

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

Vision: *La Ville du Grand Sudbury est une communauté croissante de calibre international qui rassemble les talents, les technologies et le style de vie exceptionnel du Nord.*



Agenda

Policy Committee

meeting to be held

Wednesday, April 21st, 2010

at 6:00 pm

Council Chamber, Tom Davies Square

Ordre du jour

réunion du

Comité des politiques

qui aura lieu

mercredi 21^e avril 2010

à 18h 00

dans la Salle du Conseil, Place Tom Davies

POLICY COMMITTEE AGENDA

For the 55th Policy Committee Meeting
to be held on **Wednesday, April 21, 2010**
Council Chamber, Tom Davies Square at 6:00 pm

COUNCILLOR DOUG CRAIG, CHAIR

Jacques Barbeau, Vice-Chair

- 5:00 p.m. CLOSED POLICY COMMITTEE MEETING
COMMITTEE ROOM C-11, TOM DAVIES SQUARE
*To deal with: one Labour Relations/Employee Negotiations Matter regarding
Personnel Matters – Labour Relations*
- 6:00 p.m. REGULAR POLICY COMMITTEE MEETING
COUNCIL CHAMBER, TOM DAVIES SQUARE

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

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DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

COMMUNITY DELEGATIONS

1. Innovative Sustainable Play Spaces

(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Mike Ladyk, President, Corsi Playground Association

(The President of the recently formed Corsi Playground Association will describe a new approach to park development. Proactive international examples will be presented and preliminary designs for Corsi playground will be unveiled.)

2. Organ & Tissue Donation Awareness

(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Pam Andler, RN, Organ & Tissue Donation Co-Ordinator, Sudbury Regional Hospital

(The Irish Heritage Club of Sudbury Organ and Tissue Donation Awareness Committee is making a presentation to Council regarding organ and tissue donation and their 11th Annual "Walk for a Second Chance" to be held on May 1, 2010 at Memorial Park.)

3. Youth Workplace Safety Coalition

(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- John Lewko, Director, Centre for Research in Human Development, Laurentian University

(The Youth Workplace Safety Coalition is a group representing the four Boards of Education in Greater Sudbury, Local 6500 of the United Steelworkers of America, Laurentian University and the University of Toronto. The focus of the project is on preventing injuries to young workers in Ontario and aimed at advancing the culture of safety through developing and implementing a number of key health and safety resources, processes and materials to help students manage their early workplace experience through contacts in the school systems. The purpose of the presentation is to obtain Council support for the project and to appoint a Member of Council to the Coalition.)

10 - 14

4. Bear Issues in the City of Greater Sudbury

(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)

- Beth Litchfield, Sudbury Area Supervisor, Ministry of Natural Resources

(At the request of City Council, the Ministry of Natural Resources has been invited to make a presentation regarding bear issues in the City of Greater Sudbury.)

PRESENTATIONS

5. Report dated April 15, 2010 from the General Manager of Infrastructure Services regarding Sewer Use By-law.

(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)

15 - 24

- Nick Benkovich, Director of Water/Wastewater Services
- Akli Ben-Anteur, P.Eng., Project Engineer, Water/Wastewater Services

6. Report dated April 14, 2010 from the General Manager of Growth and Development regarding Blasting Activities Within the City of Greater Sudbury and Their Regulation.

25 - 67

(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)

- Guido Mazza, Director of Building Services, Chief Building Official

(The report outlines options available to Council on how to or whether to regulate blasting within the City.)

MATTERS ARISING FROM THE CLOSED MEETING

At this point in the meeting, Councillor Barbeau will rise and report any matters discussed during the Closed Meeting. The Committee will then consider any recommendations.

CORRESPONDENCE FOR INFORMATION

8. Report dated April 15, 2010 from the General Manager of Infrastructure Services regarding Preventative Plumbing Subsidy Program.
(FOR INFORMATION ONLY)

68 - 70

(This report advises Council of the progress in the process of identifying all the necessary steps for the program to be implemented successfully before finalizing the policy.)

REFERRED & DEFERRED MATTERS

MANAGERS' REPORTS

9. Report dated April 14, 2010 from the Executive Director, Administrative Services regarding Write Off Policy for Provincial Offences Act (POA) Fines.
(RECOMMENDATION PREPARED)

71 - 72

(The Ministry of the Attorney General (MAG) requires that Council approve a Write Off Policy for Provincial Offences Act (POA) fines that are determined uncollectible.)

MOTIONS

ADDENDUM

CITIZEN PETITIONS

ANNOUNCEMENTS

NOTICES OF MOTION

9:00 P.M. ADJOURNMENT (RECOMMENDATION PREPARED)

(Two-thirds majority required to proceed past 9:00 pm)

Councillor Doug Craig
Chair

Franca Bortolussi
Council Secretary

COMITÉ DES POLITIQUES ORDRE DU JOUR

Pour la 55^e réunion du Comité des politiques
qui aura lieu le **21 avril 2010**
dans la **Salle du Conseil, Place Tom Davies**, à 18h 00

CONSEILLER DOUG CRAIG, PRÉSIDENT(E)

Jacques Barbeau, Vice-président(e)

- 5 h RÉUNION A HUIS CLOS
SALLE DE RÉUNION C-11, PLACE TOM DAVIES
une question relative aux relations de travail / négociations avec les employés
- 18 h RÉUNION ORDINAIRE DU COMITÉ DES POLITIQUES
SALLE DU CONSEIL, PLACE TOM DAVIES

VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS) **La salle du**

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DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

DÉLÉGATIONS DE LA COMMUNAUTÉ

1. Aires de jeux durables novatrices

(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Mike Ladyk, président de l'Association du terrain de jeux Corsi

(Le président de l'Association du terrain de jeux Corsi récemment créée décrira une nouvelle approche d'aménagement des parcs. Des exemples proactifs d'autres pays et des conceptions préliminaires pour le terrain de jeux Corsi seront présentés.)

2. Campagne de sensibilisation aux dons d'organes et de tissus

(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Pam Andler, IA, coordonnatrice des dons d'organes et de tissus, Hôpital régional de Sudbury

(Le comité de sensibilisation aux dons d'organes et de tissus de l'Irish Heritage Club of Sudbury a demandé de donner un exposé au Conseil municipal au sujet des dons d'organes et de tissus et de sa 11e marche annuelle « Walk for a Second Chance » (pour une deuxième chance) qui doit avoir lieu le 1er mai 2010 au parc Mémorial.)

3. Coalition pour la prévention des blessures chez les jeunes travailleurs

(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- John Lewko, directeur du Centre de recherche en développement humain, Université Laurentienne

(La Coalition pour la prévention des blessures chez les jeunes travailleurs est un groupe réunissant les quatre conseils scolaires du Grand Sudbury, la section locale 6500 des Métallurgistes unis d'Amérique, l'Université Laurentienne et l'Université de Toronto. Le projet se concentre sur la prévention des blessures que subissent les jeunes travailleurs en Ontario et il vise à répandre la culture de sécurité grâce à l'élaboration et à la mise en œuvre d'un certain nombre de ressources, procédés et documents clés en matière de santé et sécurité pour aider les élèves à gérer leur première expérience de travail par des contacts dans les systèmes scolaires. La présentation a pour but d'obtenir l'appui du Conseil municipal à ce projet et pour nommer un membre du Conseil municipal pour siéger à la Coalition.)

10 - 14

4. Problèmes d'ours dans la Ville du Grand Sudbury

(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Beth Litchfield, superviseure régionale de Sudbury, ministère des Richesses naturelles

"(À la demande du Conseil municipal, le ministère des Richesses naturelles a été invité à donner un exposé au sujet des problèmes d'ours dans la Ville du Grand Sudbury.)"

PRÉSENTATIONS ET EXPOSÉS

5. Rapport du directeur général des Services d'infrastructure, daté du 15 avril 2010 portant sur Règlement sur l'utilisation des égouts. **15 - 24**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)
- Nick Benkovich, directeur des Services des eaux et des eaux usées
 - Akli Ben-Anteur, ing., ingénieur de projets en eau et eaux usées
6. Rapport du directeur général de la croissance et du développement, daté du 14 avril 2010 portant sur Activités de dynamitage dans la Ville du Grand Sudbury et leur régulation. **25 - 67**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)
- Guido Mazza, directeur des Services de construction / officiel en chef des Bâtiments
- (Le rapport donne les grandes lignes des options disponibles au Conseil municipal sur la façon d'aborder la régulation des activités de dynamitage dans la Ville ou s'il faut l'aborder.)

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

A cette étape de la réunion, le Conseiller Barbeau rapportera toute question traitée pendant la séance à huis clos. Le Comité examinera ensuite les recommandations.

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

8. Rapport du directeur général des Services d'infrastructure, daté du 15 avril 2010 portant sur Programme de subventions pour la plomberie préventive. **68 - 70**
(A TITRE D'INFORMATION)
- (Ce rapport informe le Conseil municipal des progrès accomplis quant à la détermination de toutes les étapes nécessaires en vue de la mise en œuvre réussie de ce programme avant de mettre au point la politique.)

QUESTION RENVOYÉES ET REPORTÉES

RAPPORTS DES GESTIONNAIRES

9. Rapport de la directrice exécutive des Services administratifs, daté du 14 avril 2010 portant sur Politique de radiation des amendes en vertu de la Loi sur les infractions provinciales. **71 - 72**
(RECOMMANDATION PRÉPARÉE)

(Le ministère du Procureur général (MPG) exige que le Conseil municipal approuve une politique de radiation des amendes en vertu de la Loi sur les infractions provinciales qui sont jugées irrécouvrables.)

MOTIONS

ADDENDA

PÉTITIONS DE CITOYENS

ANNONCES

AVIS DE MOTION

LEVÉE DE LA SÉANCE À 21 H (RECOMMANDATION PRÉPARÉE)

(Une majorité des deux tiers est requise pour poursuivre la réunion après 21h 00.)

Le Conseiller Doug Craig,
Présidente

Franca Bortolussi,
Secrétaire du conseil

Request for Decision

Youth Workplace Safety Coalition

Presented To: Policy Committee

Presented: Wednesday, Apr 21, 2010

Report Date Thursday, Apr 15, 2010

Type: Community Delegations

Recommendation

For Information Only

Signed By

No signatures or approvals were
recorded for this report.



April 15, 2010

Ms. Angie Haché
City Clerk
City of Greater Sudbury

Dear Ms. Haché:

I am writing on behalf of the Youth Workplace Safety Coalition, in reference to a presentation that the Coalition will be making to City Council at its meeting on April 21, 2010. Attached you will find an overview of the Focus on Youth Safety Project that will be presented. As you are aware, the Project is the result of a collaboration between the four school boards in the city, the United Steel Workers local 6500, the Ontario Neurotrauma Foundation and two universities (Laurentian, U of Toronto).

As with many interesting initiatives, the project evolved over a period of three years. It has now reached the point where the Coalition felt it was important to inform Council members of the project and the potential it holds for the youth of Sudbury, and perhaps the city at large. The attached overview will familiarize Council members with some statistics on youth workplace injuries and some details on the Coalition and the Project. It ends with a direct overture to Council to take an active role in advancing the Project.

The Coalition appreciates the assistance provided in arranging for the presentation to Council. I am sure that Council knows how valuable you can be, Ms. Haché, in such undertakings. Your guidance was truly appreciated.

On behalf of the Coalition, I wish to thank Council members in advance for taking the time to focus on youth, and in particular the safety of our youth as they explore the realities of working.

Sincerely,

John H. Lewko



Focus on Youth Safety

Did you know that...

- that more than 2.9 million youth aged 15 to 24 worked in 2008, representing almost 70% of Canadian youth?
- that more than 70% of youth start working in the service sector and the retail trade sector is the largest employer of young workers?
- that young workers are at a greater risk for workplace injuries than any other age group?
- that young workers are almost a quarter more likely than adults to suffer lost-time injuries at work, when considering hours of exposure?
- that in Canada, almost 43,000 youth aged 15-19 and more than 100,000 youth aged 20-24 reported a lost-time injury between 2006 and 2008?
- that Ontario is the province with the second highest accepted time-loss injuries to youth aged 15-24, between 2006-2008?
- that in Ontario, 43 youth lost their lives on the job between 2003 and 2007?

The Youth Workplace Safety Coalition

The injury statistics presented above are unacceptable! The Youth Workplace Safety Coalition is a collaboration between Greater Sudbury's four School Boards, the United Steel Workers (USW) local 6500, the Centre for Research in Human Development (CRHD) at Laurentian University and the Ontario Institute for Studies in Education (OISE) at the University of Toronto. The Coalition came together three years ago to work towards improving safety for youth in the workplace.

