDF Flyer will be created with the information relating to the naming and sent to City Council, CGS Senior Management, Community Action Networks, key stakeholders, Tom Davies Square, CSC, Libraries and the facility where possible;
- Information will be posted on the City's website and other social media formats by which the municipality's Corporate Communications team delivers information (i.e. Facebook);
- Comments on the matter will be sent to the appropriate lead staff;
- Comments must be received by 4:30 p.m. from the 30 days of the notice being issued to residents and then passed along to the lead staff person; and,
- The lead staff person reviews the written comments which are recorded– Total Written Comments Received.

The process to provide notice on the naming process may change to reflect any new Notice By-law that deals with this matter.

- 14 days after the notice has been advertised in the local media, a public meeting will occur to review the name request in more detail.
- Meeting shall occur in the community and as close to the subject building, property or park as possible;
- Lead staff person will facilitate the meeting. The applicant will be in attendance to review the name request and respond to inquiries in more detail;
- The date and time of the meeting will be scheduled so as to allow for the greatest number of the public to be in attendance; and,
- The lead staff person gathers only written comments at the meeting and records it accordingly – Total Written Comments Received.

### **Step 3**

The City administration will bring forward a report for Council containing background information pertinent to one or more suggested names.

The report to Council shall include but not be limited to the following:

- Options for consideration;
- Application form;

- Comments from City Staff;
- Rationale for approval according to the naming principles and priorities;
- Background and biographical information;
- Documentation supporting the request in relation to the graduated structure selected;
- Comments received from the notice with the public;
- Recommendation from the Committee of Council;
- Whether or not a ceremony is required; and,
- How all associated expenses with respect to signs, ceremonies, etc. will be paid for by the applicant.

Final decision on naming will be made by Council. Council retains the right to change any name at any time without notice.

## **Building, Property and Park Name Policy 2012 – Portions/Components Only**

### **Policy**

The naming and re-naming of interior spaces, portions or elements of municipal buildings, properties, parks are important for public awareness, promotion and recognition. All honourific naming and re-naming will respect the need for public consultation and follow appropriate legislative approvals. Honourific naming requests must come from a recognized community or service group or organization, rather than from individuals or affiliated groups or organizations.

### **Purpose**

The purpose of this policy is to ensure consistency and fairness in the naming and re-naming of interior spaces, portions or elements of municipal buildings, properties and parks. The goal is to provide an evaluation framework and approval process that is reflective of the name being proposed.

### **Scope**

This policy applies to Honourific Naming and New Park Development. Names of municipal facilities will not be named after elected officials currently in office. The details of this policy refer to the honourific naming and re-naming of municipal assets which reflect the achievements and contributions from an individual or organization. The significance of their contribution(s) is based on a graduated structure – Neighbourhood or Community **SEE DEFINITIONS\***. This structure determines the type of facility to be named and the type of supporting documentation required from the applicant.

### **TYPES OF SITUATIONS APPLICABLE TO NAMING**

#### **1. Honourific Naming**

Requested by a community group/organization to recognize a group or an individual's outstanding accomplishments, involvement or work in the local community.

#### **2. New Park Development**

New neighbourhood parks created as part of the subdivision development process, are names based on geographical association. This will not require Council approval unless there is a request for a component within the park to be named, in which case the guidelines for honourific naming apply.

### **Policy Guidelines**

Naming Principles and Priorities will be used in conjunction with the graduated system in order to consider an honourific name:

- Names shall assist in emergency response situations by: avoiding duplication, using similar sounding names.

- Names that place the element of the building, property or park in geographical context, so as to assist the citizens in locating the named element – this may reflect such things as significant ecological or natural resource features.
- Names reflect the purpose or use of the element within the building, property or park.
- Names convey a sense of place and community and celebrate the distinguishing characteristics of the neighbourhood or community.
- Names are understandable, recognizable and explainable to citizens and respect the values in regards to history, heritage and culture of the neighbourhood or community.
- Names reflect an individual or organization's significant contributions to public life in general.
- Names reflect an individual or organization with such extraordinary prominence and lasting distinction that no other individuals, families or organizations can come forward and suggest alternatives.

#### **DEFINITIONS**

**Element:** A component within a park or facility, being walkways, meeting rooms, dressing rooms, corridors, gazebos, squares, fountains and other such features.

GRADUATED STRUCTURE		
MUNICIPAL BOUNDARIES	TYPES OF FACILITIES TO BE NAMED	SUPPORTING DOCUMENTATION
<b>Neighbourhood</b> = area that provides services and amenities in a specific locality within Greater Sudbury to a small group of citizens.	Accessory use of a public building  Neighbourhood Park (meets the recreational needs of its immediate neighbourhood)	Acknowledgements reflect the contributions made by an individual or organization in regards to a specific neighbourhood.
<b>Community</b> = area that provides services and amenities to an area or district of Greater Sudbury that may encompass several neighbourhoods and benefit a large group of citizens.	Indoor building features  Community Parks (provides the space and supportive facilities needed for active recreation)	Acknowledgements reflect the contributions made by an individual or organization in regards to the community and may be recognized throughout the City of Greater Sudbury.

## PROCEDURE - APPLICATION AND APPROVAL PROCESS FOR HONOURIFIC NAMING

### Step 1

Applicant shall submit a request – Application Form , for naming to the City Clerk, along with a permission letter obtained from the organization, individual or family member for the proposed name.

