



City of Hamilton

CITY COUNCIL REVISED

20-008

Wednesday, April 22, 2020, 9:30 A.M.
Council Chambers, Hamilton City Hall
71 Main Street West

Call to Order

1. **APPROVAL OF AGENDA**

(Added Items, if applicable, will be noted with *)

2. **DECLARATIONS OF INTEREST**

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

3.1 April 15, 2020

4. **COMMUNICATIONS**

4.1 Correspondence requesting that City Council temporarily close James Street North, in Ward 2, for the duration of the pandemic to allow more space for residents who are using sidewalks for walking and roadways for biking:

4.1.a Roberta Trunfio

4.1.b Eugene Ellmen

4.1.c Petition

4.1.d Deborah Field

Recommendation: Be received and referred to the City's Emergency Operation Centre (EOC) for appropriate action.

4.2 Correspondence requesting that Council urge the Premier to change the designation of community gardens under the Emergency Measures legislation from "recreational areas" to "essential supply services":

4.2.a Edgar Rogalski

4.2.b Dr. J. David Moffatt

Recommendation: Be received and referred to the City's Emergency Operation Centre (EOC) for appropriate action.

4.3 Correspondence from the Ministry of Municipal Affairs and Housing respecting the 2020-21 Investment Plan Approval for the Community Homelessness Prevention Initiative.

Recommendation: Be received.

4.4 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the issuance of an emergency order under the EMCPA (O. Reg. 157/20) to provide municipalities with the flexibility to deploy certain staff to where they are needed most.

Recommendation: Be received.

5. COMMITTEE OF THE WHOLE

5.1 CONSENT ITEMS

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

*5.2.a Written Delegations respecting Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administration Penalty By-law 17-225 (Item 5.4(d)):

*5.2.a.a KimKarin Rausch

*5.2.a.b Marlene & David Girvan

*5.2.a.c Max DiFelice

- *5.2.a.d Nathan Helder
- *5.2.a.e Robert Pratt
- *5.2.a.f Pat & Vic Ancona
- *5.2.a.g Pat & Art Linde
- *5.2.a.h Richard Robertson
- *5.2.a.i Evan Edmundson
- *5.2.a.j Mr. & Mrs. Lorne Holley

Recommendation: Be received and referred to the consideration of Item 5.4 (d).

5.3 STAFF PRESENTATIONS

5.4 DISCUSSION ITEMS

- 5.4.a Old Dundas Road (HC005) Wastewater Pumping Station Upgrades (PW20018) (Ward 12)
- 5.4.b Town of Grimsby / City of Hamilton Supply of Water Agreement (FCS20027) (City Wide)
- 5.4.c 2020 Tax Policies and Area Rating (FCS20039) (City Wide)
- 5.4.d Repeal and Replace Public Nuisance By-law 09-110 and Amend Administrative Penalty By-law 17-225 (PED20076) (City Wide)
- 5.4.e Main West Esplanade Business Improvement Area Proposed 2020 Budget and Schedule of Payment (PED20092) (Ward 1)

6. MOTIONS

- 6.1 Financial Support to Renovate the Spiritual Room and Office for Hamilton Regional Indian Centre at 95 Hess Street South, Hamilton

7. NOTICES OF MOTIONS

- *7.1 Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

9.1 Closed Session Minutes - April 15, 2020

Pursuant to Section 8.1, Sub-sections (b), (d), (f), (h) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (f), (h) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees; labour relations or employee negotiations; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

9.2 Lease Extension and Amending Agreement – Sherwood Library Branch, 467 Upper Ottawa Street, Hamilton (PED20066)

Pursuant to Section 8.1, Sub-sections (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

9.3 Disposition of City-owned Industrial Land (PED20086) (Ward 11)

Pursuant to Section 8.1, Sub-sections (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes

9.4 Assignment of Agreement of Purchase and Sale for the Acquisition of Employment Lands Development (PED20095) (Ward 2)

Pursuant to Section 8.1, Sub-section (c) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (c) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City

10. BY-LAWS AND CONFIRMING BY-LAW

10.1 075

Respecting Removal of Part Lot Control, Blocks 95 and 96, Registered Plan No. 62M-1249 "Empire Caterini – Phase 1", municipally known as 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, and 427 Pumpkin Pass

PLC-19-037

Ward: 11

10.2 076

To Permanently close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

Ward: 13

10.3 077

To Repeal and Replace By-law No. 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton; and to Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties

Ward: City Wide

10.4 078

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-007

9:30 a.m.

April 15, 2020

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla (Deputy Mayor), C. Collins, T. Jackson, E. Pauls, J.P. Danko, B. Clark, M. Pearson, L. Ferguson, A. VanderBeek, J. Partridge, T. Whitehead and B. Johnson.

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS (Item 4)

- 4.3 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to requests from municipalities and AMO for the government to introduce legislation for the suspension of specific timelines associated with land use planning matters that could be applied retroactively to the date that an emergency was declared.

Recommendation: Be received.

6. COMMITTEE OF THE WHOLE (Item 6)

6.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

- 6.2 (a) Written Delegation from Cameron Kroetsch respecting PED20087 (Item 6.4(b)) requesting that Committee of the Whole defer the item until such time as the Province of Ontario lifts its emergency orders.

Recommendation: Be received and referred to the consideration of Item 6.4 (b)

6.4 DISCUSSION ITEMS

- 6.4 (f) Financial Implications of COVID-19 Response (FCS20040) (City Wide)

(Pearson/Partridge)

That the agenda for the April 15, 2020 meeting of Council be approved, ***as amended***.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest to Item 6.4 (c) respecting Report PED19207(a), Proposed Amendments to the Ontario Regulation 244/97 (Aggregate Resources) - Request for Comments as a family member is employed in the aggregate industry.

APPROVAL OF MINUTES OF PREVIOUS MEETING**3.1 April 8, 2020 (Item 3.1)****(Partridge/Whitehead)**

That the Minutes of the April 8, 2020 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS**(Merulla/Farr)**

That Council Communications 4.1 to 4.3 be approved, as presented, as follows:

- 4.1 Correspondence from LANDx Developments Ltd. respecting 393 Rymal Road West, Hamilton and 2020 Planning Application Fees for the Redevelopment of the St. Elizabeth Village

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.2 Correspondence from the Town of Midland to the Right Honourable Justin Trudeau, Prime Minister of Canada requesting Direct Payment of Federal Funds to Municipalities to Waive Property Taxes for the Year 2020 - Financial help to alleviate the suffering from COVID-19 Pandemic.

Recommendation: Be received.

- 4.3 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to requests from municipalities and AMO for the government to introduce legislation for the suspension of specific timelines associated with land use

planning matters that could be applied retroactively to the date that an emergency was declared.

Recommendation: Be received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Clark/Merulla)

That Item 6.4 (f) respecting Financial Implications of COVID-19 Response (FCS20040), be considered at this time.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

COMMITTEE OF THE WHOLE

6.4 DISCUSSION ITEMS**6.4 (f) Financial Implications of COVID-19 Response (FCS20040) (City Wide)****(Collins/Ferguson)**

That the Motion respecting Report FCS20040, Financial Implications of COVID-19 Response, be amended by adding a new sub-section (c), to read as follows:

- (c) *That staff be directed to develop a list of capital projects that may be delayed to offset the anticipated negative budget variance for 2020.***

Result: Amendment CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

The Main Motion as Amended reads as follows:

- (a) That the City of Hamilton participate in efforts with other municipalities seeking financial support from senior levels of government for the financial impact of COVID-19 pandemic;
- (b) That the City Clerk forward Report FCS20040 to local MPs, local MPPs, the Federation of Canadian Municipalities and the Association of Municipalities Ontario; and
- (c) *That staff be directed to develop a list of capital projects that may be delayed to offset the anticipated negative budget variance for 2020.***

Result: Main Motion, As Amended, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PRIVATE & CONFIDENTIAL

(Pauls/Clark)

That Council move into Closed Session respecting Items 5.1, 5.2 and 5.3, pursuant to Section 8.1, Sub-sections (b), (d), (f), (h) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (d), (f), (h) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees; labour relations or employee negotiations; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.1. Hamilton Transportation Task Force Update (CM20002(c)) (City Wide)

(Clark/Partridge)

That Report CM2002(c) respecting Hamilton Transportation Task Force Update, be received and remain confidential.

Result: Motion CARRIED by a vote of 13 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NO - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.2. Human Resources and Financial Considerations Arising from COVID-19 (HUR20007)

(Pauls/Pearson)

(a) That the direction provided to staff in Closed Session, respecting Report HUR20007 respecting Human Resources and Financial Considerations Arising from COVID-19, be approved; and

(b) That Report HUR20007 respecting Human Resources and Financial Considerations Arising from COVID-19, remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES- Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Clark)

That Council move into Committee of the Whole.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES- Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMITTEE OF THE WHOLE - CONTINUED

6.1 CONSENT ITEMS

6.1 (a) Annual Report on Building Permit Fees (PED20065) (City Wide)

(Collins/Farr)

That Report PED20065 respecting the Annual Report on Building Permit Fees, be received.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

6.2 (a) Written Delegation from Cameron Kroetsch respecting PED20087 (Item 6.4(b)) requesting that Committee of the Whole defer the item until such time as the Province of Ontario lifts its emergency orders.

(Collins/Farr)

That the written delegation from Cameron Kroetsch respecting PED20087 (Item 6.4(b)) requesting that Committee of the Whole defer the item until such time as the Province of Ontario lifts its emergency orders, be received and referred to the consideration of Item 6.4 (b).

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.4 DISCUSSION ITEMS - Continued

6.4 (a) Demolition Permit - 393 Rymal Road West (PED20057) (Ward 8)

(Whitehead/Danko)

- (a) That the Chief Building Official be authorized to issue a demolition permit for 393 Rymal Road West in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:
- (i) That the applicant has applied for and received a building permit for a replacement building on this property;
 - (ii) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (a) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (b) is a lien or charge on the property until paid; and
 - (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

6.4 (b) Hamilton-Wentworth Catholic District School Board Property at 185 Park Street North, Hamilton (PED20087) (Ward 2)

(Farr/Whitehead)

That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCDSB) that the City of Hamilton has no interest in acquiring its property located at 185 Park Street North, Hamilton, as shown on Appendix "A" attached to Report PED20087.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

6.4 (c) Proposed Amendments to the Ontario Regulation 244/97 (Aggregate Resources) - Request for Comments (PED19207(a))

(Partridge/Clark)

- (a) That the City of Hamilton supports the regulatory changes to Ontario Regulation 244/97 (Aggregate Resources) that are intended to:
 - (i) improve the notification and consultation process for licence applications;
 - (ii) modernize the site plan process; and,
 - (iii) require the submission of additional studies be completed to address provincial land use planning policy for all licence applications.

- (b) That the City requests the following additional changes to Ontario Regulation 244/97 to:
- (i) require aggregate operators to use the latest technologies for data collection for air quality, ground and surface water monitoring to ensure more accurate and current information is available to the municipality and the public;
 - (ii) require the notification distance for licence application be the same for both landowners and residents and to add a new requirement that notification distance would be a minimum of 500 m or within the area of influence, whichever is greater;
 - (iii) require aggregate operators to make the annual compliance readily available by posting it on the Ministry of Natural Resources (MNR) and the aggregate operator's website; and,
 - (iv) amend the site plan requirements:
 - 1. to include a review of the past, current and future impacts on water resources for expansions below the water table; and,
 - 2. to require that rehabilitation plans for a quarry/pit to be updated every 10 years to ensure the rehabilitation measures are current and appropriate since there is no defined time frame as to when the rehabilitation plan has to be implemented. The updated plans must be reviewed by the municipality and the appropriate Conservation Authority.
- (c) That Report PED19207(a) be forwarded to the Province. This Report is considered the City of Hamilton's formal comments on ERO Posting 019-1303.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.4 (d) Bill 108 "*More Homes, More Choice Act, 2019*" - Proposed Regulations Comment Submission related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406) (FCS19057(b) / LS19023(b)) (City Wide)

(Whitehead/Pauls)

- (a) That Council endorse the comments, recommendations and requests contained within Appendix "A" attached to Report FCS19057(b) / LS19023(b) related to the Province's proposed changes related to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406);
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to submit to the Province, the letter attached as Appendix "A" to Report FCS19057(b) / LS19023(b), as the City's official comments related to the Province's proposed changes to the Community Benefits Authority under the *Planning Act*, the *Development Charges Act*, and the *Building Code Act* (ERO 019-1406);
- (c) That the General Manager of Finance and Corporate Services, in consultation with the City Solicitor, be authorized to make submissions on *Bill 108, More Homes, More Choice Act, 2019* and any associated regulations consistent with the concerns raised in Report FCS19057(b) / LS19023(b) and Appendix "A";
- (d) That the City Clerk forward Report FCS19057(b) / LS19023(b) to the Ministry of Municipal Affairs and Housing, the Ministry of Environment, Conservation and Parks, Hamilton's Members of Provincial Parliament (Donna Skelly - Flamborough—Glanbrook, Andrea Horwath - Hamilton Centre, Paul Miller - Hamilton East—Stoney Creek, Monique Taylor - Hamilton Mountain and Sandy Shaw - Hamilton West—Ancaster—Dundas) and the Association of Municipalities Ontario.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

**6.4 (e) Valley Park Community Centre and Library Expansion (PW20019)
(Ward 9)**

(Pearson/Partridge)

(a) That the Policy #11 – Non-competitive Procurement for the expansion of services pertaining to C11-02-17 for the Prime Design Consultant Services Required for the New Valley Park Branch Library and Renovation Project be approved and that the General Manager, Public Works Department be authorized to negotiate and extend the existing Contract and any ancillary documents required to give effect thereto with McCallum Sather Architects Inc, in a form satisfactory to the City Solicitor;

(b) That Appendix 'A' to Report PW20019 remain confidential.

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla

NOT PRESENT - Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

YES - Ward 14 Councillor Terry Whitehead

NOT PRESENT - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

(Farr/Clark)

That the Committee of the Whole Rise and Report.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

STATEMENTS BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

BY-LAWS

(Farr/VanderBeek)

That Bills No. 20-058 to 20-074, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 058 To Repeal and Replace By-law No. 19-238 Respecting the Removal of Part Lot Control from Lot 138 on Registered Plan No. 865 "North Airfield Park" known as 27 Grimsby Avenue and 752 Britannia Avenue
PLC-18-006
Ward: 4
- 059 To Establish City of Hamilton Land Described as Block 59 on Plan 62M-1105 as Part of Tanglewood Drive
Ward: 11
- 060 To Establish City of Hamilton Land Described as Blocks 207, 224, and 225 on Plan 62M-1157 as Part of Burke Street
Ward: 15
- 061 To Establish City of Hamilton Land Described as Blocks 208, 221, and 223 on Plan 62M-1157 as Part of Skinner Road
Ward: 15
- 062 To Establish City of Hamilton Land Described as Block 59 on Plan 62M-1171 as Part of Chambers Drive
Ward: 12
- 063 To Establish City of Hamilton Land Described as Block 242 on Plan 62M-1238 as Part of Valley Trail Place
Ward: 15

- 064 To Establish City of Hamilton Land Described as Blocks 244, 253, 255, and 257 on Plan 62M-1238 as Part of Skinner Road
Ward: 15
- 065 To Establish City of Hamilton Land Described as Blocks 245, 247, and 251 on Plan 62M-1238 as Part of Agro Street
Ward: 15
- 066 To Establish City of Hamilton Land Described as Block 246 on Plan 62M-1238 as Part of Kenesky Drive
Ward: 15
- 067 To Establish City of Hamilton Land Described as Blocks 248 and 249 on Plan 62M-1238 as Part of Avanati Crescent
Ward: 15
- 068 To Establish City of Hamilton Land Described as Block 250 on Plan 62M-1238 as Part of McDonough Gardens
Ward: 15
- 069 To Establish City of Hamilton Land Described as Block 252 on Plan 62M-1238 as Part of Mountainside Place
Ward: 15
- 070 To Establish City of Hamilton Land Described as Block 254 on Plan 62M-1238 as Part of Trailbank Gardens
Ward: 15
- 071 To Establish City of Hamilton Land Described as Block 256 on Plan 62M-1238 as Part of Great Falls Boulevard
Ward: 15
- 072 To Establish City of Hamilton Land Described as Block 258 on Plan 62M-1238 as Part of Humphrey Street
Ward: 15
- 073 Respecting Removal of Part Lot Control, Parts of Blocks 8, 9, 11, 12, 21 to 25, Registered Plan No. 62M-1241, municipally known as 59 and 62 Foothills Lane; 4, 9, 14 and 17 Zinfadel Drive; 101, 111, 117, 126, 130 and 131 Sonoma Lane; 1, 46, 50, 56 to 59 and 63 Pinot Crescent
Ward: 10
PLC-20-005
- 074 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pauls/Danko)

That, there being no further business, City Council be adjourned at 3:37 p.m. on April 15, 2020.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

Pilon, Janet

Subject: Opposition to correspondence on temporary closure of James St N that will be submitted for the City Council meeting on April 15th.