Prompted by the Local 6500 and their concern for youth workplace safety, over this time, the group has been trying to identify what could be done together to improve the workplace experiences of our young people in Sudbury.

A unique opportunity was presented to the Coalition when USW international entered into a collaboration agreement with the Ontario Neurotrauma Foundation to jointly explore ways of preventing workplace injuries, particularly serious injuries to the head and back.

The Coalition set out to develop a project which was eventually submitted to ONF for consideration. After external peer review, ONF provided funding in the amount of \$146,000 to support the two-year project. As the Coalition worked together, the possibility of developing something unique in Sudbury began to form. Coalition members believed that the ideas they were working out could lead to Sudbury becoming a model for the province in advancing safety learning in the school systems.

In November 2009, the project was formally launched at Laurentian University by Leo Gerard, International President of the United Steel Workers. “The Ministries of Labour and Education have made considerable progress towards integrating health and safety-related learning expectations into the classroom,” said Leo Gerard. “The reality remains that most teachers have not been exposed to the particular work settings that students are experiencing. The Focus on Youth Safety project will standardize the approach used in schools for health and safety training and make the most efficient use of the available resources to make sure that all students are prepared to safely enter all work environments.” In concluding the launch, Mayor Rodriguez underscored the importance of youth workplace safety.

The two-year project will focus on six areas of safety learning within the education system.

- 1) Safety Awareness Workshops: a series of cross-board workshops will provide CO-OP students entering the workplace with greater understanding of hazards and risk in specific settings.
- 2) GLC grade 10 course: The grade 10 career studies course is mandatory for every study in Ontario. New modules on health and safety in the workplace will be integrated into the current curriculum. Teachers will be provided with additional resources and materials and will receive indication on how to use the new materials to satisfy current curriculum requirements.
- 3) CO-OP students as Teachers of GLC Health and Safety: This initiative will draw upon the successful experiences of peer-teachers, where CO-OP students will be given the assignment of teaching the GLC students about health and safety issues, especially as they relate to their current CO-OP experiences.
- 4) CO-OP Professional Development: A professional development program will be designed to expand the current skill level of CO-OP personnel and serve as a resource for the Province. Part of the program will be focus on opportunities to collaborate across the four boards.
- 5) USW Retirees as “real-live” resources: A roster of the Steelworkers Organization of Active Retirees (SOAR) with workplace safety experience will be developed who can be called upon by teachers, to integrate the real-life experiences of various work settings into the GLC 10 course and the CO-OP/ specialized skills program.

6) The United Steel Workers' Young Workers Awareness Program: The USW YWAP presentation will be revised in order to reflect the needs of the CO-OP programs and the demands of the Ministry of Education so that all expectations within the curriculum are being met.

A Partnership with the City

The Focus on Youth Safety Project provides a unique opportunity to work on cultural change towards health and safety beyond the classroom and in to our community. While this may be a somewhat ambitious goal, we are confident that a culture change can occur over time if Greater Sudbury works together at various levels, including the education system, the workforce and the community. Sudbury can become a leader in improving workplace health and safety for its youth, much like it has over the past decades for the adult workforce. With the participation of City Council, Sudbury can serve as a model for other communities in the Province.

A partnership between the City and the Project provides a way forward. As a first step in establishing the partnership between the City and the Project, we would encourage Council to identify a member who will become directly involved with the Coalition. This relationship will provide for closer communication between Coalition activities and Council. Council involvement with the Coalition creates a platform where various other youth safety actions can be considered. For example:

- Helping to engage more local employees as CO-OP placements
- Linking the project to the City of Greater Sudbury website
- Including youth workplace safety in future city activities that focus on youth.

Request for Decision

Sewer Use By-law

Presented To: Policy Committee

Presented: Wednesday, Apr 21, 2010

Report Date Thursday, Apr 15, 2010

Type: Presentations

Recommendation

That Council accept the report and authorize staff to proceed with the development of the Sewer Use By-law and Source Control Program in accordance with the report from the General Manager of Infrastructure Services dated April 15, 2010

Finance Implications

Sufficient funds have been set aside in the 2010 Capital Budget for the development and implementation of the Source Control Program and the Sewer Use Bylaw. Future operating budget impacts are not determinable at this time. Future reports and/or budgets will reflect the operating impacts as they become known.

Background

See report attached.

Signed By

Report Prepared By

Akli Ben-Anteur, P.Eng.
Project Engineer
Digitally Signed Apr 15, 10

Division Review

Nick Benkovich
Director of Water/Wastewater Services
Digitally Signed Apr 15, 10

Recommended by the Department

Greg Clausen, P.Eng.
General Manager of Infrastructure
Services
Digitally Signed Apr 15, 10

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 15, 10

Council Report – Source Control Program & Updated Sewer Use By-law April 21, 2010.

1. Executive Summary

At the Priorities Committee meeting of May 21, 2008, Council authorized staff to update the existing “City of Sudbury Sewer By-law” dated 1973. The updated By-law is now in its final stages of development.

This report will provide Council with the following information:

1. Background to the Sewer Use By-law including goals, objectives, major issues to be dealt with,
2. Source Control Program to introduce, educate and develop an implementation plan, and
3. Monitoring and Enforcement of the Sewer Use By-law.

Greater Sudbury has more than 300 lakes within its boundaries. With our commitment to environmental leadership, protecting these lakes and the natural environment is a main priority for the City of Greater Sudbury. Recent concerns have continued to manifest regarding pollution of lakes and creeks. Specifically, wastewater by-passes that contribute to the pollution of our environment are largely the result of extraneous flows¹ caused by excessive inflow and infiltration during heavy rains and snow melting. In many cases these excessive flows exceed sewer system capacity that may potentially cause treatment plant flooding and system back-ups into residences and businesses if not by-passed.

Also, contaminant discharges into our sewer systems such as fat, oil and grease (FOGs) and toxic chemicals have a very negative impact on our environment and infrastructure systems. They

¹ Stormwater “clean water” that enters the sanitary sewer system by inflow and infiltration is called extraneous flow

reduce the life cycle and limit the capacity of our systems to convey design flows. They cause clogging of the collection sewer system that requires more frequent cleaning which in turn increases operating costs. Alternatively, required routine maintenance has to be deferred. In addition, chemicals that are discharged into the sanitary systems may upset the efficiency and operation of the treatment plant and/or contaminate the environment. These contaminant or chemical discharges largely originate from the commercial and industrial sectors.

Implementing a Source Control Program is a proven and efficient way to control contaminants at the source and eliminate them from being discharged into the sewer system. Source Control provisions in the proposed By-law will limit extraneous flows and pollution by setting up allowable limits to minimize potential detrimental impact on either our system and/or the environment.

The proposed updated Sewer Use By-law is based on the Canadian Council of Ministers of the Environment (CCME) model Sewer Use By-law and mirrors closely similar Sewer Use By-laws of other municipalities. The updated By-law will bring Greater Sudbury into line with best practices currently in use in many other municipalities including Thunder Bay, Kingston, Cornwall, Barrie, Niagara, Waterloo, Ottawa, and Toronto. The Source Control Program will help protect our environment for existing and future generations, safeguard public health, and minimize costs through effective wastewater management practices.

It is proposed to introduce the proposed Sewer Use By-law and Source Control Program to the community through extensive media advertising and public information and education sessions. The proposed program including implementation schedules, long term monitoring and testing and sampling program and enforcement will also be discussed.

Once the public input has been received, staff will finalize the By-law and return to Council for approval of the final By-law and Source Control Program. Any impact in future operating and capital budgets will be presented to Council as necessary in the future.

2. Background

Years ago, wastewater discharge into creeks, rivers and lakes without treatment was a common practice. This practice is no longer acceptable or tolerable by the community and regulatory agencies. In fact, we now see more organizations and citizens demanding responsible stewardship and protection of the environment.

The updated Sewer Use By-law will regulate allowable discharges to the City's sanitary and storm sewer systems. The requirements laid out in a sewer use by-law provide the foundation for a Source Control Program that aims to ensure that both the sanitary and storm systems operate efficiently and effectively protect the environment.

The City's current Sewer Use By-law was developed in 1973. Since then, significant changes have occurred not only in the wastewater service expectations of a more environmentally aware community, but also in wastewater sector standards and regulations.

The framework defined in the updated Sewer Use By-law enables the development of a Source Control Program which targets contaminant discharge reductions at the source before they enter the City's storm and / or sanitary sewer systems.

Source Control Programs assist system operations to improve the consistency of service to meet customer, environmental, and regulatory requirements. They also help contain and reduce operating costs and capital requirements.

The Source Control Program will have three key components described as follows:

1. Reduce the amount of Inflow and Infiltration (I/I) entering the sanitary sewer system.
2. Eliminate contaminants from sanitary sewer system which plugs our collection system and/or cannot be treated at the Wastewater Treatment Plants. These contaminants cause major disruption to the operation and performance of the plants and could bring the City into non-compliance with current Ministry of the Environment (MOE) regulations. These contaminants ultimately end up in the downstream environment.
3. Hauled Liquid Waste (HLW) is currently discharged at three sites. There is no treatment at these sites. It is proposed to close these three sites and handle all HLW at our main Sudbury Wastewater Treatment Plant which has the capacity to handle these volumes by building a septage receiving station. Environmental Services has already identified funding for the capital cost, for closure of the three sites and building a receiving station, of approximately \$115,000 and \$150,000 respectively. This action will minimize potential significant contamination to the environment.

A brief explanation of each key component is as follows:

Inflow and Infiltration (I/I) Reduction Program

Inflow and infiltration occurs when either ground water or storm water enters the sanitary sewer system. The estimated annual cost to treat I/I was approximately \$300,000 in 2008. Similarly, I/I reduces the capacity of our current sewer system to handle new growth and development.

Consequently our sanitary treatment system will have to be expanded to handle the I/I flows if these flows are not reduced. There would also be a corresponding increase in annual operating costs for the expanded system. Our goal is to minimize I/I throughout our entire system and ultimately eliminate the need for related capital expenditures and operating costs.

The City has recently increased our I/I reduction programs for our municipal infrastructure.

These reduction programs will have to be increased as our system continues to age and deteriorate.

There is also a significant contribution of I/I into our system generated from private connections.

Private connections include eaves through, weeping tiles and sump pump connections. The proposed Source Control Program will outline detailed programs to encourage residents from voluntarily disconnecting from the sewer system. There will be corresponding reduction in both operating and capital requirements with the success of these programs.

Contaminant Reduction Program

Our sewer system, both collection and treatment, are designed to handle and treat domestic wastewater. Contaminants which are primarily generated by commercial and industrial sectors cause significant distress to both the collection and treatment plants. Contaminants such as fat, oil and grease (FOG) plug the sewer system resulting in reduced capacity of the system to handle design flows, increase the risk of system backups and discharges to the environment. There are also significant increased requirements for cleaning and maintenance of physical systems.

The Source Control Program will outline a program to essentially eliminate discharges of these contaminants into the sewer system. The By-law will allow us to handle some contaminants for a fee that can be treated within our treatment plant without disrupting the plants operation.

Hauled Sewage Sites (HSS)

To reduce the potential discharge into the environment of contaminants from the HSS the City will be decommissioning our existing three sites. This project is being done at the request of the MOE and good environmental stewardship.

All hauled sewage will have to come to our Sudbury Wastewater Treatment Plant for discharges and treatment. The updated Sewer Use By-law will outline the mechanism for implementing this program, including testing and enforcement.

Desired Outcomes.

The objectives of a Sewer Use By-law are as follows²:

- ✓ Protect public health
- ✓ Protect the environment, property and infrastructure
- ✓ Enable optimum wastewater system efficiency and use
- ✓ Prevent storm water and 'clear' water from entering the system
- ✓ Protection of wastewater sludge quality
- ✓ Reduce operating cost
- ✓ Enable regulatory compliance

These objectives will be accomplished through the successful development and implementation of a Source Control Program. Such programs have successfully been implemented in many Canadian cities and have been instrumental in accomplishing wastewater system management objectives. Canadian municipalities including Thunder Bay, Cornwall, London, Toronto, Ottawa, Region of Peel, Barrie, Hamilton have adopted similar Source Control Programs and Sewer Use By-laws.

Proposed Source Control Program.

The Sewer Use By-law will define the allowable contents and concentration of chemicals that are allowed to be discharged into the sewer system. It is anticipated that the majority of commercial and industrial customers will be able to meet the proposed limits and concentrations.

