

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

Ordre du jour

Councillor / Conseiller
Doug Craig

Chair / Président(e)

Councillor / Conseiller
Jacques Barbeau

Vice-Chair / Vice-président(e)



For the **Priorities Committee** meeting to be held
Pour la réunion du **Comité des priorités** qui aura lieu

Wednesday, July 8th, 2009 mercredi 8^e juillet 2009

at 10:30 am à 10h 30

Council Chamber, Tom Davies Square dans la Salle du Conseil, Place Tom Davies



PRIORITIES COMMITTEE AGENDA

For the 46th Priorities Committee Meeting
to be held on **Wednesday, July 8, 2009**
Council Chamber, Tom Davies Square at 10:30 am

COUNCILLOR DOUG CRAIG, CHAIR

Jacques Barbeau, Vice-Chair

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

The Council Chamber of Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerks Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 674-4455, extension 2471. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed at www.greatersudbury.ca/agendas/.

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

CITIZEN DELEGATIONS

1. Update on Downtown Village Corporation Projects
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Angela Gilmore, Project Coordinator, Downtown Village Corporation
2. Update on Telemedicine in the City of Greater Sudbury
(ELECTRONIC PRESENTATION) (FOR INFORMATION ONLY)
 - Jennifer Michaud, Regional Director, Ontario Telemedicine Network

(The Ontario Telemedicine Network (OTN) is an independent, not-for-profit organization funded by the Government of Ontario. Using two-way videoconferencing systems and tele-diagnostic instruments OTN is transforming the way patients can receive needed health care by extending and enhancing access to health care providers and eliminating barriers to care across Ontario. In 2008, there were 12,222 visits over OTN within the City of Greater Sudbury. The presentation will showcase these successes.)

COUNCILLOR BRIEFING SESSIONS

POLICY DISCUSSION PAPERS - PRELIMINARY DISCUSSION

POLICY DISCUSSION PAPERS - DECISION REQUESTED

3. Report dated July 2, 2009 from the General Manager of Infrastructure Services regarding Regulation of Trees Within Municipal Road Right-of-Ways. **8 - 21**
(ELECTRONIC PRESENTATION) (RECOMMENDATION PREPARED)
 - Nathalie Mihelchic, Manager of Operations

CORRESPONDENCE FOR INFORMATION ONLY

MANAGERS' REPORTS

4. Report dated June 16, 2009 from the Chief Financial Officer / Treasurer regarding Investment Policy. **22 - 29**
(RECOMMENDATION PREPARED)

(This report identifies measures that can be taken regarding the modification of investment policy that would boost the City's return on investments.)

5. Report dated June 25, 2009 from the Chief Financial Officer / Treasurer regarding Proposed Development Charges By-Law.
(RESOLUTION PREPARED)

30 - 61

(This report is to seek final approval on certain policy matters regarding the finalization of the Development Charges By-Law.)

ADDENDUM

CITIZEN PETITIONS

MOTIONS

ADJOURNMENT (RECOMMENDATION PREPARED)

Councillor Craig
Chair

Franca Bortolussi
Council Secretary

COMITÉ DES PRIORITÉS ORDRE DU JOUR

Pour la 46^e réunion du Comité des priorités
qui aura lieu le **8 juillet 2009**
dans la **Salle du Conseil, Place Tom Davies, à 10h 30**

CONSEILLER DOUG CRAIG, PRÉSIDENT(E)

Jacques Barbeau, Vice-président(e)

VEUILLEZ ÉTEINDRE LES TÉLÉPHONES CELLULAIRES ET LES TÉLÉAVERTISSEURS)
La salle du Conseil de la Place Tom Davies est accessible en fauteuil roulant. Si vous désirez obtenir un appareil auditif, veuillez communiquer avec la greffière municipale, avant la réunion. Les personnes qui prévoient avoir besoin d'aide doivent s'adresser au bureau du greffier municipal au moins 24 heures avant la réunion aux fins de dispositions spéciales. Veuillez composer le 705-674-4455, poste 2471; appareils de télécommunications pour les malentendants (ATS) 705-688-3919. Vous pouvez consulter l'ordre du jour à l'adresse www.greatersudbury.ca/agendas/.

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

DÉLÉGATIONS DE CITOYENS

1. Compte rendu sur les projets de la Downtown Village Corporation
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

2. Compte rendu sur la télémédecine dans la Ville du Grand Sudbury
(PRÉSENTATION ÉLECTRONIQUE) (A TITRE D'INFORMATION)

- Jennifer Michaud, directrice régionale du Réseau Télémédecine Ontario

(Le Réseau Télémédecine Ontario (RTO) est un organisme indépendant sans but lucratif subventionné par le gouvernement de l'Ontario. En faisant appel à la vidéoconférence et à des instruments de télédiagnostic dans les deux sens, le RTO transforme la façon dont les patients peuvent recevoir les soins de santé qu'ils nécessitent en étendant et en améliorant l'accès aux fournisseurs de soins et en éliminant les obstacles aux soins dans l'ensemble de l'Ontario. En 2008, il y a eu 12 222 consultations sur le RTO dans la Ville du Grand Sudbury. La présentation montrera ces succès.)

SÉANCES D'INFORMATION DES CONSEILLERS

DOCUMENTS DE TRAVAIL SUR LES POLITIQUES – DISCUSSION PRÉLIMINAIRE

DOCUMENTS DE TRAVAIL SUR LES POLITIQUES – DEMANDE DE DÉCISION

3. Rapport du directeur général des Services d'infrastructure , daté du 02 juillet 2009 portant sur Politique sur les arbres. **8 - 21**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION PRÉPARÉE)

- Nathalie Mihelchic, gestionnaire des Opérations

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

RAPPORTS DES GESTIONNAIRES

4. Rapport de la chef des services financiers / trésorière municipale, daté du 16 juin 2009 portant sur Politique sur les investissements . **22 - 29**
(RECOMMANDATION PRÉPARÉE)

(Ce rapport indique les mesures qui peuvent être prises au sujet de la modification de la politique sur les investissements qui feraient augmenter le rendement du capital investi de la Ville.)

5. Rapport de la chef des services financiers / trésorière municipale, daté du 25 juin 2009 portant sur Projet de règlement sur les redevances d'aménagement.
(RÉSOLUTION PRÉPARÉE)

30 - 61

(Ce rapport a pour but d'obtenir l'approbation définitive quant à certaines questions de politique au sujet des derniers détails à régler du projet de règlement sur les redevances d'aménagement.)

ADDENDA

PÉTITIONS DE CITOYENS

MOTIONS

LEVÉE DE LA SÉANCE (RECOMMANDATION PRÉPARÉE)

Le Conseiller Craig,
Président

Franca Bortolussi,
Secrétaire du conseil

Policy Discussion Papers - Decision Requested



Request for Recommendation

Regulation of Trees Within Municipal Road Right-of-Ways

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 08, 2009
Report Date	Thursday, Jul 02, 2009
Type:	Policy Discussion Papers - Decision Requested

Recommendation

That Council adopt the recommendations as outlined in the report from the General Manager of Infrastructure Services dated July 2, 2009 and the necessary By-Law be prepared and that a budget option be proposed for the 2010 Operating Budget to carry out necessary repairs that may be required to preserve the life of any tree.

Finance Implications

It is recommended that a budget option be proposed for the 2010 Operating Budget to carry out necessary repairs that may be required to preserve the life of any tree.

Signed By

Report Prepared By

Nathalie Mihelchic, P.Eng.
Manager of Operations
Digitally Signed Jul 2, 09

Division Review

Robert Falcioni, P.Eng.
Director of Roads and Transportation
Digitally Signed Jul 2, 09

Recommended by the Department

Greg Clausen, P.Eng.
General Manager of Infrastructure Services
Digitally Signed Jul 2, 09

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 2, 09

PROPERTY MAINTENANCE

Chapter 709

TREES - PLANTING - CARE - REMOVAL

CHAPTER INDEX

Article 1 INTERPRETATION

- 709.1.1 City - defined
- 709.1.2 Commissioner - defined
- 709.1.3 Corporation - defined
- 709.1.4 Council - defined
- 709.1.5 Tree - defined

Article 2 GENERAL PROVISIONS

- 709.2.1 Money - appropriated - expended - by Council
- 709.2.2 Proposed street reconstruction - requirements

Article 3 GENERAL PROHIBITIONS

- 709.3.1 Nuisance - obstruction of highway
- 709.3.2 Species - varieties
- 709.3.3 Destruction - injury - any tree
- 709.3.4 Attach - object - to tree - without consent
- 709.3.5 Removal - tree - without permission

Article 4 COMMISSIONER - AUTHORITY

- 709.4.1 Municipal arborist - duty - enforce Chapter

SUDBURY

709.1

JANUARY 1991

- 709.4.2 Master Tree Plan - formulated
- 709.4.3 Location - trees - determination
- 709.4.4 Planting - prohibited - reasons
- 709.4.5 Species - variety - to be planted - determination
- 709.4.6 Species - variety - to be removed
- 709.4.7 Trees - on any highway - planting
- 709.4.8 Prohibited trees - removal
- 709.4.9 Public interest - removal - any tree
- 709.4.10 Decayed - dangerous tree - removal - no notice
- 709.4.11 Nuisance - removal - tree - Corporation expense
- 709.4.12 Obstructing tree - removal - conditions
- 709.4.13 Public services - construction - removal - tree
- 709.4.14 Trim trees - branches over highway
- 709.4.15 Notice - given to adult - posted

**Article 5
ENFORCEMENT**

- 709.5.1 Fine - for contravention
- 709.5.2 Order - prohibiting continuation - repetition

**Article 6
REPEAL - ENACTMENT**

- 709.6.1 By-law - previous
- 709.6.2 Effective date

**Article 1
INTERPRETATION**

- 709.1.1 **City - defined**
"City" means the geographical limits of the City of Sudbury.

709.1.2 Commissioner - defined

"Commissioner" means the Commissioner of Community Services of The Corporation of the City of Sudbury or his/her designate.

709.1.3 Corporation - defined

"Corporation" means The Corporation of the City of Sudbury.

709.1.4 Council - defined

"Council" means the Council of The Corporation of the City of Sudbury.

709.1.5 Tree - defined

"tree" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

Article 2 GENERAL PROVISIONS

709.2.1 Money - appropriated - expended - by Council

The Council may annually appropriate and expend out of its current revenues, such sums of money as shall be requisite for the purchase and planting, caring for, trimming and removing of trees upon the streets in accordance with this Chapter.

709.2.2 Proposed street reconstruction - requirements

Any proposal for future street reconstruction shall illustrate those trees which are required to be removed due to the said construction together with a report on the types of trees being removed and the number and size of trees which will replace those being removed and notice of the removal of trees shall be given to the abutting owners in accordance with the *Municipal Act*.

Article 3 GENERAL PROHIBITIONS

709.3.1 Nuisance - obstruction of highway

No tree shall be so planted that the same is or may become a nuisance or obstruct the reasonable user of the highway. By-law 84-2, 10 January, 1984.

709.3.2 Species - varieties

No person shall plant on any highway in the City any tree of any of the following species or varieties:

Butternut, Cherry, Chestnut, Manitoba Maple, Walnut, Poplar (all kinds) and Willows (all kinds). By-law 84-2, 10 January, 1984; By-law 90-175, 11 September, 1990.

709.3.3 Destruction - injury - any tree

Except as herein provided, no person shall destroy or injure or cause or permit any activity which may destroy or injure any tree.

709.3.4 Attach - object - to tree - without consent

No person shall attach any object or thing to a tree located on any highway or public place except with the consent of the Commissioner.

709.3.5 Removal - tree - without permission

No person shall remove or cut down any tree growing upon a highway except with the written permission of the Commissioner.

Article 4**COMMISSIONER - AUTHORITY****709.4.1 Municipal arborist - duty - enforce Chapter**

The Commissioner shall be the municipal arborist for the Corporation and shall have supervision and care over all trees now and hereafter planted or growing on any public highway, and it shall be his/her duty to enforce the provisions of this Chapter.

709.4.2 Master Tree Plan - formulated

The Commissioner may formulate a Master Tree Plan specifying the species of trees to be planted on each of the public highways and other public lands in the City, having regard to the needs of the residents of the municipality including safety, aesthetic considerations, noise and pollution control, recreation and the protection of wild life, water and soil.

709.4.3 Location - trees - determination

Any tree planted upon a highway shall be located at such distance from the street line or from the sidewalk or from any other tree planted or growing on the same highway as may be determined by the Commissioner.

709.4.4 Planting - prohibited - reasons

The Commissioner may refuse to permit the planting of trees, or the planting of any one or more species or variety of trees, upon a highway of the Corporation, or part thereof, by reason of the nature of the pavements, walks, sewers or other works thereon, or the use to which the lands abutting the property of the Corporation are put, or in consequence of the extent and nature of the traffic thereon, or the insufficient breadth thereof, or by reason of the existence of rock or unfertile soil thereunder, or where the planting of trees thereon would be impracticable or dangerous to traffic or constitute a nuisance upon the property of the Corporation.

709.4.5 TREES - PLANTING - CAKE - REMOVAL 709.4.10

709.4.5 Species - variety - to be planted - determination

Where all or more than one-half the total number of trees planted on any highway or on one side thereof are of a certain species or variety, the Commissioner may require that all trees proposed to be planted on such highway or upon one side thereof, shall be of the same species and variety as the trees, or the greatest number of the trees already planted thereon. By-law 84-2, 10 January, 1984.