From: Ro Tru

Sent: Monday, April 13, 2020 6:47 PM

To: clerk@hamilton.ca

Subject: Opposition to correspondence on temporary closure of James St N that will be submitted for the City Council meeting on April 15th.

Dear Mayor Fred Eisenberger and City Council,

I understand that you will be receiving a proposal to temporarily close a section of James Street North to allow pedestrians more space to walk/cycle and practice safe social distancing during this pandemic.

I, along with many people that I have spoken to (in my personal life and as an admin of a North End Facebook group with over 1,000+ members) do not believe this is a good idea.

I will add some points, some questions and some concerns that I personally have about this which I hope you will consider before making a final decision on this proposal.

First I'd like to express my concern that the original proposal is open for anyone to sign. Non-residents of the North End should not have a say in a decision that will likely not impact their lives personally.

It is my hope that if this is seriously considered, that the constituents of Ward 2 will be allowed to vote or at least attend a virtual town hall where they can have their say on the matter.

The original author of this proposal posits that shutting down James North would be an "easy task", just like "Supercrawl". Premier Ford is expected to announce tomorrow (Tuesday April 14) that he will be extending the Ontario State of Emergency to 28 more days.

28 days minimum is not comparable to a 4 day event road closure.

The original author of this proposal posits that Emergency vehicles be allowed to use the closed roads. If barricades are put in place, does that mean emergency workers would have to stop, open the barricade, move their vehicle and then close the barricade behind them? We all know when there's an emergency time is of the essence. This would waste time that emergency workers frankly don't have.

Speaking of barricades, what kind of barricades would they be? Plastic? Cement?

Would regular drivers be physically able to move them? Will there be people monitoring these barricades to make sure citizens are not moving them? Would fines be given out if people moved the barricades?

The original author of this proposal posits that city council can look to other cities around North/South America that are conducting similar street closures for ideas. If city council were to do this would they be paying out consultancy fees?

The original author of this proposal posits that people who need to get to work will be able to use James Street North more effectively with the road being closed & will be better able to practice safe social distancing. At the risk of sounding insensitive (which is not my intention) we could suggest that they use a side street? After all, side streets (let's say like Hughson or Macnab) tend to have less foot traffic anyway.

They most likely can walk the side streets without really coming into contact with anyone. Why is the solution they are putting forward to close down a major street in order for them to walk to work etc?

One of the other points that was brought up was that it would be good for people to get out, get some fresh air & stretch their legs. And I wholeheartedly agree. Being stuck in your home for days on end is not good for body mind or soul. With a street closure though, I wonder if people will look at this as an open invitation to "hang out", "play in the street" etc.

Street parking can be an issue in the North End if you don't have your own driveway. I don't know how large of a section of James North they want to temporarily close as it wasn't in any of the material that I read, but because they used Supercrawl as their model, I will use that as well.

You're looking at an area that roughly spans Barton to King or 4 to 5 blocks. Any cars that normally park will have to compete with people already short on parking spaces on side streets.

Not to mention a road closure of that size will impact the following bus routes:

- 2-Barton
- 3-Cannon
- 4-Bayfront
- 6-Aberdeen
- 7-Locke
- 8-York
- 20-A Line

Again, a few days versus 28 days or longer is a big difference.

Finally, I would like to talk about something that is personal to my situation. 2020 has unfortunately not been a good year (though I'm hopeful for the latter half).

I was in physio for a back injury (obviously that's on hiatus for now) and the transmission on our car broke down. Therefore, I rely on services like Instacart or Skip The Dishes to get food/groceries.

Sure, there are a few variety stores in my area but we all know how much they mark prices up and they're not offering the healthiest food options. The bottom line is carrying heavy groceries is not an option for me right now.

I can think of many people who are in the same boat. People who have a physical disability, people who are ill and the elderly just to name a few.

There are many people who rely on grocery delivery services and that includes having the delivery person come right to our doors. Proposing a street closure of this size for this long, could be problematic if people use any of these services to get food. When this was my response in a group discussing this, I was told that the most people would have to walk is a few minutes to meet your delivery on a side street.

Not everyone has the privilege of good health or even good physical strength to carry those groceries back home.

So I would ask to keep compromised people in mind who may need these services and how a road closure may negatively impact people trying to get food.

I hope I have presented a thorough counter argument to closing down a major street in Hamilton. I understand that some creative problem-solving has to happen here in order to make this pandemic as comfortable as possible for as many people as possible. I think the original authors heart is in the right place. I think it goes without saying that we all want safer streets and a healthier environment. Maybe this starts a conversation about how City planning should go in the future. Maybe sidewalks need to be wider and road sizes need to be reduced etc.

I just don't believe the decisions that could be quite impactful should be made during a pandemic unless it's an absolute necessity. We have already been impacted enough, our lives have already changed so much in such a short amount of time. And I have heard so much opposition to this idea and was asked by several people to write in that I felt it was my duty to at least be a voice for the people opposed.

Thank you for your time.

Yours,

Roberta Trunfio

Resident of Ward 2

Pilon, Janet

Subject: Closure of James Street North during covid 19

From: Eugene Ellmen

Sent: Monday, April 13, 2020 11:41 PM

To: clerk@hamilton.ca

Subject: Closure of James Street North during covid 19

Mayor Eisenberger and City Council:

The following letter pertains to the idea of temporarily restricting non-emergency motorized vehicles to some of the city's streets - similar to events such as Supercrawl, Locke Street Festival, and Concession Street Fair.

We, the undersigned, are asking City Council to temporarily close James Street North, in Ward 2, for the duration of the pandemic to allow more space for residents who are using sidewalks for walking and roadways for biking. We think that this closure could act as a "pilot" to spur the closure of other streets in Hamilton.

We chose James Street North because it has been habitually closed for events like Supercrawl and, therefore, its closure would put less of a burden on City staff to come up with workarounds for public transit and other regular services and allow them the lead time needed to anticipate and plan for other road closures.

Dozens of other cities around the world including Toronto, Vancouver and Calgary have already deployed these types of actions in order to help walking, biking, and outdoor respite-taking in accordance with physical distancing guidelines. Bogotá, Brampton, Mexico City, and Berlin have all expanded cycling networks to make way for bikes.

The City of Oakland has a program titled "Oakland Slow Streets", which was implemented by their City Council. The program began by closing four street segments to through traffic (local traffic and emergency vehicles were still permitted).

The Massachusetts Department of Conservation & Recreation closed three segments of parkways in the greater Boston area to vehicles, leaving them open to pedestrians and cyclists only.

We believe that this will benefit the community's mental health in regards to balancing the stresses associated with maintaining physical distance while trying to avoid vehicle traffic. A reduction in noise pollution and air quality will also be a positive benefit of this temporary restriction.

These measures could be implemented by placing barriers such as the ones currently used to block other vehicle access in the city during road closures. This way, emergency vehicles would still be able to access these areas free of restriction if necessary.

Thank you for your time and consideration, it is greatly appreciated.

Sincerely,

Eugene Ellmen
Hamilton ON L8R 2K9

Sent from my iPad

Correspondence to City Council for its April 15, 2020 meeting

April 14, 2020

Mayor Eisenberger and City Council:

The following letter pertains to the idea of temporarily restricting non-emergency motorized vehicles to some of the city's streets - similar to events such as Supercrawl, Locke Street Festival, and Concession Street Fair.

We, the undersigned, are asking City Council to temporarily close James Street North, in Ward 2, for the duration of the pandemic to allow more space for residents who are using sidewalks for walking and roadways for biking. We think that this closure could act as a "pilot" to spur the closure of other streets in Hamilton.

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These measures could be implemented by placing barriers such as the ones currently used to block other vehicle access in the city during road closures. This

way, emergency vehicles would still be able to access these areas free of restriction if necessary.

Thank you for your time and consideration, it is greatly appreciated.

Sincerely,

Lisa Mawdsley	Stefan Spolnik
Jason Lawrence	Alex R
Andrew Lychy (resident of Dundas)	Eric Duma
Cameron Kroetsch	Paul Mason
Tristanne	Lisa-marie Johnston
Mary-Rose Chennery	Donna Caprice
Connie Kidd	John Neary
Mark Anderson	Janice Brown
Peggy Freeman	Jessica Claus
Kate Folsetter	Mary Anne McDougall
Greg Caldwell	Tom Flood
Bettianne Hedges	M. McDougall
Michael Cunliffe	John Schuurman
Alyssa Schuurman	Ron Rubin
Bob Berberick	Scarlett Stinson
Mandie Purdy	Frances Murray
Karen M. Venning	Alex Zafer
Matthew Munk	Craig Burley
Katherine Kinsman	Katelyn Grittani
Kathryn Rehner	Jocelyn Weatherbe
Shannon Collins	Sam Winona, Bay Street.
Laura Borrelli	Margaret Baines
Chantel Dow	Doug Baker
Tim McClemont	Karl J Andrus
Monica De Sousa	Maggie Howes
Rowan Nancarrow	Jay Howes
Jim Perdikoulis	Martin Szamotulski
Mark Derkach	Tom Broen
Randy Kay	The Rev. Ken Patterson
Rosa Bialski	Paul Gainfort
Jamie Philp	Lisa Kiriakopoulos
Ann McKay	Graham Carroll
Shannon Graszat	Shane Percy
Siobhan Murphy	Graeme Luke
Richard Gelder, Ward 13	John Scime, CFI

Tova Vertes
Michael Boivin
Carmelo Iachelli
James MacNevin
Adele D'Arcy
Dale Guenter
SANDRA QUIG
Kerry Turcotte
Celeste Konopka
Kristin Roe
Jon Davey
Derek Gamlem
Diana Bazon
Craig Matthews
Ruth O'Connor
Mary Griffiths
John Boddy
Barbara Howe
Kieran Lehan
Jasmine
Ashley Moore
Tammy Edwards
Joann Irvine
Emma Russell
Ian Fox
Roseann Barry
Chantelle Pealey
Dawn Manning
Ling Zhang
Yingwen Zhao
Kim Samuels
Anna Jarvis
Debbie Davies
Matt Jelly
Denise Graham

Brian Mason
Daniel Watkins
Justin McBride
David Levy
Brittney holton
Cora Muis
Theresa Malar
Steve Dykstra
Paula McKay
Amy K
Greg Cowell
Madeline Thombs
Waverley Birch
Tanya Karyakina
Lorne Warwick
Savannah Kilpatrick
Lauren Craig Stephen
Michael Callura
Jake M
Geneviève O'Grady
Patti Encinas
Maggie Martineau
Sarah Kovacs
Sean Burak
Tory Kenny
Darren Stewart-Jones
Cathy Sutherland
Linda Durkin
Brian Durkin
Susan Yu
Lucy Carrick
Nicholas Kevlahan
Anne Marie Pavlov
Karan Chrysler
Melanie Parish

Pilon, Janet

Subject: Closure of James St North

From: Debbie Field

Sent: Tuesday, April 14, 2020 8:23 PM

To: clerk@hamilton.ca

Subject: Closure of James St North

Mayor Eisenberger and City Council:

The following letter pertains to the idea of temporarily restricting non-emergency motorized vehicles to some of the city's streets - similar to events such as Supercrawl, Locke Street Festival, and Concession Street Fair.

We, the undersigned, are asking City Council to temporarily close James Street North, in Ward 2, for the duration of the pandemic to allow more space for residents who are using sidewalks for walking and roadways for biking. We think that this closure could act as a "pilot" to spur the closure of other streets in Hamilton.

We chose James Street North because it has been habitually closed for events like Supercrawl and, therefore, its closure would put less of a burden on City staff to come up with workarounds for public transit and other regular services and allow them the lead time needed to anticipate and plan for other road closures.

Dozens of other cities around the world including Toronto, Vancouver and Calgary have already deployed these types of actions in order to help walking, biking, and outdoor respite-taking in accordance with physical distancing guidelines. Bogotá, Brampton, Mexico City, and Berlin have all expanded cycling networks to make way for bikes.

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The Massachusetts Department of Conservation & Recreation closed three segments of parkways in the greater Boston area to vehicles, leaving them open to pedestrians and cyclists only.

We believe that this will benefit the community's mental health in regards to balancing the stresses associated with maintaining physical distance while trying to avoid vehicle traffic. A reduction in noise pollution and air quality will also be a positive benefit of this temporary restriction.

These measures could be implemented by placing barriers such as the ones currently used to block other vehicle access in the city during road closures. This way, emergency vehicles would still be able to access these areas free of restriction if necessary.

Thank you for your time and consideration, it is greatly appreciated.

Sincerely,
Deborah Field
Hamilton, ON

Pilon, Janet

Subject: Victory gardens 2020

From: Edgar Rogalski

Sent: Wednesday, April 15, 2020 9:57 AM

To: clerk@hamilton.ca

Subject: Fwd: Fwd: RE: Victory gardens 2020

Andrea Holland, City Clerk, City of Hamilton:

Below is a letter I addressed to my Ward 8 Councillor about the urgency of allowing Victory Gardens to safely grow food for the Food Banks this growing season. Mr. Danko urged me to contact you (see below) to ask Mayor Eisenberger to put this matter on the agenda to request the province to allow community gardens to open. Technically we are NOT a community garden but a non profit supplier of produce to the Food Banks.. Please consider following the protocol for this request.. thank you...Edgar Rogalski (Victory Gardens volunteer)

I am an 8 year volunteer for Victory Gardens who is looking forward to growing food for food banks in Hamilton. Currently we have 12 gardens and 661 raised beds. We have grown and delivered over 230,000 lbs of food to food banks since 2011.

We have been banned from growing food for the food banks during the COV 19 pandemic yet the needy still need to eat. Fresh produce enhances a healthy diet which keeps people healthier.

Food production has been declared an essential service by the federal government yet we are told that the province had banned all community gardens and we are told that we fall under that category.

I volunteer at Macassa on the mountain and I was told that we cannot even set foot on the property. I fail to fathom how our work outside of the facility endangers the health of the seniors inside! We do not have to enter the building, we only have a few volunteers at a time and we can easily keep a two metres distance.

All the volunteers are very responsible, our plants growing in a greenhouse and will be ready for planting by mid May.

I am sure that all volunteers are willing to accept strict guidelines to assure that food for food banks will be grown and delivered responsibly. I urge our City councillors to lift the ill conceived ban on our Gardens.

