

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 / Conseillère
Janet Gasparini

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 9th, 2008 mercredi 9^e juillet 2008

at 12:30 pm à 12h 30

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



Agenda

For the 32nd Priorities Committee Meeting to be held on
Wednesday, July 9, 2008
Council Chamber, Tom Davies Square

12:30 pm

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

(32nd)

PRIORITIES COMMITTEE AGENDA

For the 32nd Priorities Committee Meeting
to be held on **Wednesday, July 9, 2008**
Council Chamber, Tom Davies Square at 12:30 pm

COUNCILLOR JANET GASPARINI, 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) 671-2489, extension 2471. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City web site at www.greatersudbury.ca.

DECLARATIONS OF PECUNIARY INTEREST

COUNCILLOR BRIEFING SESSIONS

POLICY DISCUSSION PAPERS - PRELIMINARY DISCUSSION

1. Report dated May 27, 2008 from the General Manager of Infrastructure Services regarding Tree Policy. **9 - 23**
(ELECTRONIC PRESENTATION) (RECOMMENDATION TO BE READ)
 - Robert M. Falcioni, P. Eng., Director of Roads and Transportation

(Review of the existing Tree Policy with recommendations for a new policy including a draft by-law.)
2. Report dated June 1, 2008 from the General Manager of Infrastructure Services regarding Adoption of a Quality Management System Policy for Water/Wastewater. **24 - 25**
(RECOMMENDATION TO BE READ)

(As legislated under the Safe Drinking Water Act, the Ministry of the Environment requires that municipalities implement a Drinking Water Quality Management Standard. As part of this requirement, Water & Wastewater Services must develop a Quality Management System policy and have it formally adopted via Council resolution. To this end, Council is being asked to pass a resolution to adopt the policy that Water & Wastewater Services has developed.)

POLICY DISCUSSION PAPERS - DECISION REQUESTED

3. Report dated June 30, 2008 from the Executive Director, Administrative Services regarding Procedure By-law Review. **26 - 33**
(RECOMMENDATION PREPARED)

(This report summarizes recommendations related to changes to the Procedure By-Law as it relates to meetings of Council and its Committees. The report also includes four options for meeting times, for discussion by Members of the Priorities Committee.)
4. Report dated June 19, 2008 from the Acting Fire Chief regarding Open Air Burning By-Law. **34 - 42**
(RECOMMENDATION PREPARED)

(Proposed amendments to the Open Air Burning By-law and enforcement plan options)

CORRESPONDENCE FOR INFORMATION ONLY

MANAGERS' REPORTS

ADDENDUM

CITIZEN DELEGATIONS

CITIZEN PETITIONS

MOTIONS

ADJOURNMENT (RECOMMENDATION PREPARED)

Councillor Gasparini
Chair

Franca Bortolussi
Council Secretary

COMITÉ DES PRIORITÉS ORDRE DU JOUR

Pour la 32^e réunion du Comité des priorités
qui aura lieu le **9 juillet 2008**
dans la Salle du Conseil, Place Tom Davies, à 12h 30

CONSEILLÈRE JANET GASPARINI, 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 705-671-2489, poste 2471; appareils de télécommunications pour les malentendants (ATS) 705-688-3919. Vous pouvez consulter l'ordre du jour au site Web de la Ville à l'adresse www.grandsudbury.ca.

Déclaration d'intérêt pécuniaire

SÉANCES D'INFORMATION DES CONSEILLERS

DOCUMENTS DE TRAVAIL SUR LES POLITIQUES – DISCUSSION PRÉLIMINAIRE

1. Rapport du directeur général des Services d'infrastructure, daté du 27 mai 2008 portant sur Politique sur les arbres. **9 - 23**
(PRÉSENTATION ÉLECTRONIQUE) (RECOMMANDATION À LIRE)
 - Robert M. Falcioni, ing., directeur des Routes et des Transports

(Examen de la Politique actuelle sur les arbres avec des recommandations pour une nouvelle politique y compris une ébauche de règlement.)
2. Rapport du directeur général des Services d'infrastructure, daté du 01 juin 2008 portant sur Adoption d'une politique sur le système de gestion de la qualité pour les eaux et les eaux usées. **24 - 25**
(RECOMMANDATION À LIRE)

(Comme le stipule la Loi sur la salubrité de l'eau potable, le ministère de l'Environnement exige que les municipalités mettent en œuvre une norme de gestion de la qualité de l'eau potable. Dans le cadre de cette exigence, les Services des eaux et des eaux usées doivent élaborer une politique en matière du système de gestion de la qualité et de la faire approuvée en bonne et due forme par une résolution du Conseil municipal. À cette fin, on demande au Conseil municipal d'adopter une résolution adoptant la politique qu'ont élaborée les Services des eaux et des eaux usées. Il n'y a aucune répercussion budgétaire associée à cette exigence particulière.)

DOCUMENTS DE TRAVAIL SUR LES POLITIQUES – DEMANDE DE DÉCISION

3. Rapport de la directrice exécutive des Services administratifs, daté du 30 juin 2008 portant sur Examen du règlement sur la procédure. **26 - 33**
(RECOMMANDATION PRÉPARÉE)

(Ce rapport résume des recommandations sur les modifications au règlement sur la procédure par rapport aux réunions du Conseil municipal et de ses comités. Ce rapport comprend aussi quatre options pour les heures de réunion, pour discussion par les membres du Comité des priorités.)
4. Rapport chef des pompiers par intérim, daté du 19 juin 2008 portant sur Règlement sur les feux en plein air et règlement sur la fumée nuisible. **34 - 42**
(RECOMMANDATION PRÉPARÉE)

CORRESPONDANCE À TITRE DE RENSEIGNEMENTS SEULEMENT

RAPPORTS DES GESTIONNAIRES

ADDENDA

DÉLÉGATIONS DE CITOYENS

PÉTITIONS DE CITOYENS

MOTIONS

LEVÉE DE LA SÉANCE (RECOMMANDATION PRÉPARÉE)

La Conseillère Gasparini,
Présidente

Franca Bortolussi,
Secrétaire du conseil



Request for Recommendation

Tree Policy

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 09, 2008
Report Date	Tuesday, May 27, 2008
Type:	Policy Discussion Papers - Preliminary Discussion

Recommendations

That Council adopt this policy as outlined in the report from the General Manager of Infrastructure Services dated May 27, 2008 and that the necessary By-Law be prepared.