709.4.6 Species - variety - to be removed

The Commissioner is authorized to remove or cause to be removed any tree of the following genera and species:

- (a) Acer - Acer Negundo - Manitoba Maple - Acer Saccharinum - Silver Maple;
- (b) Populus - all Poplar species;
- (c) Salix - all Willow species;
- (d) Ulmus - Ulmus Pumila - Chinese Elm;
- (e) Cone-bearing Evergreens - all species. By-law 90-175, 11 September, 1990.

709.4.7 Trees - on any highway - planting

The Commissioner may plant or cause to be planted, trees upon any highway.

709.4.8 Prohibited trees - removal

The Commissioner may remove without notice any of the species of tree referred to in Section 709.3.2 growing on a highway in the City or planted thereon contrary to this Chapter.

709.4.9 Public interest - removal - any tree

When the Council considers it necessary in the public interest to cause any tree planted upon a highway to be removed and has passed a by-law to cause any tree planted upon a highway to be removed, the Commissioner shall give ten (10) days notice of the intention of the Council to remove such tree to the owner of the tree.

709.4.10 Decayed - dangerous tree - removal - no notice

The Commissioner may cause any decayed or dangerous trees to be removed without notice.

709.4.11 TREES - PLANTING - CARE - REMOVAL 709.5.1

709.4.11 Nuisance - removal - tree - Corporation expense

The Commissioner shall cause the removal of healthy trees on property of the Corporation at the expense of the Corporation when a property owner produces a soil report or other evidence satisfactory to the Commissioner that shows that the trees on the property of the Corporation are responsible for soil shrinkage and existing or possible subsequent sewer or foundation damage.

709.4.12 Obstructing tree - removal - conditions

If the owner of a property that abuts property of the Corporation is denied proper access to the use of his/her property by the existence of healthy trees on the property of the Corporation, the Commissioner may approve the removal of the healthy trees on the condition that the owner of the abutting property replaces the trees, at his/her own expense.

709.4.13 Public services - construction - removal - tree

The Commissioner may approve in writing the removal of healthy trees on the property of the Corporation for the construction of public services including water, sewer, hydro, gas and telephone.

709.4.14 Trim trees - branches over highway

The Commissioner may trim or caused to be trimmed trees planted upon a highway or upon private property where the branches extend over a highway.

709.4.15 Notice - given to adult - posted

Any notice required to be given hereunder may be given by leaving it with a grown-up person residing on the land or if the land is unoccupied by posting it in a conspicuous place on the land. By-law 84-2, 10 January, 1984.

**Article 5
ENFORCEMENT**

709.5.1 Fine - for contravention

Every person who contravenes any of the provisions of this 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*. By-law 91-13, 15 January 1991.

709.5.2 TREES - PLANTING - CARE - REMOVAL 709.6.2

709.5.2 Order - prohibiting continuation - repetition

When a person has been convicted of an offence under this Chapter, the Provincial Offences Court or any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

Article 6

REPEAL - ENACTMENT

709.6.1 By-law - previous

By-law 3730, "A By-law Respecting the Planting, Care and Removal of Shade Trees", is hereby repealed.

709.6.2 Effective date

This Chapter comes into force and takes effect upon the date of final passing of the enabling by-law. By-law 84-2, 10 January, 1984.

Regulation of Trees Within Municipal Road Right-of-Ways

RECOMMENDATION

That Council adopt the recommendations as outlined in the report from the General Manager of Infrastructure Services dated July 2, 2009 and the necessary By-Law be prepared and that a budget option be proposed for the 2010 Operating Budget to carry out necessary repairs that may be required to preserve the life of any tree.

Background:

Council requested a review and report on the existing Tree By-Law and tree services provided by the City. At Council's request, a committee was formed to review the current and proposed Tree By-Law governing trees within municipal road right-of-ways. The Tree Committee was made up of Councillors Barbeau, Gasparini and Dutrisac along with the appropriate Staff.

Issues:

Requests for forestry service including tree removals and pruning of trees on municipal road right-of-ways are received through the City's 311 system, recorded and forwarded to the Tree Warden for assessment. If the tree is healthy, any request for removal has historically been denied. The current By-Law (attached as Appendix 'A') allows for removal of any species of trees if decayed and dangerous and certain trees for soil shrinkage and proven damage to sewers and foundations, all at the discretion of the General Manager of Infrastructure Services. The City removes approximately two hundred (200) trees annually for these reasons. The current By-Law provides for fines for contravention of the provisions of the By-Law of up to \$5000.

Some of the issues that have been identified in dealing with municipal trees are:

- A. The criteria used to decide if and when to remove trees
- B. Problems involving tree roots and homeowner issues
- C. Species of trees and number of trees recommended to be planted
- D. Location of trees to be planted
- E. Fees charged for tree services and fines levied for By-Law infractions

The Committee met with Staff and in addition to the issues identified above the Committee requested a clear and simple mechanism to deal with healthy trees that individual property owners want removed.

F. *Removal of healthy trees*

Each of these issues has been reviewed and recommendations provided herein to assist Council in selecting a Tree By-Law appropriate for the City of Greater Sudbury.

The specific issues are discussed below and recommendations are shown in bold.

A. Criteria:

The purpose of this By-Law is to preserve public trees. The time it takes to grow trees to maturity and their contribution to a clean and healthy environment, through reduction of carbon dioxide and provision of life to many species warrants their protection.

This being said, all trees eventually reach their natural life span and die, become decayed, damaged or hazardous and will require removal. If trees are removed, replacement trees are recommended, however due to their smaller size, cannot approach the positive environmental impact of the mature tree for many decades.

The current By-Law allows for tree removal by the General Manager of Infrastructure Services. It only allows for removal of trees which are dead, damaged beyond repair, decayed to a degree making them unsafe, are no longer viable to maintain or proven to have damaged sewers and foundations.

The recommendations in this report are intended only for trees on City right-of-way frontage of residential and commercial lots on publicly maintained roads. Reforestation efforts outside of the right-of-way and trees planted on designated parkland are excluded from this By-Law.

B. Problems Involving Tree Roots and Homeowner Issues:

The Committee of Council identified the need to address the public concern of problems with healthy trees.

Most requests from residents wanting the removal of a healthy tree fall into one (1) of five (5) categories:

1. Allergic reactions to trees/sap/insects/pollen.
2. Stress caused by fear or dislike of trees and/or branches being blown down in a wind storm.
3. Tree drops things on 'their' property such as seeds, fruit, leaves, twigs, sap and insects which require clean up.
4. Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels etc.
5. Tree taking up too much space; is too big, roots in sewer, weeping tile, basement, roof, damaging driveway, house, lawn, vehicles

In each of the above cases a Section Representative, (usually the Tree Warden) inspects the tree and makes a formal written assessment of which a copy is left with the homeowner and the original is placed on file and added to a priority list for action if warranted. Many complaints are received from new home purchasers moving in to properties with trees in their front yards, expecting to be able to remove the trees to re-landscape. Long term residents may also complain that they did not mind the trees when they were small but now have issues with large trees.

C. Species of Trees:

The list of species currently approved for planting and species no longer recommended for planting on residential lot frontage within the road right-of-way and the general reason why they are not recommended is as follows:

Species of trees currently approved for planting but not limited to are:

- **Ash** – fall gold, green
- **Locust** – shade master
- **Maple** - amur, tatarian, royal red, sugar
- **Hackberry**
- **Hawthorn** - thornless
- **Flowering Crab** – spring snow
- **Oak** – burr, red
- **Japanese Lilac**
- **Linden** - pyramidal
- **Elm** - prospector
- **Mayday**
-

New species may be approved for planting as they become available.

Prohibited species of trees not approved for planting include:

- **Manitoba Maple** – too big, dirty, many insects, not aesthetically pleasing
- **Walnut/Butternut (under review)/Chestnut** – large hard fruit, odour, disease
- **Poplars (All types)** – too big, fragile, large root systems
- **Willows (All types)** – large root systems, many insects
- **Cherry** – fruit, black knot fungus
- **Silver Maple** – too big, dirty, brittle
- **Elm (All types including Chinese Elm)** – susceptible to Dutch Elm Disease
- **Evergreens (All types)** - too large, large base impedes visibility (under review)
- **All fruit bearing trees** – messy, dirty, attract wasps and bees

These non-approved species will be updated in the new Tree By-Law.

D. Location:

Trees require space, both above and below ground. The average horizontal space required by a tree is approximately equal to the girth of the canopy of the mature tree (the drip line), however, select species could have root systems up to half the volume of the tree. The space available for the City trees on road right-of-ways in developing areas is governed by lot frontage, set back distance of the home from the road, soil and drainage conditions. **Generally, a standard 50-foot lot will receive one tree and a corner lot may receive two (2) trees.**

Other obstacles may also interfere with available space and in some instances make it undesirable or improbable to successfully plant trees due to future excavations for infrastructure maintenance purposes which could seriously injure or kill the tree. These obstacles include overhead and underground hydro, telephone, cable, and gas services, underground water, storm and sanitary sewer service chambers and lines, existing trees on adjacent lots that do or will, require more space than is available on the lot planted.

Areas where the surface is or may become water impervious such as asphalt, concrete or stone/brick boulevards, medians, sidewalks, driveways, parking lots and laneways, further impact the health of trees. These surfaces may potentially be damaged from the growth of the trunk or roots seeking surface water.

As the City of Greater Sudbury is geographically large and diverse, it supports rural communities within bounds. The same requirements to maintain a tree canopy in high density residential areas where trees quickly become scarce may not need to apply in the same form to rural areas that may have “hundreds of acres of trees in their back yard”, however caution should be applied to protect trees as development occurs. Tree issues often occur in other areas of jurisdictions (not road right-of-way) such as park properties, rivers, streams and lakes or large tracts of publicly held land.

E. Fees:

That requests for review/response/service to a tree(s) on municipal property be free of charge as it is now. However, other municipalities have various fee structures which Council may wish to consider at a future date.

F. Removal of Healthy Trees:

The Committee felt that most problems with healthy trees were related to species no longer approved by the City. Therefore Staff are recommending the following changes for non-approved species of trees only:

PROBLEM	ACTION
<i>Allergic reactions to trees/sap/insects/pollen.</i>	<i>Trees will not be removed for these reasons regardless of the species</i>
<i>Stress caused by fear or dislike of trees and/or branches being blown down in a wind storm.</i> <i>Or</i> <i>Trees drop things on ‘their’ property such as seeds, fruit, leaves, twigs., sap and insects which require clean up.</i>	<i>For a non-approved species of tree, that may cause potential damage to a house and/or occupant due to proximity, lean and size (age) of tree, and is causing stress to homeowners and all other means to save the tree have been exhausted, (i.e. pruning, volunteers to clean fruit, etc.), the Councillor in consultation with the General Manager of Infrastructure Services may have the tree removed.</i>
<i>Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels, etc .</i>	<i>Trees will not be removed for these reasons regardless of the species</i>
<i>Tree taking up too much space; is too big, roots ruin lawn, roots in sewer, weeping tile, basement, roof.</i>	<i>This action will apply for all species of tree.</i> <ul style="list-style-type: none"> • <i>Underground damage to house by roots via sewer line or weeping tiles:</i> • <i>If sewer lines are being blocked by roots from the City’s tree, the City shall have the sewer re-lined at its cost and place the nuisance tree on a future priority list for replacement.</i> • <i>If weeping tiles are proven to be damaged by the roots of the City’s tree, the tree will be removed and replaced with an acceptable species.</i>
<i>Damage by a non-approved species of tree to house, lawn, vehicles or driveway.</i>	<i>Where it will solve the issue, the tree will be pruned and placed on a future priority list for removal and replacement.</i> <i>Where damage cannot be mitigated, the tree will be removed and replaced with an acceptable species.</i>

It is expected that these trees would be removed within a six (6) to twelve (12) month period based on current requests however the General Manager may have it removed sooner should circumstances dictate.

All trees removed shall be replaced with a new one of the currently approved species.

For all similar requests involving healthy trees of the species currently approved, the property owner will be required to obtain approval from the City's Planning Committee.

Recommendations:

That changes be made to the existing By-Law by our Legal Department to update it to cover the entire City of Greater Sudbury and institute the following recommendations:

- A formal (existing) "Request for Tree Service" form be required, completed and submitted to the Tree Warden by the homeowner or through the 311 service number for review/response/service.
- ***Non-approved species of trees will be removed after all other means to save the tree have been exhausted as per the criteria set out above;*** if they pose a danger that cannot be remedied; for the maintenance and construction of roads and sidewalks where other options are not available or upon recommendations from the City Solicitor for reasons seriously affecting City liability.
- The property owner will be required to apply to the City's Planning Committee for removal of a healthy tree of a currently approved species where not provided for in the By-Law.
- That a By-Law Review Committee be formed from representatives of the Roads, (including Tree Warden) Parks, Legal, By-Law, Building Controls, Planning Services Sections and Greater Sudbury Utilities Inc. to review the By-Law and Recommend changes, if required, on a minimum five (5) year cycle.
- That any person wanting to plant trees on municipal property must make application to the Tree Warden on the "Request for Tree Service" form provided including species and location, and receive approval before proceeding. This is required to add the tree to the City's inventory as once planted on municipal property it becomes the property and responsibility of the City.
- ***That where a non-approved species of tree is causing a problem for the homeowner, it shall be put on a replacement list and it shall be removed within six (6) to twelve (12) months and replaced with an approved species of tree at a future date.***
- ***That a budget option be proposed for the 2010 Operating Budget to carry out necessary repairs that may be required to preserve the life of any tree.***
- ***That additional costs for this new Policy would be taken from the Tree Reserve Fund. The Tree Reserve Fund was established to maintain tree development and maintenance of trees in subdivisions from a deposit required from the Developer to the City.***
- ***It is recommended that a formal By-Law be prepared by Legal Services incorporating recommendations outlined in this report.***



Request for Recommendation

Investment Policy

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 08, 2009
Report Date	Tuesday, Jun 16, 2009
Type:	Managers' Reports

Recommendation

THAT the modifications to the City's Investment Policy as outlined in the report from the Chief Financial Officer dated June 16, 2009 be approved; and

THAT the necessary by-law be prepared.