²Development of Source Control Best Practices Final Project Report prepared by Hew D. McConnell Ltd., May 31, 2002

The By-law will permit the discharge of overstrength sewage that can be treated at our existing plants without disrupting the operation and/or cause environmental concern. The overstrength sewage will be treated for an additional fee to recover our additional operating costs.

The Source Control Program will also outline required monitoring and sampling and testing programs to be implemented to ensure compliance with the By-law.

Also, there will be enforcement provisions in the Sewer Use By-law to handle those who do not comply.

Pollution Prevention (P2) Plans are available to assist customers not being able to satisfy the requirements of the Sewer Use By-law. Staff proposes to work closely with these customers to ensure successful implementation.

Program Implementation Plan and Schedule:

This chart summarizes actions and approximate duration of the implementation plan process.

Program Implementation Plan and Schedule:

| | | |
|---------------------------------|-----------|-------------------|
| Public Consultation | 2 months | |
| Council Review and Approval | 2 months | |
| Public Education and Outreach | 12 months | |
| Create User Inventory Data base | 6 months | |
| Develop & Implement P2 plans | 6 months | |
| Total Enforcement | | Start Enforcement |

It's anticipated that the implementation plan will take approximately 12 months. During this period we will focus mainly on education, coaching, and voluntary compliance.

Costs

All costs for the development and implementation of the Source Control Program will be covered from our 2010 Water and Wastewater approved Capital Budget. This program will be implemented with our current staff complement. There will be requirements for annual support costs for materials and supplies, laboratory testing etc. We propose to bring these items forward as part of our upcoming future operating budgets as necessary.

Fees and Fines

It is anticipated that a number of commercial and industrial customers will enter into voluntary compliance agreements to permit them time to comply with the By-law. The anticipated fees for the compliance agreements will be set to offset our administrative costs.

Ultimately, if industrial and commercial customers do not comply with the By-law, appropriate fines as set out in the By-law will be levied. We will provide Council with our estimate of these fees as part of the 2012 Operating Budget once the success of the implementation program is known.

It is however, our objective to achieve full voluntary compliance and not require fines.

3. Tangible and Intangible Benefits

Intangible Benefits

With over 300 lakes within our borders, the intangible benefits of this Program relate to our duty to protect this priceless community asset for both the present and future generations, enhance regulatory compliance and improve public health protection.

Tangible Benefits

In addition to enhanced environmental and infrastructure protection, other tangible benefits are identified as follow:

- Capital deferral by freeing up more sewer capacity and extending the infrastructure life cycle.
- Reduction in operating costs including energy and treatment costs at the lift stations and treatment plants.
- Reduction in maintenance costs.
- Private property protection from reduced potential for basement flooding.
- Protecting the property value of existing residences bordering lakes and rivers by reducing contaminants at the source and protecting water quality of our lakes and rivers.

4. Recommendation

That Council accept the report and authorize staff to proceed with the development of the Sewer Use By-law and Source Control Program in accordance with the report from the General Manager of Infrastructure Services dated April 14, 2010.

Request for Decision

Blasting Activities Within the City of Greater Sudbury and Their Regulation

| | |
|---------------|-------------------------|
| Presented To: | Policy Committee |
| Presented: | Wednesday, Apr 21, 2010 |
| Report Date | Wednesday, Apr 14, 2010 |
| Type: | Presentations |

Recommendation

It is recommended that Council provide direction to staff with respect to the issue of the regulation of blasting activities in the City of Greater Sudbury by selecting one of the following options:

Option 1 - Status Quo - Allow Industry to Continue as is, Regulated Through its Insurance Underwriters

Option 2 - Stringent Regulatory Control with the Creation of a new Blasting By-law Through a Permitting and Certification Process

Option 3 - Less Stringent Regulatory Control Through Modification of Existing By-laws Providing Development Control (Site Plan/Subdivision/Building Permits)

Signed By

Report Prepared By

Guido Mazza
Director of Building Services/Chief
Building Official
Digitally Signed Apr 14, 10

Recommended by the Department

Bill Lautenbach
General Manager of Growth and
Development
Digitally Signed Apr 14, 10

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 14, 10

Finance Implications

If option 1 or 3 are approved, there would be minimal costs associated with implementing the process. If option 2 is approved, there would be significant costs associated with this process; however, the costs cannot be accurately identified at this time as the entire procedure must be reviewed thoroughly to determine all the resources that would be required. If option 2 is approved staff will report back with the financial implication when it has been determined.

Background

Further to Council's instructions (see Appendix 'A') and the Mayor's letter forwarded to the Minister of Environment (see Appendix 'B'), we have met with the local Ministry of the Environment and have reviewed the Minister's final position on the matter. The Minister of Environment believes their mandate is limited to those blasting policies and guidelines that the Province is authorized to approve which are primarily activities such as mines, pits and quarries (see Appendix 'C').

The municipal activities involving blasting such as commercial/residential development permitted through the municipal planning process or by the issuing of a building permit are deemed by the Minister to be under the authority of the local municipality, specifically authority granted under Sections 8, 9 and 10 of the

Ontario Municipal Act 2001.

Our investigation of the municipalities quoted by the Minister in his letter to the Mayor for cities in Ontario of similar size to Sudbury, indicates that the Cities of Hamilton and Burlington by-laws referenced are actually "Noise" By-laws or "Nuisance and Noise" By-laws similarly created referencing blasting in only one area with appended technical standards from the Noise Pollution Control (NPC) Branch of the Ministry of Environment. These by-laws are designed as reactive as opposed to proactive by-laws.

The follow-up meeting with Ministry of Environment local staff (see Appendix 'D') and City of Greater Sudbury Planning, Design, Construction, Legal and Enforcement staff, although somewhat informative, basically reiterated their original position and suggested the municipality should utilize its powers under the Ontario Municipal Act, a position our Legal staff and that of the City of Ottawa in their own deliberations on the subject do not share.

As previously presented to Council, no other Northern Ontario City e.g. North Bay, Sault Ste. Marie, Timmins or Thunder Bay currently have a blasting by-law for regulating the residential and commercial development utilizing this process in its construction.

Cities such as Windsor and Ottawa, which did have by-laws regulating blasting through a permitting process, no longer enforce the by-law in Windsor's case and Ottawa has repealed them.

Current Industry Practice

To date, the current industry standard of practice is for the most part, self-regulated through the insurance industry that underwrites its activities.

The construction process is a competitive bidding process not unlike that used by the City of Greater Sudbury Infrastructure Department in its projects with the Ontario Provincial Standard Specification (OPSS) 120 (General Specification for the Use of Explosives) as the supporting documentation for the bidding. Further standards and special conditions in their contract documents supplement OPSS 120 (see Appendix 'E'). Unfortunately, at times these modifications by certain developments reduce this performance standard.

The standard requires the retention of a blasting consultant to provide design overview of blasting activities, through a process of pre-blasting surveys of potentially effected surface structures based on a limiting distance, trial test of blast design and continuous seismic monitoring of peak particle velocity and peak sound pressure volumes. Further post blasting records of each blast with the results of the peak sound pressure and ground vibration velocity are retained by the blasting contractor and contract administrator.

Complaints and damage claims are initially investigated through the blasting company's consultant of record who investigates using the recorded data as well as pre-blast surveys if any, and provides a report of his findings to the contractor and claimant. Damage repairs, if proven to be blast related, are undertaken by the contractor if minor in nature. More significant damage repairs are undertaken by his insurance company through the adjuster of record. Disputes are similarly handled between the adjusters assigned by home insurance and the construction company's insurers.

The blasting contractor is motivated for the most part to maintain conformance with the design standard (OPSS 120) since excessive claims lead to higher premiums for insurance required to operate his business.

Industry Perspective

The industry representatives and developers we have spoken to believe that relative to the amount of blasting activity undertaken in the City of Greater Sudbury, there are few problems with the blasting industry construction process. They feel that the degree of contract administration by design professionals (architects and engineers) on their projects in concert with the oversight and regulation imposed by their

insurance companies provides sufficient consumer protection for the general public.

Developers' Perspective

The development industry representatives we have spoken to are concerned that extra regulations imposed on this industry will curtail development of certain properties. Further, extra costs created by such regulation will be passed on to the finished product, residential homes and commercial development, to be borne by the end user.

Public Perspective

Individual homeowners subject to vibrations and at times building damage we have dealt with believe the industry is not well regulated and that infill or adjoining development is not sensitive to the existing neighbourhood when undertaking such activity.

The self-regulating nature of the industry appears to lack transparency and seems to operate without clear third party independent oversight or accountability. Further, the burden of proof often appears to be on the individual home owner and not the industry.

Potential Solutions

Based on our investigation, Council has three options available to it for directing staff on this matter.

Option 1

Allow the existing industry situation to remain status quo and have staff develop a clearer process to direct complaints and claims with the insurance industry and blasting contractors.

Option 2

Stringent Regulatory Control/Permitting Through a Blasting By-law (City of Windsor) - see Appendix 'F'

Council could instruct staff to further develop a draft by-law controlling blasting activity using the City of Windsor By-law as a template. The by-law will control blasting through a permitting and certification process. Staff would investigate staffing levels required to do so and the legislative implications of obtaining such by-laws and report back to Council. The report should include the expected extra staffing costs that would be required.

Option 3

Less Strigent Regulatory/Control By Modifying Existing By-laws - Subdivision/Site Plan & Building By-laws (City of Ottawa)

The Growth & Development and Infrastructure Services Departments administer the use of explosives through the review of existing standard specifications, Ontario Provincial Standard Specification (OPSS 120) "General Specification for the Use of Explosives" including City of Greater Sudbury specific modifications to address specific local concerns (transparency, accountability). Staff will develop an approval process to incorporate this modified standard specification through the subdivision/site plan control process. Further, this approval process will allow for project or site specific conditions to be added to the standard concerning the use of explosives on development projects. The modified standards would be used in all Infrastructure Services contract tenders.

This could be developed in conjunction with the Development Liaison Advisory Committee (DLAC) of Council and industry stakeholders.

All options pursued would involve public input sessions and development industry consultation as part of

these processes.

Industry stakeholders, blasting contractors and the general public we have spoken to through the course of our investigation have already expressed interest in volunteering to participate on these committees.

Recommendation

Staff believes, based on our investigation, that the most cost effective approach for the industry and the City would be Option 3. The approach minimizes staffing costs which would be incurred in Option 2, yet provides a proactive yet flexible approach to addressing the concerns raised by the general public based on the status quo operation of the industry.

Attachments

APPENDIX 'A'
Excerpts from Council Minutes
December 5, 2007

**THE TWENTY-FIRST MEETING OF THE PRIORITIES COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Wednesday, December 5, 2007
Commencement: 5:30 p.m.**

Chair

COUNCILLOR GASPARINI, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Berthiaume; Dupuis; Rivest; Callaghan; Craig; Caldarelli; Landry-Altmann; Mayor Rodriguez

City Officials

M. Mieto, Chief Administrative Officer; R. Hotta, Acting General Manager of Community Development; D. Nadorozny, General Manager of Growth & Development; G. Clausen, General Manager of Infrastructure Services; T. Beadman, Chief of Emergency Services; C. Hallsworth, Executive Director of Administrative Services; L. Hayes, Chief Financial Officer/Treasurer; C. Dawe, Assistant City Solicitor; G. Mazza, Director of Building Services/Chief Building Official; C. Gore, Manager of Community Partnerships; B. Gutjahr, Manager of Compliance and Enforcement Services; Carmen Ouellette, Manager of Children Services; D. Brouse, By-law Enforcement Officer; J. McKechnie, Executive Assistant to the Mayor; A. Haché, City Clerk; K. Bowschar-Lische, Law Clerk; F. Bortolussi, Council Secretary

News Media

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

Declarations of
Pecuniary Interest

None declared.

PART I

POLICY DISCUSSION PAPERS - PRELIMINARY DISCUSSION

**Item 3
Blasting Activities of
the City of Greater
Sudbury**

Report dated 2007-11-09 was received from the General Manager of Growth & Development regarding Blasting Activities of the City of Greater Sudbury.

Guido Mazza, Director of Building Services/Chief Building Official, made an electronic presentation regarding Blasting Activities in the City of Greater Sudbury. He provided some historical information and referred to the letter from the Ministry of the Environment dated June 21, 2007 encouraging the City of Greater Sudbury consider the creation of a by-law to deal with blasting activities. He presented the three options.

Item 3
Blasting Activities of
the City of Greater
Sudbury

The first option (Status Quo) is that the Ministries of Labour and Environment currently have legislative power and should be lobbied to not change their policy.

The second option (Windsor Model) is that Council instruct staff to develop a draft by-law similar to Windsor. He indicated this is a stringent by-law which is not currently enforced. He further indicated such a by-law attracts major liability and responsibility and will have an impact on the industry and City of Greater Sudbury in terms of costs and time.