Signed By

Report Prepared By
Clive Wood, C.E.T.
Advisor
Digitally Signed Jul 3, 08

Division Review
Robert Falcioni, P.Eng
Director of Roads and Transportation
Digitally Signed Jul 3, 08

Recommended by the Department
Greg Clausen, P.Eng
General Manager of Infrastructure Services
Digitally Signed Jul 3, 08

Recommended by the C.A.O.
Mark Mieto
Chief Administrative Officer
Digitally Signed Jul 4, 08

Background

Council requested a review and report on the existing Tree By-Law and tree services provided by the City. The existing Tree By-Law and Forestry employees emerged from the former City of Sudbury. The By-Law is dated 1984 (see Appendix 'A') and has existed unchanged since 1991. Staff have reviewed this By-Law as well as similar By-Laws governing trees in other municipalities across the country and are recommending it be replaced with an updated By-Law which falls under Part 3 of the Municipal Act, 2001, Sections 135 to 147.

Issues:

Requests for Forestry service including tree removals and pruning of trees on City property are received through the City's 311 system, recorded and forwarded to the Tree Warden for assessment. If the tree is healthy, the request is generally denied. The current By-Law does allow for removal of decayed and dangerous trees and certain trees (Section 709.4.6 of By-Law) that contribute to soil shrinkage, 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 \$5,000 (see Appendix 'A'). Other municipalities have similar provisions ranging from \$500 to \$100,000 (see Appendix 'C').

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

1. The criteria used to decide if and when to remove public trees.
2. Problems involving tree roots.
3. Species of trees and number of trees recommended to be planted.
4. Location of trees to be planted.
5. Fees charged for tree services and fines levied for By-Law infractions.

Each of these issues has been reviewed and recommendations provided to guide Council in selecting a tree by-law appropriate for the Greater City of Sudbury.

1. Criteria:

The overriding principle 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 of birds and animals.

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

The recommendations in this report and sample By-Law are intended for application to City right-of-way frontage of residential and commercial lots on publicly maintained roads. Reforestation efforts outside of the right-of-way by organizations such as: VETAC and the Junction Creek Stewardship Committee and trees planted on designated parkland are excluded from the Policy.

2. Problem Areas:

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

- Allergic reactions to trees/sap/insects/pollen.
- Stress caused by fear or dislike of trees and/or branches being blown down in a wind storm.
- Trees drop things on 'their' property such as; seeds, fruit, leaves, twigs, sap and insects which requires clean up and regular maintenance.
- Trees attract unwanted critters such as wasps, bees, caterpillars, birds, insects, chipmunks, squirrels, etc.
- Trees taking up too much space; are too big, roots ruin lawn, roots in sewers and basements. (Appendix 'B' explains the problems with roots in pipes and foundations). Trees damage roofs, eavestrough, paint, siding, driveway, other private trees, shrubs and flower beds.

In addition, the City's own development by widening roads and adding sidewalks can impact mature trees in the road right-of-way. In each of the above cases a Department Representative, (usually the Tree Warden) inspects the site and makes a formal written assessment of which a copy is left with the homeowner and the original is placed on file. If the homeowner is not satisfied with the decision and places a further complaint, a Management Supervisor reviews the file and contacts the complainant. Many complaints are received from new home purchasers moving in to properties with trees in their front yards, expecting 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, providing a true indication of how important a By-Law is required to preserve the tree canopy within the City.

3. Species:

Species of trees have been reviewed over the years to minimize the problem areas listed in number two (2) above as much as possible. This does not mean the City removes existing mature species no longer recommended but that we do not replace these species as they decline/die. Another factor of tree selection is lot size. Lot size in general has been shrinking in urban areas, thus providing less space for trees/root systems.

The list of species currently planted 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 are as follows:

Species of trees currently recommended for planting are:

Ash - fall gold, mountain, green

Locust - shade master

Maple - amur, tatarian, royal red, sugar

Hackberry

Hawthorn - thornless

Flowering Crab - royalty, spring snow, dolgo

Oak - burr, red

Japanese Lilac

Linden - pyramidal

Elm - prospector

Mayday

Species of trees not recommended nor approved 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, dirty

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)

Only one (1) tree is recommended to be planted per 12.3m (40ft) of lot frontage. Corner lots may be suitable for a tree on both street frontages. Location, surface, soil and ground conditions (rock / wetland) also have an impact on the decision of what species, if any tree can be planted on the lot. Smaller lots may also be able to support a tree, however trees selected may be of smaller species type. Larger lots may be able to support more trees of a larger species selection.

Council may also wish to consider whether property owners have a choice to have or not have a tree planted on municipal property in front of their residence by the City. Currently residents are given a choice whether they want a tree planted or not. They are offered one of the recommended species based on other trees planted near by (looking for diversity) and soil/lot conditions.

Although the City may have the right to plant a tree, some property owners for health or other reasons, may not desire a tree planted at the current time. The Tree Warden reviews those lots not yet planted annually to see if there is any change to the situation. A change in the situation could be generated by new homes being constructed, change in ownership of the property, damage or poor health of tree(s) planted. None of the above is meant to prevent any homeowner from requesting the City to plant a tree on municipal property adjacent to their property, however the current budget only allows for approximately eighty (80) new trees annually outside of the Subdivision Reserve Fund. Requests are taken, logged and processed on a first call basis.

The Subdivision Tree Reserve Fund was established to maintain tree development and maintenance of trees in subdivisions from a deposit required by the Developer for each lot frontage.

4. Location:

Trees require space, both above and below ground. The average 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 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.

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 and potential damage to these surfaces from the growth of the trunk or roots seeking surface water.

As the City of Greater Sudbury is geographically large and diverse, it supports many urban and rural communities within its bounds. The same requirements to maintain a tree canopy in high density urban areas where trees quickly become scarce may not need to apply in the same form to rural area's that may have "hundreds of acres of trees in their back yard", however caution should be applied to protect trees as development occurs.

Recommendations:

It is recommended that changes be made to the existing By-Law to update it and institute the following principles:

1. 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.
2. Healthy trees are not removed from municipal property for any reason, except where required by law (hydro/utilities), pose a danger that cannot be remedied, for the maintenance and construction of roads and sidewalks where other options are not available or upon recommendation from the City Solicitor for reasons seriously affecting corporate liability.
3. That requests for review/response/service to a tree(s) on municipal property be provided free of charge as it now is. However, other municipalities have various fee structures as listed in Appendix 'C'.
4. That for the purposes of this By-Law, the decision of the General Manager of Infrastructure Services or his designate is final for each application.
5. That a committee be formed from representatives of the Roads (including the 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.
6. 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.