Thank you

Edgar Rogalski, (Ward 8)

Hello Edgar,

I completely agree that community gardens should be declared essential – what is more essential than food!?

It would not be difficult to maintain physical distancing for a community garden – however, this is a Provincial designation that the City must follow.

There has been some discussion on a request for the City to ask the Province to re-consider, but ultimately it is their decision. I also understand that there is a petition to the Province requesting this as well.

I would suggest that you and as many likeminded residents as you can get email the Clerk clerk@hamilton.ca and ask that Mayor Eisenberger on behalf of Hamilton City Council request the Province to consider community gardens an essential activity to allow for local production of food – and ask that your email be included on the agenda for our next virtual council meeting (we now meet every Wednesday).

That way, I will have a way to address this with council.

John-Paul Danko
Councillor Ward 8
West Central Mountain
Hamilton, Ontario

john-paul.danko@hamilton.ca
905.521.3954

From: Edgar Rogalski
Sent: April 14, 2020 11:54 AM
To: Danko, John-Paul <John-Paul.Danko@hamilton.ca>
Subject: Victory gardens 2020

Mr. John-Paul Danko, Councillor Ward *

Pilon, Janet

Subject: The status of community gardens under the Ontario Emergency Measures legislation.

From: David Moffatt

Sent: Thursday, April 16, 2020 8:57 PM

To: clerk@hamilton.ca

Subject: The status of community gardens under the Ontario Emergency Measures legislation.

Dear sir/madam

I am writing you on the advice of a sitting member of City Council. As a concerned citizen of Hamilton and a long time member of one of the city's many excellent community gardens, I would like to urge Mayor Eisenberger and City Council to include on the agenda of an upcoming council meeting a motion to urge the Premier to change the designation of community gardens under the Emergency Measures legislation from "recreational areas" to "essential food supply services". I know that local associations of community gardens, the Green Party of Ontario and Sustain Ontario are all promoting this move, and that the government of British Columbia has already made such a change. Support from local councils could help to assure that this critical local food source can be opened before the relatively short window of opportunity for spring planting.

I am including below text from an open letter to the Premier and Minister of Health which I also forwarded to all members of council. I believe that a few simple operating restrictions could minimize the already very low chance of community spread of the novel corona virus at these gardens.

I would be happy to discuss any issues related to such a change, but time is of the essence if gardens are to get up and running in time for a 2020 crop.

Thank you for your attention.

Sincerely

Dr. J. David Moffatt

Dundas, ON

Text of letter:

"I am writing to urge the Ontario government to redefine community gardens in the province as essential food production areas during this period of social distancing and movement restrictions. The government of British Columbia has very recently made this same move, defining community gardens as essential services. Defining these gardens as recreational facilities ignores the fact that they fulfill a vital role in food security, quality and affordability for thousands of Ontarians, and provide significant resources for food banks and charitable kitchens. The window of opportunity for planting of many crops for the 2020 season now lies about seven to eight weeks away. Most of these facilities could safely be opened with a few easily implemented restrictions and requirements, enhancing food security and sustainability in the aftermath of this public health crisis.

Why are Community Gardens Essential?

- 1. Community gardens provide a significant part of family groceries over several months for thousands of families. In the Victory Garden tradition, an intensively gardened plot can produce up to 5 kg of usable food per square metre, vastly exceeding both the yield and the diversity of products possible on typical commercial farms. The food produced can be specifically tailored to tastes and dietary restrictions that are not always met in large retail outlets. This food is generally produced free of pesticides, and is primarily grown in cities and towns, reducing the need for transportation.*
- 2. Community gardens can reduce the frequency of trips made by thousands of members to grocery stores, which are much more likely sources of community spread than the gardens themselves.*
- 3. Many community gardens are located in areas with lower income and limited access to commercial retail food stores, and most offer very reasonable rates to clients, providing healthy vegetables to families that might not otherwise be affordable. This could be specially important in 2020 if agricultural production declines because the pandemic reduces the acreage planted in some regions, delays or interrupts the movement of migrant farm workers onto fields, or interrupts supply lines, all of which are quite likely scenarios.*
- 4. Community gardens preserve and pass on the skills of home gardening among a significant minority of the population, skills that become critical in the event of a serious prolonged crisis. The Victory Gardens of the Second World War are a prime example of the way in which a nucleus of skilled enthusiasts can be deployed to aid and educate the population to improve general food security.*
- 5. Many community gardens require their members to provide a fraction of their produce to a food charity, whether a food bank, a charity kitchen, or a local underprivileged family. These humanitarian functions will be lost if no crop is planted this year, and many people beyond the gardening community will be harmed in the process. Even gardens that do not constitutionally require food donations would likely agree to such a measure to avoid the loss of an entire growing season."*

How can Community Gardens be made Safe during a Pandemic?

- 1. Because individual plot sizes in community gardens are generally several metres long and wide, they inherently provide for adequate social distancing. In the event that a garden is very large or has closely*

packed plots, an even/odd date system (based on plot numbers) could be implemented to limit total numbers and to space gardeners out further. In general, gardeners only spend a couple of hours on site on any given day, so they are usually separated by 10 m or more.

- 2. Most community gardens are fenced and locked, with members having restricted access. This provides for control of total numbers in an area. Gardens that do typically have open hours could implement a policy of "unlock on entry, lock on exit".*
- 3. Signs can easily be posted at entry points to gardens defining appropriate social distancing behaviour and methods to minimize potential exposure. Since such gardens have membership contact mechanisms (email lists, phone trees, websites, etc.), restrictions can be communicated to every person with access to the garden.*
- 4. Policies could be implemented to require gardeners to wear face masks while on site to further limit any chance of disease transmission. In gardens where tools are shared, the use of gardening gloves could be similarly mandated. Since most items in a garden are constantly exposed to UV radiation from the sun, the persistence of active virus in such areas should be of short duration. In general, successful gardeners are, by nature, people who take the long view, plan ahead, and follow procedures, so it is an informed and compliant demographic. The type of irresponsible social gathering that has necessitated the closure of many recreational facilities is both unlikely and uncharacteristic of the gardening community.*

In summary, I would urge the government to reconsider the categorization of "community garden" in the legislation from recreational area to essential food production system, with implementation as soon as reasonably possible. Food production is not a luxury, and the recent threats of border closures and disruptions in supply should highlight the need to provide for systems that promote the production of locally grown food, and that preserve the skills to grow it, while protecting public safety to the greatest extent possible.

Thank you for your attention and consideration.

Dr. J. David Moffatt, PhD

Long term gardener and past executive committee member'

Churchill Park Community Garden

Hamilton, ON

Ministry of
Municipal Affairs
and Housing

Ministère des
Affaires municipales
et du Logement



Housing Programs Branch

Direction des programmes de logement

777 Bay Street, 14Floor
Toronto ON M7A 2J3
Tel: 416 585-7021

777, rue Bay, 14e étage
Toronto ON M7A 2J3
Tél. : 416 585-7021

April 14, 2020

Mr. Edward John
Director of Housing Services
City of Hamilton
350 King Street East, Suite 110
Hamilton, ON L8N 3Y3

Dear Mr. John

Re: 2020-21 Investment Plan Approval for the Community Homelessness Prevention Initiative

Thank you for submitting the CHPI Investment Plan for City of Hamilton for the 2020-21 fiscal year.

The Ministry has completed its review of the Investment Plan and I am pleased to confirm approval of the plan in accordance with a total planning allocation of \$19,645,911.00 for the 2020-21 fiscal year.

It should be noted that this CHPI allocation for City of Hamilton is for the 2020-21 fiscal year and not the additional funds provided through the Social Services Relief Fund (SSRF) communicated on April 1, 2020.

Service Managers are required to report back on their Investment Plans three times throughout the fiscal year:

- CHPI Mid-Year Report – due November 2, 2020
- CHPI Quarter 3 Report – due February 1, 2021
- CHPI Year-End Report – due May 31, 2021

Reports are to include the Service Manager's progress against their annual planning allocation and any changes to their projected use of CHPI funding under the selected service categories.


Please note that the CHPI Year-End report also includes the Year-End Performance Indicator Report and the French Language Services (FLS) Report. Only Service Managers designated under the *French Languages Services Act* are required to complete the FLS report.

Service Managers are required to submit all CHPI reports through the Ministry's Transfer Payment Ontario (TPON) system.

The Ministry will review Service Managers' Mid-Year and Quarter 3 Reports to determine if there is likely to be unspent funds in a Service Manager area. Service Managers are asked to explain variances in forecasted and actual expenditures. The Ministry reserves the right to re-allocate any unspent funds where a Service Manager may not be able to fully use their allocation within a fiscal year.

If you have any questions or require additional information, please contact your respective CHPI Account Manager at the Housing Programs Branch. Once again, thank you for your participation in the CHPI. We look forward to continuing to work with you throughout the implementation of the program.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Adams". The signature is written in a cursive style with a large initial "J" and "A".

Jim Adams
Director, Housing Programs Branch

c: Ian Russell, Team Lead, MSO-Central

**Ministry of Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000**Ministère des Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél.: 416 585-7000

234-2020-1284

April 16, 2020

Dear Head of Council:

As you know, on March 17, 2020, our government declared a provincial emergency pursuant to the authority granted under the *Emergency Management and Civil Protection Act* (EMCPA). I am writing to update you that on April 16, 2020, our government issued an emergency order under the EMCPA (O. Reg. 157/20) to provide municipalities with the flexibility to deploy certain of their staff to where they are needed most. At this critical time, it is important that municipalities continue to work collaboratively and engage in good faith with their bargaining agents. The order is effective immediately and we intend for it to remain in effect for the duration of the declared provincial emergency.

I know that these are challenging times for municipalities, particularly as the situation around us changes so quickly. In these unprecedented times, I have heard a strong and consistent message from municipalities and numerous sector organizations that the authority to enable work deployment similar to what has been provided by the Province for hospitals and public health units is urgently needed to ensure continuity of critical services.

I thank you for sharing these concerns. We have heard you and have worked quickly to issue this order. This order is a temporary measure and provides your municipality – as an employer – the authority to take any reasonable measure necessary to respond to COVID-19 with respect to internal work deployment.

In order to exercise this authority, if it hasn't already, the municipality will need to also declare an emergency under section 4 of the EMCPA concurrent with this order. The authority provided for in this order includes the ability for municipalities to redeploy certain of their staff within the same employer or to employ volunteers to perform bargaining unit work, cancel leaves and change assignment of work, for those priority services listed in the order.

The orders specify conditions under which the authority can be exercised. This includes requiring a municipality to provide at least 24 hours of advance notice to affected bargaining units before implementing a redeployment plan. The *Occupational Health and Safety Act* and existing rights under the *Employment Standards Act* will continue to apply. Municipalities, as employers, are required to comply with all provincial orders, as

well as any guidance and safety standards prescribed by the province for COVID-19. They are also responsible for ensuring that any staff being reassigned to new duties have the required training and skills. Full details of the orders can be reviewed online at [Ontario.ca/alert](https://ontario.ca/alert).

I want to acknowledge and applaud the proactive efforts that many municipalities have already taken to engage in good faith with their bargaining agents to keep their staff employed and safe, and to establish local arrangements to redeploy employees to high-need areas. I would also encourage municipalities to continue leveraging their existing authorities as employers and building on pre-existing relationships and structures with your bargaining agent partners, such as joint health and safety committees, to address staffing needs and allocate resources.

Moreover, as you and others in your organization consider whether and how you will exercise the authority under the emergency order, I would ask that you maintain the following important objectives:

- In making staffing decisions, first provide opportunity for full-time work to existing part-time staff before seeking out and employing extra full-time staff from outside your organization.
- In redeploying staff, should there be a difference in the terms and conditions of work, in the different departments of the organization, the expectation is that staff will not receive a lower wage than their home position.

Municipalities are encouraged to review this and other applicable orders (available on the Government's Emergency Information webpage at: [Ontario.ca/alert](https://ontario.ca/alert)) and work with their legal counsel for advice and understanding of the flexibility it provides to you in managing your organizations.

If your municipality chooses to implement the authority in these orders, I would ask that you keep my staff apprised by letting your local Municipal Services Office know when you use it. If your municipality has any further questions regarding this order, we encourage contacting [your local Municipal Services Office](#).

I thank you for your continued support and collaboration in these challenging times. This collaborative relationship is critical at all times, and never more so than during this emergency.

Head of Council
Page 3

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

- c: Chief Administrative Officers
- Municipal Clerks
- Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing
- Brian Rosborough, Executive Director, Association of Municipalities of Ontario
- Cam Guthrie, Chair, Large Urban Mayor's Caucus of Ontario
- Karen Redman, Chair, Mayors and Regional Chairs of Ontario
- Jane Albright, President, Ontario Municipal Human Resources Association

Pilon, Janet

Subject: Request to speak The repeal and replacement of BY-LAW NO. 09-110

From: Kim-Karin Rausch [REDACTED]

Sent: Sunday, April 19, 2020 2:00 PM

To: clerk@hamilton.ca

Subject: Re: Request to speak The repeal and replacement of BY-LAW NO. 09-110

In this past Saturdays Hamilton Spectator (4/8/2020) the City of Hamilton announced it plans to repeal and replace the City of Hamilton, BY-LAW NO. 09-110 this coming Tuesday

Prior to the first reading of this proposed amendment, the city should have issued a notice to the public 14 days prior to its first reading.

Secondly, this is the wrong time to announce amendment and repeals during the COVID 19 because this cannot be debated, protested or properly addressed by your constituents.

I have read the entirety of BY-LAW NO. 09-110 to where it states "WHEREAS sections 8, 9 and 10 of the Municipal Act. 2001, S.D. 2001, Chapter 25 (the "Municipal Act. 2001 ") authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the economic social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property; AND WHEREAS section 128 of the Municipal Act. 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances" etc.

I then read the pertaining laws of the Municipal Act. 2001 <https://www.ontario.ca/laws/statute/01m25> which in my opinion do not allow for this type of repeal and replacement of the existing law and oversteps your legislative authority.

I will be forwarding this email to Nrinder Nann (my ward 3 elected council member) as well as submitting to the council committee.

Life is hard enough during this quarantine for your citizens and adding yet another by-law our already over legislated city causing disharmony amongst us is not appropriate ,again ,in my opinion.

Kindest regards,

Kim-Karin Rausch
Resident and homeowner in the city of Hamilton

[REDACTED]

April 19, 2020

ATTN: LISA CHAMBERLAIN

City of Hamilton, City Clerk's Office
Legislative Coordinator, Planning Committee

RE: PED20076 REPEAL AND REPLACE THE PUBLIC NUISANCE BY-LAW 09-110

We are **IN SUPPORT** of the added changes as written to this by-law for both lighting and odour issues caused from the cultivation of cannabis plants.

Thank you.

Marlene & David Girvan

[REDACTED]
[REDACTED]
[REDACTED]

Pilon, Janet

Subject: Cannabis on Centre Rd - Support Change to By-law

From: Max DiFelice

Sent: April 20, 2020 2:55 PM

To: Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Cannabis on Centre Rd - Support Change to By-law

Hi Judi

Sending you a quick email in *support of the change* to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law)

Regards

Max DiFelice

Pilon, Janet

Subject: FW: Cannibas on Centre Rd - excessive odours - Approval of By-Law change

From: Nathan Helder <nhelder@gelderman.com>

Date: 2020-04-20 8:36 PM (GMT-05:00)

To: "Ustrzycki, Robert" <Robert.Ustrzycki@hamilton.ca>

Subject: FW: Cannibas on Centre Rd - excessive odours - Approval of By-Law change

Robert,

My wife and I both wholly support the changes to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law) as the Grow Operation on Centre Rd. (just north of 831 Centre Rd.) as affected our two young children. We could not have our windows open last summer as the smell was waking us up in the morning.