The third option (Victoria Model) is that Council instruct staff to develop a draft by-law similar to Victoria which is less stringent and controlled through current development approvals. He indicated this option models on the 'best practice' approach which is currently used by reputable contractors. He indicated that all options would involve public input sessions and development industry consultation and well as legal input.

Councillor Gasparini asked when the province decided that municipalities should be responsible for regulating blasting activities and questioned why the City should take any action based on only one letter from the local office.

Councillor Callaghan indicated that other municipalities should be canvassed to see how they are handling this matter.

With the consensus of the Committee, this matter was deferred for further information.

Item 4
Clearing of Debris
from Lands By-law

Report dated 2007-10-10 was received from the General Manager of Growth & Development regarding Clearing of Debris from Lands By-law.

Bryan Gutjahr, Manager of Compliance and Enforcement Services, made an electronic presentation regarding Clearing of Debris from Lands By-law. He outlined the procedure under the Maintenance and Occupancy Standards By-law 2001-200 (Property Standards) from the initial complaint to compliance including the appeal process stressing the timelines. He then outlined the procedure under the proposed Clearing of Debris from Lands By-law. He indicated staff's recommendation is that a by-law be drafted and that the Maintenance and Occupancy Standards By-law be amended to reflect the changes.

Mr. Gutjahr explained the Compliance & Enforcement initiatives and efficiencies. He indicated approximately 5,000 complaints are received annually with 60% of the calls being Property Standards issues. He indicated the proposed by-law would allow officers to deal with issues quickly and effectively. He indicated that officers

APPENDIX 'B'

Mayor's Letter to Minister of the Environment Dated February 25, 2008

John Rodriguez

Mayor - Mayor

john.rodriguez@greatersudbury.ca



February 25, 2008

Ministry of Environment
135 St. Clair Avenue West
Toronto ON M4V 1P5

Attention: Honourable Mr. John Gerretsen
Minister of the Environment

Dear Minister Gerretsen,

**Re: Residential/Commercial Blasting Complaints
City of Greater Sudbury**

The Council for the City of Greater Sudbury has requested that I write to you on the above-referenced issue as it relates to the citizens of the City of Greater Sudbury.

As you may know, we in the City of Greater Sudbury are blessed with a thriving economy based on large part the success of the mining industry. This has resulted in an unprecedented amount of construction activity within the community and based on our unique topography in the heart of the Canadian Shield, a subsequent increase in blasting activity has occurred to accommodate this development.

The increase in blasting activity has led to a corresponding increase in citizen complaints related to the noise, vibration, dust and flying debris which results from blasting. By letter dated June 29, 2007 (copy attached), the Supervisor of the Ministry of the Environment district office in Sudbury advised City Council that the Ministry office would no longer be addressing complaints related to blasting activities unless the complaints were related to blasting at mine sites and quarries. Instead, the City was advised, all complainants would be referred to the City for resolution. The suggestion was made that the City should pass a by-law to govern blasting. The author suggested there were some municipalities in the country which had passed by-laws but offered no particulars.

Our investigation of the issue has indicated that municipalities do not have authority under the Municipal Act, 2001 to enact by-laws of the type suggested by the Supervisor of the Ministry of the Environment district office. At one point the City of Ottawa had special legislation to permit it to pass such a regulatory by-law, but it is our understanding that they may have since asked for that special legislation to be repealed. As a result, we would suggest that it may not be appropriate for the Ministry to advise citizens that the City has a duty to regulate in this area.

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City of Greater Sudbury
Ville du Grand Sudbury

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Page 2

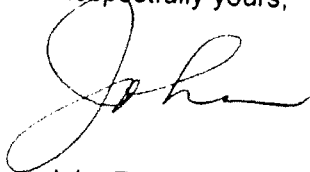
Honourable John Gerretsen
Minister of the Environment

Re: **Residential/Commercial Blasting Complaints**
City of Greater Sudbury

The City is concerned about the determination of the local office that it will discontinue its role in investigating blasting complaints which was previously undertaken, at a time when the need for that service is at a peak. I have been asked to explore with your office if the advice of the local office is reflective of the Ministry position. If this is the Ministry's position, then the Council of the City of Greater Sudbury would respectfully request that the Ministry reconsider its position, and continue to offer within the City, such services as the investigation of blasting complaints and enforcement of Ministry blasting guidelines. As the province chose to withhold this power from municipalities in the Municipal Act, 2001, the province can be seen to have some responsibility to address these issues directly.

We trust you will see your way to reinstating the prior service level of the local office of the Ministry of the Environment.

Respectfully yours,



John Rodriguez
Mayor

Ministry of the Environment

199 Larch Street
Suite 1201
Sudbury ON P3E 5P9

Ministère de l'Environnement

199, rue Larch
Bureau 1201
Sudbury ON P3E 5P9



Direct Line: (705) 564-3278
Fax: (705) 564-4180

Sudbury/Sault Ste. Marie District

June 29, 2007

Mayor John Rodriguez
City of Greater Sudbury
Tom Davies Square
PO Box 5000, Station A
Sudbury, Ontario
P3A 5P3

Dear Mayor Rodriguez:

Re: Residential/Commercial Blasting Complaints
City of Greater Sudbury

Ministry staff at the Sudbury District Office, Ministry of the Environment, would like to bring to your attention the issue of blasting and complaints received as a result of blasting which is taking place for the purpose of residential/commercial development throughout the City of Greater Sudbury. We recently met with staff from the city's Bylaw Department and found out that they have no means to deal with these blasting concerns.

The Ministry of the Environment has very little legislation to address blasting, as it relates to incidents involving construction projects. Our blasting policy deals mainly with blasting activity at mine sites and quarries and was not developed to address residential/commercial development projects. Due to the unique geology of the Sudbury area and the vast amount of development taking place in our city over the past few years, the number of blasting complaints received by ministry staff has increased exponentially but with no real avenue for resolution.

Municipalities are responsible for issuing permits for construction and development activity within the city, and they also have the capability to create bylaws to address issues such as blasting. It is our understanding that the City of Greater Sudbury does not have a blasting bylaw in place, and we would like to take this opportunity to encourage municipal council to consider the creation of such a bylaw. We are aware of several communities within Canada that currently have and enforce this type of bylaw, and we feel the community of Greater Sudbury would also benefit from this type of bylaw.

With no real mechanism to deal with the concerns that are being raised, we will be explaining the situation to anyone who contacts us. Part of that explanation will be that the city has approved these developments, and their concerns should be addressed to the department responsible for the development approval and to the councillor for the area.

Should you have any questions or concerns, please contact me at (705) 564-3278 or alternatively you can contact Celeste Dugas, Provincial Officer for the City of Greater Sudbury at (705) 564-3014.

Yours truly,

Tom Brown
Supervisor
Sudbury District Office

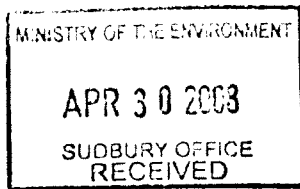
CD/mg/C06-24.doc

c: Brian Cameron, District Manager, Sudbury/Sault Ste. Marie District, Ministry of the Environment
Celeste Dugas, Provincial Officer, Ministry of the Environment
Joe Cimino, Councillor, Ward 1
Jacques Barbeau, Councillor, Ward 2
Claude Berthiaume, Councillor, Ward 3
Evelyn Dutrisac, Councillor, Ward 4
Ron Dupuis, Councillor, Ward 5
Andre Rivest, Councillor, Ward 6
Russ Thompson, Councillor, Ward 7
Ted Callaghan, Councillor, Ward 8
Doug Craig, Councillor, Ward 9
Frances Caldarelli, Councillor, Ward 10
Janet Gasparini, Councillor, Ward 11
Joscelyne Landry-Altmann, Councillor, Ward 12

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APPENDIX 'C'

**Minister of the Environment Letter
Dated April 15, 2008
To Mayor Rodriguez**



bc: CCU
ADM/OD
DIR/Northern Region
Brian Cameron/Sudbury
AUTHOR: Celeste Dugas
Format by: Debbie Hofstetter
Log: ENV1283MC-2008-938

April 15, 2008

His Worship John Rodriguez
Mayor
City of Greater Sudbury
PO Box 5000, Station A
200 Brady Street
Sudbury ON P3A 5P3

Dear Mayor Rodriguez:

Thank you for your letter of February 25, 2008 requesting clarification on the Ministry of the Environment's (MOE) role with regard to noise/vibration complaints related to blasting activities within the City of Greater Sudbury.

It remains outside the MOE's mandate to regulate commercial/residential development activities that are permitted through the municipal planning process or by the issuing of a building permit. The current blasting policies and guidelines that the Province is authorized to approve deal primarily with activities such as mines, pits and quarries. The MOE has no approval requirements for most municipal activities related to residential and commercial development.

Under the authority of the *Municipal Act, 2001*, specifically sections 8, 9, and 10, the municipality is provided with broad authority to take such actions as deemed necessary or desirable to enhance the municipality's ability to respond to municipal issues. Examples of such municipal bylaws can be found in several municipalities throughout Ontario including Lake of Bays, Seguin Township, Burlington and Hamilton. The local district office for the Ministry of Municipal Affairs and Housing (MMAH) should be contacted for clarification and information pertaining to available options under the *Municipal Act, 2001*. The local management contact at MMAH is Ms. Laurie Brownlee who can be reached at 705-564-6864.

...2

His Worship John Rodriguez
Page 2.

Staff from the MOE's Sudbury District Office would be pleased to participate in a meeting with you and staff from MMAH to address your questions. If you would like to discuss this matter in more detail, please contact Mr. Brian Cameron, Manager of the MOE's Sudbury District Office, at 705-564-3214.

MOE staff will continue to work closely with the City of Greater Sudbury to ensure that blasting complaints which fall under the ministry's mandate are addressed in a timely fashion.

I trust this information is helpful.

Sincerely,

Original signed by

John Gerretsen
Minister

c: Ms. Laurie Brownlee, Acting Manager, Community Planning and Development
Northeastern Municipal Services Office
Ministry of Municipal Affairs and Housing

APPENDIX 'D'

**Minutes of Staff Meeting with
Ministries of Environment & Labour
Dated May 12, 2008**

**BLASTING ACTIVITIES IN THE CITY OF GREATER SUDBURY
MINUTES OF MEETING WITH MINISTRY STAFF**

Date: May 12, 2008

Time: 1:00 p.m. – 2:27 p.m.

Place: Committee Room C-40

| | | |
|----------|----------------|--|
| Present: | Claude Nadon | Ministry of Labour |
| | Jill Bennett | Ministry of Labour |
| | Celeste Dugas | Ministry of Environment |
| | Carolyn Dawe | Legal Services, City of Greater Sudbury |
| | Guido Mazza | Building Services, City of Greater Sudbury |
| | Bryan Gutjahr | Compliance & Enforcement, CGS |
| | Doug Nadorozny | General Manager, Growth & Development, CGS |
| | Valerie Klotz | Building Services |

Discussion:

Celeste Dugas, Ministry of the Environment, advised that she requested this meeting as a result of receiving correspondence from Mayor Rodriguez regarding blasting activities in the City of Greater Sudbury. She circulated a copy of a letter dated April 15, 2008, to Mayor Rodriguez from John Gerretsen, Minister of Environment, in response to the Mayor's letter dated February 25, 2008, requesting clarification on the Ministry of Environment's role with regard to noise and vibration complaints related to blasting activities in the City of Greater Sudbury. Ms. Dugas felt that a face-to-face meeting with City staff would be beneficial as opposed to sending correspondence back and forth.

The Minister's letter reiterates the local office's position that regulation of blasting activities for commercial/residential development remains outside the MOE's mandate. The only blasting policies and guidelines that the Province is authorized to approve "deal primarily with activities such as mines, pits and quarries. The MOE has no approval requirements for most municipal activities related to residential and commercial development". They are of the opinion that the City has the authority to regulate this type of blasting under authority of the Municipal Act by means of establishing a Blasting By-law. They cited some examples of such municipal by-laws from various municipalities. She provided a copy of the City of Burlington's blasting by-law.

Ms. Dugas noted that when they receive complaint calls regarding blasting for commercial or residential developments, they are currently referring the calls to the City (Mayor's office) for follow up. Ms. Dugas provided Mr. Nadorozny with a copy of their

policy dealing with mining and pits and quarries. City staff has been referring complaint calls to the Ministry of Labour or the Ministry of Environment, depending on circumstance (e.g. vibration, flying debris).