Executive Summary

This report will identify measures that can be taken regarding the modification of investment policy that would boost the City's return on investments. With the current global economic down turn resulting in historically low interest rates, some of the City's current short term investments are earning less than 0.5% interest. This will result in investment income not meeting 2009 budgeted values. Therefore, a strategy to move more investments long term may mitigate the investment income shortfall.

Background

Introduction

The City of Greater Sudbury has excess cash resources available for investment as a result of funds held in reserves, reserve funds, trust funds, the capital fund and as a result of excess cash receipts over cash disbursements at any given time in the year. The investment of excess cash is regulated by Provincial statute and part of this statute requires the municipality maintain an investment policy.

In 2008, the City of Greater Sudbury had funds available for investment ranging from \$179 million to \$286 million. Investments in 2009 have reached as high as \$270 million. In 2008 the average rate of return on these investments was 3.78%. In accordance with the current investment policy

Signed By

Report Prepared By

Ed Stankiewicz
Manager of Financial Planning & Policy
Digitally Signed Jun 30, 09

Recommended by the Department

Lorella Hayes
Chief Financial Officer/City Treasurer
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Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
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and By-law 2006-267F, the portfolio may have long term investments to a maximum of \$50 million and the remaining investments are short term (up to one year). This report is recommending an increase in the maximum amount that can be invested in long term investments at any one time to \$100 million. See attached for a copy of the Investment Policy, including proposed changes.

Excess funds are invested to adhere to statutory requirements, preserve capital, maintain liquidity to meet financial requirements while maximizing the rate of return.

Eligible Investments

The City must comply with the Municipal Act. under Ontario Regulation 438/97, and O.Reg. 655/05.

The City can invest only as prescribed by the regulations.

Examples of eligible investments that apply to the City of Greater Sudbury are detailed in the attached policy.

The City does not have a bond rating, so cannot directly invest in bonds, debentures, promissory notes and securities of a corporation. Should the City acquire such an investment as a gift in a will, it must sell the investment within 90 days of taking ownership.

However, the City of Greater Sudbury may invest indirectly, through the ONE Fund, in the shares of a corporation and corporate debt that has a term longer than five years.

Recommended change in investment strategy

Currently the City's investment portfolio is approximately \$50 million long term with the remainder short term. With the current world economic down turn, world central banks have been aggressive in their attempts to spur economic recovery and growth. As a result, central banks have reduced the overnight lending rates to historical low levels; United States Federal Reserve Board rate 0 - .25% and the Bank of Canada at .25%. The governor of the Bank of Canada has indicated that this rate will not increase until the middle of 2010. The Canadian Chartered Banks have set the prime lending rate at 2.25%. On typical Bankers' Acceptance Certificates (BA) the current rate of return ranges from .35% to .50%. Our Investment Officer has been diligently scouring the market in order to maximize returns under the current investment policy. Staff have been fortunate to secure some 1 year Guaranteed Investment Certificates (GIC) at 1.35% which in this market place is a good return. The current yield curve is steep and the best returns are between 7 & 11 years on the yield curve. The City currently has \$50 million in long term investments, which is the maximum allowed under the current investment policy. A cash flow analysis of the City's funds has identified that the long term investment limit can be raised to \$100 million while not affecting our ability to meet the City's financial obligations.

Financial Services staff have been meeting with other financial agents over the last month to determine potential strategies that can be used to boost our rate of return on investment. In all instances, the feedback received pointed to the steep yield curve currently in place and to take advantages of the increased returns of the long term investments.

Under the current policy, the City will be well under budget for investment income in 2009 and an estimated reduction of over \$1 million for the 2010 operating budget. With the increased levels of returns in the long term investments, the 2010 budget shortfall will be lessened or eliminated. Therefore, the recommendation to modify the City's investment policy to increase the long term investment limit to \$100 million is recommended by staff .

Frequently Asked Questions

The question is often raised regarding the difference between reserve, trust, current and capital funds and how they interact. The investment treatment of these funds is elaborated in the Investment Policy Statement. Generally, the current fund handles the day-to-day operating expenses and revenues, while the capital fund transacts major project expenditures and asset acquisitions, and their attendant revenues. This would include amounts contributed from the current budget, reserves and reserve funds. Reserves and reserve funds hold monies that have been specifically set aside for special purposes. Trust funds are restricted funds for specific purposes. Transfers between funds are authorized by Council through the adoption of the annual budget, by special resolution or under the authority of the by-law establishing the funds.

Another frequent question is related to the rationale for investing long term versus short term, and what portion of investment portfolio was long term. To the extent possible, the City matches its investments with anticipated cash flow requirements. Reserve funds and other funds with longer-term investment horizons may be invested for longer periods. The aim is to coincide the maturity of such investments as nearly as practicable with the expected use of the funds. It is recommended that the City set a new limit of up to \$100 million for longer terms (more than one year) in order to capitalize on long term interest rates. Based on the historical monthly levels of investments, it is recommended that a long term investment limit of \$100 million is appropriate. This limit is monitored on an on-going basis to ensure that the portfolio has a diversification of investments that will maximize rate of return.

In general, the current yield curve, the economic outlook (both short and long term), and the cash requirements of the City all play a part in the decision process regarding investments and their term. Increased limits are subject to Council approval.

A third often-asked question is what the impact would be if the capital fund was credited with the interest it earned rather than attributing it to the current fund, and what impact that would have had on our tax levy. In 2008 the capital fund earned \$2,054,563 million. Had that revenue not been credited to the current fund, this would have equated to about a 1.2% levy increase.

Summary

In order to maximize the City's investment income, it is recommended that the City's investment policy be modified to provide for \$100 million in long term investments, and that the necessary by-law be prepared.

INVESTMENT POLICY STATEMENT

POLICY STATEMENT

The purpose of this investment policy is to provide an investment framework that allows the City of Greater Sudbury to invest excess cash resources within statutory limitations, to protect and preserve capital, to maintain solvency and liquidity to meet on-going financial requirements and to earn the highest rate of return possible. Cash available for investments is generated from funds held in reserves, reserve funds, trust funds, the capital fund plus excess of cash receipts over cash disbursements at any given time during the year.

INVESTMENT GOALS

The major objectives of this investment policy, in priority order, are:

- i. Adhere to statutory requirements;
- ii. Preserve capital;
- iii. Maintain liquidity to meet financial requirements; and
- iv. Maximize the rate of return.

LEGAL AUTHORITY

All investment activities will be governed by section 418 of the Municipal Act, 2001 as amended. Investments, unless limited further by Council, will be those as prescribed under Ontario Regulation 438/97 as amended by Ontario Regulation 655/05 or as authorized by subsequent provincial regulations.

PRESERVATION OF CAPITAL

Ensuring the safety of principal is of paramount importance. The risk of loss is minimized by investing City funds only in those instruments that meet a minimum credit rating. Analysis of the credit worthiness of issuers is undertaken by several reputable credit rating agencies. These agencies assess the relative strength of issuers and their capacity to pay interest and repay principal. Minimum credit ratings for all investments are set out in regulation and are different for different investments. For the investment purposes of the City of Greater Sudbury, acquired securities must meet the required credit rating prescribed by regulation.

In accordance with Ontario Regulation 438/97 should an investment held by the City be re-evaluated by one of these rating firms and fall below the standard required, the City must sell the investment within 90 days after the day the investment falls below the standard.

MAINTAINING LIQUIDITY TO MEET FINANCIAL COMMITMENTS

The City of Greater Sudbury's investment portfolio shall be sufficiently liquid to meet operating and cash flow requirements that can be reasonably anticipated. This will be done by structuring the portfolio so that securities mature concurrent with anticipated cash demands.

The municipality's cash outflows can only be estimated, necessitating certain levels of liquidity to be built into the investment portfolio to meet variances from forecast and other unanticipated demands.

Liquidity can be measured by the ease with which one can convert the securities to cash. To ensure liquidity, the portfolio should consist largely of securities with active secondary or resale markets. The most liquid instruments available are federal and provincial treasury bills, of which the federal bills are more liquid. Also highly liquid are bank term deposits and guaranteed investment certificates. For the City's investment purposes, the purchase of federal and provincial treasury bills and bank term deposits and guaranteed investment certificates shall provide the necessary liquidity.

RATE OF RETURN

The City of Greater Sudbury will maximize the rate of return earned on investment income without compromising the above three objectives. Although important, maximization of the rate of return ranks lower than ensuring the safety of the City's funds. Investments are generally limited to relatively low risk securities in anticipation of earning a fair return relative to assumed risk.

INVESTMENT TREATMENT OF THE CITY OF GREATER SUDBURY FUNDS

OPERATING FUND

During the early part of the year, the Operating Fund is in a borrowing position as major revenues do not materialize until well into the year, whereas expenditures tend to be more evenly timed. Before the City goes "outside" to borrow funds, it first borrows from the Capital and/or Reserve Funds. When borrowing from another fund, the City pays interest at the average monthly investment yield for the City's investment portfolio.

RESERVE FUNDS

Although most City funds are pooled for investment purposes, interest earned or accrued each month is credited to every reserve fund, based on its balance at the previous month-end. Interest paid is the average rate of return on all investments of the City of Greater Sudbury for the current month.

CAPITAL FUND

Interest earned by the Capital Fund shall be credited to this fund, based on its balance at the previous month-end at the average rate of return on all investments of the City of Greater Sudbury for the current month. However, in keeping with the City's capital policy, any interest revenue earned by the Capital Fund shall then be credited to the Operating Fund.

PRE-FUNDING CAPITAL PROJECTS

From time to time a capital project may require pre-funding with repayments to come from capital envelopes or other sources over time. So as to maintain the rate of return, both on investments and to the City's funds, interest will be charged on these pre-funded projects at one per cent above the average investment rate locked in at the time pre-funding is approved. This is in accordance with the City's Capital Policy, and in each instance, Council authorization would be required.

TRUST FUNDS

A number of trust funds are administered by the City. Each trust fund is kept entirely separate, and interest earned is credited directly to each fund.

SUDBURY AIRPORT COMMUNITY DEVELOPMENT CORPORATION

From time to time the Sudbury Airport Community Development Corporation requires funding, as authorized by by-law. Interest is charged monthly at one percent over the average investment rate.

PERIOD OF INVESTMENTS

The City shall maintain an annual cash flow forecast model and monitor it daily to determine cash needs and investment opportunities. Using this tool, investments can be made for periods of time that enable the City to meet its current financial needs and obligations. Within this time framework, every effort will be made to maximize the rate of return on the investments.

Much of the City's short-term cash requirements are predictable, which means a substantial portion of the investment portfolio can be in higher-yielding term investments, which can be timed to mature on or close to dates when funds are to be disbursed.

In general, the current yield curve, the economic outlook (both short and long term), and the cash requirements of the City all play a part in the decision process regarding investments and their term. When interest rates are rising or uncertain, investment terms will tend to be shorter to enable the City to roll its portfolio over into higher yield instruments. Conversely, when interest rates are declining, investments will be in longer term instruments, where possible. The economic outlook and interest rates will be monitored by staff, and decisions concerning investments will be made accordingly

Up to **\$100 million** may be invested in long-term instruments (greater than one year). The remainder of the portfolio will be restricted to short-term investments (one-year and shorter).

ELIGIBLE INVESTMENTS AND INVESTMENT LIMITS

Instruments in which the City may invest must comply with current legislation and be made with consideration for the safety of invested principal and for liquidity to meet financial obligations, while endeavouring to maximize the rate of return. The City may invest in securities as specified by regulation. The main eligible investments available to the City are:

1. Bonds, debentures, promissory notes or other evidence of indebtedness issued or guaranteed by:
 - a. Canada or a province or territory of Canada;
 - b. an agency of Canada or a province or territory of Canada;
 - c. a country other than Canada
 - d. a municipality in Canada including our own
 - e. Ontario Strategic Infrastructure Financing Authority (OFIFA)
 - f. school boards or similar entities in Canada, conservation authorities as established under the *Conservation Authorities Act* and other local boards as defined in the *Municipal Affairs Act*.
 - g. post secondary education institution as defined in section 3 of the *Post Secondary Choice and Excellence Act, 2000*;
 - h. board of governors of a college of applied arts and technology of Ontario;
 - i. Board of a Public Hospital within the meaning of the *Public Hospitals Act*;
 - j. a non-profit housing corporation as defined in section 13 of *Housing Development Act*;
 - k. a local housing corporation as defined in Section 2 of *Social Housing Reform Act, 2000*
 - l. the Municipal Finance Authority of British Columbia
2. Bonds, debentures, promissory notes or other evidence of indebtedness of a corporation if, secured by the assignment, to a trustee, as defined in the *Trustee Act*, of payments that Canada or a province or territory of Canada has agreed to make or is required to make under statute and the payments are sufficient to meet the amounts payable under the debt instrument.