Last summer the smell was brutal. Any visitors coming to Gelderman Landscape Services would have assumed that everyone at 831 Centre Rd. (south of the property) would have been smoking weed. The smell was very strong.

This causes grave concern when staff come into the yard smelling weed. Here at Gelderman Landscape Services our Joint Health and Safety Committee have been challenged on how to respond to this smell and its affects on our staff and business.

I strongly suggest that the City Council passes this bylaw. Grow Operations should not be allowed to exist in a residential neighbourhood.

Thank you,

Nathan Helder
President

Phone: (905) 689-4371 (direct) / (800) 667-0644

Fax: (905) 689-8591

Gelderman Landscape Services
831 Centre Road, P.O. Box 82120
Waterdown ON L0R 2M0

www.gelderman.com

Proud Winner of the 2015 Burlington Chamber of Commerce Business Excellence Employer of the Year Award!

Pilon, Janet

Subject: Bylaw amendment for cannabis on Centre Road

From: Bob Pratt

Sent: Monday, April 20, 2020 4:50 PM

To: Partridge, Judi

Subject: Bylaw amendment for cannabis on Centre Road

Hi Judi

Sending you this quick email in *support of the change* to PED20076 By-law 09-110 (Repeal & Replace the Public Nuisance By-Law).

I do not support a grow-op with the corresponding smell & light pollution on Centre Road.

Sincerely,

Robert Pratt

Pilon, Janet

Subject: Change of By-Law PED20076

From: Pat Ancona

Sent: Monday, April 20, 2020 4:53 PM

To: Partridge, Judi

Subject: Change of By-Law PED20076

Good afternoon Judy: Please note that both my husband (Vic) and I support the change to PED20076 By-Law 09-110.

Repeal and Replace the Public Nuisance By-Law

Thank you

Pat and Vic Ancona

Pilon, Janet

Subject: Public Nuisance By-law 09-110

-----Original Message-----

From: Art And Pat Linde

Sent: April 20, 2020 4:06 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Subject: Public Nuisance By-law 09-110

Att: Lisa

Concerning up coming meeting on Wednesday April 22 2020 considering Report PED20076. We wish to be noted as being fully supportive to Repeal and Replace the Public Nuisance By-law 09-110 as noted in "Notice to citizens" printed in The Hamilton Spectator this pass weekend - Sat.April 18, 2020.

Thankyou !

Pat & Art Linde

Pilon, Janet

Subject: Public nuisance Bylaw Revisions: Cannabis Green House Grow Ops

From: richard robertson

Sent: April 20, 2020 7:05 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Cc: Partridge, Judi <Judi.Partridge@hamilton.ca>

Subject: Public nuisance Bylaw Revisions: Cannabis Green House Grow Ops

Good day to you Ms Chamberlain,

I am writing to you today in regards to the above and the report that our local councillor Judi Partridge, kindly sent ink: <https://bit.ly/3eCiXnV>

In question the awful grow facility bending centre road property 1409A or B you can physically see this at the back of any of the properties at the rear of Meander close

Over the last few years we have seen prior to the legalization, the farm be raided, and changed hands apparently 3-4 times.

The nuisance factors are not limited to the report as it also does not encompass the drone of the exhaust fans that also emit the noise and cast the rotten smell across the entire community.

The farm when it was a farm was well looked after and also I am pretty sure they are obtain tax credits for farm use but one large field has not been utilized in over three years.

The farm itself has multiple hooped greenhouses covered with polythene and fans on them. each year its increasing in size and stench is getting worse.

Perhaps this meeting on April 22nd is just good timing as I have called the city and wrote to the province three times last year without any success.

Further to this i am pretty sure they should not be drawing water from the creek year after year with hidden pumps and industrial size hose pipes.

I believe the farm is 100% of a nuisance, the odour is horrific and even realtors say this can lead to difficulty in selling and attracting buyers

I certainly would like to see something done about this.

Please do keep me in the loop as the rise in traffic at the back also sis a concern it is not a gated secure area at all.

Many thanks

Richard Robertson

Pilon, Janet

Subject: Hamilton Bylaw Revision: Cannabis Odour

From: Evan Edmundson

Sent: April 20, 2020 6:55 PM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>

Subject: Hamilton Bylaw Revision: Cannabis Odour

Hello Lisa,

I am emailing you today to comment on the consideration of updating the Hamilton City Bylaws to include prohibiting excessive odours from the cultivation of Cannabis plants. I am against the approval of this amendment because every Cannabis plant while in vegetation smells slightly, but as soon as the flowers begin to develop the smell increases significantly. Unless you are growing in an enclosed environment it is difficult to contain the smell and neutralize it, not to mention the Carbon Filters needed can be very expensive. I am a Medical Cannabis patient and I am growing my own medical plants, what would happen if my neighbour complained about the excessive smell? Would I be fined for growing my own medicine? To me, that goes against the whole point of legalization. How would the City define excessive odours when everyone has a different sensitivity to odours? If I was found in breach of the proposed amendment would my plants be taken away? How would the smell be dealt with, if I can not afford to build a greenhouse with an air filtration system?

Sincerely,

Evan Edmundson

Pilon, Janet

Subject: Bylaw Revision: Cannabis Green House Grow Ops

From: lholley lholley

Sent: April 21, 2020 10:07 AM

To: Chamberlain, Lisa <Lisa.Chamberlain@hamilton.ca>; Ustrzycki, Robert <Robert.Ustrzycki@hamilton.ca>

Subject: Bylaw Revision:Cannabis Green House Grow Ops

Dear Lisa Chamberlain,

I am writing today to support the updating of the Public Nuisance Bylaws to include prohibiting excessive odours and green house

lighting from the cultivation of cannabis plants. This issue directly affects my family and my neighbors on Meander Close in Carlisle.

There has been a steady increase of building greenhouses (that do not have proper ventilation) and sheds for equipment and supplies.


this is taking place in the farm fields directly behind (to the west) of our subdivision. I have never been provided with any notices

of any type of construction in our area that has or will take place. I trust that our concerns will be passed on to the council for the meeting scheduled for Wed. April 22,2020

Regards Mr and Mrs Lorne Holley



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Hamilton Water Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 22, 2020
SUBJECT/REPORT NO:	Old Dundas Road (HC005) Wastewater Pumping Station Upgrades (PW20018) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Stuart Leitch (905) 546-2424 Ext. 7808
SUBMITTED BY:	Andrew Grice Director, Hamilton Water Public Works Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That an additional \$900,000 be added to Project ID No. 5161267270 from Project ID No. 5161267273, to increase the total budget requirement to \$4,520,000 for C13-29-19 - Old Dundas (HC005) Wastewater Pumping Station Upgrades;
- (b) That E.S. Fox Limited be selected as the Successful Proponent for the Request for Tenders for Contract C13-29-19, for the Old Dundas (HC005) Wastewater Pumping Station Upgrades; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the contract with E.S. Fox Limited and any ancillary documents for Contract C13-29-19 for the Old Dundas (HC005) Wastewater Pumping Station Upgrades, with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

EXECUTIVE SUMMARY

The Old Dundas Road (HC005) Wastewater Pumping Station (WWPS) was constructed in 1974 and is located on Old Dundas Road between Millcreek Court and Montgomery Drive in Ancaster. Due to its age and condition, the station requires major upgrades in order to bring it up to existing safety and environmental standards.

SUBJECT: Old Dundas Road (HC005) Wastewater Pumping Station Upgrades (PW20018) (Ward 12) - Page 2 of 5

This report provides a recommendation to increase the project construction budget in order to award Contract C13-29-19 - Old Dundas (HC005) Wastewater Pumping Station Upgrades (C13-29-19) to the lowest compliant bid submitted by E.S. Fox Limited. Their bid, in the amount of \$4,216,719 (including a \$300,000 shown contingency), is approximately \$600,000 more than the current approved project construction budget of \$3,617,000. In addition to the \$600,000 budget shortfall, funding of \$300,000 is requested to supplement the current contingency identified in the tender document to allow for potential unknown conditions during construction. Therefore, the total additional funding request for this project is \$900,000.

Hamilton Water staff collaborated with Procurement, and with the approval of the General Manager of Public Works, arranged a meeting on February 18, 2020 with E.S. Fox Limited to discuss their bid for C13-29-19, with the intent of finding potential financial efficiencies. Due to the magnitude of the budget shortfall, the City of Hamilton's (City) project team was not able to arrive at a value that would result in an acceptable bid that would permit an award within the constraints of the current approved construction budget.

In accordance with Procurement Policy #2, Section 4.2 – Approval Authority, Subsection 3(b), staff is required to submit a report to the appropriate standing committee recommending award of an Request for Tender (RFT) when the final cost of the proposed project exceeds the amount provided in the Council approved capital budget for that project by \$250,000 or greater. Therefore, staff is hereby requesting Council's approval to award Contract C13-29-19 to the lowest compliant bidder, E.S. Fox Limited.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: This Report is recommending that \$900,000 be added to supplement Project ID No. 5161267270 (Old Dundas (HC005) WWPS Upgrades) from Project ID No. 5161267273 (Bridlewood (DC010) Wastewater (WW) Outstation Upgrades) in order to increase the total budget requirement to \$4,520,000 for C13-29-19 - Old Dundas (HC005) WWPS Upgrades.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Old Dundas Road (HC005) WWPS is located on Old Dundas Road between Millcreek Court and Montgomery Drive in Ancaster, adjacent to the Ancaster Old Mill Inn. The station was originally constructed in 1974 and is a single storey building. The site has emergency back-up power and wastewater lift pumping associated process equipment.

AECOM (under Contract C11-11-17) was retained in August 2017 by the City for engineering services for upgrades to the Old Dundas Road (HC005) WWPS.

The objective of this Project is to design and construct upgrades to the Old Dundas Road WWPS in order to bring the station up to existing safety codes and environmental requirements to maintain sustainable and reliable service for the next 20 to 30 years. The upgrades include civil, structural, architectural, mechanical, process, electrical, and instrumentation and control modifications.

A Request for Tender for General Contractors was issued in 2019 and formally closed in January 2020. The low bid received from E.S. Fox Limited exceeds the approved construction budget by \$600,000. In addition to the low bid budget shortfall, additional funds of \$300,000 are requested to supplement the current contingency identified in the tender document. The total contingency would represent 14% of the total budget to allow for potential unknown conditions during construction. Project contingencies in the range of 15% are typical for complex refurbishment projects in an operational environment. Therefore, the total additional funding request is \$900,000.

It is not uncommon for tender prices to vary both higher and lower than the certified cost estimate. For this particular project, the low bid was higher than the cost estimate for structural steel, monorail and hoist, motor control centre/automatic transfer switch line-up, and instrumentation and controls. The low bid also incorporates all the addenda which were not included in the pretender cost estimates.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The policies affecting or impacting this Report include:

- By-Law No. 17-064 Procurement Policy #2, Section 4.2 Approval Authority
- By-Law No. 17-064 Procurement Policy #5.3 – Request for Tenders (\$100,000 and greater)

RELEVANT CONSULTATION

The following groups have been consulted and are supportive of this recommendation:

- Finance, Corporate Services
- Procurement, Corporate Services

Procurement Policy 5.3 states in part "...where one or more bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Manager of Procurement may enter into negotiations with the vendor submitting the Lowest Compliant bid, where it is agreed that the changes required to achieve an acceptable bid will not change the general nature of the requirement described in the RFT."

With the approval of Procurement and the General Manager, Public Works, staff met with the lowest compliant bid (E.S. Fox Limited) on February 18, 2020. Approval for this request was granted February 13, 2020 and a meeting was scheduled between the City and E.S. Fox Limited on February 18, 2020. Due to the magnitude of the budget shortfall, the project team was not able to identify any project savings that would result in an acceptable bid within the approved construction budget.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Old Dundas Road (HC005) WWPS upgrades are required in order to bring the station up to existing safety codes and environmental requirements in order to maintain sustainable and reliable service for the next 20 to 30 years. As such, additional funds are requested to address the project needs in its entirety. In order to maintain project continuity, critical path schedule and minimize extra costs, it is in the best interest of the City to award Contract C13-29-19 to E.S. Fox Limited.

ALTERNATIVES FOR CONSIDERATION

- (1) Negotiate reduced scope with lowest compliant bid tender, however, the value of credited items with a single vendor, typically do not receive full market value. In addition, the cost to re-tender removed scope under a future contract would likely carry additional costs.
- (2) Cancel Contract C13-29-19 and re-tender with a modified scope. This alternative is not recommended for a number of reasons. This delayed approach would put the existing station at future risk, as the station is in need of repairs. As well, increased construction and design costs would likely result because of potential market fluctuations and cost escalation due to inflation. Finally, the scope of work

would need to be reduced significantly to avoid or mitigate the risk of the City being cited for bid shopping.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

N/A



HAMILTON OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 22, 2020
SUBJECT/REPORT NO:	Town of Grimsby / City of Hamilton Supply of Water Agreement (FCS20027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That staff be authorized and directed to negotiate and enter into, on behalf of the City of Hamilton (Hamilton), a water supply agreement with the Town of Grimsby (Grimsby), for the continued supply of potable water by Grimsby with the agreement to incorporate the following terms and conditions:
- (i) term of 10 years, from the date of execution of the agreement;
 - (ii) water consumption billed on a per cubic metre basis at a rate of 1.5 times the water rate otherwise imposed by Grimsby, from time to time, during the term of the agreement;
 - (iii) under normal operating conditions, Hamilton shall not withdraw water at any time that exceeds: (a) a maximum daily volume of 260,274 litres; or (b) a flow rate of 285 litres / minute;
 - (iv) under fire flow operating conditions, Hamilton shall not withdraw water that exceeds: (a) a maximum daily volume of 1,340,274 litres; or (b) a flow rate of 9,181 litres / minute;
 - (v) early termination by either party will require no less than two (2) years' notice;

- (vi) provisions to be included with respect to interruptions of supply and impacts on water pressure;
 - (vii) and such other terms and conditions deemed appropriate by the General Manager of Finance and Corporate Services and General Manager of Public Works;
- (b) That the Mayor and Hamilton Clerk be authorized and directed to execute, on behalf of Hamilton, all necessary documentation to implement Recommendations (a) in Report FCS20027 with content acceptable to the General Manager of Finance and Corporate Services and General Manager of Public Works, as applicable, and in a form satisfactory to the Solicitor for the City of Hamilton.

EXECUTIVE SUMMARY

The purpose of Report FCS20027 is to seek approval from Council for instructions to staff to negotiate a water supply agreement with the Town of Grimsby (Grimsby) for the continued supply of potable water to the eastern boundary of the City of Hamilton (Hamilton). Hamilton's Fifty Road Subsystem which serves approximately 200 people, is comprised of two pressure districts (PD9 and PD10) that are supplied by Grimsby's water system at a single-feed connection located along Highway 8 at the Hamilton-Grimsby border.

The supply of water by Grimsby to the Winona community dates back to the 1950s with an agreement for the Township of North Grimsby to the Township of Saltfleet. There have been many agreements over the years formally renewing this supply of water. However, there is no current water supply agreement in place. Additionally, within the 2019 Drinking Water Annual Report required under the *Safe Drinking Water Act, 2002*, the City reported a non-compliance with respect to Section 22, subsection 22-2. (3) of O. Reg. 170/03, Drinking Water Systems, that was issued by the Ministry of the Environment, Conservation and Parks (MECP) in the MECP Fifty Road Drinking Water System Inspection Report dated May 22, 2019. The non-compliance is the lack of a comparison of the quantities and flow rates in 2018 to the documented flow rates that customarily would be included within a supply agreement.