Ms. Dugas advised that in the past they may have dealt with complaint calls for residential development such as dust even though they didn't have any policies to cover them and that this was a long time ago. Their position is that the City should deal with them. Blasting activities could be covered under a noise and nuisance by-law however it is the City's decision to make as to whether they establish a blasting by-law.

Mr. Nadorozny and Mr. Mazza agreed that from a legal liability perspective, taking on the regulation of blasting for commercial/residential activity in the City may be more than the corporation is prepared to take on at this time. The City has neither the staff nor expertise (e.g. rock engineers) on hand to deal with this. It was felt that the Ministry of the Environment is in a better financial position to expand its role to include this activity. The MOE also currently has staff with the necessary blasting expertise.

There's a "Catch 22" situation as it appears that neither the City of Greater Sudbury, Ministry of Labour, Ministry of Natural Resources or Ministry of Environment are currently regulating this type of blasting activity. Contractors are conducting pre-blast surveys but are not provincially mandated to do so. They follow their good construction practices and are governed by their insurance, and or contractual obligations.

Mr. Mazza noted that local blasting companies are used to dealing with the Ministries of Labour, Natural Resources and the Environment, not municipalities. They've noticed that the Ministries are tightening their controls over blasting. They've indicated that the City would be "ill advised" to get involved in the permitting process based on inherent liabilities of such a regulatory process.

Mr. Nadon, Ministry of Labour, pointed out that the Ministry looks after blasting sirens, security for the public around blasting sites, blasting controls regarding explosives, and use of blasting mats. He noted that residential construction blasting is problematic due to the variety of competencies of the companies involved. The biggest complaint they get from the public is damage to property from vibration. If contractors do pre-blast surveys, it's much easier. Currently, no licensing requirement for blasting companies exists. The Ministry has the authority to investigate problems with blasting, but there is no pre-approval of companies. The Ministry has a reactive role, not a proactive one.

Ms. Dawe asked if there were any plans in the making to license blasting companies. Mr. Nadon responded that the Province was examining the possibility of having additional certification through the Ministry of Training, Colleges and Universities. They've discussed recommending a trade approval from some provincial ministry (e.g. Ministry of Labour or Education) that would ensure competency of blasters however it is not considered a priority. They expect contractors to hire competent staff.

Mr. Mazza noted that the City is hesitant to establish a blasting by-law as it's not in the City's mandate to take this on. We will require Council's direction on how to deal with residential blasting. He noted that the other few municipal blasting by-laws aren't good examples to follow and that the City of Ottawa got involved in establishing a blasting by-law through a private members bill however its by-law is no longer in effect. It only seems logical that the Ministry of the Environment take this on as they have the expertise to deal with it.

Mr. Nadon indicated that the public is most frustrated when they incur property damage as a result of residential blasting. They don't have a Ministry to help them. They basically have to deal with their insurance company who in turn would sue the contractor for damages. The Ministry of Labour can deal with complaints about noise and dust, but not property damage. They can however provide the public with the name of the contractor doing the blasting. If it is a subcontractor, the contractor will be able to identify them.

Ms. Dawe noted that under the old Municipal Act, the City was not permitted to become involved with regulating blasting activities. Although the new Act may allow us to regulate some aspects of blasting such as noise, it falls out of the normal range of municipal responsibility. She doesn't understand why the MOE would refer calls to the City. She agreed that since the Province has more staff and expertise, they should consider expanding their role. Ms. Dugas responded that the MOE has no intention of doing this. If the City decides it doesn't want to take complaint calls, then the MOE will advise the public that the liability lies with the contractor and they should contact their insurance company.

Mr. Nadorozny noted that although it was clear that there is no specific remedy, the City and the Ministries could agree amongst themselves that this is the best way to deal with complaint calls. Mr. Nadon indicated that The Ministry of Labour can help identify contractors by doing site visits. Mr. Mazza suggested that the City could prepare a public service announcement advising the public to participate in pre-blast surveys when approached.

Mr. Mazza will draft a report to the Mayor and Council on the City's options. He felt that Council will prefer to be proactive. He also felt that the Ministry of Environment was being somewhat misleading by claiming other municipalities have proactive blasting by-laws in place and he challenged them to provide an instance where this is truly taking place.

Everyone agreed that the bigger issue is having training and competency for the blasting companies with some sort of certification or licensing. Apparently, Ontario is the only province that doesn't regulate it.

/vk

APPENDIX 'E'

Ontario Provincial Standard Specification (OPSS) 120 (General Specification for the use of Explosives)



**ONTARIO
PROVINCIAL
STANDARD
SPECIFICATION**

**METRIC
OPSS 120
APRIL 2008**

**GENERAL SPECIFICATION FOR
USE OF EXPLOSIVES**

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| 120.10 | BASIS OF PAYMENT |

APPENDICES

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120.01 SCOPE

This specification covers the requirements for the use of explosives on the Contract.

120.01.01 Specification Significance and Use

This specification has been developed for use in provincial- and municipal-oriented Contracts. The administration, testing, and payment policies, procedures, and practices reflected in this specification correspond to those used by many municipalities and the Ontario Ministry of Transportation.

Use of this specification or any other specification shall be according to the Contract Documents.

120.01.02

Appendices Significance and Use

Appendices are not for use in provincial contracts as they are developed for municipal use, and then, only when invoked by the Owner.

Appendices are developed for the Owner's use only.

Inclusion of an appendix as part of the Contract Documents is solely at the discretion of the Owner. Appendices are not a mandatory part of this specification and only become part of the Contract Documents as the Owner invokes them.

Invoking a particular appendix does not obligate an Owner to use all available appendices. Only invoked appendices form part of the Contract Documents.

The decision to use any appendix is determined by an Owner after considering their contract requirements and their administrative, payment, and testing procedures, policies, and practices. Depending on these considerations, an Owner may not wish to invoke some or any of the available appendices.

120.02

REFERENCES

When the Contract Documents indicate that provincial-oriented specifications are to be used and there is a provincial-oriented specification of the same number as those listed below, references within this specification to an OPSS shall be deemed to mean OPSS.PROV, unless use of a municipal-oriented specification is specified in the Contract Documents. When there is not a corresponding provincial-oriented specification, the references below shall be considered to be to the OPSS listed, unless use of a municipal-oriented specification is specified in the Contract Documents.

When the Contract Documents indicate that municipal-oriented specifications are to be used and there is a municipal-oriented specification of the same number as those listed below, references within this specification to an OPSS shall be deemed to mean OPSS.MUNI, unless use of a provincial-oriented specification is specified in the Contract Documents. When there is not a corresponding municipal-oriented specification, the references below shall be considered to be the OPSS listed, unless use of a provincial-oriented specification is specified in the Contract Documents.

This specification refers to the following standards, specifications, or publications:

Ontario Ministry of Transportation Publications

Ontario Traffic Manual (OTM):
Book 7 -Temporary Conditions

Canadian Standards Association

Z107.54-M85 (R1999) Procedure for Measurement of Sound and Vibration Due to Blasting Operations

Department of Fisheries and Oceans (DFO) Publication

Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters, 1998

120.03

DEFINITIONS

For the purpose of this specification, the following definitions apply:

Blaster means a competent person knowledgeable, experienced, and trained in the handling, use, and storage of explosives and their effect on adjacent property and persons.

Blast Monitoring Consultant means an individual or firm with a minimum of 5 years experience related to blasting hired to provide blast monitoring services.

Designated Blast Area means the area where the Contractor has notified, in writing, and provided information to all Utilities, public and private property owners, and as the area where the Contractor has made arrangements to evacuate all persons whose safety might be threatened by the blasting operation.

Engineer means a Professional Engineer licensed by the Professional Engineers of Ontario to practice in the Province of Ontario.

Flyrock means rock that becomes airborne as a direct result of a blast.

Peak Particle Velocity (PPV) means the maximum speed in millimetres per second that ground particles move as a result of energy released from explosive detonations.

Pre-Blast Survey means a detailed record in written form, accompanied by film or video as necessary, of the condition of private or public property, prior to the commencement of blasting operations.

120.04

DESIGN AND SUBMISSION REQUIREMENTS

120.04.01

Design Requirements

A blast design shall be prepared by an individual or firm with a minimum 5 years experience and be certified by an Engineer. The blast design shall include, at a minimum, the following:

- a) Design PPV and design peak sound pressure level at 100 m radius or nearest Utility, residence, structure, or facility.
- b) Number, pattern, orientation, spacing, size, and depth of drill holes.
- c) Collar and toe load, number and time of delays, and mass and type of charge per delay.
- d) Setback distances to affected waterbodies.
- e) The explosive products to be used.
- f) The designated blast area.

120.04.02

Submission Requirements

The following shall be submitted to the Contract Administrator:

- a) A minimum of 2 weeks prior to the use of explosives:
 - i. The name and statement of experience of the firm carrying out the blasting.
 - ii. The name of the blaster including a record of experience and safety training.
 - iii. The name of the individual or firm responsible for the blast design, including a record of experience and statement of qualifications.

- iv. A letter from an Engineer certifying the design.
 - v. The name of the blast monitoring consultant, including a record of experience, a record of qualifications, and safety training.
 - vi. A certificate of insurance indemnifying the Owner from all claims and damages arising from the use of explosives.
- b) A minimum of 48 hours prior to the use of explosives:
- i. A letter signed by the Engineer certifying the blast design indicating the areas for which the blast design has been completed.
 - ii. A letter signed by the blaster indicating receipt of the blast design and agreement that the blasting shall be according to the design.
 - iii. A letter signed by the Contractor certifying that a pre-blast survey has been carried out in accordance with the Pre-Blast Survey subsection. A copy of the pre-blast survey shall be provided to the Contract Administrator upon request.
 - vi. A copy of the blast design.
 - v. The designated blast area.
 - vi. A blasting schedule.
 - vii. A list of all locations to be monitored.
- c) Upon request, any blasting permits, approvals, and agreements required for the use of explosives or to carry out blasting operations.

120.05 MATERIALS

120.05.01 Explosives

Only explosive products that are approved for use in Canada shall be used.

120.06 EQUIPMENT

120.06.01 Detonation Apparatus

Detonation apparatus shall be of the type approved by the detonation system manufacturer for the type of blasting operation to be undertaken. All apparatus shall be kept in working order and shall be thoroughly inspected before and after each blasting operation.

All wiring connected to electrical detonation apparatus shall be properly insulated.

120.06.02 Monitoring Equipment

All monitoring equipment shall be capable of measuring and recording ground vibration PPV up to 200 m/s in the vertical, transverse, and radial directions. The equipment shall have been calibrated within the six months prior to commencement of any blasting operations. Proof of calibration shall be submitted to the Contract Administrator prior to commencement of any monitoring operations.

120.07 CONSTRUCTION

120.07.01 General

Blasting shall be carried out only during daylight hours and at a time when atmospheric conditions provide clear observation of the blast from a minimum distance of 1,000 m. Blasting shall not be conducted on Sundays, statutory holidays, or during electrical storms.

No blasting shall be carried out closer than 30 m of concrete within 72 hours after completion of placement when the ambient temperature falls below 20 °C or for 36 hours when the ambient temperature is continuously greater than 20 °C, unless otherwise authorized by the Contract Administrator.

Protection of fish and fish habitat shall be according to the Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters.

120.07.02 Radio-Frequency Hazards

Prior to blasting, investigations shall be done to determine if radio-frequency hazards exist. Where such hazards exist, necessary precautions shall be taken.

120.07.03 Pre-Blast Survey

A pre-blast survey shall be prepared for all buildings, Utilities, structures, water wells, and facilities likely to be affected by the blast and those within 150 m of the location where explosives are to be used. The standard inspection procedure shall include the provision of an explanatory letter to the owner or occupant and owner with a formal request for permission to carry out an inspection.

The pre-blast survey shall include, as a minimum, the following information:

- a) Type of structure, including type of construction, and the date, if possible, when built.
- b) Identification and description of existing differential settlements, including visible cracks in walls, floors, and ceiling, including a diagram, if applicable, room-by-room. All other apparent structural and cosmetic damage or defect must also be noted. Defects shall be described, including dimensions, wherever possible.
- c) Photographs or video as necessary for recording areas of significant concern.

A copy of the pre-blast survey limited to a single residence or property, including copies of any photographs or videos that may form part of the report, shall be provided to the owner of that residence or property upon request.

120.07.04 Notification

120.07.04.01 General

A minimum of 15 Business Days prior to blasting, the Contractor shall provide written notice to Utilities and all owners and tenants of improved property within 500 m of the right-of-way. The notice shall include a blasting schedule, information about the audible blast warning system, and contact name for questions or other concerns.