It is recommended that a formal By-Law be prepared by Legal Services incorporating the recommendations outlined in this report.

PROPERTY MAINTENANCE

Chapter 709 TREES - PLANTING - CARE - REMOVAL

CHAPTER INDEX

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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 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 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 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.

APPENDIX "B"

Walkways, Driveways, Patios and Roots

The roots of trees can lift concrete or pavement when the hard surface treatment is located too close to the trunk of a tree

When planting a tree, make sure to leave enough room for the trunk to grow. To avoid damaging your walkway, driveway or patio at least 1.5m (5ft.) is recommended. Beyond this distance tree roots are not the cause of any heaving and cracking.

Heaving and cracking of walkways, driveways or patios is usually caused by the expansion and contraction caused by the winter freeze thaw cycles.

Further north there might be only one freeze thaw cycle per winter. In Toronto our climate is particularly difficult. We can have a number of freeze thaw cycles in one winter.

After each freeze thaw cycle the cracks and the heaving get a little worse. This is all happening while the roots are quietly dormant underground until after the spring thaw when they start to grow again. The roots then grow into the additional growing space created by the cracking and heaving.

Please do not blame trees and their roots for breaking and clogging water or drain pipes, or damaging foundations or cracking and heaving walkways, driveways or patios.
They didn't do it!

Roots are **not** harmful. But trees **are** helpful.

Please ask us to plant a tree on your street

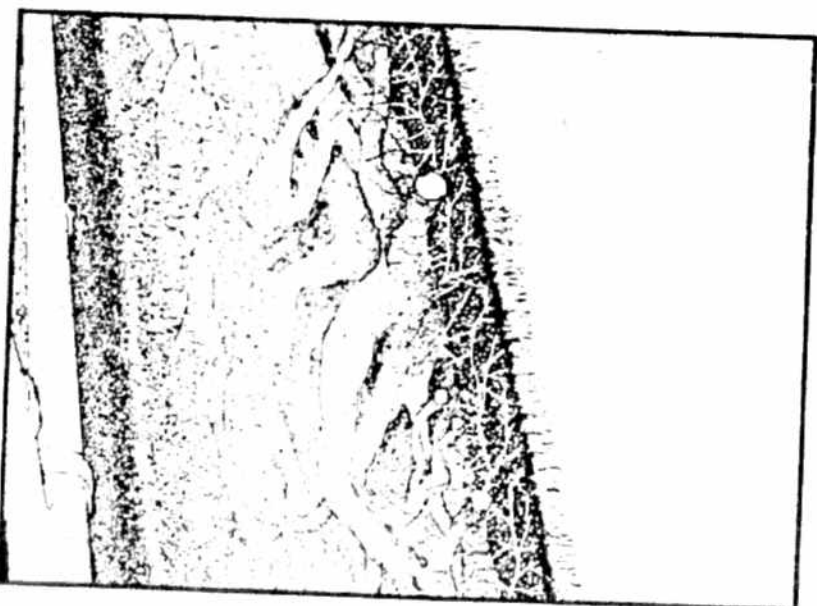
Call Urban Forestry at 416- 338- 8733



Parks, Forestry & Recreation

***Broken or clogged drain pipes?
Water coming through
the basement walls?
Cracked or heaving walkway
or driveway?***

***The problem is not
the roots!
Let's get to the
root of the problem!***



Parks, Forestry & Recreation

APPENDIX “C”

Name of City	Application Fees	Fines
Vancouver	\$55 removal for 1 st Tree \$156 removal for each subsequent tree	\$500 up to \$20,000
Halifax	None	\$100 up to \$5,000
Toronto	\$100 per tree non-construction \$300 per tree construction	\$500 up to \$100,000
Victoria	\$30 removal for 1 st Tree \$5 removal for each subsequent tree	\$1,500 1 st Tree \$3,000 for each subsequent tree
Regina	\$300 plus costs	Private up to \$2,000 Corporate up to \$5,000
Ottawa	N/A	Private \$1,000 per tree - 1 st conviction \$2,500 per tree, subsequent conviction Corporate \$5,000 per tree - 1 st conviction \$100,000 per tree, subsequent conviction
London	None	up to \$10,000 - 1 st conviction up to \$20,000 - 2 nd conviction

Request for Recommendation

Adoption of a Quality Management System Policy for Water/Wastewater

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 09, 2008
Report Date	Sunday, Jun 01, 2008
Type:	Policy Discussion Papers - Preliminary Discussion

Recommendations

That Council adopt by resolution the Quality Management System Policy that the Water & Wastewater Services Division has developed all in accordance with report from the General Manager of Infrastructure dated June 1, 2008.

Finance Implications

No financial implications.

Signed By

Report Prepared By

Alastair Cook
Compliance Supervisor
Digitally Signed Jun 30, 08

Division Review

Nick Benkovich
Director of Water/Wastewater Services
Digitally Signed Jul 1, 08

Recommended by the Department

Greg Clausen, P.Eng
General Manager of Infrastructure Services
Digitally Signed Jul 3, 08

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer
Digitally Signed Jul 4, 08

Background

As legislated under the Safe Drinking Water Act, the Ministry of the Environment (MOE) requires that municipalities implement a Quality Management System in order to maintain safe drinking water to residents. To facilitate this process, the MOE has developed a *Drinking Water Quality Management Standard* (DWQMS) which defines the process that municipalities must follow in order to become accredited as operating authorities for their drinking water systems. In essence, satisfying this requirement will require that Water & Wastewater Services develop an Operational Plan outlining the policies and procedures that have been put in place to guarantee compliance with the conditions set forth in the DWQMS. The time line imposed by the MOE requires that the City of Greater Sudbury's Operational Plan be submitted for approval by the 1st of February 2009.

One of the elements of the Operational Plan is the requirement to identify a quality management system policy which has been formally adopted by the Mayor and Council. To this end, Water & Wastewater Services has developed the following:

Quality Management System Policy

The City of Greater Sudbury is committed to providing its customers with safe drinking water and environmentally responsible wastewater treatment services that comply with all applicable legislation and regulations. To ensure that these commitments are fulfilled, the Water & Wastewater Services Division shall maintain and continually improve upon a Quality Management System designed specifically for this purpose.