Hamilton supplies water to both Haldimand County and Halton Region governed by formal water supply agreements. Both water supply agreements include terms and conditions that would be addressed within an agreement with Grimsby such as:

- Billing details including a fair and equitable rate price structure recognizing a reasonable rate of return on assets for the supplier of water;
- Agreement term providing assurances of water supply for the recipient party and revenue for the supplier party for a definite period of time;
- Termination notification terms;
- Water supply and flow restrictions;

**SUBJECT: Town of Grimsby / City of Hamilton Supply of Water Agreement
(Hamilton Wide) (FCS20027) (Hamilton Wide) – Page 3 of 7**

- Provisions with respect to interruptions of supply and impacts on water pressure;
- Incorporate the Memorandum of Understanding (MOU) / Drinking Water Quality Management System (DWQMS) Operational Communication Procedure that exists between the owners of water systems;
- Limitations of Liability; and
- Insurance requirements.

Recommendation (a) of Report FCS20027 reflects the recommended terms and conditions that a new agreement between Grimsby and Hamilton would include at a minimum:

- term of 10 years, from the date of execution of the agreement;
- water consumption billed on a per cubic metre basis at a rate of 1.5 times the water rate otherwise imposed by Grimsby, from time to time, during the term of the agreement;
- under normal operating conditions, Hamilton shall not withdraw water at any time that exceeds: (a) a maximum daily volume of 260,274 litres; or (b) a flow rate of 285 litres / minute;
- under fire flow operating conditions, Hamilton shall not withdraw water that exceeds: (a) a maximum daily volume of 1,340,274 litres; or (b) a flow rate of 9,181 litres / minute;
- early termination by either party will require no less than two (2) years' notice;
- provisions to be included with respect to interruptions of supply and impacts on water pressure.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Based on 2019 billed consumption of 45,000 cubic metres and a volumetric charge rate of \$2.60 per cubic metre, Hamilton was charged approximately \$117 K by Grimsby. Had the volumetric rate been set at a rate of 1.5 times the water rate imposed by Grimsby of \$1.38 per cubic metre or \$2.07 per cubic metre, Hamilton's costs would have amounted to \$93 K or 20% lower.

Staffing: No impact.

Legal: By entering into a new water supply agreement with Grimsby, Hamilton will commit to utilize water from Grimsby, subject to the various terms and conditions contained within the new agreement.

HISTORICAL BACKGROUND

The Hamilton's Fifty Road Subsystem which serves approximately 200 people, is comprised of two pressure districts (PD9 and PD10) that are supplied by Grimsby's water system. Water is provided from Grimsby west along Highway 8, then south on Fifty Road to Concession Road and to an underground, 1,100 cubic metre storage reservoir operated by Hamilton. The reservoir supplies water to residences on Reservoir Park Road. Both pressure districts are small service areas with PD10 the larger of the two and generally bounded by Highway 8 to the north, Fifty Road to the west, the Grimsby border to the east and Reservoir Park Road to the south (refer to Appendix "A" to Report FCS20027).

A pump, running continuously, maintains distribution water pressure. Water pumped in excess of water system demand is circulated back to the reservoir. It should be noted that fluoridation is not carried out on the water supplied by Grimsby. The connection between the Grimsby water system and Hamilton's Fifty Road Subsystem includes a single flow meter, which is used for measuring water consumption and for billing purposes and a single check valve, which prevents water from flowing backwards from the Fifty Road Subsystem into the Grimsby system. This valve between the two systems is maintained in the closed position, to ensure physical separation between the two systems. This separation was required by the Ministry of the Environment, Conservation and Parks (MECP) when Hamilton changed its water treatment disinfectant from free chlorine to chloramine. Grimsby treats water by free chlorine. Both the flow meter and the single check valve are owned by Grimsby.

The supply of water by Grimsby to the Winona community dates back to the 1950s with an agreement for the Township of North Grimsby to the Township of Saltfleet. Previously, the area was supplied by a direct water feed from Lake Ontario to an E.D. Smith facility. It is assumed that the PD10 area was supplied from the E.D. Smith watermain with the cost of water paid for entirely by E.D. Smith. As residences and businesses in the area were required to be billed for their water usage, the supply likely was then transferred to the Grimsby feed along Highway 8.

There have been many agreements over the years formally renewing the supply of water from Grimsby. However, there is no current water supply agreement in place. Additionally, within the 2019 Drinking Water Annual Report required under the *Safe Drinking Water Act, 2002*, the City reported a non-compliance with respect to Section 22, subsection 22-2. (3) of O. Reg. 170/03, Drinking Water Systems, that was issued by the Ministry of the Environment, Conservation and Parks (MECP) in the MECP Fifty Road Drinking Water System Inspection Report dated May 22, 2019. The non-compliance is the lack of a comparison of the quantities and flow rates in 2018 to the documented flow rates that customarily would be included within a supply agreement.

Hamilton supplies water to both Haldimand County and Halton Region governed by formal water supply agreements. Both water supply agreements include terms and conditions that would be addressed within an agreement with Grimsby such as:

- Billing details including a fair and equitable rate price structure recognizing a reasonable rate of return on assets for the supplier of water;
- Agreement term providing assurances of water supply for the recipient party and revenue for the supplier party for a definite period of time;
- Termination notification terms;
- Water supply and flow restrictions;
- Provisions with respect to interruptions of supply and impacts on water pressure;
- Incorporate the Memorandum of Understanding (MOU) / Drinking Water Quality Management System (DWQMS) Operational Communication Procedure that exists between the owners of water systems;
- Limitations of Liability; and
- Insurance requirements.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENT(S)

Not applicable.

RELEVANT CONSULTATION

Corporate Services – Legal Services and Risk Management Division has been consulted in the preparation of Report FCS20027.

Public Works – Hamilton Water Division has been consulted and supports the recommendations in Report FCS20027.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

Hamilton's Fifty Road Subsystem annual water consumption has been consistent over the past few years ranging from 42,000 to 50,000 cubic metres and is billed by Grimsby three times per year. Relative to the billed consumption of the metered customers, there is a water loss of around 30%. In order to effectively conduct a water loss audit in the future, more frequent reading and billing will be requested.

For 2019, Hamilton purchased approximately 45,000 cubic metres of water from Grimsby at the rate of \$2.60 per cubic metre for a total cost of \$117 K. Grimsby charges residents and businesses \$1.38 per cubic metre for water resulting in a mark-up for Hamilton which is nearly 200%. The rate for Hamilton is imposed by Grimsby Council as part of their annual water rate budget.

**SUBJECT: Town of Grimsby / City of Hamilton Supply of Water Agreement
(Hamilton Wide) (FCS20027) (Hamilton Wide) – Page 6 of 7**

Hamilton’s negotiated water supply arrangements with Haldimand County and Halton Region incorporate a fair and equitable rate price structure recognizing cost of service and a reasonable rate of return on assets for the supplier of water:

- Hamilton to Haldimand water rate: Hamilton water rate + 10% operating surcharge + 15% rate of return = 125% premium. Average annual consumption of approximately 1.2 million cubic metres of water.
- Hamilton to Halton water rate: Hamilton water + 50% premium = 150% premium. Average annual consumption approximately of 150,000 cubic metres of water.

Hamilton Water has recently engaged the services of a consultant to evaluate the long-term water supply and servicing of Hamilton’s Fifty Road Subsystem (a report to the Public Works Committee will be provided once the study is complete). One aspect of the engagement included reviewing options for a Grimsby to Hamilton water rate:

1. A rate reflecting what Hamilton and Haldimand have determined to be reasonable costs for water supplied to Haldimand.
2. A rate reflecting what Hamilton and Halton have determined to be reasonable costs for water supplied to Halton.
3. A rate developed by determining a reasonable cost recovery by Grimsby of Hamilton’s share of Niagara Region / Grimsby infrastructure required to provide water to Hamilton.

This is a similar approach incorporated into York Region’s water supply agreements with Toronto and Peel Region. The York Region agreements are complex and involve very significant volumes of water. Given the relatively much lower amount of water supplied to Hamilton from Grimsby, the extensive analysis required to develop an Option 3 rate is not warranted.

Table 1 provides a comparison of the two alternative rate options versus the status quo.

Table 1

Scenario	Grimsby Base Rate (2019 \$/m3)	Return on Investment Component	Operating and Maintenance Component	Total (2019 \$/m3)
Status Quo	\$1.38/m3			\$2.60/m3
Option 1 (similar to Haldimand)	\$1.38/m3	\$1.38 x 15% = \$0.207/m3	\$1.38 x 10% = \$0.138/m3	\$1.73/m3
Option 2 (similar to Halton)	\$1.38/m3			\$1.38 x 1.5 = \$2.07/m3

**SUBJECT: Town of Grimsby / City of Hamilton Supply of Water Agreement
(Hamilton Wide) (FCS20027) (Hamilton Wide) – Page 7 of 7**

Recognizing that the Grimsby annual supply volume to Hamilton is more like that supplied to Halton, the recommended option for the new agreement is for the Grimsby supply rate to be calculated as 1.5 times Grimsby's base rate. The 1.5x Grimsby's residents rate ensures a reasonable share of cost recovery for use of the Grimsby / Niagara infrastructure, does not require significant efforts to estimate and calculate more detailed usage and cost recovery and has been determined to be acceptable for use in another of Hamilton's agreements (with Halton) that is for more water.

It is proposed that the new agreement will contain, at a minimum, the following terms and conditions:

- term of 10 years, from the date of execution of the agreement;
- water consumption billed on a per cubic metre basis at a rate of 1.5 times the water rate otherwise imposed by Grimsby, from time to time, during the term of the agreement;
- under normal operating conditions, Hamilton shall not withdraw water at any time that exceeds: (a) a maximum daily volume of 260,274 litres; or (b) a flow rate of 285 litres / minute;
- under fire flow operating conditions, Hamilton shall not withdraw water that exceeds: (a) a maximum daily volume of 1,340,274 litres; or (b) a flow rate of 9,181 litres / minute;
- early termination by either party will require no less than two (2) years' notice;
- provisions to be included with respect to interruptions of supply and impacts on water pressure.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive Hamilton where people are active, healthy, and have a high quality of life.

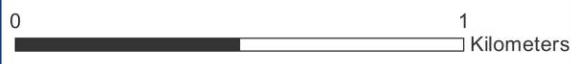
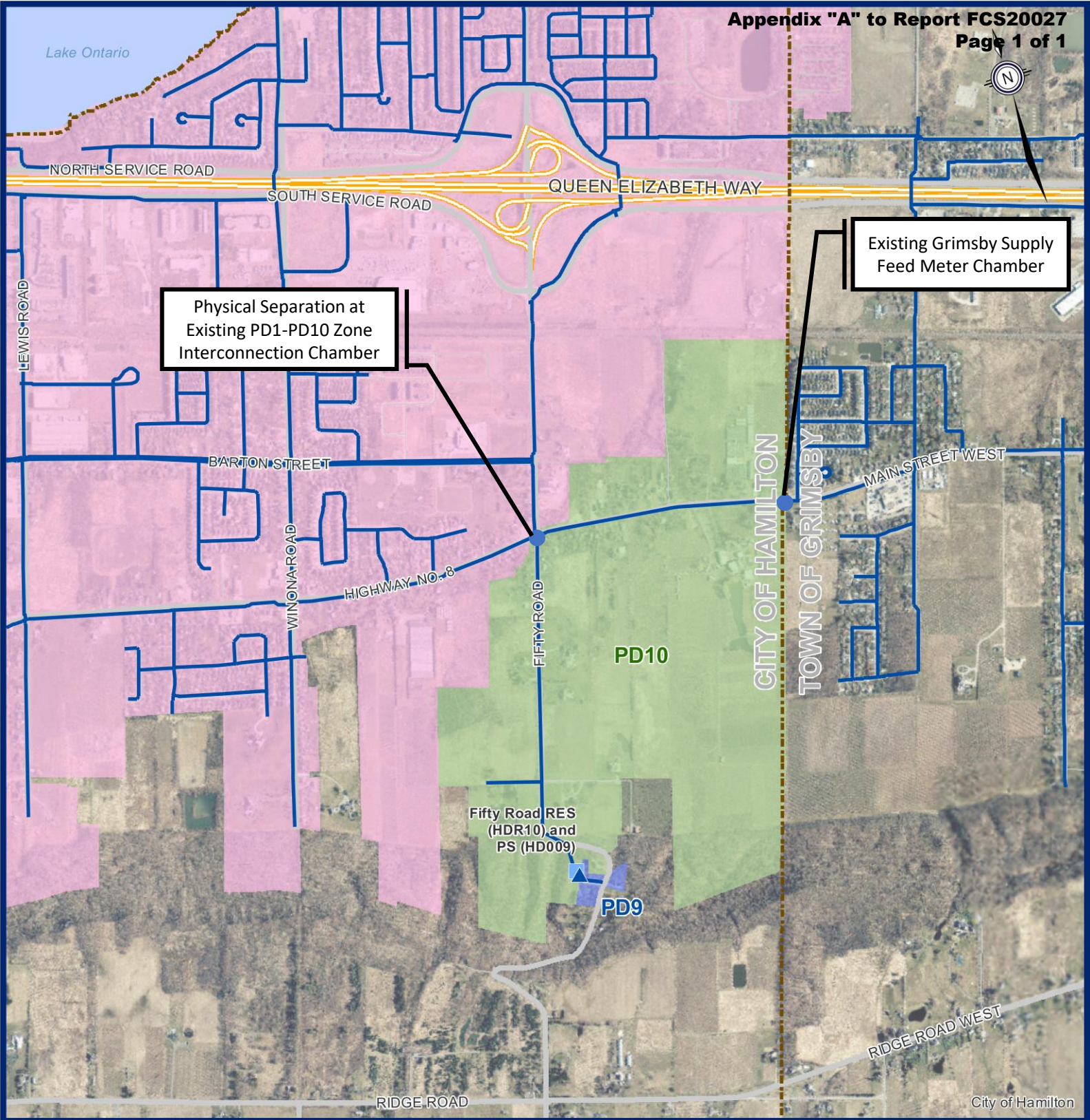
Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20027 – Hamilton Fifty Road Subsystem Map

JS/dt



- Existing Water Infrastructure**
- Water Treatment Plant
 - Pumping Station
 - Reservoir
 - Water Tower
 - Pressure Districts
 - Watermain



Figure 2-1
PD9 and PD10 Service Areas
East Stoney Creek

Document Path: W:\GIS\7190001\719063 Hamilton East Stoney Creek Water Servicing Co Work in Progress GIS\719063-W-002-Study_Area_B_5x11.mxd



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 22, 2020
SUBJECT/REPORT NO:	2020 Tax Policies and Area Rating (FCS20039) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gloria Rojas (905) 546-2424 Ext. 6247
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

(a) That the following optional property classes be continued for the 2020 taxation year:

- (i) Parking Lot and Vacant Land;
- (ii) Large Industrial;

(b) That, based on the 2020 final approved Tax Operating Budget, the following final tax ratios be established for the 2020 taxation year:

(i)	Residential	1.0000
(ii)	Multi-Residential	2.4876
(iii)	New Multi-Residential	1.0000
(iv)	Commercial	1.9800
(v)	Parking Lot and Vacant Land	1.9800
(vi)	Industrial	3.3153
(vii)	Large Industrial	3.8876
(viii)	Pipeline	1.7947
(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

(c) That the following tax reductions be established for the 2020 taxation year:

(i)	Farmland awaiting development (1st Subclass)	25%
(ii)	Farmland awaiting development (2nd Subclass)	0%
(iii)	Excess land Subclass (Residual Commercial)	0%
(iv)	Excess land Subclass (Residual Industrial)	0%
(v)	Vacant land Subclass (Residual Industrial)	0%
(vi)	Excess land Subclass (Large Industrial)	0%

(d) That the existing Seniors' (65+) Tax Rebate Program be continued for the 2020 taxation year with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

(e) That the Deferral of Tax Increases for Seniors and Low-Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2020 taxation year with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

(f) That the Full Tax Deferral Program for Seniors and Low-Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2020 taxation year as the third year of the three-year pilot with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

(g) That the existing 40% Tax Rebate for eligible charities and similar organizations be continued for the 2020 taxation year;

(h) That, for the 2020 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial and Industrial property classes be set at the maximum allowable of 10% of previous year's Current Value Assessment (CVA) level taxes;

- (i) That, for the 2020 taxation year, any capped property in the Commercial and Industrial property classes that is within \$500 of its Current Value Assessment (CVA) taxes in 2020, be moved directly to its full Current Value Assessment (CVA) taxes;
- (j) That capping protection will be limited only to reassessment related changes prior to 2017;
- (k) That the Commercial property class be excluded from capping protection for 2020 and any subsequent years;
- (l) That the four-year capping phase-out option be continued for the Industrial property class with 2020 being year two of four;
- (m) That, for the 2020 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (n) That for the 2020 taxation year, any property in the Industrial property class which paid full Current Value Assessment (CVA) taxes in 2019, no longer be eligible for capping protection in 2020 and future years;
- (o) That, for the 2020 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (p) That, for the 2020 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS20039, "2020 Tax Policies and Area Rating", attached hereto;
- (q) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2020 taxation year.