The Contractor shall ensure that a competent person is available to receive, document, and deal with public inquiries before and after blasting operations.

Where potential Utility service disruptions exist, the Contractor shall request the Utility to re-route or temporarily shut down the Utility. When such requests are denied, the Contractor shall request, in writing, that a standby crew be present for the blast. When the Utility refuses to provide a standby crew, the Contractor shall notify the Utility and the Contract Administrator of the intent to proceed and the potential for service disruption. If the Utility objects, the Contractor shall adjust the blast design to prevent disruption.

Where a disruption of power or other services and Utilities may occur, the Contractor shall advise affected users of the Utility or service of the potential disruption and describe how such disruptions will be corrected as soon as is practically possible. When there are a large number of affected users, the Contractor may provide such notifications through the media.

Where power lines or other Utilities are relocated or damaged in the blasting operation the Contractor shall ensure they are restored to their original location or condition as soon as practically possible.

A minimum 48 hours prior to blasting, sufficient detail regarding the blasting operations shall be provided to NAV Canada.

120.07.04.02 Utilities

Authorities of all likely affected Utilities shall be notified a minimum of 72 hours prior to blasting.

120.07.04.03 Properties

Not more than 24 hours and not less than 4 hours prior to each blast, the Contractor shall provide notice of the blasting schedule to all owners and tenants of buildings or facilities within 150 m of the blast. All blasts scheduled for the following 24 hours may be included in one notice. The notice shall include information about the audible blast warning system.

When blasting operations may incur property damage or require temporary evacuation, notification shall include evacuation information and instructions. The Contractor shall take all reasonable steps to ensure that the property owner acknowledges, by their signature, that they have received the information and will comply with any evacuation requirements. Where such signature is withheld, the Contractor shall maintain records showing the date and time that the information was delivered.

120.07.05 Monitoring

120.07.05.01 General

The Contractor shall employ a blast monitoring consultant to carry out monitoring for ground vibration PPV, peak sound pressure levels and water overpressures as required. During each blast, ground vibration PPV and the peak sound pressure level shall be monitored 100 m from the blast or at the closest portion of any residence, Utility, structure, or facility within this radius. Water overpressure in affected fish habitats shall be monitored adjacent to the shore closest to the blast. The monitoring equipment shall be repositioned as required.

120.07.05.02 Ground Vibration

PPV shall be limited to the maximum levels shown in Table 1. Should readings from any two consecutive blasts exceed these values or any single reading exceed these values by more than 30 mm/s, all blast operations shall cease until a revised blast design, certified by the Engineer, has been submitted to the Contract Administrator.

120.07.05.03 Trial Blasts

The Contractor shall confirm the suitability of the blast design for the ground vibration PPV limits and sound pressure levels by carrying out a minimum of three limited test blasts at locations agreed upon by the Contract Administrator and the Contractor. The trial blasts shall be carried out with appropriate blast vibration and noise level monitoring equipment. Based on the results, the initial blast design shall be revised as necessary to ensure satisfactory levels of shatter depth and flyrock control, and that ground vibrations are within specified limits.

120.07.06**Protective Measures**

Immediately prior to the blast, the blast area designated by the blaster shall be cleared of all vehicular and pedestrian traffic.

All traffic shall be stopped and be prevented from entering the area until the blaster gives permission. Traffic control shall be according to the Ontario Traffic Manual, Book 7. Signs shall be posted to inform the public of blasting operations and to turn off radio transmitters. Audible blast warning devices, capable of alerting workers and the public up to a radius of 1,000 m, shall be used before and after blasting.

Blasting mats or other suitable means of controlling flyrock shall be used to limit potential hazardous effects of the blast.

120.07.07**Records**

A post-blast record shall be prepared and signed by the blaster for each blast completed. The post-blast record shall report the following conditions and be made available to the Contract Administrator for site review:

- a) The date, time, and location of the blast.
- b) The wind direction and approximate speed at the time of the blast.
- c) The general atmospheric conditions at the time of the blast.
- d) The actual blast details.
- e) PPV, peak sound pressure level, and water overpressure results of each blast according to CAN3-Z107.54.

A report summarizing the results of the vibration and air blast levels shall be submitted to the Contract Administrator at the end of each work day that blasting was carried out.

120.07.08**Damage**

Upon completion of blasting or immediately following the receipt of a complaint, a site condition survey shall be performed to determine if any damage has resulted. The Contractor shall record all incidents of any damage or injury, which shall be reported immediately in writing to the Contract Administrator. All other complaints shall be reported to the Contract Administrator in writing within 24 hours of receipt. Each complaint report shall include the name and address of the complainant, time received, and description of the circumstances that led to the complaint.

120.10**BASIS OF PAYMENT**

Payment at the Contract price for the appropriate tender items that requires the use of explosives shall be full compensation for all labour, Equipment, and Material to do the work.

When the Contract contains separate items for work required by this specification, payment shall be at the Contract prices and according to the specifications for such work.

The cost of standby crews and equipment required by Utility authorities shall be the responsibility of the Contractor.

120.10.01**Claims**

The Contractor shall be responsible for the management of all claims and payment arising from the hauling, handling, use of, and storing of explosives and all effects, directly or indirectly related to the blasting operation.

TABLE 1
Maximum Peak Particle Velocity Values

| Element | Frequency Hz | PPV mm/s |
|---|-----------------|-------------|
| Structures and Pipelines | ≤ 40 | 20 |
| | > 40 | 50 |
| Concrete and Grout < 72 hours from placement | N/A | 10 |

**Appendix 120-A, April 2008
FOR USE WHILE DESIGNING MUNICIPAL CONTRACTS**

Note: This is a non-mandatory Commentary Appendix intended to provide information to a designer, during the design stage of a contract, on the use of the OPS specification in a municipal contract. This appendix does not form part of the standard specification. Actions and considerations discussed in this appendix are for information purposes only and do not supersede an Owner's design decisions and methodology.

Designer Action/Considerations

This specification should be included on all projects that require the use of explosives.

The designer should determine if Utility authorities have any special measures or minimum offset distances and include them in the Contract Documents.

The designer should identify if there are site-specific conditions or environmental issues and alter monitoring requirements, pre-blast survey limits, or notification limits as necessary, and include them in the Contract Documents.

The designer should identify if there are site-specific conditions that may affect blasting design and pre-blast survey requirements and include them in the Contract Documents.

The designer should provide names of Utility authorities and contacts involved in the Contract.

The designer should ensure that the General Conditions of Contract and the 100 Series General Specifications are included in the Contract Documents.

Related Ontario Provincial Standard Drawings

None

APPENDIX 'F'

“Windsor Model” Blasting By-law

BY-LAW NUMBER 6366

A BY-LAW RESPECTING THE TRANSPORTING,
STORING, HANDLING AND USE OF EXPLOSIVES IN
THE CITY OF WINDSOR

Passed the 22nd day of October, 1979

WHEREAS Section 3 of *The City of Windsor Act, 1978*, provides that The Corporation of the City of Windsor may pass by-laws for prohibiting the manufacturing, transporting, storing, keeping, having or using of any explosives in the Municipality and for examining, licensing, regulating and governing persons who transport, store, keep, have or use any explosives in the Municipality;

AND WHEREAS it is deemed expedient to enact this by-law;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

I. **DEFINITIONS**

(1) In this by-law,

- (a) **"Blaster"** means an individual knowledgeable and competent in the handling and use of explosives for the purpose of breaking up formations of rock, masonry, concrete or ice, or demolishing a structure.
- (b) **"Blasting"** means the breaking up of rock, masonry, concrete or ice formations, or the demolition of a structure.
- (c) **"Building Commissioner"** means the Building Commissioner appointed by the Council and shall include any person authorized by the Building Commissioner to carry out any of the powers or duties of the Building Commissioner pursuant to this by-law.
- (d) **"Chief of Police"** means the Chief of Police appointed by the Board of the Commissioners of Police for the City of Windsor.
- (e) **"Corporation"** means The Corporation of the City of Windsor.
- (f) **"Council"** means the Council of The Corporation of the City of Windsor.
- (g) **"Explosives"** means blasting explosives such as dynamite, blasting agents and related explosive accessories, including detonators, authorized under *The Explosives Act*, R.S.C. 1970, C. E-15 and Regulations passed thereunder and included in classes 1, 2, 3, and 4 and Division 3 of Class 6 therein.
- (h) **"Explosives Permit"** means a permit issued by the Building Commissioner which allows the carrying out of blasting as set out on the said permit and only by a licensed blaster who is named on the said permit.
- (i) **"Fire Chief"** means the Fire Chief appointed by the Council.
- (j) **"Licensed Magazine"** means a magazine in respect of which a licence has been issued under Section 6 of *The Explosives Act*, R.S.C. 1970, and is in force.

- (k) **"Magazine"** means any building, storehouse, structure or place in which any explosive is kept or stored.
- (l) **"Person"** includes a corporation, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.
- (m) **"School Building"** means any building or group of buildings in which people receive instruction in the learning process under supervision.
- (n) **"Shipping Document"** means any document that accompanies dangerous goods being handled for transportation or transported and that describes or contains information relating to the goods and, in particular, but without restricting the generality of the foregoing, includes a bill of lading, cargo manifest, shipping order, way-bill and switching order.
- (o) **"Structure"** means any building used for habitation, commercial, manufacturing, storage or any other purpose, any concrete, masonry or metal installation above ground surface, sewer, water and other utility manholes.
- (p) **"Suitable Receptacle"** shall mean a receptacle conforming to the standards for a Type 6 magazine (receptacle) as defined in Section 6 of the Standards for Blasting Explosives Magazines of the Explosives Division of the Canada Department of Energy, Mines and Resources.
- (q) **"Vehicle"** means a motor driven conveyance having at least four wheels and for the purpose of transporting goods or materials.

2. **ADMINISTRATION**

- (1) In this by-law,
 - (a) It shall be the duty of the Building Commissioner to administer and enforce this by-law.
 - (b) The Building Commissioenr shall cause:
 - (i) the acceptance of applications for permits and the issuance of permits in accordance with Section 5 of this by-law;
 - (ii) proper records to be kept of permit applications, permits issued, notices and orders issued, fees collected, inspection records, and of any documents or material or information used in the operation of the Department of Buildings of the Corporation, and under the jurisdiction of the Building Commissioner, pertaining to this by-law;
 - (iii) an annual report to be made to the City Administrator of the Corporation.
 - (c) The Building Commissioner may exercise all powers necessary for the administration of this by-law and without limiting the generality of the foregoing, he may:
 - (i) enter upon any property at all reasonable times to ascertain whether the provisions of this by-law are being obeyed and to enforce and carry into effect any such provisions;

- (ii) require the assistance and co-operation of any person in charge of any explosive both prior to and during any blasting operation or inspection thereof;
- (iii) require the assistance and co-operation of the Chief of Police and/or the Fire Chief, if deemed necessary, with respect to any condition involving explosives;
- (iv) order any work involving explosives be stopped wherever there is reason to believe a condition exists which may be or could become unsafe and to take temporary possession of such explosives;
- (v) take into custody any explosives not in the possession of any properly authorized person;
- (vi) permit such deviation from the provisions of this by-law as may be deemed proper and reasonable within authority of the said Building Commissioner.

3. **EXEMPTIONS**

- (1) Nothing in this by-law shall be deemed to apply to:
 - (a) any explosive in the possession and control of the Department of National Defence;
 - (b) any explosive in the possession of any federal, provincial or municipal police officer acting in the performance of any lawful duty;
 - (c) any explosive in transit in the lawful possession of a carrier licensed under any Act of the Regulations made thereunder;
 - (d) gunpowder to a quantity of not more than 11.34 kilograms (25 pounds) kept in accordance with good practice and solely for lawful private use;
 - (e) such devices commonly used in a fireworks display and where the sale and use of such devices are regulated under By-law Number 2480 of the Corporation.

4. **PROHIBITIONS**

- (1) No person shall manufacture any explosives in the City of Windsor, provided that nothing shall apply to prohibit teachers in school buildings in carrying out their duties in a safe manner.
- (2) No person shall, within the limit of the City of Windsor,
 - (a) construct or cause to be constructed a licensed magazine;
 - (b) store or cause to be stored any explosives over night.
- (3) No person shall transport, store, keep, have or use, or cause to be transported, stored, possessed of, or used, nitroglycerine in the City of Windsor; provided, however, that nothing in this subsection shall be deemed to prohibit the normal and lawful transportation, possession or use of nitroglycerine for medical purposes, in quantities no greater than reasonably necessary, and other wise in accordance with law.