By adopting the Quality Management System Policy by resolution, Council is demonstrating their commitment to the maintenance and continuous improvement of a quality management system for Water & Wastewater Services.

Therefore be it resolved that Council adopt by resolution the Quality Management System Policy that the Water & Wastewater Services Division has developed all in accordance with report from the General Manager of Infrastructure dated June 1, 2008.

Policy Discussion Papers - Decision Requested



Request for Recommendation

Procedure By-law Review

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 09, 2008
Report Date	Monday, Jun 30, 2008
Type:	Policy Discussion Papers - Decision Requested

Recommendations

That staff be directed to prepare a new Procedure By-Law which incorporates the recommendations contained in the report from the Executive Director, Administrative Services

And that Option _____ with regards to meeting times be selected for inclusion in the new Procedure by-Law.

Signed By

Report Prepared By
Caroline Hallsworth
Executive Director, Administrative Services
Digitally Signed Jul 4, 08

Recommended by the Department
Caroline Hallsworth
Executive Director, Administrative Services
Digitally Signed Jul 4, 08

Recommended by the C.A.O.
Mark Mieto
Chief Administrative Officer
Digitally Signed Jul 4, 08

Executive Summary:

The Procedure By-Law Review was undertaken with a view to simplifying meeting procedures as well as streamlining and updating the actual by-law. This report summarizes recommendations related to changes to the Procedure By-Law as it relates to meetings of Council and its committees. The report also includes four options for meeting times, for discussion by members of the Priorities Committee.

Background:

The Council Procedure By-Law 2006-100 was originally drafted at the time of the creation of the new City of Greater Sudbury and while it has subsequently been amended to reflect changes in process and procedures, including the creation of the Priorities Committee in 2002, there has been no comprehensive and systematic review of the by-law since that time.

As part of the consultations prior to January's Special Meeting of Council, a number of Councillors noted the need to streamline the work of Council and its committees and requested review of the frequency, structure and length of meetings. Further, staff identified the need to update the by-law to reflect current practices, as for example those related to the nomination process. Finally, as the organization moves to the production of agendas online, there are opportunities to simplify administrative processes which are currently embedded within the Procedure By-Law.

Over the course of the past two months, a staff team conducted individual interviews with eleven members of Council and members of the Senior Management Team and held small group sessions with key stakeholder departments, including Clerk's Services, Legal Services, Planning and Finance. The feedback received during these meetings was thoughtful, constructive and reflected the knowledge and experience of the participants, all of whom are thanked for their assistance in this regard.

Members of Council indicated that they wanted to structure meetings to be shorter, more effective and focus on decision making and the business of the municipality. Based on the feedback received at the meetings, there were several areas, including Presentations, Committees and Agenda Structure for which clear consensus or direction emerged from the participants. Recommendations related to these areas are summarized for the information of and confirmation by the Priorities Committee. The one area on which there were many, varied opinions and for which there is no clear consensus relates to meeting times. Accordingly, staff completed further research regarding practices in other jurisdictions and developed a series of three options for discussion and direction from the Priorities Committee.

Presentations:

Every individual who was consulted spoke to the need to move away from the current practices related to presentations, reflecting that there were too many presentations, that many presentations do not relate to municipal business, that presentations take a disproportionate amount of time on all agendas and that presentations detract from the ability of Council to focus its attention on debate and decision making. Councillors spoke to the need to limit the number, length and content of presentations and to introduce more structured guidelines related to presentations. Many of those consulted suggested strongly that there should be strict criteria for having presentations on the Council Agenda and that the majority of presentations should be required to be made at the committee level. Further, all members of Council reflected the need to strictly enforce time limitations on presentations and some suggested structuring the agenda to clearly reflect the time intervals allowed for each presentation.

Accordingly, having reviewed the feedback received and the practices of other municipalities a number of guidelines related to presentations are recommended for inclusion in the new Procedure By-Law.

Members of Council felt that the focus of Council meetings should be on debate and decision making and that there are very few presentations which should appropriately be made to Council. It is recommended that presentations to Council will be limited to those presentations which relate to a decision item on the agenda, or which significantly move forward municipal business. Visiting dignitaries would also be permitted to address Council. Councillors requested that there be a maximum of two or three presentations on any Council agenda and this will be incorporated into the by-law. Presentations to Council, being of more substantial nature, will be limited to ten minutes in length.

The majority of presentations will be made to Committees of Council. While the Priorities Committee remains one venue for community and information presentations, it was also suggested that many presentations can be directed to the Advisory Panels, Community Action Networks, affiliated Boards and similar bodies, whose mandates include hearing from, and providing advice related to community issues and awareness. Bodies which are accountable to City Council through budgets or funding arrangements could be encouraged to make presentations at Finance Committee or Priorities Committee, depending on whether the update was of a financial or more general nature. Given that most of these presentations are informational in nature, it is recommended that community presentations be restricted to five minutes each, with ten minutes allocated for follow-up questions and that staff presentations related to policy discussions or business on the agenda be limited to ten minutes with more flexibility around questions. Again, it is recommended that there be limits on the numbers of presentations to committees, being a maximum of two community information and two business related presentations at any meeting.

Through the consultations, it was noted that some bodies appear before Council and its committees on a more frequent basis. Several individuals suggested that annual reports from community groups, boards, committees and affiliated bodies, as for example, the Irish Regiment and Land Reclamation be provided in written format only and that these groups and bodies be permitted to present to committee only once per term of Council, unless otherwise so directed by Council or its Committees. For example, Council has, by way of resolution, directed the GSDC to provide quarterly updates to Council and these GSDC updates would continue if this recommendation is included in the by-law.

Committees:

Discussions related to committees can be divided into two groups; general items which relate to multiple committees and comments specific to a particular committee. Generally, there was a feeling that there are plenty of committees currently in place, that there is too much committee work and that there should be more control and thought given to when and how committees are created, when members of Council are required to sit on committees and when advisory work is made stronger by citizen engagement and involvement. While a few members of Council reflected on the potential roles of standing committees, more members reflected on the need for council to work together as committee of the whole to develop knowledge and make decisions on matters, like parks, roads and finances which impact the entire community. Recommendations related to presentations to committees have been noted above. Through the discussion process it was noted that there is a need to more clearly define the mandate and roles of each committee, so as to assist everyone in ensuring that decisions are referred to the appropriate committee or panel and this will be incorporated into the new by-law.