EXECUTIVE SUMMARY

Report FCS20039 highlights the tax policy tools and options for the current taxation year and, for the most part, is consistent with the tax policies recommended in previous years and also includes the following changes:

- Elimination of the rate discount for properties in the vacant and excess land subclasses in the commercial and industrial property classes;
- Changes to the criteria for income verification for the Seniors' Tax Rebate Program as well as the Deferral of Tax Increases and Full Tax Deferral Programs to accommodate income splitting; and

- The discontinuation of tax capping for the commercial property class as there are no properties eligible for 2020.

Table 3 in the “Analysis and Rationale for Recommendation(s)” section of Report FCS20039 provides details of all the tax policies being recommended.

As identified in Table 1, the combined impacts of the final approved 2020 Operating Budget, inclusive of the final growth, reassessment and education impacts and the tax policies recommended in Report FCS20039 has resulted in achieving a total **City-wide residential tax impact of 2.9% or \$121** for the average residential property valued at \$380,300. This is equivalent to a \$32 increase for every \$100,000 of assessment.

Table 1
2020 Average Residential Tax Impact

	\$	%
Municipal Taxes	\$ 119	3.3%
Education Taxes	\$ 2	0.4%
Total Taxes	\$ 121	2.9%

The tax impact identified in Table 1 is simply a City-wide average. Area rating, tax policies and reassessment result in varying tax impacts throughout the City and on a property-by-property basis. Average residential tax impacts by ward and area rating scenario are included in Appendix “B” to Report FCS20039, “2020 Tax Policies and Area Rating”, attached hereto.

Table 2 identifies the 2020 total average tax impacts by property class.

Table 2
Total Tax Impact by Class

	Municipal				Total Incl. Education
	Reassessment	Tax Policy	Budget	Total	
Residential	0.2%	-0.2%	3.3%	3.3%	2.9%
Multi-Residential	-1.3%	-0.2%	0.0%	-1.5%	-1.5%
Commercial	0.4%	0.2%	3.3%	3.8%	2.8%
Industrial	-2.1%	3.5%	1.7%	3.0%	2.8%
Farm	3.1%	-0.3%	4.1%	7.0%	6.2%

Anomalies in totals due to rounding

As shown in Table 2, the average tax impacts vary between property classes. This is as a result of varying average reassessment impacts, tax policies and restrictions on the Multi-Residential and the Industrial property classes.

The reassessment impacts for the 2020 taxation year are similar to previous years as 2020 is the last year of this reassessment cycle. However, as part of “Ontario’s Action Plan: Responding to COVID-19” announced on March 25, 2020, the government is postponing the reassessment planned for 2020. This means that property assessments for the 2021 taxation year will continue to be based on the same valuation date that was in effect for the 2020 taxation year. The Municipal Property Assessment Corporation (MPAC) will continue to maintain the assessment roll and ensure that it is updated to reflect changes such as new construction. Staff will update Council when the impact of these changes has been analyzed.

The tax policy impacts include the elimination of the Vacant / Excess Land Subclasses in the Commercial and Industrial Property Classes (the “Reduction Program”) as approved by Council in Report “New Municipal Flexibility for Vacant Unit Rebates and Vacant / Excess Land Subclasses (FCS17021(b))”, in order to align with the direction already taken by the Province. Additional details can be found in the Analysis and Rationale for Recommendations section of Report FCS20039.

The final tax impact also includes the effect of the Provincial legislation as it relates to the Multi-Residential property class, in which municipalities with a Multi-Residential tax ratio above 2.0 are not allowed to pass any reassessment related increases to the class and are also subject to a full levy restriction. In addition, the Industrial property class continues to be restricted and levy increases cannot be more than 50% of the increase passed onto the Residential property class. Overall, the tax impact varies significantly between classes.

The municipal tax impact for the Residential property class is 3.3%, which is the net result of reassessment, the benefit to the residential class due to the elimination of the Reduction Program and the budgetary increases. The total tax impact including education is 2.9%.

The Multi-Residential property class, including properties in the Multi-Residential and New Multi-Residential property classes, is experiencing an average tax reduction of -1.5% (Municipal and with Education). This is beyond the legislated requirement of 0% increase because this class is experiencing a reassessment related benefit that cannot be passed onto the other classes and also because this class is subject to the full levy restriction, since the City has a tax ratio of 2.4876 (for 2020) which is above the maximum required of 2.0.

The Commercial property class is experiencing a municipal tax impact of 3.8% which is the combined impact of reassessment and tax policies of 0.6%, which includes the tax shift as a result of the Reduction Program and a budget impact of 3.3%. A benefit from the education tax results in a total tax impact of 2.8%.

The Industrial property class is experiencing a municipal tax increase of 3.0%. Although this class has benefited from the lower property values in the current reassessment cycle and the ongoing levy restriction, the Reduction Program elimination resulted in shifts that impacted the Industrial and Commercial property classes. A benefit from the education tax results in a total tax impact of 2.8%.

The total impact for the farm class is 6.2%, which is greatly impacted by reassessment as in this cycle, the increase in the value of these properties was significantly higher than average not only in the City, but also across the Province. However, normally farm properties also have a residential component and the combined impact is, therefore, below the 6.2% shown only for the farm property class. Also, the City's low farm tax ratio of 0.1767, helps to limit the actual tax impact in dollars.

Alternatives for Consideration

Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Current and future tax policies impact the City financially in terms of revenue streams and their sources. The policies recommended in Report FCS20039 have no budget impact since they have all been incorporated into the 2020 approved budget. The combined growth and reassessment impacts have been used to offset the 2020 budgetary pressures.

Staffing: None

Legal: None

HISTORICAL BACKGROUND

Each year, staff bring forward tax policy options as part of the overall annual budget approval. The tax policies being recommended are consistent with the assumptions used when identifying tax impacts to Council during the 2020 budget process.

In 2011, significant changes were approved by Council to the method used for the area rating of specific services. Specifically, commencing in the 2011 taxation year, services such as Recreation, Fire, Sidewalks and Street Lighting are area rated based on an urban / rural model. Culture was area rated prior to 2011 and is no longer area rated. Parkland Purchases, Sidewalk Snow Clearing (Ancaster only) and Transit (urban area only) continue to be area rated by the former area municipality.

The final 2020 tax impacts identified in Report FCS20039 incorporate the budget impact as well as tax policies, growth and reassessment impacts.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Report FCS20039 deals with a number of tax policy items.

RELEVANT CONSULTATION

Staff has consulted with Provincial staff and confirmed that the recommended tax policies adhere to the Provincial legislation.

Staff from the Taxation Section and Legal and Risk Management Services Division, Corporate Services Department has also been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Table 3 below details the recommendations for the 2020 tax year for each of the tax policy tools available to municipalities.

Table 3

Tax Policy Tool	Mandatory vs. Discretionary	Recommendation
Tax Ratios	Mandatory	<ul style="list-style-type: none"> • Reduction of the Multi-Residential tax ratio to adhere to Provincial legislation that prevents municipalities from passing on any reassessment and budgetary related increases onto this class. • Reduction of the Industrial tax ratio to adhere to the levy restriction and only pass on 50% (maximum allowable) of the Residential budgetary tax increase.
	Discretionary	<ul style="list-style-type: none"> • Commercial tax ratio to continue at the Provincial threshold (Discretionary).
Capping	Mandatory program with discretionary criteria	<ul style="list-style-type: none"> • Limit capping protection only to reassessment related changes prior to 2017. • Once all properties in the class are at CVA taxes, the class is not eligible for capping in future years. New for 2020 properties in the Commercial class are excluded. • Continue to set the maximum allowable capping criteria in an effort to limit the amount of capping. • Criteria: 10% of previous year's CVA level taxes and moving to CVA level taxes if within \$500 of CVA level taxes. • No changes in the following criteria: no capping if at full CVA taxes in 2019, full CVA taxes on new construction / new to class, no clawbacks. • Continuation of the phase-out option for the for the Industrial property class.

Tax Policy Tool	Mandatory vs. Discretionary	Recommendation
Vacancy Rebates	Discretionary	<ul style="list-style-type: none"> This program has been eliminated as approved by Council on June 2017 (Report FCS17021(a)).
Optional Property Classes	Discretionary	<ul style="list-style-type: none"> Maintain existing Parking Lot and (Commercial) Vacant Land and Large Industrial optional property classes. The City has not adopted the small-scale on-farm business subclasses. Education rates for these subclasses will be identified in the corresponding City By-law.
Reduction Programs	Discretionary	<ul style="list-style-type: none"> Reductions to the vacant and excess land subclasses were eliminated beginning in the 2020 tax year as approved by Council on December 4, 2019, Report FCS17021(b).
Seniors Tax Rebate Program	Discretionary	<ul style="list-style-type: none"> Continue existing program – see below. 2020 updated rebate amount = \$198 (2019 amount of \$194 + CPI). Increase assessment threshold to \$493,200 (120% of the updated city-wide average assessed value for a single family dwelling). Increase income threshold to \$36,900 (150% of updated GIS couple). New: Amend criteria to verify income threshold when pension income splitting has occurred. Adjustment will enhance eligibility.
Deferral of Tax Increases Program	Mandatory	<ul style="list-style-type: none"> Maintain the program with the updated criteria approved by Council (Report FCS18005). Update income threshold to \$36,900 (150% of updated GIS couple). New: Amend criteria to verify income threshold when pension income splitting has occurred. Adjustment will enhance eligibility.
Full Tax Deferral Program	Discretionary	<ul style="list-style-type: none"> Three-year pilot approved by Council (Report FCS18005) starting in 2018. Update income threshold to \$36,900 (150% of updated GIS couple). Application fee: \$200+HST; Interest at 5% per annum. New: Amend criteria to verify income threshold when pension income splitting has occurred. Adjustment will enhance eligibility.
Area Rating	Discretionary	<ul style="list-style-type: none"> Area rating based on the Council approved (April 2011) Urban/Rural model (Reports FCS09087 / FCS09087a / FCS11042).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Tax Policy Tool	Mandatory vs. Discretionary	Recommendation
		<ul style="list-style-type: none"> Appendix “A” to Report FCS20039 identifies the area rated levies for 2020.
<p align="center">Rebates to Charities and Similar Organizations</p>	<p align="center">Mandatory</p>	<ul style="list-style-type: none"> Continue with existing program. 40% rebate for charities. 100% rebate for accredited educational institutions that rent their property. 100% rebate for Veteran’s Clubhouses and Legion Halls that would otherwise be tax exempt.

Tax Ratios

Tax ratios distribute the tax burden across the property classes relative to the Residential property class tax ratio, which is set at 1.0000. For example, a property in a property class with a tax ratio of 2 would pay twice the amount of municipal tax as a similarly valued residential property. Tax ratios must be set within flexibility ranges determined by Provincial regulations.

Table 4 identifies the recommended 2020 final tax ratios compared to the 2019 final approved tax ratios and the Provincial thresholds:

**Table 4
Recommended 2020 Final Ratios**

	2019 Final Tax Ratios		Recommended 2020 Final Tax Ratios	Provincial Threshold	Provincial Range of Fairness
Residential	1.0000		1.0000		
Multi-Residential	2.5671	➔	2.4876	2.7400	1.0 - 1.1
Commercial	1.9800		1.9800	1.9800	0.6 - 1.1
Industrial	3.3696		3.3153	2.6300	0.6 - 1.1
Industrial - Large	3.9513		3.8876	2.6300	0.6 - 1.1
Pipeline	1.7947		1.7947		
Landfills	2.9696		2.9696	3.1189	
Farm	0.1767		0.1767		

As shown in Table 4, the Multi-Residential tax ratio has been reduced from 2019 in order to comply with the Provincial legislation that prevents municipalities with tax ratios above 2.0 to pass any reassessment related increases and any budgetary increases onto the Multi-Residential property class.

The Industrial property class continues to be levy-restricted as the City’s tax ratio is above the Provincial Threshold and as a result, the 2020 tax ratio has also been reduced from the 2019 tax ratio.

Staff is recommending that the 2019 tax ratios for all other property classes be maintained as detailed in Recommendation (b) of Report FCS20039.

Capping

In 2016 and 2017, the Province enacted a series of options to help municipalities to accelerate the process towards Current Value Assessment (CVA) level taxes. The measures that the City has adopted since, have resulted in significant progress towards CVA taxes. For 2020, there is only one property in the Industrial property class that is still capped, properties in the Commercial property class that were capped in 2019 no longer qualify for capping protection and the Multi-Residential property class is also no longer eligible.

Recommendations (h) to (o) of Report FCS20039 detail the capping measures that staff is recommending for the 2020 tax year.

Reduction Programs for Vacant / Excess Land Subclasses

In 2017, the Province approved legislation providing municipalities with flexibility in the application of Vacant Unit Rebates and Commercial and Industrial Vacant / Excess Land Subclasses Reduction Program (“the Reduction Program”). The Reduction Program applies to commercial or industrial properties only in the vacant and excess land subclasses, in which these subclasses are taxed at a fixed percentage that is 30% to 35% below the tax rate of the broad class.

Starting in 2019, the Ministry of Finance started a phase-out of the subclass reduction factors applied to the Education rates with the goal of eliminating the reduction by 2020. This legislation applies to all municipalities, regardless of their own reduction program. In December 4, 2019, Council approved the elimination of the Reduction Program beginning in the 2020 taxation year in order to align with the direction taken by the Province.

The elimination of the Reduction Program did not result in levy savings, but it redistributed the tax burden among property classes, benefiting the Residential property class by approximately (0.2%) or (\$8) for the average residential property. This benefit is already included in the average residential tax impact presented on page 4 of Report FCS20039.

Additional details on the elimination of the Reduction Program can be found in Report FCS17021(b), “New Municipal Flexibility for Vacant Unit Rebates and Vacant / Excess Land Subclasses”.

Seniors’ Tax Rebate

The Seniors’ Tax Rebate Program is a non-mandatory tax relief program that offers a tax rebate of \$198 (2020) for seniors that fall within the eligibility criteria. The program has been in place city-wide since 2002 providing relief to a large number of citizens. In 2019, the City provided 3,306 rebates for a total of \$640,706 (municipal \$ share is 555,283).