- (4) (a) No person shall use explosives in the demolition of a structure in the City of Windsor save and until a professional engineer has been retained to undertake a general review of the project during demolition where required by Ontario Regulation 925/75 as amended, made under the *Building Code Act, 1974*, Statutes of Ontario.
- (b) For the purpose of this subsection, a professional engineer shall mean a member or licensee of the Association of Professional Engineers of the Province of Ontario under the *Professional Engineers Act*, R.S.O. 1970, Chapter 366.

5. **PERMITS, LICENCES AND PAYMENT OF FEES**

- (1) No person shall perform or cause to be performed any work involving the use of explosives unless:
 - (a) an application for an explosives permit has been filed with the Building Commissioner, such application being on a prescribed form as set forth in Appendix "A" hereto, and such application shall be accompanied with evidence that the applicant has in effect public liability coverage in an amount not less than One Million (\$1,000,000.00) Dollars;
 - (b) an explosives permit has been obtained from the Building Commissioner and such permit shall:
 - (i) bear the personal signature of the Building Commissioner; or
 - (ii) in case of the absence of the Building Commissioner, bear the signature of an individual authorized personally by the Building Commissioner so to do; and
 - (iii) set out thereon the name and licence number of the blaster designated to handle and use the explosives during performance of the work authorized by the permit.
- (2) No person shall store, handle, or use explosives for blasting purposes unless:
 - (a) an application for a blaster licence has been filed with the Building Commissioner, such application being on the prescribed form as set forth in Appendix "B" hereto; and
 - (b) a blaster licence has been issued by the Building Commissioner.
- (3) Payment of applicable fees shall be made at the time an application is filed and any such fee paid shall not be refundable.
- (4) No permit or licence shall be issued to any person other than the person who signed the application and any such permit or licence shall be non-transferable.
- (5) An explosives permit not acted upon within a period of thirty (30) days following the date of issue shall be considered to have expired.

6. **REGULATIONS**

- (1) No blasting operation shall be carried out in the City of Windsor unless:
 - (a) it is authorized by an explosives permit, and
 - (b) such operation is performed by a person having a blaster licence, and

- (c) the Building Commissioner has been notified in writing at least two (2) full working days in advance of such operation and such notification shall specify the location, day, date and exact time it is proposed to carry out such operation, and
 - (d) the Building Commissioner or an inspector under his jurisdiction is at the site of such scheduled operation at least one (1) hour before and remains there during the actual operation for inspection purposes.
- (2) No explosives shall be transported in the City of Windsor unless in compliance with the following:
- (a) All vehicles used for transporting explosives shall bear the word **Explosives** clearly displayed in red letters not less than 152.4 mm - 6 inches in height on a white background on both sides and front and rear of the vehicle, to be plainly visible, but shall not be displayed when "no explosives" are carried.
 - (b) The transportation of explosives in transit through the City of Windsor shall be in accordance with Part VI of the Explosives Regulations enacted pursuant to *The Explosives Act*, R.S.C. 1970, C. E-15.
 - (c) Not more than two thousand (2000) lbs. of any explosive or eighty (80%) per cent of the carrying capacity of the vehicle as defined in accordance with Part VI of the Explosives Regulations enacted pursuant to *The Explosives Act*, R.S.C. 1970, C. E-15, whichever is the less, shall be transported on a street in one vehicle at one time and only when transported in a vehicle especially equipped and fitted for the sole purpose of transporting explosives and only carried from an outside location, for delivery to work sites within the City of Windsor.
 - (d) The explosives contained in the vehicle, loaded in accordance with the provisions of section 6(2)(c) hereof, may be delivered to a number of work sites, but the quantity delivered at each work site must not exceed that prescribed in section 6(3)(e) and (f) hereafter.
 - (e) The operation of loading, unloading or transportation of explosives are subject to the following conditions:
 - (i) all persons engaged in the loading, unloading or transportation of explosives shall observe all due precautions for the prevention of accidents of fire or explosion, and for preventing unauthorized persons having access to the explosive so being loaded, unloaded or transported, and shall abstain from any act whatever that tends to cause fire or explosion, and is not reasonably necessary for the purpose of loading, unloading or transportation of such explosive or of any other article carried therewith, and for preventing any other person from committing any such act and, any other person who, after being warned, commits any such act, shall be deemed to commit a breach of this regulation,
 - (ii) after the loading or unloading of explosives on or out of any vehicle is begun, it shall not be stopped until completed and it shall be completed as expeditiously as possible,
 - (iii) no bale hooks or other metal tools shall be used for loading, unloading or other handling of packages containing explosives nor shall any package or container of explosives be thrown or dropped during such loading or unloading,
 - (iv) the engine of a gasoline or oil-driven vehicle shall not be run during the loading or unloading of explosives,

- (v) the ignition of a gasoline or oil-drive vehicle shall be turned off and the brakes set when the vehicle containing explosives is parked,
- (vi) gasoline or oil-driven motor vehicles used for the transportation of explosives shall be inspected daily to ascertain that,
 - fire extinguishers are filled and in working order,
 - electric wiring is completely insulated and firmly secured,
 - gasoline tank and feed lines have no leaks,
 - chassis, engine, pan and bottom of body are clean and free from surplus oil and grease, and
 - brakes and steering apparatus are in good condition,
- (vii) a vehicle that is not in sound mechanical condition in all respects and suitable for and capable of safely transporting explosives shall not be used to transport explosives,
- (viii) explosives shall not be loaded onto a motor vehicle unless the vehicle has been fully serviced with respect to supplies to fuel, oil and air,
- (ix) the gasoline tank of a vehicle shall not be filled while explosives are upon the vehicle except in case of necessity, in which case the engine shall be stopped, the ignition shut-off, and the tank filled only at a place where filling would not be a danger to the public safety,
- (x) smoking on, in, or while attending any vehicle containing an explosive is prohibited,
- (xi) the driver or operator of any vehicle containing an explosive shall not drive or conduct same in a dangerous or reckless manner, and a person who is impaired shall not have charge of any such vehicle and shall not be permitted to be in, on, or attend same,
- (xii) the driver or operator of a vehicle transporting explosives shall not stop unnecessarily but when a stop is necessary it shall not be longer than may be reasonably required; stops at places where the public safety would be endangered shall be avoided,
- (xiii) routes passing through centres of habitation shall be as far as possible avoided,
- (xiv) due provision shall be made for preventing the introduction into a vehicle of fire, matches or any substance or article likely to cause explosion or fire, or any iron, steel or grit that may come into contact with an explosive; this paragraph does not prevent the introduction of an artificial light of such construction, position or character, or of safety matches of a character that will not cause any danger of fire or explosion,
- (xv) any vehicle transporting explosives shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire,
- (xvi) each vehicle transporting explosives shall be in the exclusive charge of and constantly attended by some competent person, not under eighteen (18) years of age, and such person shall not have charge of more than one such vehicle,

- (xvii) when a halt is made overnight, the premises in which the vehicle is kept shall not be used for any other purpose that might give rise to the presence therein of naked lights, matches or any substance or article likely to cause explosion or fire, and the premises shall be at least three hundred and five metres (305m) - 1000 feet from any habitation or storehouse, and such vehicle shall, at all times, be in charge of, and attended by, some competent person not under eighteen (18) years of age,
 - (xviii) when two (2) or more vehicles transporting explosives are travelling together, a space of at least three hundred and five metres (305m) - 1000 feet - between each vehicle and every such vehicle shall be maintained unless circumstances render it impractical,
 - (xix) vehicles transporting explosives shall not be driven past fires of any kind burning on or near the highway or other thoroughfare until after due caution shall have been taken to ascertain that such passing can be made with safety,
 - (xx) no passengers other than persons licensed to assist in handling explosives shall be permitted on a vehicle transporting explosives,
 - (xxi) the driver or operator of a vehicle transporting explosives shall bring it to a full stop before crossing any railroad track,
 - (xxii) any explosive while being transported on a street shall be carefully packaged so as to prevent jolting and concussion, and
 - (xxiii) the speed of a vehicle transporting explosives shall conform to all local traffic laws, ordinances, and by-laws and be consistent with road and weather conditions.
- (3) No explosives shall be stored and held in storage for use in the City of Windsor unless in compliance with the following:
- (a) following transportation to the project site, explosives shall be placed in a suitable receptacle until use, and
 - (b) the suitable receptacle shall not be used to store an explosive overnight, during holidays or weekends, or any further period of time when work is not in progress, and
 - (c) every suitable receptacle shall have the word **Explosives** printed thereon in red letters at least 152.4 mm - 6 inches - high and painted on a heat reflecting surface, and
 - (d) a suitable receptacle shall be,
 - used exclusively for the keeping of explosives,
 - kept scrupulously clean, and
 - kept away from goods of a flammable nature, and
 - (e) storage of explosives on the project shall be in compliance with the requirements of the Building Commissioner, and
 - (f) the quantities of explosives stored pursuant to section 6(4)(c) hereof should not exceed those specified in the "Quantity-Distance Table for Blasting Explosives" of the Canada Department of Energy, Mines and Resources, and
 - (g) no explosive shall be kept or stored in any building which is used for any purpose other than the storage of explosives, and

- (h) detonators shall at all times be kept or stored separately from other explosives, and
 - (i) damp or deteriorating explosives shall be promptly disposed of in an approved safe manner, and
 - (j) when explosives are kept at or near the site of any work in progress a watchman shall be kept on duty at all times when the workmen are away from the site of the work, and
 - (k) all explosives not used on the work shall be returned to a licensed magazine located outside the City of Windsor.
- (4) No blasting operation shall be carried out in the City of Windsor unless in compliance with the following:
- (a) written permission is first obtained from the Windsor Utilities Commission to perform any blasting operation within a distance of one hundred and sixty-six metres (166m) - 545 feet - from any water storage reservoir, water pumping station, water works, water storage tank or transformer station, and
 - (b) written permission is first obtained from the relevant Commission, Municipal Department or utility company to perform any blasting operation within three point seven metres (3.7m) - 12 feet - of any water main, gas main, hydro conduit, telephone conduit, sanitary sewer, fire cable, petroleum lines or any other underground utility, and
 - (c) unless otherwise specified in this by-law, the use of explosives in the City of Windsor shall be in accordance with the following table and values for distances greater than fifteen point two four metres (15.24m) - 50 feet - may be obtained from the formula for,
 - (i) Imperial measurement $d = \frac{300\sqrt{E}}{8.2}$
where d = distance from blasting shot to structure affected
(in feet)
 E = weight of explosives used without delay caps
(in lbs.)
where delay caps are used, pounds per delay = δE
 - (ii) Metric measurement $d = \frac{300\sqrt{E}}{18.12}$
where d = distance from blasting shot to structure affected
(in metres)
where E = weight of explosives used without delay caps
(in kilograms)
where delay caps are used, kilograms per delay = δE

| Distance from Blasting Shot to any Structure (in feet) (in metres) | | Maximum Weight of Explosive used without Delay Caps (in pounds) (in kilograms) | | Maximum Weight of Explosive per Delay when Delay Caps used (in pounds) (in kilograms) | |
|---|---------|---|---------|--|---------|
| 20 | 6.096 | 0.5 | 0.227 | 0.5 | 0.227 |
| 30 | 9.144 | 1.0 | 0.454 | 1.0 | 0.454 |
| 40 | 12.192 | 1.5 | 0.680 | 1.0 | 0.454 |
| 50 | 15.240 | 2.0 | 0.907 | 1.5 | 0.680 |
| 60 | 18.288 | 3.0 | 1.361 | 2.0 | 0.907 |
| 70 | 21.336 | 4.0 | 1.814 | 2.7 | 1.225 |
| 80 | 24.384 | 5.0 | 2.268 | 3.3 | 1.497 |
| 90 | 27.432 | 6.0 | 2.722 | 4.0 | 1.814 |
| 100 | 30.481 | 8.0 | 3.629 | 5.3 | 2.404 |
| 200 | 60.961 | 30 | 13.608 | 20 | 9.072 |
| 400 | 121.921 | 120 | 54.432 | 80 | 36.288 |
| 600 | 182.882 | 270 | 122.472 | 180 | 81.648 |
| 800 | 243.843 | 476 | 215.914 | 317 | 143.791 |
| 1000 | 304.804 | 746 | 338.386 | 492 | 223.171 |

The weight of explosive contained in any one (1) blast shall not exceed nine hundred kilograms (900 kg) - 2000 pounds, and