3. Deposit receipts, deposit notes, certificates of deposit or investment, acceptances, bonds, debentures, promissory notes or other evidence of indebtedness or similar instruments issued, guaranteed or endorsed by:
 - a. banks listed in Schedules I, II or III to the *Bank Act (Canada)*
 - b. a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies
 - c. a loan corporation or trust corporation registered under the *Loan and Trust Corporation Act*
 - d. the Province of Ontario Savings Office
4. Bonds, debentures, promissory notes, other evidence of indebtedness issued or guaranteed by the International Bank for Reconstruction, by a supranational financial institution or a supranational governmental organization.
5. Debt of a corporation incorporated under the laws of Canada or a province of Canada with a term of less than 5 years.
6. Investments in the ONE Fund - public sector group of funds of the Local Authority Services Limited and the CHUMS Financing Corporation. The fund presently has money market and bond funds and will soon have corporate bond and corporate equity funds;

The regulation provides specific guidance for investments under Section 142 of the Electricity Act.

If the City of Greater Sudbury acquires bonds, debentures, promissory notes or securities of a corporation as a gift in a will, the City may take ownership of these investments but the investments except for corporate debt with a term of less than 5 years must be sold within 90 days.

The City of Greater Sudbury may directly invest in debt instruments and shares of corporations only in very rare and specific circumstances.

The City is not permitted to invest in any security that is expressed or payable in any currency other than Canadian dollars.

INVESTMENT LIMITS

The portfolio aims for both diversification and near risk-free investments to ensure safety of the capital. Emphasis is placed on securities offered by or unconditionally guaranteed by the Government of Canada, a province or territory of Canada, or the six major Canadian chartered banks (Royal Bank of Canada, Canadian Imperial Bank of Commerce, Bank of Montreal, Bank of Nova Scotia, Toronto Dominion Bank, and National Bank of Canada).

The City may invest with each type of institution to the following limits:

	<u>Maximum % Limit</u>
Federal Government and its Crown Agencies	100%
Provincial Governments and their Crown Agencies	100%
Schedule "I" Banks	100%
Schedule "II" and "III" Banks	30%
Credit Unions and Caisses Populaires	20%
Municipal/School Board Debt Issues	20%
ONE Fund - public sector group of funds	20%
Other	20%

RESPONSIBILITY AND DELEGATION OF AUTHORITY

The Chief Financial Officer/Treasurer is responsible for the investment program of the City. Authority to manage and implement the investment program is delegated to the Manager of Financial Planning and Policy. No person shall engage in an investment transaction except as provided in this policy.

COMPETITIVE SELECTION

The purchase and sale of securities will be transacted through a competitive process with financial institutions approved by the Chief Financial Officer/Treasurer. The City will accept the offer that optimizes the investment objectives. A minimum of three quotations will be obtained for each transaction prior to placement of the investment. A record of these quotations shall be kept on file until the investment matures or is sold.

SIGNING AUTHORITY AND ELECTRONIC INVESTING

Investments are recommended by the municipal investment officer and approved by the Manager of Financial Planning and Policy or the Chief Financial Officer/Treasurer.

In general, with the exception of inter-municipal loans, and investments with the City's banker, investments will be made electronically, using the electronic banking feature, as provided by the City's banker. Multi-level security measures are in place to ensure the safety of the investment.

SAFEKEEPING AND CUSTODY

All investment securities will be held for safekeeping in the name of the City at the issuing institution, or in the case of inter-municipal loans, and investment in own debentures, in the City's vault. The issuing institution will issue a safekeeping receipt to the City for each investment transaction that lists all pertinent information. In addition, the issuing institution will provide monthly reports for each account, indicating all investment activity, book value of the holdings, market value as of month-end and income earned by the investments.

OVERNIGHT INVENTORY

Excess funds should be invested overnight if the current market rate exceeds the negotiated interest rate on the City's bank account.

REPORTS

Reports will be prepared by the municipal investment officer no less frequently than each month-end, and relayed to the Chief Financial Officer / Treasurer, for her review, outlining the investment position and performance of the City of Greater Sudbury.

The Chief Financial Officer / Treasurer will report to Council within 30 days if the City has made an investment that is inconsistent with its adopted investment policies and goals.

Annually, after each year-end, an investment report, in accordance with the regulation, will be forwarded to Council, before the end of March.

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 08, 2009
Report Date	Thursday, Jun 25, 2009
Type:	Managers' Reports

Request for Recommendation

Proposed Development Charges By-Law

Recommendation

WHEREAS the Development Charges Act (hereinafter called "the Act") enables the council of a municipality to pass by-laws for the imposition of development charges against land within the municipality for increased capital costs required because of the need for municipal services arising from development in the area to which the by-law applies;

AND WHEREAS the Council has given notice in accordance with Section 12 of the Act of its development charges proposal and held a public meeting on June 15th, 2009;

AND WHEREAS the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting, and provided for written communications to be made;

AND WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the City of Greater Sudbury Development Charges Background Study as a result of those communications;

NOW THEREFORE the Council of the City of Greater Sudbury approve the Development Charges Background Study of the City of Greater Sudbury, dated May 2009, prepared by Hemson Consulting Ltd.;

AND that the necessary by-law be prepared.

Signed By

Report Prepared By

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Jul 2, 09

Recommended by the Department

Lorella Hayes
Chief Financial Officer/City Treasurer
Digitally Signed Jul 2, 09

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jul 2, 09

Background

At the Council meeting of June 24th, 2009, Council provided the following direction regarding development charges:

1. Freeze current Residential rates to December 31, 2009. Continue exemptions of Institutional, Commercial and Industrial until December 31, 2009;
2. Phase in maximum allowable Development Charges over a three year period, for all Classes -

Residential, Multi-residential, Commercial, Industrial and Institutional; See Schedule B, C and D of the draft by-law for the rates;

3. Council requested a provision in the by-law to exempt non-profit affordable housing projects, preferable via a grant.
4. Council agreed to continue the exemption of the designated downtown centres. See Schedules E1 to E8 of the draft by-law;
5. Staff to report back on the option of charging the fee upon closing of the sale for Tarion Homebuilders;

Draft By-Law

Attached is a copy of the draft Development Charges By-law for Council's review.

Affordable Housing Development

Council expressed interest in having flexibility to review each affordable housing development to determine if a development charge exemption should be provided. Staff have added the following provision in the by-law:

"The City may, by by-law, provide grants or interest free loans to offset development charges pursuant to this by-law to affordable or non-profit housing developments as it sees fit."

It should be noted, that if Council chose to provide a grant, instead of an interest free loan, the development charge would have to be paid by the applicant, and Council could not use this source of revenue as a funding source for the grant. An alternate funding source would be required if Council approved a grant by-law.

Exemptions

As directed by Council, the only exemption to be provided will be for development of lands in the designated town centres. See maps outlined in Schedules E1 to E8. In addition, the Development Charges Act exempts the following:

1. Boards of Education
2. Any Municipality or Local Board

Except as noted above, the by-law has been drafted to apply to all lands in the City, whether or not the land is exempt from taxation under Section 3 of the Assessment Act.

Payment of Development Charge

City staff have researched and reviewed the Development Charges By-laws of other municipalities in Ontario. Based on this review, staff found that in most municipalities, the development charge is payable upon issuance of the building permit. Some municipalities also have the option to charge upon final approval of the plan of subdivision. Hemson Consulting and City staff are aware that the City of Peterborough have an agreement with the Home Builders Association, for a delayed due date no later than occupancy or the building or occupancy inspection. Further analysis of this option is required should Council wish to proceed with a similar agreement.

Conclusion

Attached is the draft By-Law for the Priorities Committee review and for Council's approval on July 8th.

BY-LAW 2009-200F

**A BY-LAW OF THE CITY OF GREATER SUDBURY
WITH RESPECT TO DEVELOPMENT CHARGES**

WHEREAS section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the *Act*") enables the Council of a municipality to pass By-Laws for the imposition of development charges against land within the municipality for increased capital costs required because of the need for municipal services arising from development in the area to which the By-Law applies;

AND WHEREAS the Council of the City of Greater Sudbury, at its meeting of July 8th, 2009, approved a report dated May, 2009, titled Development Charges Background Study, City of Greater Sudbury, prepared by Hemson Consulting Ltd. in accordance with the directive of Council;

AND WHEREAS the Council has given Notice in accordance with Section 12 of the *Act* of its development charges proposal and held a public meeting on June 15th, 2009;

AND WHEREAS the Council has heard all persons who applied to be heard in objection to, or in support of, the development charges proposal at such public meeting, and provided for written communications to be made;

AND WHEREAS the Council has given said communications due consideration, has made any necessary revisions to the City of Greater Sudbury Development Charges Background Study as a result of those communications, and has determined that no further public meetings are required in respect of the Background Study;

AND WHEREAS the Council in approving the said report directed that development charges be imposed on land under development or redevelopment within the geographical limits of the City as hereinafter provided;

NOW THEREFORE the Council of The City of Greater Sudbury enacts as follows:

DEFINITIONS

1. (1) Definitions contained within this By-Law are for the purpose of assisting with the interpretation of this By-Law only.

(2) In this By-Law,

"*Act*" means the *Development Charges Act, 1997*, S.O. 1997, c.27, as amended or replaced from time to time,

"accessory use" means a use of land, buildings or structures which is incidental and subordinate to the principal use of the lands and buildings,

“agricultural use” means a use of land, buildings, or structures for the production of crops, animal husbandry or other similar uses normally associated with agriculture,

“air-supported structure” means an air-supported structure as defined in the *Building Code Act*,

“apartment unit” means any residential dwelling unit within a building containing four or more dwelling units where the residential units are connected by an interior corridor; or any dwelling unit in a building containing non-residential uses, other than a home occupation,

“benefiting area” means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service,

“building or structure” means a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof, but does not include a farm building, an air-supported structure, or an exterior storage tank,

“Board of Education” means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended or replaced from time to time,

“*Building Code Act*” means the *Building Code Act 1992*, S.O. 1992, c.23, as amended or replaced from time to time,

“capital cost” means costs incurred or proposed to be incurred by the City or a local board thereof directly or under an agreement,

- i. to acquire land or an interest in land including a leasehold interest;
- ii. to improve land;
- iii. to acquire, lease, construct or improve buildings and structures;
- iv. to acquire, lease, construct or improve facilities including,
 1. rolling stock with an estimated future life of seven years or more;
 2. furniture and equipment, other than computer equipment, and
 3. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c.P.44;
- v. to undertake studies in connection with any matter under the *Act* and any of the matters in clauses (i) to (iv);
- vi. for the development charge background study under s.10 of the *Act*;
- vii. for interest on money borrowed to pay for costs in (i) to (iv); or
- viii. required for the provision of services designated in this By-law within or outside the City,

“Council” means the Council of the City of Greater Sudbury,

“Designated Town Centres” means an area shown in Schedules “E1” to “E-8” of this By-law,

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment,

“development charge” means a charge imposed against land in the City under this By-Law,

“dwelling unit” means any part of a building or structure with one or more habitable rooms designed or intended to be used as a domestic establishment in which one or more persons may sleep and in which sanitary facilities and a separate kitchen are provided for their exclusive use, and “housing unit” shall have the same meaning as “dwelling unit” and where used in this By-Law or the Schedules to this By-Law, “housing” and “dwelling” shall be interchangeable,

“dwelling, single detached” means a separate building containing only one dwelling unit,

“dwelling, semi-detached” means a separate building that is divided vertically and contains only two dwelling units each having two separate private ground level entrances,

“dwelling, duplex” means a multiple dwelling containing two dwelling units, but does not include any dwelling erected as, or in the form of, a pair of semi-detached dwellings,

“dwelling, multiple” means all dwellings other than single detached, semi-detached, duplex, and row dwellings,

“dwelling, row (house)” means one of a group of three or more attached single dwelling units, each having an independent entrance either directly from outside or through a common vestibule to which each unit’s access is provided by corridors, stairs or elevators,

“dwelling, other multiples” means all dwellings other than single detached dwellings, semi-detached dwellings, duplex dwellings, row (house) dwellings, and apartment units,

“farm” means an agricultural operation located on lands zoned for agriculture,

“farm buildings” means farm buildings as defined in the *Building Code Act*,

“front-end payment” means a payment made by an owner pursuant to a front-ending agreement to cover the net capital costs of the services designated in the agreement that are required to enable the land to be developed,

“front-ending agreement” means an agreement made under Section 44 of the *Act* between the City and any or all owners within a benefiting area providing for front-end payments by an owner or owners or for the installation of services by an owner or owners or any combination thereof,

“gross floor area” means the sum total of the total areas of all floors in a building or structure, whether at, above, or below grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and includes the floor area of a mezzanine, atrium or air-supported structure, and the space occupied by interior wall partitions, as defined in the *Building Code Act*; and, where a building or structure does not have any walls, the gross floor area of the building or structure shall be the total of the area of all floors, including the ground floor, that are directly beneath the roof of the building or structure,