There was strong recognition of the need for a policy committee, with time and room for debate on policy

matters which impact to the community. Several members of Council expressed concerns that in its current format, the Priorities Committee is not achieving that goal and that agendas are too often informational and lacking substantive content. A number of members made suggestions related to the frequency and format of these meetings.

There was consensus that there are more Priorities Committee meetings than are necessary and that this is reflected in light agendas. It is recommended that the Priorities Committee move from meeting twice monthly, to meeting once monthly, with no meetings in the summer, and in December. This would have the additional benefit of freeing up one Wednesday evening per month, which evening can be used to schedule Finance meetings, or even to schedule the occasional additional Priorities Committee meeting if more time is required. Also, there was agreement that most policies can be dealt with in one meeting and so the two step process will be eliminated.

In terms of agenda content at Priorities Committee, councillors specifically asked for more time to discuss broader policy issues that impact on quality of life in the wards. In some cases, having an entire agenda dedicated to related policies or topics was thought to be of benefit, as for example having a whole agenda specific to infrastructure issues. Topics for which members of Council have requested more time and policy debate include:

- Blasting By-Law
- Development Charge Policy
- Infrastructure
- Parks and Recreation
- Road and Sidewalk Policies
- Sole Sourcing/Purchasing Policies
- Transit
- Water/WasteWater
- Winter Control Policies

While these specific items do not need to be embedded in the new by-law, they have been noted by staff who will begin work in this regard.

Members of Council felt that the most effective meetings are held at Tom Davies Square but noted that the idea of having periodic meetings with a focus on a specific ward should be preserved. When a Councillor has identified that a number of citizens are interested in attending the meeting, it has been suggested that a Transit bus might be used to bring those citizens to Tom Davies Square, rather than having the meeting move to other venues.

It has been suggested that the name of this committee, Priorities Committee, does not clearly convey the primary purpose of the committee and it is recommended that this committee be renamed to Policy Committee.

Through discussions with staff groups and members of Council, it is identified that there is potential to make better use of the existing Hearing Committee by having all matters which require a hearing body (with the exception of Planning matters which will continue to be heard at Planning) be referred to this committee. Examples of matters which would appropriately be heard by the Hearing Committee would include, but not be limited to: taxi license appeals; court of revision (drainage); development charge appeals; tax relief matters; business license appeals. It is further recommended that the membership of the Hearing Committee be structured in the same way as Planning Committee. This means it would be expanded from

three Councillors to five, so as to have a balanced hearing body and for ease in ensuring quorum and members would be appointed for the term of Council.

During discussions, several individuals commented about the budget process, which process has been addressed by the Chief Financial Officer, in a report to the Council meeting of June 25, 2008.

Agenda Structure:

Generally, most of those who mentioned the agenda format were pleased with current practice, and felt that the use of the consent agenda was an effective tool to manage more routine items of business.

Announcements and questions was an area to which much thought was given. Some individuals suggested that these two items be split and appear on different agendas as there is often insufficient time towards the end of the meeting. Accordingly, it is recommended that announcements be moved to the Priorities Committee agenda, with questions remaining on the Council agenda. Further, it was suggested that members be limited to speaking once in this portion of the agenda and that comments should be curtailed, either to two items per member or to two minutes per speaker. Through the fall, Clerk’s Services will experiment with different formats of electronic announcements, which might be displayed in Council Chambers prior to and after meetings so as to reduce the time required for announcements during the meetings.

Some members of Council requested that agendas be issued earlier to allow more time to read, reflect and follow-up with staff where questions arise. Effective for September, agenda packages will be produced and distributed on Thursday, instead of Friday.

It was noted that the current mix of minutes received by Council may not be the preferred mix. Accordingly, the Clerk will survey members of Council as to which minutes they wish to receive and which they may wish to discontinue receiving.

Meeting Times:

There was a considerable variety of preferred options identified as they relate to meeting times. While some members of Council expressed an interest in reducing evening meetings in favour of daytime meetings, other members indicated that it is their preference to have a break between daytime work and evening meetings.

On the other hand, staff were unanimous in requesting more day time meetings, citing the negative health and quality of life impacts of regularly scheduled twelve to fifteen hour work days. The comments made by staff reflect findings from the recently released Employee Feedback Survey. Across the corporation, the Impact of Job on Personal Life ranks 5th on the importance scale and workload rates 7th. The corporate results in these two areas reflect significant gaps between importance and ratings:

Impact of Job on Personal Life		
Perceived Importance 82.7%	Average Rating 51.4%	Importance Gap 31.3%

Workload		
Perceived Importance 81.7%	Average Rating 50.3%	Importance Gap 31.4%

In recent years, there has been a considerable body of research regarding quality of work life and work-life balance. As succession planning and recruitment become increasingly challenging, quality of life factors are increasingly important as individuals make career choices. Measures, like the Canadian Top 100 Employers consider several factors, including time away from work when evaluating work life. Polling has found that achieving a work-life balance is the number one indicator for a successful career, well ahead of other considerations, including, salary, title, and job responsibility. The benefits of achieving this balance exist for both the employee and the employer and include stronger employee retention, increased ability to effectively recruit talent, higher productivity, less work-related stress and absenteeism, and more female and family employees.

Earlier this year, the Ontario Government moved the working hours of the legislature to a 9:30 a.m. start time, with sessions to be concluded by 6:00 p.m. Question period is now held in the mornings. The government's stated rationale behind this move was an effort to be more family-friendly towards MPPs, and supporting workers. Commenting on the changes, in the Globe and Mail, Michael Bryant, the Liberal House Leader said:

"The goal is a 21st century legislature, to bring it out of the time of the gas lights and into the time of the Blackberry."

He also noted that the new sitting times

"Would allow those with families to make it to the child-care centre on time and to attend hockey games, dance recitals and family dinners."

Over the past few years, other legislatures have made similar changes, including British Columbia, Manitoba, and the Yukon Territories. A number of municipalities, including Toronto, Calgary, Saskatoon, Kingston, and Windsor have also moved to earlier meeting times. These changes have been a direct result of an attempt by employers to help employees achieve a work-life balance and to provide more family-friendly hours.

To assist Council in identifying an optimum time and duration for meetings, a summary of results from the Governance Municipal Survey which was conducted by the City of London in November 2007, is appended. The survey reflects a variety of meeting start times, including morning, early and late afternoon and evening meetings.