Recommendation (d) of Report FCS20039 includes a minor amendment to the income criteria of this program in order to avoid double-counting pension income designated for splitting by one spouse when adding line 15000 of the Income Tax Return for both spouses. This change may result in a few additional successful applications.

Full Tax Deferral and Deferral of Tax Increases Programs

Since Full Tax Deferral and Deferral of Tax Increases Programs share common elements with the Seniors' Tax Rebate Program, including the income criterion in Recommendations (e) and (f) of Report FCS20039, staff is advising that the same modification to avoid including the pension income splitting amount in the total calculation of income be applied to these programs. Similarly, staff does not anticipate a significant increase in successful applications due to this change.

Regarding the Full Tax Deferral program, this is a pilot project entering its third year. 2018 was the first year of the program and the City received four applications for a total of \$14 K in deferred taxes. In 2019, 21 applications were received (17 new and four renewals) for a total \$89 K in deferred taxes. To date, no applications have been received for 2020 as applications require the 2019 Notice of Assessment.

Staff will report back on the progress of the pilot program and will submit any recommendations regarding continuation of the program once the applications for 2020 have been processed.

Tax Impacts

The final average tax impacts, as identified in Appendix "B" to Report FCS20039, are the result of various factors:

- 2020 approved tax operating budget (Report FCS20001(a));
- Approved area rating methodology, whereby Fire, Recreation, Sidewalks and Street Lighting are area rated based on Urban / Rural, while Transit (urban area only), Sidewalk Snow Removal (Ancaster only) and Parkland Purchase are area rated based on the former area municipality;
- Fourth year of the current reassessment cycle (2017-2020);
- Reassessment and levy restrictions on the Multi-Residential property class;
- Levy restriction on the Industrial property class; and
- 2020 tax policies as recommended within Report FCS20039.

Further details on the impacts by ward are provided in Tables 5 and 6. Although the Residential City-wide average total impact is 2.9%, due to the various factors identified above, the impacts will vary between wards. While the reassessment accounts for most of the varying impacts experienced in different parts of the City, budget pressures and enhancements in area rated services may also have a greater impact on some wards than others (for example, transit service levels).

Note that 87% of the Residential properties are identified as fully Urban and 9% as fully Rural. Only 4% of the Residential properties fall within “Urban with Rural Fire” or “Rural with Urban Fire”.

Residential Tax Impacts (Reassessment + Tax Policies + Budget)

Tables 5 and 6 break down the 2.9% City-wide average Residential tax impact into the average Urban and Rural Residential tax impacts by ward. Further detail on the impacts by ward and by all four tax groupings (Urban, Rural, Urban with Rural Fire and Rural with Urban Fire) are provided in Appendix “B” to Report FCS20039 “2020 Tax Policies and Area Rating” attached hereto.

Average impacts between wards have significant variation in the urban areas as a consequence of the reassessment and because some services (transit, parkland purchases) continue to be area rated. Tax impacts in the urban areas vary from 1.9% (Ward 11) to 4.1% (Wards 1 and 3). In the rural areas, the tax impacts by ward are more consistent with the 2.9% city-wide average ranging from 2.8% (Ward 11) to 3.2% (Ward 9 and 15). Appendix “A” to Report FCS20039 “2020 Tax Policies and Area Rating” identifies the area-rated levies.

Table 5
2020 Total Residential Tax Impacts (Municipal and Education):
Urban - Including Urban Fire / with Transit
 (inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD

	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	1.3%	2.8%	4.1%	\$ 191
Ward 2	0.9%	2.8%	3.7%	\$ 120
Ward 3	1.3%	2.8%	4.1%	\$ 103
Ward 4	0.3%	2.8%	3.1%	\$ 83
Ward 5	-0.2%	2.8%	2.6%	\$ 92
Ward 6	-0.2%	2.8%	2.6%	\$ 99
Ward 7	0.2%	2.8%	2.9%	\$ 114
Ward 8	0.1%	2.8%	2.8%	\$ 121
Ward 9	-0.2%	2.8%	2.5%	\$ 106
Ward 10	-0.2%	2.8%	2.6%	\$ 119
Ward 11	-0.6%	2.6%	1.9%	\$ 83
Ward 12	-0.4%	3.0%	2.6%	\$ 147
Ward 13	-0.5%	2.9%	2.4%	\$ 121
Ward 14	0.0%	2.8%	2.8%	\$ 129
Ward 15	-0.3%	2.5%	2.2%	\$ 126

City-Wide Average	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding

The first column of Table 6 combines the benefit of the elimination of the Reduction Program and the tax impacts due to reassessment. Since the elimination of the Reduction Program benefited the Residential property class with a uniform reduction of 0.2%, the difference among wards is due to reassessment. Overall, Wards 1, 2 and 3 are experiencing higher than average reassessment / tax policy impacts (0.9% to 1.3%) while Wards 11, 12 and 13 are benefiting from lower than average reassessment / tax policy impacts (-0.4% to -0.6%).

The budget impacts are relatively similar across the City, with some minor variations in Wards 11 and 15 (2.5%-2.6% vs the average of 2.9%). This is due to revisions in transit resulting in fewer kilometres allocated to Glanbrook and Flamborough, which translated into a lower allocation of the transit levy in these two former municipalities. Ward 11 is benefiting from the fact that the Glanbrook TransCab kilometres were revised as a result of the extension of Route 22-Upper Ottawa. Ward 15 is benefiting from the change in the split of Route 18-Waterdown, which now allocates the Burlington portion of the route to Hamilton, which was previously allocated to Waterdown.

Ward 12 is experiencing a slightly higher than average budget impact due to additional funding for the Ancaster Memorial Arts Centre and increased frequency of Route 44-Rymal.

Table 6
2020 Total Residential Tax Impacts (Municipal and Education):
Rural - Including Rural Fire / No Transit
(inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD

	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	N/A	N/A	N/A	N/A
Ward 2	N/A	N/A	N/A	N/A
Ward 3	N/A	N/A	N/A	N/A
Ward 4	N/A	N/A	N/A	N/A
Ward 5	N/A	N/A	N/A	N/A
Ward 6	N/A	N/A	N/A	N/A
Ward 7	N/A	N/A	N/A	N/A
Ward 8	N/A	N/A	N/A	N/A
Ward 9	-0.2%	3.4%	3.2%	\$ 120
Ward 10	N/A	N/A	N/A	N/A
Ward 11	-0.6%	3.4%	2.8%	\$ 108
Ward 12	-0.4%	3.5%	3.1%	\$ 157
Ward 13	-0.5%	3.4%	2.9%	\$ 135
Ward 14	N/A	N/A	N/A	N/A
Ward 15	-0.3%	3.4%	3.1%	\$ 160

City-Wide Average	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding

The residential rural areas of the City are experiencing a benefit from the combined effect of the Reduction Program elimination and the reassessment varying from (0.2%) in Ward 9 to (0.6%) in Ward 11. As previously explained, the elimination of the Reduction Program resulted in a (0.2%) for the Residential property class and therefore, the differences are explained by reassessment.

In terms of the budget impact, the rural areas of the City are experiencing slightly higher than average increases mostly due to increases in recreation and the cost of providing fire services in rural areas, which are mostly covered by volunteer firefighters. Decreases in streetlighting due to efficiencies of using LEED lights, partially mitigate these increases.

ALTERNATIVES FOR CONSIDERATION

Alternatives are discussed in the Analysis and Rationale section of Report FCS20039.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS20039 – 2020 Area Rated Levies Summary

Appendix “B” to Report FCS20039 – 2020 Residential Tax Impacts

GR/dt

2020 AREA RATED LEVIES SUMMARY

AREA RATED SERVICES - URBAN / RURAL

SERVICE	BUDGET	URBAN / RURAL			
		URBAN		RURAL	
Fire	\$ 93,922,580	\$ 86,470,741	92.1%	\$ 7,451,839	7.9%
Recreation	\$ 36,536,186	\$ 33,773,711	92.4%	\$ 2,762,475	7.6%
Sidewalk	\$ 3,111,267	\$ 3,035,434	97.6%	\$ 75,833	2.4%
Street Lighting	\$ 5,353,317	\$ 5,017,968	93.7%	\$ 335,349	6.3%

AREA RATED SERVICES - FORMER AREA MUNICIPALITY

SERVICE	BUDGET	FORMER AREA MUNICIPALITY											
		HAMILTON		ANCASTER		DUNDAS		FLAMBOROUGH		GLANBROOK		STONEY CREEK	
Transit	\$ 59,466,540	\$ 48,991,393	82.4%	\$ 2,770,252	4.7%	\$ 1,216,420	2.0%	\$ 1,362,660	2.3%	\$ 1,279,303	2.2%	\$ 3,846,513	6.5%
Sidewalk Snow Removal	\$ 154,386	\$ -	0.0%	\$ 154,386	100.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%	\$ -	0.0%
Parkland Purchases	\$ 2,446,188	\$ 1,599,951	65.4%	\$ 529,338	21.6%	\$ 69,546	2.8%	\$ -	0.0%	\$ -	0.0%	\$ 247,353	10.1%
Special Infrastructure Re-investment	\$ 13,428,870	\$ 13,428,870	100.0%		0.0%		0.0%		0.0%		0.0%		0.0%
TOTAL AREA RATED LEVIES	\$ 214,419,334												

2020 Total Residential Tax Impacts (Municipal and Education): Urban - Including Urban Fire / with Transit

(inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD

	Average Residential Assessment	% of Ward Residential Properties	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	\$ 412,500	100%	1.3%	2.8%	4.1%	\$ 191
Ward 2	\$ 285,200	100%	0.9%	2.8%	3.7%	\$ 120
Ward 3	\$ 223,100	100%	1.3%	2.8%	4.1%	\$ 103
Ward 4	\$ 232,800	100%	0.3%	2.8%	3.1%	\$ 83
Ward 5	\$ 312,700	100%	-0.2%	2.8%	2.6%	\$ 92
Ward 6	\$ 332,600	100%	-0.2%	2.8%	2.6%	\$ 99
Ward 7	\$ 337,700	100%	0.2%	2.8%	2.9%	\$ 114
Ward 8	\$ 366,900	100%	0.1%	2.8%	2.8%	\$ 121
Ward 9	\$ 392,900	91%	-0.2%	2.8%	2.5%	\$ 106
Ward 10	\$ 425,300	69%	-0.2%	2.8%	2.6%	\$ 119
Ward 11	\$ 401,800	25%	-0.6%	2.6%	1.9%	\$ 83
Ward 12	\$ 533,500	59%	-0.4%	3.0%	2.6%	\$ 147
Ward 13	\$ 484,300	67%	-0.5%	2.9%	2.4%	\$ 121
Ward 14	\$ 405,500	100%	0.0%	2.8%	2.8%	\$ 129
Ward 15	\$ 532,300	71%	-0.3%	2.5%	2.2%	\$ 126

City-Wide Average	\$ 380,300	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding

**2020 Total Residential Tax Impacts (Municipal and Education):
Rural - Including Rural Fire / No Transit**

(inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD

	Average Residential Assessment	% of Ward Residential Properties	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	\$ 412,500	N/A	N/A	N/A	N/A	N/A
Ward 2	\$ 285,200	N/A	N/A	N/A	N/A	N/A
Ward 3	\$ 223,100	N/A	N/A	N/A	N/A	N/A
Ward 4	\$ 232,800	N/A	N/A	N/A	N/A	N/A
Ward 5	\$ 312,700	N/A	N/A	N/A	N/A	N/A
Ward 6	\$ 332,600	N/A	N/A	N/A	N/A	N/A
Ward 7	\$ 337,700	N/A	N/A	N/A	N/A	N/A
Ward 8	\$ 366,900	N/A	N/A	N/A	N/A	N/A
Ward 9	\$ 392,900	8%	-0.2%	3.4%	3.2%	\$ 120
Ward 10	\$ 425,300	N/A	N/A	N/A	N/A	N/A
Ward 11	\$ 401,800	62%	-0.6%	3.4%	2.8%	\$ 108
Ward 12	\$ 533,500	35%	-0.4%	3.5%	3.1%	\$ 157
Ward 13	\$ 484,300	32%	-0.5%	3.4%	2.9%	\$ 135
Ward 14	\$ 405,500	N/A	N/A	N/A	N/A	N/A
Ward 15	\$ 532,300	29%	-0.3%	3.4%	3.1%	\$ 160

City-Wide Average	\$ 380,300	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding

**2020 Total Residential Tax Impacts (Municipal and Education):
Urban - Including Rural Fire / with Transit**

(inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD

	Average Residential Assessment	% of Ward Residential Properties	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	\$ 412,500	N/A	N/A	N/A	N/A	N/A
Ward 2	\$ 285,200	N/A	N/A	N/A	N/A	N/A
Ward 3	\$ 223,100	N/A	N/A	N/A	N/A	N/A
Ward 4	\$ 232,800	N/A	N/A	N/A	N/A	N/A
Ward 5	\$ 312,700	N/A	N/A	N/A	N/A	N/A
Ward 6	\$ 332,600	N/A	N/A	N/A	N/A	N/A
Ward 7	\$ 337,700	N/A	N/A	N/A	N/A	N/A
Ward 8	\$ 366,900	N/A	N/A	N/A	N/A	N/A
Ward 9	\$ 392,900	0%	-0.2%	3.1%	2.9%	\$ 115
Ward 10	\$ 425,300	31%	-0.2%	3.1%	3.0%	\$ 126
Ward 11	\$ 401,800	12%	-0.6%	2.8%	2.2%	\$ 91
Ward 12	\$ 533,500	5%	-0.4%	3.3%	2.9%	\$ 156
Ward 13	\$ 484,300	N/A	N/A	N/A	N/A	N/A
Ward 14	\$ 405,500	N/A	N/A	N/A	N/A	N/A
Ward 15	\$ 532,300	N/A	N/A	N/A	N/A	N/A

City-Wide Average	\$ 380,300	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding

**2020 Total Residential Tax Impacts (Municipal and Education):
Rural - Including Urban Fire / No Transit**

(inclusive of reassessment, area rating, tax policies and education taxes)

BY WARD


	Average Residential Assessment	% of Ward Residential Properties	Reassessment & Tax Policies	Budget (inclusive of Area Rating)	Total Average Impact (%)	Total Average Impact (\$)
Ward 1	\$ 412,500	N/A	N/A	N/A	N/A	N/A
Ward 2	\$ 285,200	N/A	N/A	N/A	N/A	N/A
Ward 3	\$ 223,100	N/A	N/A	N/A	N/A	N/A
Ward 4	\$ 232,800	N/A	N/A	N/A	N/A	N/A
Ward 5	\$ 312,700	N/A	N/A	N/A	N/A	N/A
Ward 6	\$ 332,600	N/A	N/A	N/A	N/A	N/A
Ward 7	\$ 337,700	N/A	N/A	N/A	N/A	N/A
Ward 8	\$ 366,900	N/A	N/A	N/A	N/A	N/A
Ward 9	\$ 392,900	N/A	N/A	N/A	N/A	N/A
Ward 10	\$ 425,300	N/A	N/A	N/A	N/A	N/A
Ward 11	\$ 401,800	1%	-0.6%	3.1%	2.5%	\$ 101
Ward 12	\$ 533,500	1%	-0.4%	3.2%	2.8%	\$ 152
Ward 13	\$ 484,300	1%	-0.5%	3.1%	2.6%	\$ 127
Ward 14	\$ 405,500	N/A	N/A	N/A	N/A	N/A
Ward 15	\$ 532,300	N/A	N/A	N/A	N/A	N/A

City-Wide Average	\$ 380,300	0.0%	2.9%	2.9%	\$ 121
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Anomalies in totals due to rounding



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 22, 2020
SUBJECT/REPORT NO:	Repeal and Replace Public Nuisance By-law 09-110 and Amend Administrative Penalty By-law 17-225 (PED20076) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Leendertse (905) 546-2424 Ext. 3059
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the draft by-law, attached as Appendix “A” to Report PED20076, which repeals and replaces By-law 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton, and amends the Administrative Penalties By-law 17-225 which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate and enforce odour and lighting nuisances related to the cultivation of cannabis plants.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

The City of Hamilton has received numerous complaints regarding odour coming from the production of cannabis on certain properties within the City. It is staffs understanding that several individuals with medical cannabis licences have joined together to produce their allocated number of plants at various properties in the City, with each location growing approximately 2,000 plants.