A deposit of \$900.00 (price to vary according to costs of advertisement) will be submitted with the application form.

The application form will then be forwarded to the appropriate department that will lead the process.

The lead staff will forward the application form to the Mayor, all members of Council and the appropriate applicable City departments. Comments on the suitability of the application will be gathered from City departments.

The lead staff will work with the applicant to ensure that the following documentation is included:

- Background information outlying the rationale for consideration of the request;
- Biographical information;

- Documentation including but not limited to media clipping (s) as well as petitions and letters from organizations and individuals providing substantial support for the request – support is based on the graduated structure (Neighbourhood or Community);
- Lead staff to review that the contributions from an organization or individual are well documented;
- All discussions of naming and re-naming of municipal buildings, properties or parks and their elements will be considered initially by the appropriate Committee of Council (e.g. Community Services or Operations);
- The Committee will review the application form, comments from City Departments and documentation from the applicant to complete the Checklist. The graduated structure (neighbourhood, community) selected and information provided to the Committee will determine if the Naming Priorities and Principles satisfy the naming request;
- Lead staff and applicant will determine whether or not a special event is planned to coincide with a formal naming ceremony;
- All costs of establishing the naming option e.g., advertising, signage, event, etc., will be made known to the applicant. Funds from the applicant must be confirmed in order to proceed.

## Step 2

- The applicant will work with the lead staff person for ensuring that community consultation is met in accordance with City of Greater Sudbury approved guidelines;
- All requests for naming will be advertised in the local media. Citizens will be provided with a period of 30 days within which to comment, as well, the advertisement will contain information about the day of the public meeting;
- All promotion will be done in both English and French;
- News release will be issued;
- PDF Flyer will be created with the information relating to the naming and sent to City Council, CGS Senior Management, Community Action Networks, key stakeholders, Tom Davies Square, CSC, Libraries and the facility where possible;
- Information will be posted on the City's website and other social media formats by which the municipality's Corporate Communications team delivers information (i.e. Facebook);
- Comments on the matter will be sent to the appropriate lead staff;

- Comments must be received by 4:30 p.m. from the 30 days of the notice being issued to residents and then passed along to the lead staff person; and,
- The lead staff person reviews the written comments which are recorded— Total Written Comments Received.

The process to provide notice on the naming process may change to reflect any new Notice By-law that deals with this matter.

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- Meeting shall occur in the community and as close to the space or element of the building, property or park as possible;
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- Whether or not a ceremony is required; and,
- How all associated expenses with respect to signs, ceremonies, etc. will be paid for by the applicant.

Final decision on naming will be made by Council. Council retains the right to change any name at any time without notice.

## For Information Only

### Docking at McNaughton Terrace

Presented To:	Community Services Committee
Presented:	Monday, Nov 05, 2012
Report Date	Friday, Oct 19, 2012
Type:	Managers' Reports

### Recommendation

For information only.

### Finance Implications

Capital funds in the amount of \$20,000.00 were approved as part of the 2012 funded Capital projects for the restoration of the grounds located at 322 McNaughton Terrace.

## Background

At the June 25, 2012 Community Services Standing Committee meeting, the following recommendation was presented and approved related to docking privileges at McNaughton Terrace.

*CS2012-29 Kett/Dupuis: WHEREAS on April 30th, 2012 Council passes a resolution directing staff to negotiate a docking agreement with previous users of the dock located at 322 McNaughton Terrace- Bell Park;*

*AND WHEREAS a meeting was held with previous dock users on May 9th, 2012 to discuss options for continued use of docking privileges at Bell Park;*

*AND WHEREAS the previous user have expressed preference to continue docking at the current location off McNaughton Terrace;*

*THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury authorize staff to negotiate a docking lease agreement with individual boat owners who had approval from the previous owner of 322 McNaughton Terrace;*

*AND THAT the lease agreements include the responsibility of the users for all capital upgrades and operating cost to ensure that the docks are repaired and are safe for users, are maintained and insured.*

In regards to the existing docks located at McNaughton Terrace as reported to Council on April 30th,

### Signed By

#### Report Prepared By

Chris Gore  
Manager of Community Partnerships  
*Digitally Signed Oct 19, 12*

#### Division Review

Real Carre  
Director of Leisure Services  
*Digitally Signed Oct 19, 12*

#### Recommended by the Department

Catherine Matheson  
General Manager of Community Development  
*Digitally Signed Oct 19, 12*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Oct 19, 12*

2012, the docks require significant Capital upgrades. The Risk Management staff and the insurance adjusters both examined the dock and determined that the existing dock should be removed due to health and safety issues.

The dock users were notified of the concerns and agreed to construct their own shared dock adjacent to the existing dock at their own expense. The dock will be built based on City specifications of appropriate materials and be of a suitable design and size to meet the needs of the boat owners. It will be located in a manner as to not interfere with public use of the waterfront at McNaughton Terrace.

In addition, the boat users will be responsible for the ongoing maintenance of the shared dock and as part of a lease agreement, will be required to provide proof of insurance which will include a hold harmless and indemnity clause. The lease agreement will be developed by the City and will be completed in time for the 2013 boating season.

The existing docks will be removed as part of the clean up and restoration of the property at 322 McNaughton Terrace. Funds were allocated as part of the 2012 Capital Funded project.