“growth related net capital cost” means the portion of the net capital cost of services that is reasonably attributable to the need for such net capital cost that results or will result from development in all or a defined part of the City,

“industrial” means lands, buildings or structures used or designed or intended for use for or in connection with manufacturing, producing or processing of raw goods, warehousing or bulk storage of goods, distribution centre, truck terminal, research or development in connection with manufacturing, producing or processing of raw goods, storage, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined herein,

“local board” means a public utility commission, transportation commission, Police Services Board, school board, public library board, Board of Health, or any other board, commission, committee or body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the City or any part or parts thereof,

“local services” means those services, facilities or things which are under the jurisdiction of the City and are within the boundaries of , abut or are necessary to connect lands to services and an application has been made in respect of the lands under Sections 41, 51 or 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended or replaced from time to time,

“mezzanine” means a mezzanine as defined in the *Building Code Act*,

“mixed use” means lands, buildings or structures used, designed or intended to be used for both residential and non-residential uses,

“municipality” or “City” means the City of Greater Sudbury,

“non-residential” means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential dwelling unit,

“non-residential non-industrial” means land, buildings or structures or portions thereof used, or designed or intended to be used for a use other than for a residential dwelling unit and other than for industrial use,

“Official Plan” means the City of Greater Sudbury Official Plan and any amendments thereto together with any subsequent related Plan or Plans enacted,

“owner” means the owner of land or a person who has made application for an approval for the development of land upon which a development charge is imposed,

“*Planning Act*” means the *Planning Act*, R.S.O. 1990, c.P.13, as amended,

“protracted” means in relation to a temporary building or structure the persistence of its construction, erection, placement on land, alteration or, of an addition to it, for a continuous period exceeding eight months,

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure, or part thereof, from residential to non-residential or from non-residential to residential,

“Regulation” means any regulation made pursuant to the *Act*,

“residential use” means the land, buildings or structures or portions thereof used, designed or intended to be used as living accommodation for one or more individuals,

“Service Areas” in the City of Greater Sudbury are as follows:

- (a) “Water Service Area” means, within the City of Greater Sudbury,
 - i. properties that are connected to the municipal water services but are not located within 500 feet (152.5 m) of the municipal sanitary sewer services as they may exist from time to time;
 - ii. properties that abut streets, easements, or rights-of-way upon which municipal water services have been placed or are placed from time to time but are not located with 500 feet (152.5 m) of the municipal sanitary sewer services as they may exist from time to time; and

- iii. properties that are located with 500 feet (152.5 m) of municipal water services as they may exist from time to time but are not located within 500 feet (152.5 m) of municipal sanitary sewer services as they may exist from time to time,
- (b) "Water and Wastewater Service Area" means, within the City of Greater Sudbury,
- i. properties that are connected to the municipal sanitary sewer and water services;
 - ii. properties that abut on streets, easements or rights-of way upon which municipal sanitary sewer and water service have been placed or are placed from time to time; and
 - iii. properties that are located within 500 feet (152.5 m) of municipal sanitary sewer and water services as they may exist from time to time, and
- (c) "Sanitary Sewer Service Area" means, within the City of Greater Sudbury,
- i. properties that are connected to the municipal sanitary sewer services but are not located within 500 feet (152.5 m) of the municipal water services as they may exist from time to time;
 - ii. properties that abut streets, easements, or rights-of-way upon which municipal sanitary sewer services have been placed or are placed from time to time but are not located within 500 feet (152.5 m) of the municipal water services as they may exist from time to time; and
 - iii. properties that are located within 500 feet (152.5 m) of municipal sanitary sewer services as they may exist from time to time but are not located with 500 feet (152.5 m) of municipal water services as they may exist from time to time,

"service standards" means the prescribed level of services on which the Schedule of Charges in Schedules "B", "C", and "D" are based,

"services (or "service") means those services designated in Schedule "A" to this By-Law or specified in an agreement made under Section 44 of the Act,

"services in lieu" means those services specified in an agreement made under Section 10 of this By-Law,

"servicing agreement" means an agreement between a landowner and the City relating to the provision of municipal services to specified lands within the City,

“temporary building or structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight months, and

“Zoning By-law” means the Zoning by-law or by-laws passed under Section 34 of the *Planning Act* and in force and effect in the City.

SCHEDULE OF DEVELOPMENT CHARGES

2. (1) Subject to the provisions of this By-Law, development charges against land shall be calculated and collected in accordance with the base rates set out in Schedules “B”, “C”, and “D” which relate to the services set out in Schedule “A”.
- (2) The development charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (a) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units.
 - (b) In the case of non-residential (industrial) or the non-residential (industrial) portion of a mixed-use development, based upon the gross floor area of such development.
 - (c) In the case of non-residential non-industrial development, or the non-residential non-industrial portion of a mixed-use development, based upon the gross floor area of such development.
- (3) Council hereby determines that the development of land, buildings or structures for residential, non-residential non-industrial, and non-residential (industrial) uses have required or will require the provision, enlargement, expansion or improvement of the services referenced in Schedule “A”.

PHASE-IN OF DEVELOPMENT CHARGES

3. Development Charges as imposed under this By-law shall be phased-in as detailed in the Schedules.

APPLICABLE LANDS

4. (1) Subject to subsection (3), this By-Law applies to all lands in the City, whether or not the land or use is exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31.
- (2) This By-law applies to all lands in the City subject to the following:

- (a) Pursuant to the Service Area definitions in this By-law, Development Charges for municipal sanitary sewer services, as identified on Schedules "B", "C" and "D" of this By-law, will not be levied against development of land that will not receive sanitary sewer services from the City at the time of development, ; and
 - (b) Pursuant to the Service Area definitions in this By-law, Development Charges for municipal water services, as identified on Schedules "B", "C" and "D" of this By-law, will not be levied against development of land that will not receive water services from the City at the time of development.
- (3) For the purpose of complying with section 6 of the *Act*,
- (a) the area to which this By-Law applies shall be the area described in subsection 1 above.
 - (b) the rules developed under paragraph 9 of subsection 5(1) of the *Act* for determining if a development charge is payable in a particular case and for determining the amount of the charge shall be as set forth in sections 6 through 16 of this By-Law.
 - (c) the rules for exemptions shall be as set forth in subsections (2) and (4) of Section 4 of this By-Law.
 - (d) the rules respecting redevelopment of land shall be as set forth in section 8 of this By-Law.
- (4) This By-Law shall not apply to land that is owned by and used for the purposes of:
- (a) a board of education;
 - (b) any municipality or local board thereof;
 - (c) a consent (boundary line adjustment) under Section 53 of the *Planning Act* where no new building lot is created.
- (5) This By-law shall not apply to temporary buildings or structures, however, should a temporary building or structure become protracted, it shall be deemed not to have been a temporary structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
- (6) This By-Law shall not apply to permitted uses within the areas designated as "Town Centres" in Schedules "E-1" to "E-8" of this By-law, which shall be exempt as to the development charge otherwise payable for such permitted uses under this By-Law.

DESIGNATION OF SERVICES

5. (1) It is hereby declared by Council that all development of land within the area to which this By-law applies will increase the need for services.
- (1) The Development Charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development, subject to subsection 4(4) of this By-law.
- (2) Development Charges shall be imposed and Reserve Funds established or continued for the categories of services designated on Schedule "A" of this By-law to pay for the increased capital costs required because of increased needs for services arising from development.

RULES WITH RESPECT TO EXEMPTIONS FOR INTENSIFICATION OF EXISTING HOUSING

6. (1) This By-Law shall not apply to that category of exempt development described in subsection 2(3) of the *Act*, and Section 2 of O. Reg. 82/98, namely:
 - (a) the enlargement of an existing dwelling unit;
 - (b) the creation of one or two additional dwelling units in an existing single detached house where the total residential gross floor area of the dwelling units created does not exceed the residential gross floor area of the existing dwelling unit prior to the enlargement; or
 - (c) the creation of one additional dwelling unit in any other existing residential building provided the residential gross floor area of the additional dwelling unit does not exceed the residential gross floor area of the smallest existing dwelling unit in the case of a semi-detached house, or does not exceed the residential gross floor area of the smallest dwelling unit contained in any other residential building.
- (2) Notwithstanding subsection (1)(b), development charges shall be calculated and collected in accordance with Schedules "B" where the total residential gross floor area of the additional one or two dwelling units is greater than the gross floor area of the existing dwelling unit.
- (3) Notwithstanding subsection (1)(c), development charges shall be calculated and collected in accordance with Schedules "B" where the additional dwelling unit has a residential gross floor area greater than,
 - (a) in the case of a semi-detached house or row house, the gross floor area of the smallest existing dwelling unit, and

- (b) in the case of any other residential building, the residential gross floor area of the smallest existing dwelling unit contained in the residential unit.

RULES WITH RESPECT TO AN INDUSTRIAL EXPANSION EXEMPTION

- 7. (1) For the purposes of calculating development charges pursuant to section 2, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable is the following:
 - (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; or
 - (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
- (2) For the purpose of this section, the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in O. Reg. 82/98 made under the *Act*.
- (3) In this section, for greater certainty in applying the exemption herein:
 - (a) the gross floor area of an existing industrial building is enlarged where there is a bona fide physical and functional increase in the size of the existing industrial building.
 - (b) for the purpose of determining any enlargement, the existing industrial building will be its gross floor area as of the date of passage of this By-Law ("original gross floor area").
 - (c) the maximum exemption permitted during the term of this By-Law will be 50% of the original gross floor area irrespective of the number of enlargements or expansion of the gross floor area that take place over the course of the term of this By-Law so that any enlargement beyond 50% of the original gross floor area during the term of this By-Law will be subject to the development charge herein.
 - (d) an expansion must be attached to and a bona fide extension of the existing building, and "attached" shall not mean or include a tunnel, bridge, passageway, shared below grade connection (whether by footing, foundation, passageway, or otherwise), breezeway, shared roof connection or shared parking facility.

RULES WITH RESPECT TO THE REDEVELOPMENT OF LAND

- 8. Where, as a result of the redevelopment of land, a building or structure, occupied or able to be occupied at the time of issuance of the demolition permit, was, or is to be demolished, in whole or in part, or converted from one principal

use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (1) in the case of a residential building or the residential portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the number, according to type of dwelling units that have been demolished or converted to another principal use;
- (2) in the case of a non-residential (industrial) building or the non-residential (industrial) portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the non-residential gross floor area that has been demolished or converted to another principal use; and
- (3) in the case of a non-residential non-industrial building, or the non-residential non-industrial portion of a mixed-use building or structure, an amount calculated by multiplying the applicable development charges under Section 2 of this By-Law by the industrial gross floor area that has been demolished or converted to another principle use;

provided that a building permit has been issued for the land within two years from the date of issuance of the demolition permit and provided that such amounts shall not exceed in total the amount of the development charges otherwise payable with respect to the redevelopment.

APPROVAL FOR DEVELOPMENT

- 9.(1) Subject to subsection (2), development charges shall apply to, and shall be calculated and collected in accordance with the provisions of this By-Law on land to be developed where, the development requires any one or more of the following:
- (a) the passing of a zoning By-Law or an amendment thereto under Section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under Section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a By-Law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (e) a consent under Section 53 of the *Planning Act*;
 - (f) the approval of a description under Section 50 of the *Condominium Act, 1998*, S.O. 1998 c. 19; or
 - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

- (2) Subsection (1) shall not apply in respect of:
- (a) local services installed or paid for by the owner within a plan of subdivision as a condition of approval under Section 51 of the *Planning Act*;
 - (b) local services installed or paid for by the owner within the area to which the development relates; or
 - (c) local services installed at the expense of the owner as a condition of approval under Section 53 of the *Planning Act*.

LOCAL SERVICE INSTALLATION

10. Nothing in this By-Law prevents Council from requiring as a condition of any approval or agreement for development under the *Planning Act*, including sections 41, 51 or 53 of the *Planning Act*, that the owner, at his or her own expense, shall install such local services within the area to which the development relates, or that the owner pay for local connections to water mains, sanitary sewers and/or storm drainage facilities, as Council may require.

MULTIPLE CHARGES

11. (1) Where two or more of the actions described in subsection 8(1) of this By-Law are required before land to which a development charge applies can be developed, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.
- (2) Notwithstanding subsection (1), if two or more of the actions described in subsection 8(1) occur at different times, and if the subsequent action has the effect of increasing the need for municipal services as designated in Schedule "A", an additional development charge on the additional residential units and/or the additional gross floor area for non-residential (industrial) or non-residential non-industrial uses shall be calculated and collected in accordance with the provisions of this By-Law.

SERVICES IN LIEU

12. (1) Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement, by the provision at the sole expense of the owner, of services in lieu, and such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give to the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu, provided such credit shall not exceed the total development charge payable by an owner to the City.

- (2) In any agreement under Subsection (1), Council may also give a further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, than would be required under this By-Law.
- (3) The credit provided for in Subsection (2) shall not be given for the cost of works which relates to an increase in the service standards used in the calculation of the charges in Schedules "B", "C" and "D", and no credit shall be charged to any development charges reserve fund prescribed in this By-Law.

FRONT-ENDING AGREEMENTS, GRANTS

13. (1) The City may enter into agreements under Section 44 of the *Act* as it sees fit.
- (2) The City may by by-law provide grants or interest-free loans to offset development charges pursuant to this by-law to affordable or non-profit housing developments as it sees fit.