With regards to meeting times, there is some benefit to consistent meeting start times, making it easier for public, media and staff to follow and attend meetings, knowing with certainty when to expect all meetings to start. With the availability of webcasts of meetings, citizens who are not able to watch the live broadcast of meetings, can follow the meeting at a time of their own convenience.

Meeting Duration and End Times:

Article 14:06(3) of the Collective Bargaining Agreement for the Inside Unit of Local 4705 and Section 18(3) of the Employment Standards Act may impact on Council's decision regarding the end time for all

meetings. The Act states that *"An employer shall give an employee a period of at least eight hours free from the performance of work between shifts unless the total time worked on successive shifts does not exceed 13 hours or unless the employer and the employee agree otherwise."* For employees who begin work at 9:00 a.m., the thirteen hour provision is reached at 10:00 p.m. For employees who begin work at 8:30 a.m., the provision is reached at 9:30 p.m. To ensure compliance with the Employment Standards Act, it is recommended that the Procedure By-Law be amended to require unanimous consent of Council, or Committee for any and all meetings to continue past the hour of 10:00 p.m. Unless the 10:00 p.m. provision applies to the meeting, it is recommended that the practice of requiring 2/3rd majority to continue evening meetings after 3 hours and unanimous consent to continue after 4 hours be reflected in the by-law.

Meeting Time Options:

Option One:

Start all meetings at 2:00 p.m.

Option Two:

Start all meetings at 5:00 p.m.

Option Three:

Start Committee meetings at 2:00 p.m.

Start Council meetings at 6:00 p.m.

Option Four:

Start Committee meetings at 5:00 p.m.

Start Council meetings at 6:00 p.m.

Administrative Details:

As previously noted, there are a number of administrative items which can be simplified or removed from the by-law. For example, the entire "Mapping the Vision" document is included within the by-law as are the Terms of Reference for the Accessibility Advisory Panel and the Bicycle Advisory Panel, while Terms of Reference for the balance of the Advisory Panels are not included in the By-Law which exclusion provides for greater flexibility as panels evolve and change. The by-law currently contains considerable administrative detail, as for example describing staff processes for submitting items to the agenda or allowing staff to use the Council Lounge. As part of the Procedure By-Law Review, every effort will be made to focus the by-law on necessary inclusions only.

Next Steps:

Over the summer months, staff will take the direction received from the Priorities Committee and begin to develop a draft Procedure By-Law for finalization in the fall of 2008. It is anticipated that the new by-law will simplify meeting procedures and streamline process. Once the new by-law has been completed, a quick and simple guide to meeting procedures which can be easily referenced by members of Council and its Committees as well as by citizens will also be developed. In addition, the City Clerk will prepare a separate report regarding appointments to panels and committees.

Summary of Council Meeting Start Times and Average Meeting Duration

Municipality	Council Meeting Start Time	Average Council Meeting Duration
Brampton	1:00 p.m.	2 hours
Burnaby	7:00 p.m.	1 – 3 hours
Calgary	9:30 a.m.	8 – 10 hours
Durham	10:00 a.m.	NA
Gatineau	7:30 p.m.	NA
Edmonton	9:30 a.m.	12 hours
Halifax	6:00 p.m.	3 hours
Halton	9:30 a.m.	2 – 3 hours
Hamilton	7:00 p.m.	3 hours
Kitchener	7:00 p.m.	3 – 4 hours
Laval	8:00 p.m.	NA
Longueuil	7:00 p.m.	NA
Markham	7:00 p.m.	2 hours
Mississauga	9:00 a.m.	3 hours
Montreal	7:00 p.m.	NA
Niagara	7:00 p.m.	4 – 5 hours
Oakville	7:30 p.m.	2 – 3 hours
Oshawa	7:00 p.m.	4 hours
Ottawa	10:00 a.m.	NA
Peel	9:30 a.m.	6 hours
Quebec City	5:00 p.m.	NA
Regina	5:30 p.m.	20 min – 7 hours
Richmond Hill	7:30 p.m.	30 min
Saskatoon	6:00 p.m.	3 hours
St. Catherine's	6:30 p.m.	2.7 hours
Surrey	7:00 p.m.	NA
Toronto	9:30 a.m.	2 – 3 days
Vancouver	2:00 p.m.	2 – 5 hours
Vaughan	1:00 p.m.	2 hours
Waterloo	7:00 p.m.	1.5 – 2 hours
Windsor	6:00 p.m.	2 – 2.5 hours
Winnipeg	9:30 a.m.	NA
York	9:30 a.m.	4 hours

Source: Governance Municipal Survey – November 2007.

Request for Recommendation

Open Air Burning By-Law

Presented To:	Priorities Committee
Presented:	Wednesday, Jul 09, 2008
Report Date	Thursday, Jun 19, 2008
Type:	Policy Discussion Papers - Decision Requested

Recommendations

It is recommended that the Open Air Burning By-Law be amended as follows:

1. That daytime burning in the winter (November 1 - April 30) be allowed subject to the other restrictions as contained in the By-law are followed.
2. That ceremonial and group bonfires be allowed during daytime hours subject to approval and an inspection by Fire Services.
3. That an open fire be located a minimum of 6 meters (20 feet) from a structure.

It is recommended that Option #_____ be chosen for the enforcement of the Open Air Burning By-law.

Signed By

Report Prepared By

Marc Leduc
Acting Fire Chief.
Digitally Signed Jul 4, 08

Recommended by the Department

Marc Leduc
Acting Fire Chief.
Digitally Signed Jul 4, 08

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer
Digitally Signed Jul 4, 08

Finance Implications

If Option 2 or 3 are approved, a budget option will be prepared for the 2009 Budget based on Priorities Committee's direction.

Background

Fire Services Division

During the public input sessions, numerous concerns were raised about the existing by-law not being enforced and about the legality of enforcement. In order to address these matters the Fire Chief met with the By-law Enforcement officials and together made some moderate changes to the process to ensure enforcement is done consistently across the Community. As an interim measure, a form has been developed for use by Fire Fighters when responding to complaints.

Fire Services will continue responding to complaints for fire and smoke. Under the existing by-law, Fire Services have the authority to extinguish, or to direct a person to extinguish, any fire that is in violation of the by-law. Where there is a violation of the by-law, the Incident Commander may fill out a "Request for Prosecution" form. This form, along with a copy of the Fire Report, is then forwarded to the By-law Enforcement Section for processing.