- (d) granting of the written permission referred to in sections 6(4)(a) and (b) shall not absolve the holder of the permit from liability for damage caused by the blasting, and
- (e) the holder of an explosive permit shall,
 - (i) maintain a continuous record showing the total weight of explosives and the number of detonators delivered each day to the work and the disposal made of the explosives and detonators not used,
 - (ii) maintain a record of each blast, indicating the number of holes, time, location, weight of explosives and timing period,
 - (iii) make a return at the end of each month to the Building Commissioner clearly setting forth the above information,
 - (iv) such records shall be available at all times for checking by the Building Commissioner, and
- (f) no person shall carry on blasting in the City of Windsor at any time except during daylight hours or at any time on Sunday or at any time when atmospheric conditions prevent a clear observation at a distance of ninety-one metres (91m) - 300 feet - from the place where the blasting is to be carried on except by special permission in writing from the Building Commissioner, and
- (g) except as hereinafter provided, no person shall,
 - (i) fire any blast other than by means of an approve electircal apparatus,
 - (ii) use batteries installed in automobiles for blasting purposes,
 - (iii) operate an engine with spark ignition within three metres (3m) - 10 feet - of any blasting circuit,
 - (iv) connect any firing wire to the electircal firing device or testing apparatus until everything connected with the blasting operation is in readiness and all clear, and

- (h) except as hereinafter provided,
 - (i) after the blast has been exploded, the blasting circuit shall be immediately disconnected, and
 - (ii) in the event of a misfire, the firing device shall be disconnected immediately from the blasting circuit and shall remain disconnected, and
- (i) all electrical apparatus shall be kept in perfect order and shall be thoroughly inspected before and after each blasting operation and all wiring connected therewith shall be properly and adequately insulated, and all wiring shall be tested by approved apparatus before the connection of the electrical firing device to the blasting circuit, and
- (j)
 - (i) where, in the opinion of the Building Commissioner, a radio frequency may exist in the vicinity of radio-frequency generators such as, for example, radio, television and radar stations and radio-frequency furnaces, he may require that non-electrical methods of blasting be used, but in any event no person shall use non-electrical methods of blasting without the written authority of the building Commissioner,
 - (ii) the Building Commissioner may, at the expense of the person applying for a blasting permit, require that a radio-frequency field-strength measurement be made in order to determine the magnitude of the hazard, and
- (k) every mobile radio transmitter within thirty point five metres (30.5m) - 100 feet - of a blasting circuit shall be switched off at the main power switch, and
- (l) all blasting operations shall cease during electrical storms, and
- (m) all electrical apparatus of any nature used in blasting operations shall, when not in use, be kept under lock and key and under the direct charge of the powderman, and
- (n) no person shall carry on blasting within a radius of three hundred and five metres (305m) - 1000 feet - of any school building during school hours, or any hospital until the superintendent or the person in charge thereof shall have been notified six (6) hours previous to the blast being fired, and
- (o) no person to whom an explosives permit has been issued shall, or shall cause anyone to,
 - (i) drill within seven point six metres (7.6m) - 25 feet - of any loaded hole or any hole being loaded or until any misfire shall have been blasted,
 - (ii) make up primers in advance of loading holes,
 - (iii) load up hole while it is still hot from drilling,
 - (iv) load any hole except one to be fired in the next round of blasting, and

- (p) immediately after loading the explosive and before the blast, the material to be blasted shall be covered on all exposed sides either with a strong steel wire matting of at least thirty-eight millimetres (38mm) - 1 1/2 inches - thickness woven from steel wire rope in good condition or less than nineteen millimetres (19mm) - 3/4 inch - in diameter or a rubber-type mat not less than one hundred fifty-two millimetres (152mm) - 6 inches in thickness weighing not less than one kilogram per square metre - 24 pounds per square foot. After the material has been thus covered, the blast shall be fired within fifteen (15) minutes, and
- (q) no person while blasting shall permit any rock or other material to fly through the air in such a way as to fall upon any other person or upon property other than that owned by the person who is blasting, and
- (r) when blasting is being carried on,
 - (i) the person carrying on the blasting shall provide at least two (2) competent assistants and as many additional competent assistants as circumstances may require to warn all occupants of buildings in the vicinity and to take all reasonable precautions to adequately safeguard such occupants and guard all persons and vehicles from approaching within the danger zone of the blasting,
 - (ii) the holder of the permit shall also post warning signs within a radius of ninety-two metres (92m) - 300 feet - of the work advising that blasting operations are in progress,
 - (iii) at least three (3) minutes before firing a blast, the blaster shall give warning thereto by causing a competent man carrying a red flag to be situated at a reasonable distance from the blast at each avenue of approach or point of danger, and he shall give five (5) long blows on a whistle five (5) minutes before firing the blast and three (3) long blows one (1) minute before setting off the blast, and immediately following the explosion and, ascertaining that complete safety has been restored, shall sound one (1) long and shall then signal the traffic to proceed over such street or roadway,
 - (iv) no blasting is to be considered complete until the material broken at the firing of the last blast has been cleared away and the rock faces examined for misfires and cut off holes giving special attention to old bottoms, and the excavation has been pronounced safe by a certified blaster. This procedure is the responsibility of whichever blaster permit holder set off the blast,
 - (v) no charge of any explosive that has missed fire shall be withdrawn but the charge shall be blasted without undue delay,
 - (vi) no drilling or rock breaking shall be done within one hundred and fifty millimetres (150mm) - 6 inches - of any hole that has been charged and blasted or any remnant of such holes.

7. **INCORPORATION OF APPENDICES**

- (1) Appendix "A" is declared to form part of this by-law being a prescribed form "Application for Explosives Permit" and setting out the permit fee therein.
- (2) Appendix "B" is declared to form part of this by-law being a prescribed form "Application for Blaster Licence" and setting out the licence fee therein.
- (3) Appendix "C" is declared to form part of this by-law being a prescribed form "Examination Report on the Competency of Applicant for a Blaster Licence"

8. **VIOLATIONS AND PENALTIES**

- (1) Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. (amended B/L 10277, May 22/90)
9. This by-law shall come into force and effect on the day of the final passing thereof.

(signed) "A. H. Weeks"
MAYOR

(signed) "J. B. Adamac"
CLERK

First Reading - October 22, 1979
Second Reading - October 22, 1979
Third Reading - October 22, 1979

For Information Only

Preventative Plumbing Subsidy Program

Presented To: Policy Committee

Presented: Wednesday, Apr 21, 2010

Report Date Thursday, Apr 15, 2010

Type: Correspondence for Information

Recommendation

For Information Only

Introduction

On February 24th, 2010 Council passed Resolution #2010-87 as follows:

“WHEREAS the storm of July 26, 2009 was extreme in its intensity and in the amount of water which fell over a short period of time and created devastating damage for several Greater Sudbury residents;

AND WHEREAS in accordance with the resolution endorsing the creation of the Greater Sudbury Climate Change consortium by the NDCA passed by Council on November 12th, 2009, although the July 26, 2009 severe storm event in Greater Sudbury affected only a small part of the community, it is likely that these types of severe storm events will become even more frequent and larger in scale in the future;

AND WHEREAS we are approaching the storm season;

AND WHEREAS the Storm Working Group’s Final Report includes a suggestion for a preventative plumbing subsidy program having an approximate value of \$350,000;

AND WHEREAS a preventative plumbing subsidy program could reduce the likelihood of insurers insisting on stricter coverage terms for owners of repeatedly flooded premises and measures aimed at reducing the amount of water directed into the city’s sewer system will also assist the city in handling water volume during storms and further compliments other existing CGS initiatives to promote source control programs;

NOW THEREFORE BE IT RESOLVED that City Council direct staff to more fully develop a preventative plumbing subsidy program which, if approved and funded, would be effective retroactive to July 25th, 2009 for those who experienced flooding due to the July 26th, 2009 storm and subsequently to residents residing in flood regions, as identified in the draft policy; and to

Signed By

Report Prepared By

Akli Ben-Anteur, P.Eng.
Project Engineer
Digitally Signed Apr 15, 10

Division Review

Nick Benkovich
Director of Water/Wastewater Services
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Recommended by the Department

Greg Clausen, P.Eng.
General Manager of Infrastructure Services
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 15, 10

identify a potential funding source for the program, and present the draft policy to Council at its April 21st, 2010 Policy Committee meeting”.

Staff have nearly completed the development of this program and are committed to presenting a draft program to the May 19, 2010 Policy Committee.

Background

Staff have obtained copies of and are reviewing similar programs that have been implemented in St. Catharines, Peterborough, Toronto, Ottawa and Edmonton.

It is staff's aim to select the best components from the other similar programs to meet the needs of our City.

Several meetings have already been held with Councilor Joscelyne Landry-Altmann, and representatives from Building Services, Infrastructure Services, Finance, Legal and Corporate Communications to develop a program including implementation plan.

The following key components will be included in the proposed program that will be presented to Council for approval:

- 1) Identification of specific areas to be reviewed for potential basement flooding including geographical location including proximity to flood plains, surface runoff, lot grading issues, overland flow, eaves trough systems, weeping tile systems, and City infrastructure , including storm water and sanitary systems.
- 2) Identification of cost of various potential proposed solution options/components of the program. Specific components potentially available to the public would include disconnection programs for weeping tile and sump pump systems, lot grading improvements, etc.
- 3) Proposed initial program including eligible components, funding criteria, evaluation and payment mechanisms.
- 4) Proposed administrative structure to administer the program including annual review and updates to Council.
- 5) Recommended funding source for this program both on the initial implementation and long term.
- 6) Proposed Implementation and Communication Plan to inform and educate the community. It is envisaged that media releases and public information sessions will be carried out.

Proposed Schedule

A draft program is nearing completion and will be reviewed by staff and completed by the end of

this month.

It is scheduled that a draft program including potential funding sources, implementation and communications plan be presented to the May 19, 2010 Policy Committee for Council's information and approval.

Request for Decision

Write Off Policy for Provincial Offences Act (POA) Fines

Presented To: Policy Committee

Presented: Wednesday, Apr 21, 2010

Report Date: Wednesday, Apr 14, 2010

Type: Managers' Reports

Recommendation

THAT Council approve the proposed POA Write Off Policy as outlined in the report dated April 14, 2010 from the Executive Director, Administrative Services, and that the necessary By-Law be prepared.

Executive Summary

The Ministry of the Attorney General (MAG) requires that Council approve a Write Off Policy for Provincial Offences Act (POA) fines that are determined uncollectible.

Background

Staff work to ensure that all collectible, outstanding and unpaid fines are collected in a timely manner. Despite these best efforts, some matters will always remain unpaid. This could be because an accused has no assets or income. It could be because the party was simply "passing through" and has never returned to our jurisdiction. Sometimes it is because the convicted party is deceased. Therefore, it is necessary for staff to be able to eliminate these matters from the records.

Attached is a proposed POA Write Off Policy which is being recommended to Council for approval.

In conclusion, it is recommended that Council approve the proposed POA Write Off Policy and that staff be directed to prepare the necessary By-Law to introduce the process for the removal of fines deemed uncollectible from the Province's Integrated Court Offence Network (ICON) for accounting purposes only.

Signed By

Report Prepared By

Nicole Lamy
Co-ordinator of Court Services
Digitally Signed Apr 14, 10

Recommended by the Department

Caroline Hallsworth
Executive Director, Administrative
Services
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Recommended by the C.A.O.

Doug Nadorozny
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**WRITE OFF POLICY
FOR
PROVINCIAL OFFENCES ACT (POA) FINES**

Once a POA fine for which all internal and external collection attempts have been exhausted, including but not limited to the following:

- Collection procedures have been progressively applied
- Reasonable efforts have been exhausted prior to a fine being considered for write off
- Timely, systematic and progressively severe delinquency notices have been delivered
- “Extension of time to Pay” motions have been allowed for and repayment plans have been made
- All applicable POA administrative sanctions have been applied to all fines
- Defaulted fines have been referred to a third party collection agency
- Additional judgments have been sought and Civil Enforcement processes invoked
- Documentation has been maintained to reflect the processes followed.

Then an Approval for Write Off request will be initiated by the Co-ordinator, Court Services, and will be approved in accordance with the provisions of the Delegations By-Law.

General Write Off:

- Underpayment: When an underpayment is made on a fine leaving a balance which is comprised of court costs in the amount of \$30.00 or less and where it is deemed to not be cost effective to pursue any collection activity.
- Deceased Person: A Death Certificate or proof of death is filed.

Case-by-Case Write Off: When at least one of the following criteria is met.

- a) Out of Country: All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency.
- b) Out of Province: All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
- c) Company in Default:
 - All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
 - The company has been sold and the new owner is not responsible for the debt
 - The company has been dissolved
 - The company has filed bankruptcy
- d) Person with No Fixed Address:
 - All efforts to locate the debtor have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
- e) Other – As may be indicated