CALCULATION OF DEVELOPMENT CHARGES

14. The Development Charge with respect to the use of any land, buildings or structures shall be calculated as follows:
 - (1) In the case of residential development, or the residential portion of a mixed-use development, based upon the number and type of dwelling units; or
 - (2) In the case of non-residential (industrial) development, or the non-residential (industrial) portion of a mixed-use development, based upon the gross floor area of such development; or
 - (3) In the case of non-residential, non-industrial development, or the non-residential non-industrial portion of a mixed-use development, based upon the gross floor area of such development.

AMOUNT OF CHARGE

15. The Development Charge with respect to the use of any land, buildings or structures shall be as follows:
 - (1) Residential – The Development Charges described in Schedule "B" to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential component of the mixed use building or structure, according to the type of residential use.
 - (2) Non-Residential (Industrial) – The Development Charges described in Schedule "C" to this By-law shall be imposed on non-residential uses of lands, buildings or structures, including a non-residential use accessory to a dwelling unit and, in the case of a mixed use building or structure, on the non-residential (industrial) component of the mixed use building or

structure, according to the type of non-residential use.

- (3) Non-Residential Non-Industrial - The Development Charges described in Schedule "D" to this By-law shall be imposed on non-residential non-industrial uses of lands, buildings or structures, including a non-residential non-industrial use accessory to a dwelling unit and, in the case of a mixed use building or structure, on the non-residential non-industrial component of the mixed use building or structure, according to the type of non-residential non-industrial use.

TIMING OF CALCULATION AND PAYMENT

16. (1) Development charges shall be calculated and payable in full in cash, certified cheque, bank draft or by provision of services as may be agreed upon, or by credit granted by the *Act*, on the date that the first building permit is issued in relation to a building or structure on land to which a development charge applies.
- (2) Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- (3) Where a development requires an approval described in Section 9 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Section 9.
- (4) If a development does not require a building permit but does require one or more of the approvals described in Section 9, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.

BY-LAW REGISTRATION

17. A certified copy of this By-Law may be registered in the By-law Register in the Land Registry Office (No. 53).

RESERVE FUND(S)

18. The City of Greater Sudbury shall establish Reserve Funds as follows:
 - (1) Monies received from payment of development charges shall be maintained in separate reserve funds for each service as detailed in Schedule "A" to this By-law. Funds shall be used only in accordance with the provisions of Section 35 of the *Act*.
 - (2) The Chief Financial Officer/Treasurer of the City shall, in each year commencing in 2010 for the 2009 year, furnish to council a statement in respect of the reserve funds established hereunder for the prior year, containing the information set out in Sections 12 and 13 of O. Reg. 82/98.

- (3) Borrowing from the reserve funds, or from one designated municipal service fund to another, for municipal financial purposes will be permitted as authorized from time to time by resolution or By-Law of Council provided interest is paid in accordance with the Act and the regulations thereto, and in particular section 36.

BY-LAW AMENDMENT OR REPEAL

19. (1) Where this By-Law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by Council, the Chief Financial Officer/Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.
- (2) Refunds that are required to be paid under subsection (1) shall be paid to the registered owner of the land on the date on which the refund is paid.
- (3) Refunds that are required to be paid under subsection (1) shall be paid with interest to be calculated as follows:
- (i) interest shall be calculated from the date on which the overpayment was collected to the date on which the refund is paid;
 - (ii) the refund shall include the interest owed under this section; and
 - (iii) interest shall be paid at the Bank of Canada rate in effect on the date of enactment of this By-Law.

DEVELOPMENT CHARGE SCHEDULE INDEXING

20. The development charges referred to in Schedule "B", "C", and "D" shall be adjusted annually, without amendment to this By-Law, commencing on January 1st, 2010, and annually thereafter in each January while this By-Law is in force, in accordance with the most recent twelve-month change in the Statistics Canada Quarterly, "Construction Price Statistics" (CPS), and the Chief Financial Officer / Treasurer shall advise Council of such adjustments.

BY-LAW ADMINISTRATION

21. This By-Law shall be administered by the Chief Financial Officer/Treasurer.

SCHEDULES TO THE BY-LAW

22. The following schedules are attached to and form an integral part of this By-Law:

- Schedule A - Schedule of Municipal Services
- Schedule B - Schedule of Municipal Residential Development Charge
- Schedule C - Schedule of Municipal Non-Residential (Industrial) Development Charges
- Schedule D - Schedule of Municipal Non-Residential Non-Industrial Development Charges
- Schedules E-1 to E-8 Designated Town Centres

EXISTING DEVELOPMENT CHARGE BY-LAW REPEAL

23. By-Laws 2004-200F and 2005-207F are hereby repealed upon the coming into force of this By-Law.

SEVERABILITY

24. If, for any reason, any provision, section, subsection or paragraph of this By-Law is held to be invalid, it is hereby declared to be the intention of Council that all of the remainder of this By-Law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

DATE BY-LAW EFFECTIVE AND EXPIRES

25. (1) This By-Law shall come into force and effect on the 9th day of July, 2009.

(2) This By-Law shall continue in force and effect for a term not to exceed five years from the date of coming into force, unless it is extended by statute, regulation or By-law, or repealed at an earlier date.

(3) Nothing herein shall restrict the ability of Council to amend this By-Law as it deems appropriate from time to time.

HEADINGS FOR REFERENCE ONLY

26. The headings inserted in this By-Law are for convenience of reference only and shall not affect the construction or interpretation of this By-Law.

SHORT TITLE

27. This By-Law shall be cited as the "Development Charges By-Law 2009".

READ A FIRST AND SECOND TIME this 8th day of July, 2009.

MAYOR

CLERK

READ A THIRD TIME and finally passed this 8th day of July, 2009.

MAYOR

CLERK

SCHEDULE "A"
To By-law 2009-200F

DESIGNATED MUNICIPAL SERVICE

1. General Government
2. Library Board
3. Fire Services
4. Police Services
5. Parks and Recreation
6. Public Works
7. Ambulance Services
8. Transit Services
9. Emergency Preparedness
10. Roads
11. Water Services
12. Sewer Services
13. Drains

Schedule B
To By-law 2009-200F

Residential - single family dwelling				
<i>Charge per unit</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ 3,079	\$ 8,444	\$ 11,126	\$ 13,808
	+CPS	+CPS	+CPS	+CPS
General Government	10	28	36	45
Library	89	244	322	399
Fire Services	76	209	276	342
Police Services	82	224	295	366
Parks and recreation	527	1,444	1,904	2,363
Public Works	57	156	205	255
Ambulance Services	14	37	49	61
Transit Services	66	180	237	294
Emergency Preparedness	34	93	122	152
Total General Services	\$ 955	\$ 2,615	\$ 3,446	\$ 4,277
Roads	1,868	5,124	6,752	8,379
Water Service	122	336	442	549
Wastewater Service	91	250	330	409
Drains	43	119	156	194
Total Engineered Services	\$ 2,124	\$ 5,829	\$ 7,680	\$ 9,531
Total Development Charge	\$ 3,079	\$ 8,444	\$ 11,126	\$ 13,808
<i>Excluding Water Service</i>	\$ 2,957	\$ 8,108	\$ 10,684	\$ 13,259
<i>Excluding Waste Water Service</i>	\$ 2,988	\$ 8,194	\$ 10,796	\$ 13,399
<i>Excluding Water and Waste Water Services</i>	\$ 2,866	\$ 7,858	\$ 10,354	\$ 12,850

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Schedule B (continued)
To By-law 2009-200F

Residential - multiples and apartments				
<i>Charge per unit</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ 1,859	\$ 5,253	\$ 6,949	\$ 8,646
	+CPS	+CPS	+CPS	+CPS
General Government	6	17	23	28
Library	54	152	201	250
Fire Services	46	130	172	214
Police Services	49	139	184	229
Parks and recreation	319	898	1,190	1,480
Public Works	34	97	128	160
Ambulance Services	8	23	31	38
Transit Services	40	112	148	184
Emergency Preparedness	20	58	76	95
Total General Services	\$ 576	\$ 1,626	\$ 2,153	\$ 2,678
Roads	1,128	3,188	4,217	5,247
Water Service	74	209	276	344
Wastewater Service	55	156	206	256
Drains	26	74	97	121
Total Engineered Services	\$ 1,283	\$ 3,627	\$ 4,796	\$ 5,968
Total Development Charge	\$ 1,859	\$ 5,253	\$ 6,949	\$ 8,646
<i>Excluding Water Service</i>	\$ 1,785	\$ 5,044	\$ 6,673	\$ 8,302
<i>Excluding Waste Water Service</i>	\$ 1,804	\$ 5,097	\$ 6,743	\$ 8,390
<i>Excluding Water and Waste Water Services</i>	\$ 1,730	\$ 4,888	\$ 6,467	\$ 8,046

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Multiples and apartments include: semi-detached, duplex, multiple, row and other multiple dwellings.

Schedule C
To By-law 2009-200F

Industrial				
<i>Charge per square foot</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ -	\$ 2.02	\$ 3.03	\$ 4.04
	+CPS	+CPS	+CPS	+CPS
General Government	-	0.02	0.02	0.03
Library	-	-	-	-
Fire Services	-	0.12	0.19	0.25
Police Services	-	0.13	0.20	0.26
Parks and recreation	-	-	-	-
Public Works	-	0.09	0.14	0.18
Ambulance Services	-	0.02	0.03	0.04
Transit Services	-	0.11	0.16	0.21
Emergency Preparedness	-	0.06	0.08	0.11
Total General Services	\$ -	\$ 0.55	\$ 0.82	\$ 1.08
Roads	-	1.05	1.59	2.14
Water Service	-	0.20	0.29	0.39
Wastewater Service	-	0.15	0.22	0.29
Drains	-	0.07	0.11	0.14
Total Engineered Services	\$ -	\$ 1.47	\$ 2.21	\$ 2.96
Total Development Charge	\$ -	\$ 2.02	\$ 3.03	\$ 4.04
<i>Excluding Water Service</i>	\$ -	\$ 1.82	\$ 2.74	\$ 3.65
<i>Excluding Waste Water Service</i>	\$ -	\$ 1.87	\$ 2.81	\$ 3.75
<i>Excluding Water and Waste Water Services</i>	\$ -	\$ 1.67	\$ 2.52	\$ 3.36

The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

Schedule D

To By-law 2009-200F

Non-residential non-industrial				
<i>Charge per square foot</i>	2009	2010	2011	2012
	<i>as of July 9</i>	<i>as of January 1</i>	<i>as of January 1</i>	<i>as of January 1</i>
	\$ -	\$ 4.71	\$ 7.06	\$ 9.41
	+CPS	+CPS	+CPS	+CPS
General Government	-	0.02	0.02	0.03
Library	-	-	-	-
Fire Services	-	0.12	0.19	0.25
Police Services	-	0.13	0.20	0.26
Parks and recreation	-	-	-	-
Public Works	-	0.09	0.14	0.18
Ambulance Services	-	0.02	0.03	0.04
Transit Services	-	0.11	0.16	0.21
Emergency Preparedness	-	0.06	0.08	0.11
Total General Services	\$ -	\$ 0.55	\$ 0.82	\$ 1.08
Roads	-	3.74	5.62	7.51
Water Service	-	0.20	0.29	0.39
Wastewater Service	-	0.15	0.22	0.29
Drains	-	0.07	0.11	0.14
Total Engineered Services	\$ -	\$ 4.16	\$ 6.24	\$ 8.33
Total Development Charge	\$ -	\$ 4.71	\$ 7.06	\$ 9.41
<i>Excluding Water Service</i>	\$ -	\$ 4.51	\$ 6.77	\$ 9.02
<i>Excluding Waste Water Service</i>	\$ -	\$ 4.56	\$ 6.84	\$ 9.12
<i>Excluding Water and Waste Water Services</i>	\$ -	\$ 4.36	\$ 6.55	\$ 8.73