The cost per call for Fire Services to respond to complaints varies. In areas covered by Career Fire Fighters the cost is basically the price of fuel and wear and tear on equipment. In the areas covered by Volunteer Fire Fighters the cost can range from \$ 100.00 to \$ 500.00.

We have also received additional information as to what other communities have in place for Open Air Burning.

City of North Bay: Residents in the urban area of the City are prohibited from open burning. This includes clay or stainless steel chimineas and outdoor fireplaces. Residents in the rural areas of the City may be approved for open burning provided a permit is obtained and all fire safety regulations are practiced.

In reviewing the Report submitted by Fire Services to the Priorities Committee on March 5, 2008, the following minor amendments are recommended:

1. Winter daytime burning – it was suggested by many at the public input sessions that it is not fair they cannot have daytime fires in the winter especially from a family standpoint where they may be out ice fishing on one of our over 300 city lakes and they cannot have a fire for fun, warmth and cooking. To address this concern, the Fire Chief is recommending that daytime burning in the winter (November 1 - April 30) be allowed following all other restrictions on size of fire, what can be burned etc., and which are already contained in the existing by-law.
2. Our current restrictions do not allow for open air daytime burning other than on fires via a permit process including an inspection by our staff. It was suggested that there are times this is not appropriate e.g. ceremonial fires for cultural issues; group bonfire activities for Scouts, carnivals, schools etc. To address this concern, the Fire Chief is recommending that these types of fires be considered pending an inspection by our staff and approvals based on meeting conditions set out in the inspection process which will mirror existing fire safety concerns in existing by-law.
3. The existing by-law requires an open fire to be located a minimum of 3 meters (10 feet) from a combustible structure. In order to accommodate the concerns of the public who do live in built up areas, we recommend increasing this distance to 6 meters (20 feet). Although this is not based on fire science but rather public input, it is supported by CGS Fire Services in order to accommodate the concerns raised in the public input sessions.

Compliance and Enforcement Section

Compliance and Enforcement can offer the following comments and options for enforcement of the Open Air Burning By-law:

Since the introduction of the Open Air Burning By-law, By-law Enforcement staff have worked hand in hand with Fire Services to ensure compliance to the by-law. This section has not received very many complaints regarding the by-law as most complaints are directed through Fire Services. Fire Services in turn has referred only a few complaints to this section for follow up prosecution. With this in mind, below are three options for the Committee's consideration:

Option 1: Enforcement Procedure to Remain Status Quo

Currently, Fire Services responds to initial complaints regarding the Open Air Burning By-law. If there is a need for follow up enforcement, the complaint is then turned over to the Compliance and Enforcement Section. This section reviews the information received from the Fire Service and if necessary a charge is laid. The complainant as well as the Fire Service personnel will then be required to attend court if a trial is set. This system has been in place for some time now however very few requests have come from the Fire Service for follow up enforcement.

Option 2: Enforcement to Operate a 2 Shift Schedule

Implement By-law Enforcement on a 2 shift schedule operating from 8:00 a.m. to 4:00 p.m., and the second shift would be from 4:00 p.m. to 12:00 a.m. Officers would be required to enforce all by-law complaints during this time period. This option could be an interim start up point and a 3 shift schedule could be implemented if needed. This option will affect staffing levels and will become a budget option. A report will have to be drafted for the fall of 2008 to show how this model could be implemented. This option may require some amendments to the Collective Bargaining Agreement.

Option 3: Enforcement to Operate 24/7 on Shift Work

This option would entail having enforcement officers working 7 hour shifts within a 24 hour period. This would also include weekends and holidays. Officers would be answering calls not only for smoke complaints but also complaints regarding noise, traffic and parking, property standards and all other calls which are now only investigated during the day shift.

If the Committee should consider this option, a review would have to be done of the whole section to determine the number of additional staff that would be required. This would become a major budget option and could be presented to the Finance Committee in the fall. This option may require some amendments to the Collective Bargaining Agreement.

Policy Discussion Papers - Preliminary Discussion



Request for Recommendation

Public Input Meetings on the City of Greater Sudbury's Open Air Burning By-law

Presented To:	Priorities Committee
Presented:	Wednesday, Mar 05, 2008
Report Date	Friday, Feb 22, 2008
Type:	Consent - Policy Discussion Papers - Preliminary Discussion

Recommendations

That the recommendations contained in the report of the Fire Chief dated February 22, 2008 regarding public input meetings on the Open Air Burning By-law be accepted and that By-law 2004-160 be amended.

Signed By

Report Prepared By

Donald Donaldson
Fire Chief

Digitally Signed Feb 29, 08

Recommended by the Department

Donald Donaldson
Fire Chief

Digitally Signed Feb 29, 08

Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer

Digitally Signed Feb 29, 08

Background

This report will provide a brief background and summarize the public input sessions held in January of 2008. Additionally, based on the public input received and further input from Fire Services, adjustments to the existing by-law will be recommended.

In the summer of 2007, several Council Members were contacted by their constituents expressing their discontent with the current by-law regulating open air burning.

In October of 2007, Fire Chief Donaldson met with the Mayor, Councillor Dutrisac and two members of her ward who had concerns regarding the harmful aspects of smoke. They were asking for a complete open air burning ban in the city core or other built up areas. This was in reference to the residential neighbourhoods, not commercial.

As a point of interest, we cannot argue the fact that smoke is bad – we do know that. Our Fire Fighters have expensive protective equipment to protect them from smoke and associated hazards, plus we have presumptuous legislation from WSIB that if after 20 years on the job a Fire Fighter gets certain cancers, it is presumed to be from the smoke on the job.

At this meeting, the Fire Chief explained that the existing open air burning by-law is reviewed every 2 – 3 years. As a result, the Chief suggested there should be some public input into any proposed changes, which was supported by those in attendance. However, it was also made very clear to all by the Mayor that an outright ban (being completely opposite to existing by-law) was not likely.

Councillor Dutrisac broached the subject with Council at a subsequent Council Meeting and it was asked for the Fire Service to conduct a review of the by-law including public input sessions and report back to Council prior to the end of March 2008. This report will summarize the actions since then and present recommendations.

In addition, a comparison with other Northern communities was conducted. The results of this comparison are summarized later in this report.

Input Sessions

There were five (5) public input sessions held across the community in order to receive as broad a base of community feedback as possible. The sessions are summarized in the table below.