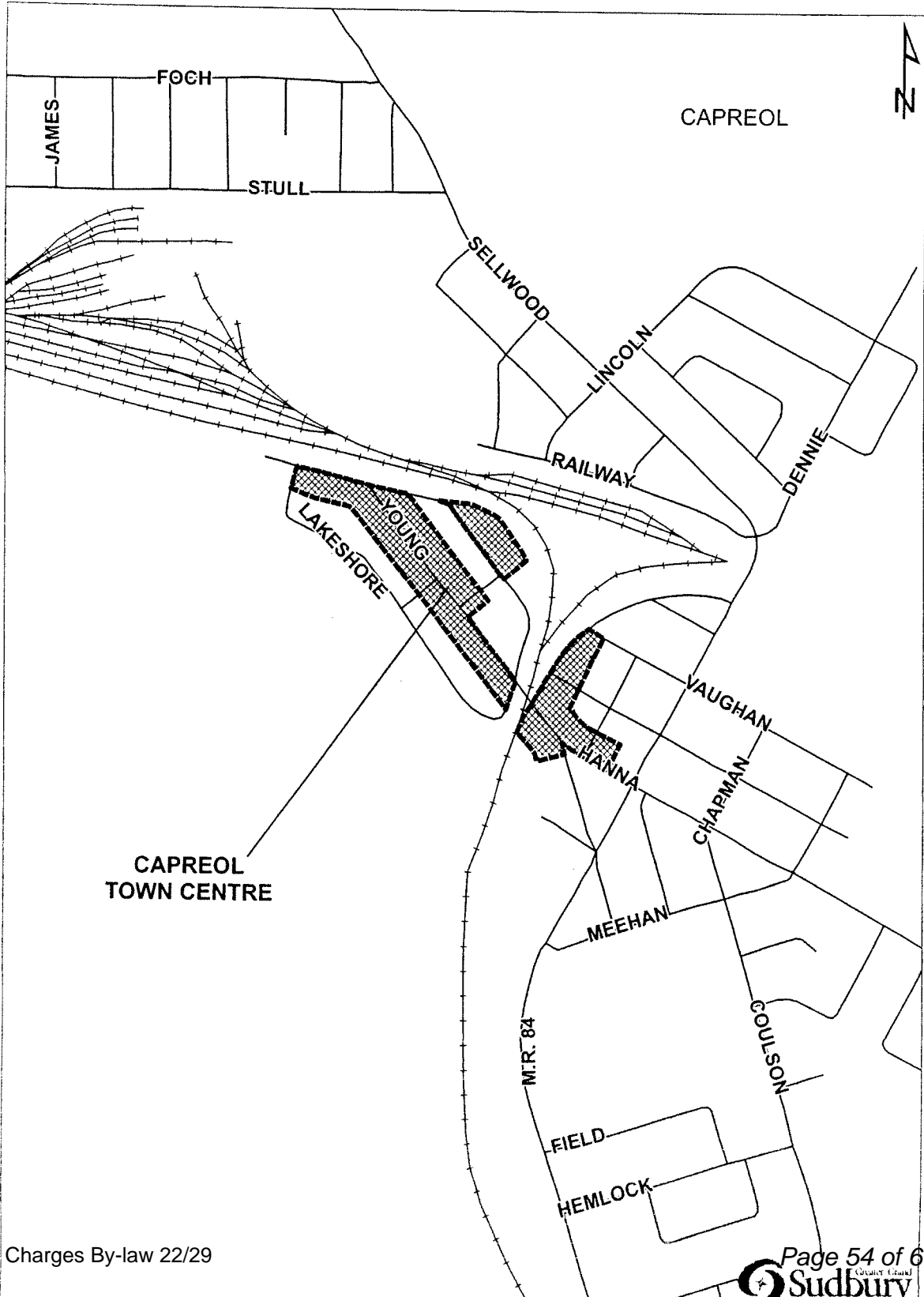
The base development charge and the phase-in increase will be adjusted by the Construction Price Statistics (CPS) as of January 1 of each year.

The 2013 development charge will be the 2012 rate plus the Construction Price Statistics (CPS) as of January 1, 2013.

The 2014 development charge will be the 2013 rate plus the Construction Price Statistics (CPS) as of January 1, 2014.

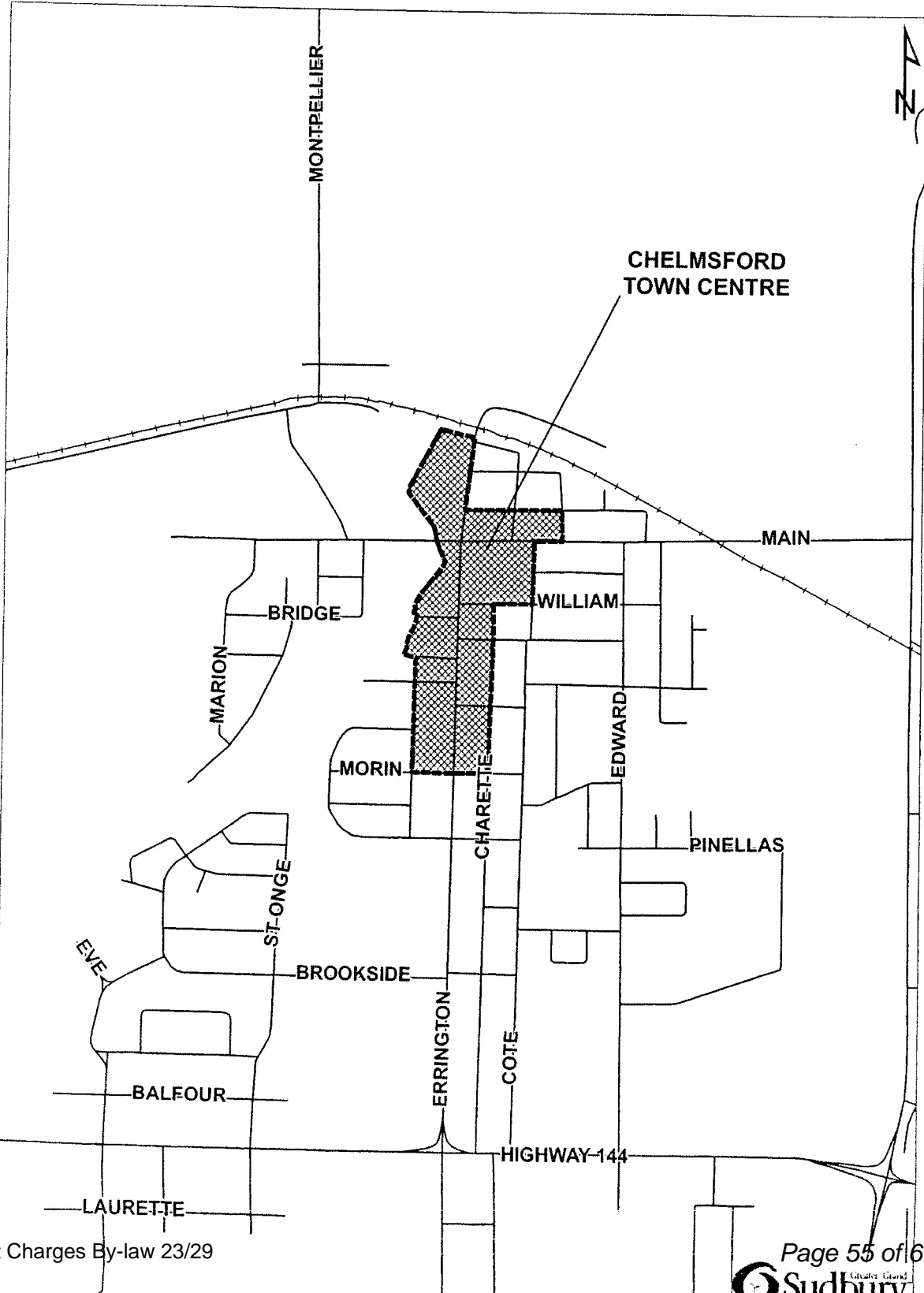
SCHEDULE "E1"
to By-law 2009-200F
of the City of Greater Sudbury

CAPREOL TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN



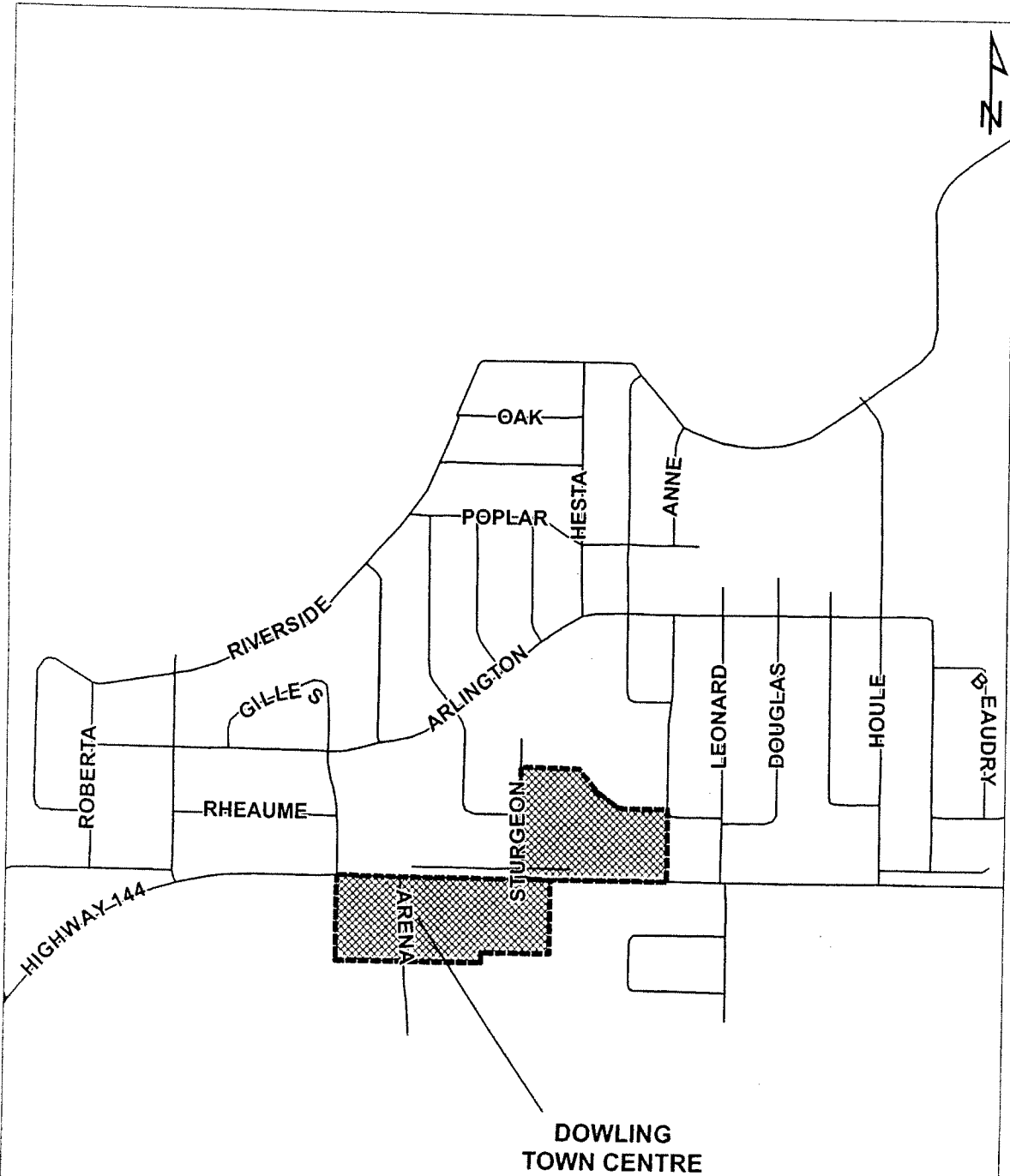
SCHEDULE "E2"
to By-law 2009-200F
of the City of Greater Sudbury

CHELMSFORD TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN

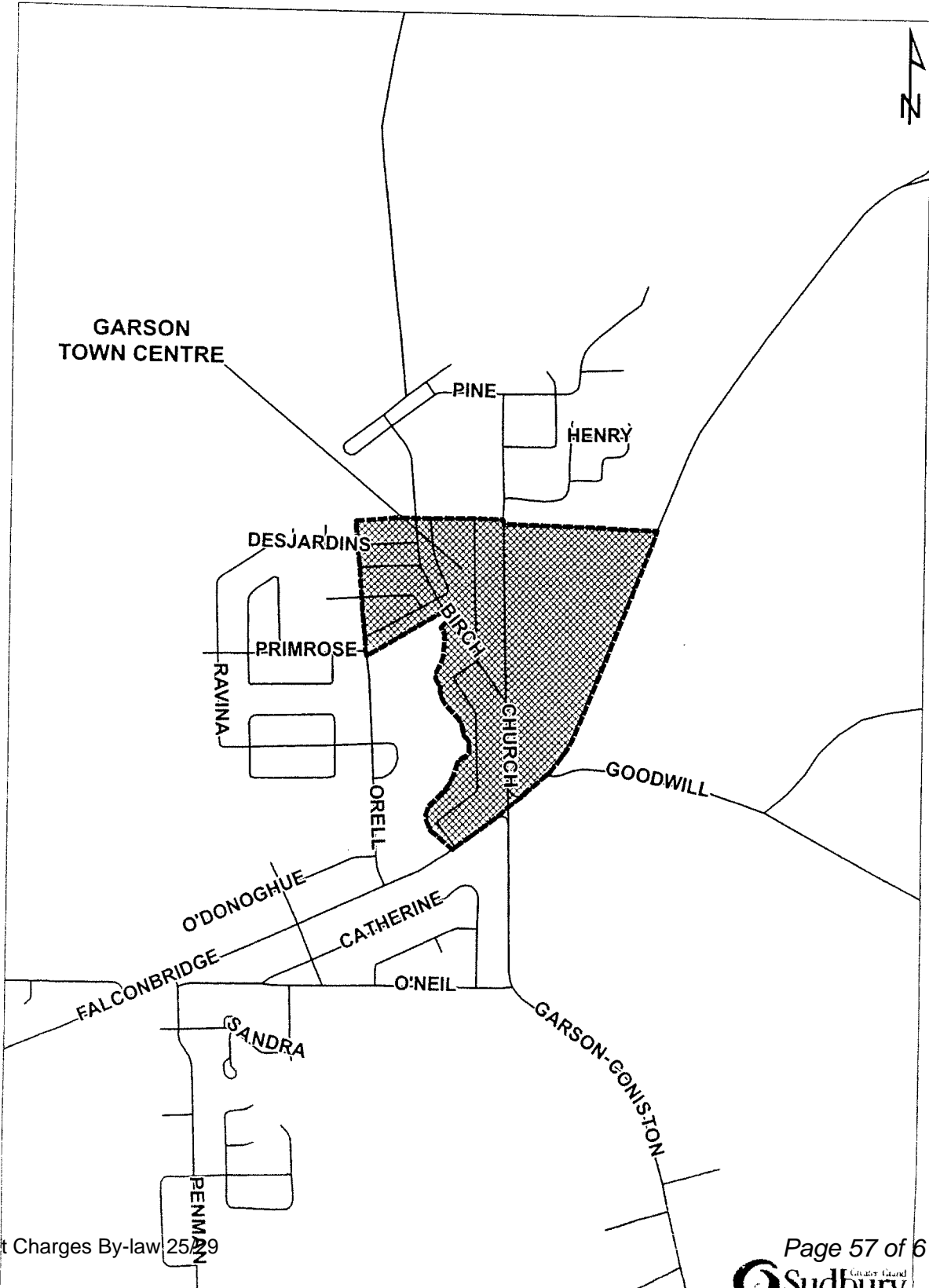


SCHEDULE "E3"
to By-law 2009-200F
of the City of Greater Sudbury

**DOWLING TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**

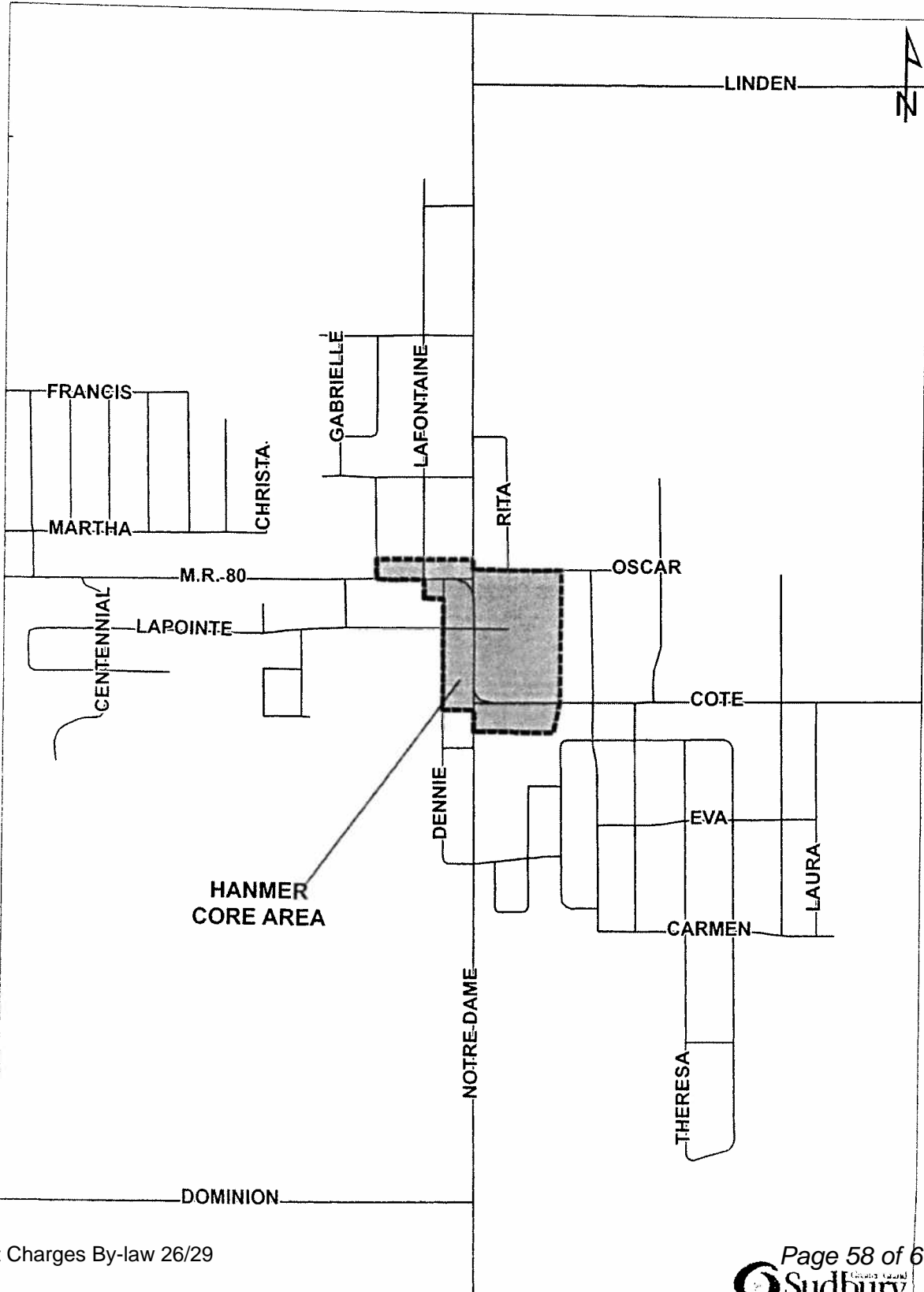


**GARSON TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



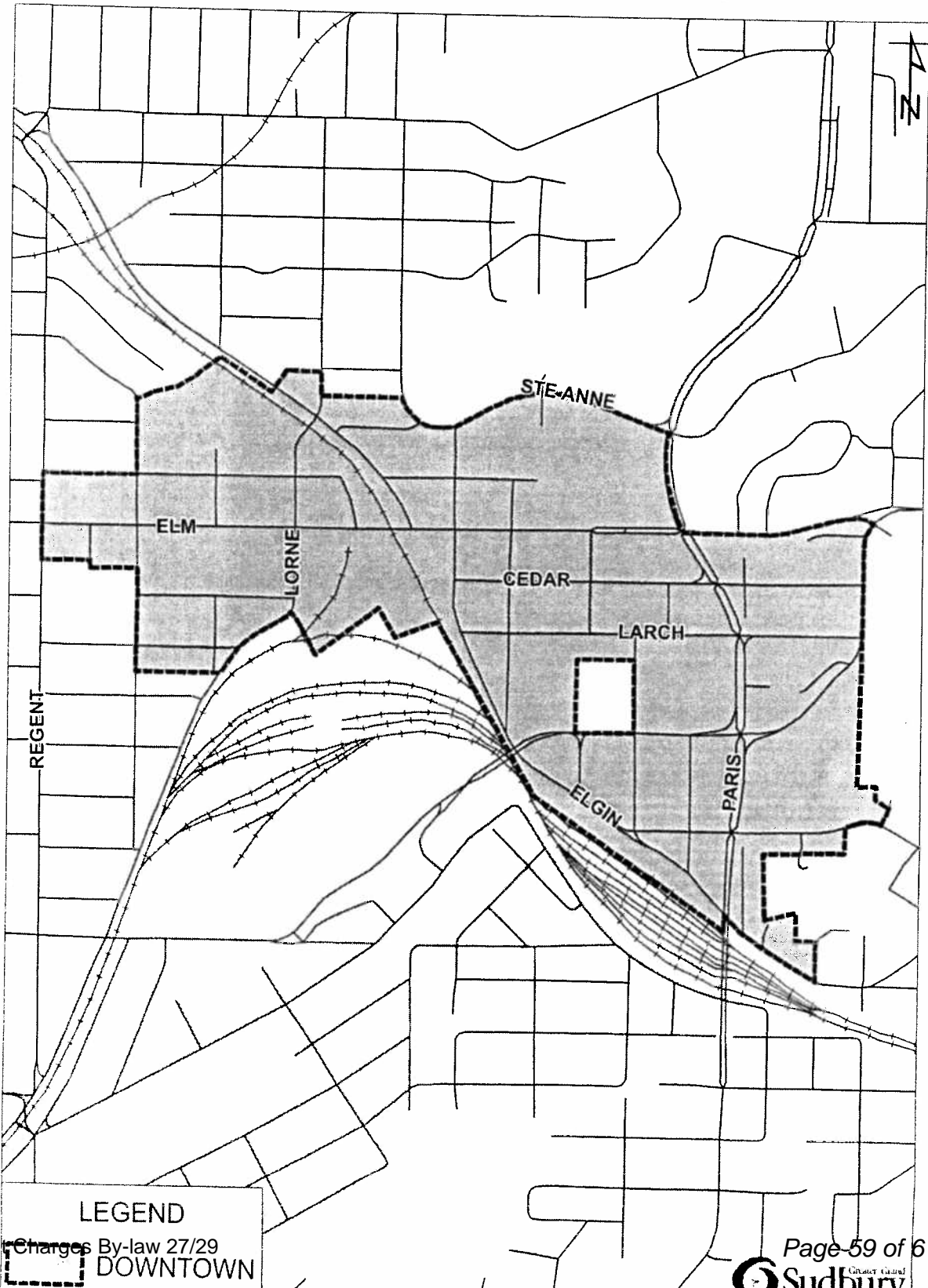
SCHEDULE "E5"
to By-law 2009-200F
of the City of Greater Sudbury

**HANMER CORE AREA
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



SCHEDULE "E6"
to By-law 2009-200F
of the City of Greater Sudbury

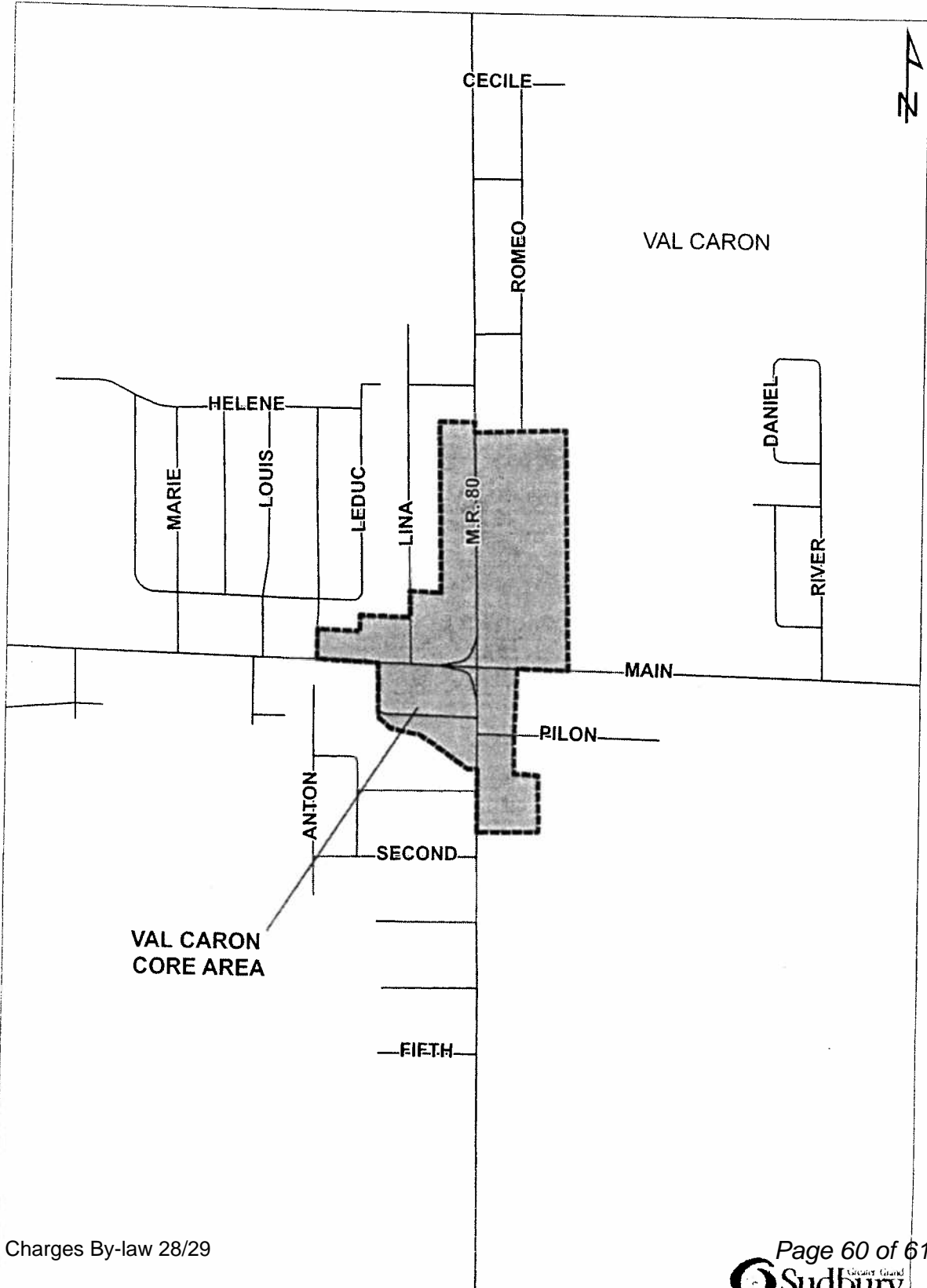
**SUDBURY DOWNTOWN
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



LEGEND
Development Charges By-law 27/29
DOWNTOWN

SCHEDULE "E7"
to By-law 2009-200F
of the City of Greater Sudbury

**VAL CARON CORE AREA
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**



SCHEDULE "E8"
to By-law 2009-200F
of the City of Greater Sudbury

**WALDEN TOWN CENTRE
AS DESIGNATED IN
THE CITY OF GREATER SUDBURY OFFICIAL PLAN**