LOCATION	DATE	APPROXIMATE ATTENDANCE	APPROXIMATE % FOR	APPROXIMATE % AGAINST
CITY COUNCIL CHAMBERS	January 14, 2008	100	70	30
GARSON ARENA	January 15, 2008	75	95	5
CHELMSFORD ARENA	January 17, 2008	50	90	10
T.M. DAVIES ARENA	January 21, 2008	60	90	10
HOWARD ARMSTRONG CENTRE	January 23, 2008	200	99	1
TOTALS (weighted averages)		485	90	10

In addition to Fire Services staff, Councillors Dutrisac, Caldarelli, Callaghan and Gasparini attended session #1; Councillor Dutrisac also attended sessions #3 and #4; no Councillors were present at either #2 nor #5. Session #5 had the date changed by Fire Chief and unfortunately this coincided with a Priorities Meeting of Council, so Council was double booked. This was explained to the public at the start of session #5 as there were questions as to where the Councillors were. The Fire Chief publicly accepted all responsibility at that time for the double booking. However, several of the public attendees did not feel comfortable with my explanation.

At this point it is very clear that the public input is very much in favour of keeping the existing by-law with some possible minor revisions. There does not seem to be an appetite from the public for wholesale changes.

This on the surface seems okay but there are opposing views especially from citizens in built up areas that should not be ignored even though they are very much in the minority.

All of the public input is available for viewing in the City Clerk's office. The above is a summary based on what was presented to Fire Services at the Public Input meetings.

Recommendation

During the initial by-law establishment (2003), Fire Services had a great deal of input into the parameters surrounding open air burning. These included distances from combustible structures; time constraints – no day time burning due to higher winds in the daytime along with higher temperatures increasing risk of fire spread; fire size restrictions etc. Based on those inputs there is no reason from a fire safety standpoint that there should be any changes with the following exceptions (based on public input).

1. Winter daytime burning – it was suggested by many at the input sessions that it is not

fair they cannot have daytime fires in the winter especially from a family standpoint where they may be out with the family ice fishing on one of our over 300 city lakes and they cannot have a fire for fun, warmth and cooking. To address this concern, the Fire Chief is recommending that daytime burning in the winter (November 1 - April 30) be allowed following all other restrictions on size of fire, what can be burned etc., and which are already contained in the existing by-law.

2. Our current restrictions do not allow for open air daytime burning other than on fires via a permit process including an inspection by our staff. It was suggested that there are times this is not appropriate e.g. ceremonial fires for cultural issues; group bonfire activities for Scouts, carnivals, schools etc. To address this concern, the Fire Chief is recommending that these types of fires be considered pending an inspection by our staff and approvals based on meeting conditions set out in the inspection process which will mirror existing fire safety concerns in existing by-law.

There are no other changes recommended by the Fire Services from a fire protection perspective. However, based on the public feedback, there is one more recommendation being presented representing the public viewpoint.

3. The existing by-law requires an open fire to be located a minimum of 3 meters (10 feet) from a combustible structure. In order to accommodate the concerns of the public who do live in built up areas, we recommend increasing this distance to 6 meters (20 feet). Although this is not based on fire science but rather public input, it is supported by CGS Fire Services in order to accommodate the concerns raised in the public input sessions.

Further to this information, according to Communiqué 2005-09 and the Q & A (which is a guideline from the O.F.M. to provide Fire Departments and municipal officials with measures that could be considered to manage open air burning within their communities), states that the Fire Chief is “not empowered to enforce the Environmental Protection Act”. Based on this, the Fire Chief (and by extension, the Fire Service) has no authority to deal with smoke complaints. The majority of concerns about open air burning raised were about smoke issues. Additionally, the majority of calls that CGS Fire Services responds to about open air burning (about 200 - 250 per year) are based on smoke matters, which we should not be getting involved with. If this is supported by Council, Fire Services will change their operating procedures so that we do not respond and deal with smoke complaints.

It should also be noted that the Ministry of Environment (MOE) recommends that in order to address smoke concerns the fire should be set at a minimum of 150 meters (500 feet) from any building. If we follow this, there will effectively be no open air burning within the city except for large open tracts of land. It is very clear from the public input sessions that the majority of citizens are not in favour of such a recommendation. The above recommendation (#3) does attempt to address concerns about smoke but it is not in the Fire Services responsibility to do so.

Enforcement

During the input sessions, we heard numerous concerns about the existing by-law not being enforced and about the legality of enforcement. In order to address these matters the Fire Chief has met with the By-law officials and together we are making changes to the process to ensure enforcement is done consistently across the community.

Community Comparisons

As part of this process, we asked other Northern communities for their input as to what is done in their community.

Sault Ste. Marie

They do not have an open air burning by-law.

West Nipissing

Again, they do not have an open air burning by-law. They attempt to use the Ontario Fire Code to enforce open air burning.

Espanola

They are in the process of developing an open air burning by-law but have nothing at this time.

Elliot Lake

They break the community into urban and rural sections. Fire size and time of burning (evenings), along with the other safety concerns built into CGS by-law is identical to our by-law. The rural portion allows for bigger fires, similar to our use of permits for agricultural burns.

Baldwin Township (McKerrow)

They have a by-law very similar to our existing by-law.

Huntsville

They have a permit system similar to our by-law to address large rural agricultural burns and also for fires to be set during the daytime. For recreational burning, the size is identical to the size limit in our by-law. The distance requirements are that the fire must be a minimum of 6 meters (20 feet) from adjacent properties in all directions.

To summarize this comparison, it is very easy to see that most of the by-laws are very similar. The fire safety concerns built into each are almost identical giving credibility to the fire safety measures contained within these by-laws. Copies of these by-laws are available from Fire Services Administration staff.

Conclusion

We allowed equal opportunity for all to comment publicly or provide a written input. There was a great deal of public participation, roughly 500 persons attended the public sessions which is very high for a public input in general. Additionally, we received a large number of submissions post the public sessions with citizen views and input. All of these were equally considered in providing this report to council.

It is clear; there are two opposing views about open air burning in this community. One view is the long standing tradition of fires for family and social events, which is seen as a benefit of living in this Northern community, particularly for those who live on one of our over 300 lakes. The other view is that we should progress to the 21st century and ban any and all pollution including smoke from fires or wood stoves. Fire Services has no jurisdiction with regard to the smoke from wood stoves inside a dwelling or any other structure.

The recommendations in this report are based on the public input and also on fire science and public safety.