This Report adds offences to the Public Nuisance By-law in relation to cannabis cultivation. The original offences of urinating and defecating in public and knocking over mailboxes and garbage bins will be added the Administrative Penalty process for enforcement efficiency.

The proposed by-law adds new offences directly related to cannabis cultivation such as:

- causing or permitting the light from the cultivation of cannabis plants to shine upon the land of others so as to be or to cause a nuisance to any person or to the public generally;
- causing or permitting an odour from the cultivation of cannabis plants so as to be or to cause a nuisance to any person or to the public generally.

These additional offences will assist Municipal Law Enforcement in addressing concerns from our citizens about quality of life issues and general nuisance.

Also, although this by-law may help in reducing public nuisance complaints, the regulation and control of cannabis growing is a federal and provincial responsibility, therefore the City should request their help in regulating the effects of nuisance odour and light from cannabis cultivation.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: The enforcement of this by-law will be with existing staff.

Legal: Legal Services is satisfied with the form of the draft by-law attached as Appendix “A”.

HISTORICAL BACKGROUND

Health Canada has recognized a person's right to grow cannabis for personal medical use since 2001. Health Canada issues licences to individuals to grow a specific number of plants for personal medical use, which can be partnered with three other individuals to create a growing operation of over 2,000 plants.

Furthermore, as of October 17, 2008, it is legal in Canada to possess and grow cannabis for recreational use.

Cannabis plants have a strong odour when they are at the flowering stage of growth. The residents who live close to these properties have informed the City that the pungent odour from the cannabis plants has resulted in the loss of enjoyment of the normal use of their own properties.

These personal growing operations for medical and recreational use have no specific federal or provincial regulations regarding odour and light abatement. Municipalities, to date, are only regulating these types of operations through zoning, if applicable.

In 2009, the City of Hamilton passed the Public Nuisance By-law which included offences of urinating or defecating in a public place and the prohibition of knocking over mail or newspaper boxes. It did not include offences related to nuisance odours or lighting.

At its meeting on June 12, 2019, Council approved Item 11 of Planning Committee Report 19-009 directing staff to bring an amending by-law to the current By-law 09-110 to include the violations of; cause or permit any public nuisance; cause or permit any activity on one property which are obnoxious or which substantially reduce the enjoyment of another property, including without limiting the generality of activities such as the creation of vibration or the emission of smoke, dust, airborne particulate matter or objectionable odour and light that is broadcasted directly from one property onto another property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed draft by-law is within Council's authority under the *Municipal Act, 2001* to prohibit or regulate nuisances, including the express authority to prohibit or regulate with respect to lighting and odours.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this report and the draft by-law attached as Appendix “A”.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

At its meeting on June 12, 2019, Council directed staff to amend the current nuisance by-law to include the violations of; cause or permit any public nuisance; cause or permit any activity on one property which are obnoxious or which substantially reduce the enjoyment of another property, including without limiting the generality of activities such as the creation of vibration or the emission of smoke, dust, airborne particulate matter or objectionable odour and light that is broadcasted directly from one property onto another property.

Council’s direction was broad in nature and mirrored the City’s authorities under the *Municipal Act, 2001* – specifically sections 128 and 129 which authorize the regulation of public nuisances with respect to noise, vibration, odour, dust and lighting that can be seen outdoors.

The proposed draft Public Nuisance By-law seeks only to remedy the adverse impacts of the odour and excessive light effects of personal cannabis production on the community, which are not currently being addressed by the federal and provincial governments.

Although the staff direction included the regulation of vibrations, smoke, dust and other airborne particulate matter, the complaints regarding cannabis have been exclusively regarding odour and lighting. If Council wishes to include vibrations, smoke, dust and airborne particulate matters in the new Public Nuisance By-law, a broader discussion and possibly more public consultation will need to occur to determine what types of vibrations, smoke, dust, and airborne particulate matter will be considered a nuisance. Staff will also need some direction to determine what time of day or in what locations some of these nuisances will be permitted and to determine who or what would be exempt from the by-law.

Recommendation (b)

In conjunction with passing this new by-law, Council may want to encourage the federal and provincial governments to address the issues of odour and lighting as it pertains to the cultivation of personal cannabis plants for medical and recreational use.

Cannabis is already heavily regulated by the federal and provincial governments.

Under the current federal legislative scheme, users of cannabis for medical or recreational purposes are permitted to produce cannabis for themselves on their own property but are not required to comply with the regulations over matters such as emission of odour and light suppression that other licensed producers are required to comply with.

Amendments could be made to the Federal *Cannabis Act*, S.C. 2018, c. 16, or the Provincial *Cannabis Control Act*, 2017, S.O. 2017 c. 26, Sched. 1, to require the cultivation of personal cannabis plants to be grown indoors and/or the requirements to have proper ventilation and lighting systems in place to address odour and light nuisances. Health Canada could also amend its regulations or licences to further reduce the number of medical plants permitted to be grown on any one given property.

The Ontario Ministry of the Environment also has the authority to regulate odours that cause an adverse effect under the *Environmental Protection Act*, R.S.O. 1990, c. E. 19. Council may want to consider seeking the Ministry's support in investigating complaints regarding noxious odours coming from the cultivation of cannabis plants, rather than trying to enforce it through a municipal by-law.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Draft By-law to Repeal and Replace Public Nuisance By-law 09-110 and Amend Administrative Penalties By-law 17-225

KL:st

Authority: Item ,
Report
CM:
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Repeal and Replace By-law No. 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton; and to Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS the Council of the City of Hamilton deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

AND WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the City at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS in the opinion of the Council for the City of Hamilton, the following are or could become a public nuisance:

- (a) the act of urinating or defecating in public places;
- (b) the act of knocking over mailboxes, relay boxes, newspaper boxes, recycling boxes and other waste containers located on highways; or
- (c) odours and lighting from the cultivation of cannabis plants.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART I - INTERPRETATION

Definitions

1. In this By-law:

"**Act**" means the *Cannabis Act* S.C. 2018, c. 16 and its regulations, and if applicable, any predecessor or successor acts and its respective regulations, all as amended;

“**By-law**” means this by-law to prohibit and regulate certain nuisances within the City of Hamilton;

“**Canada Post**” means Canada Post Corporation established by the *Canada Post Corporation Act*, R.S.C., 1985, c. C-10;

“**City**” means the municipal corporation of the City of Hamilton;

“**Cannabis Plant**” means a plant that belongs to the genus *Cannabis* and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

“**Cultivate, Cultivated, Cultivating or Cultivation**” in respect of cannabis, means to grow, propagate or to harvest cannabis plants and includes the possession of cannabis plants;

“**Defecate**” means to discharge excrement from the human body;

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, part of which is intended for use or used, by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards;

“**Nuisance**” means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

“**Officer**” means a Police Officer or a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“**Porta Potty**” means a portable building containing a toilet;

“**Public Place**” includes a Highway and any place to which the public has access and private property that is exposed to public view, whether or not the property is owned by the person contravening the By-law, but does not include a Washroom Facility;

“**Senses**” means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

“**Urinate**” means to discharge urine from the human body; and

“**Washroom Facility**” means a room inside a building that is equipped with toilet facilities and includes a Porta Potty.

Application

2. This By-law applies to all persons, lands and properties in the City of Hamilton.

PART II - RESTRICTIONS

Urinating or Defecating in a Public Place

3. No person shall Urinate or Defecate in a Public Place.

Knocking over Personal and Public Property

4. No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, recycling container, garbage container or other similar waste container located on a Highway. This section shall not apply to:
 - (a) City employees or any person under contract to the City who is acting under the City's Solid Waste Management By-law;
 - (b) City employees or any person under contract to the City while performing work in the normal course of their duties; or
 - (c) Canada Post employees or any person under contract to Canada Post while performing work in the normal course of their duties.

Lighting from the Cultivation of Cannabis Plants

5. No person shall cause, create or permit light from the Cultivation of cannabis plants to shine upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
6. Every owner or occupier of land shall ensure that no light from the Cultivation of cannabis plants on his or her land shines upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
7. Outdoor lighting and indoor lighting from the Cultivation of cannabis plants that can be seen outdoors shall be operated, placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a building on adjoining land or lands regardless of whether such a building has or may have a barrier, shades, drapes or other interior window coverings.

Odours from the Cultivation of Cannabis Plants

8. No person shall cause, create or permit the emission of an odour from the Cultivation of cannabis plants so as to be or to cause a Nuisance to any person or to the public generally.
9. Every owner or occupier of land shall ensure that no emission of an odour from the Cultivation of cannabis plants on his or her land is or causes a Nuisance to any person or to the public generally.

PART III - ENFORCEMENT

Enforcement

10. The provisions of this By-law may be enforced by an Officer.
11. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
12. An order under section 11 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order.
13. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
14. An order under section 13 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (b) the work to be completed;
 - (c) and the date by which the work must be complete.
15. An order under section 13 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.
16. An order made under sections 11 or 13 may be served personally or by registered mail to the last known address of:
 - (a) the person who caused, created or permitted the offence; and
 - (b) the owner or occupier of the lands where the contravention occurred.
17. Where an owner or occupier of the land on which the contravention occurred, who has been served with an order and fails to comply with the order, then an Officer, or any authorized agent on behalf of the City may enter on the land at any reasonable time and complete the work required to bring the land into compliance with the provisions of this By-law as set out in the order.

18. Where the work required to bring the land into compliance with the By-law has been performed by or for the City, the costs incurred in doing the work may be collected by action or the costs may be added to the tax roll for the land and collected in the same manner as taxes.
19. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
20. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
21. No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

22. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

Same re Corporations

23. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Other Remedies

24. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Continuing Offence

25. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

26. In the alternative to a charge for the offences described in this By-law and listed in Schedule A of the City of Hamilton’s By-law 17-225, an Officer may issue an administrative penalty notice for the applicable contraventions.

PART IV – MISCELLEOUS

Severability

27. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Administrative Penalty Table

28. Administrative Penalty By-law No 17-225 is amended by adding Table 23 to Schedule A:

TABLE 23: BY-LAW NO. XX-XXX NUISANCE BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	xx-xxx	3	Urinate in public place	\$205.00
2	xx-xxx	3	Defecate in public place	\$305.00
3	xx-xxx	4	Cause to knock over a mailbox	\$205.00
4	xx-xxx	4	Attempt to knock over a mailbox	\$155.00
5	xx-xxx	4	Cause to knock over a relay box	\$205.00
6	xx-xxx	4	Attempt to knock over a relay box	\$155.00
7	xx-xxx	4	Cause to knock over a newspaper box	\$205.00
8	xx-xxx	4	Attempt to knock over a newspaper box	\$155.00
9	xx-xxx	4	Cause to knock over a waste container	\$205.00
10	xx-xxx	4	Attempt to knock over a waste container	\$155.00

Short Title

29. The short title of this By-law is the “Public Nuisance By-law”.

Proceedings and Other Actions Continued

30. Any proceeding being conducted, or other action being carried out under By-law No. 09-110 shall be deemed to continue under this By-law, and any reference to By-law 09-110 in such proceeding or other action shall be deemed to refer to this By-law.

Repeal

31. By-law No. 09-110 is hereby repealed.

Enactment

32. This By-law comes into force and effect on the day it is passed.


PASSED this _____ day of _____, _____

F. Eisenberger
Mayor

A. Holland
City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 22, 2020
SUBJECT/REPORT NO:	Main West Esplanade Business Improvement Area Proposed 2020 Budget and Schedule of Payment (PED20092) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2020 Operating Budget for the Main West Esplanade Business Improvement Area, attached as Appendix "A" to Report PED20092, in the amount of \$15,700, be approved;
- (b) That the levy portion of the Operating Budget for the Main West Esplanade Business Improvement Area in the amount of \$9,872.00, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2020 Operating Budget for the Main West Esplanade Business Improvement Area;
- (d) That the following schedule of payments for the 2020 Operating Budget for the Main West Esplanade Business Improvement Area be approved:

April	\$4,936
June	\$4,936

Note: Assessment appeals may be deducted from the levy payments.

EXECUTIVE SUMMARY

This Report deals with the approval of the 2020 Budget and Schedule of Payments for the Main West Esplanade Business Improvement Area (BIA).

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The \$9,872 is completely levied by the BIA through its members. There is no cost to the City of Hamilton for any part of the Operating Budget.

Staffing: There are no staffing implications.

Legal: *The Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

HISTORICAL BACKGROUND

At its Board Meeting in February 2020 the Main West Esplanade BIA Board of Management approved its proposed Budget for 2020.

The process followed to adopt the Main West Esplanade BIA's Budget was in accordance with *The Municipal Act, 2001*, and the BIA's Procedure By-Law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001*, Section 205, Sub-section (2) dictates that City Council must approve Budgets of BIAs.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”-Main West Esplanade Business Improvement Area Proposed 2020
Operating Budget

JD:dt

**MAIN WEST ESPLANADE
BUSINESS IMPROVEMENT AREA
PROPOSED 2020 OPERATING BUDGET**

Revenue	
BIA Levy	\$9,872
Reserves	\$5,828
Total Revenues	\$15,700
Expenses	
Branding/Marketing	\$1,000
Streetscape and Beautification Efforts	\$10,000
Office Supplies	\$300
Insurance	\$2,000
Auditor and Accounting Services	\$1,900
Reserve Fund	\$500
Total Expenses	\$15,700

CITY OF HAMILTON

MOTION

Council Date: April 22, 2020

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR

Financial Support to Renovate the Spiritual Room and Office for Hamilton Regional Indian Centre at 95 Hess Street South, Hamilton

WHEREAS, since December 2019 the Hamilton Regional Indian Centre has partnered with CityHousing Hamilton to provide housing with supports for 10 - 15 Indigenous youth aged 6-24;

WHEREAS, the Hamilton Regional Indian Centre requires spiritual and office space to provide culturally appropriate supports to indigenous youth at 95 Hess Street South, Hamilton and to involve other tenants as relevant opportunities arise;

WHEREAS, CityHousing Hamilton can accommodate the need for space for the spiritual and office in the naturally well-lit basement area of 95 Hess Street South, Hamilton;

WHEREAS, the scope of work required to create a spiritual and office space includes interior lighting, painting, flooring, bathroom, kitchen, interior doors and a room addition for the spiritual room;

WHEREAS, the scope of work requires \$35,000 to complete the renovations; and

WHEREAS, Hamilton Regional Indian Council does not have the capital budget to cover the \$35,000 required to renovate the space;

THEREFORE, BE IT RESOLVED

- (a) That the \$35,000 cost of renovation for the Hamilton Regional Indian Centre to create culturally appropriate spiritual and office space, be funded from the Ward 2 Area Rating Reserve No. 108052; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON NOTICE OF MOTION

Council Date: April 22, 2020

MOVED BY COUNCILLOR J. PARTRIDGE.....

Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

WHEREAS the City’s Inventory and Research Working Group, at their meeting of September 23, 2019 recommended that 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 E, known historically as Evergreen Farm, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS the minutes of the City’s Inventory and Research Working Group were approved by the City’s Municipal Heritage Committee at their meeting of November 21, 2019 and at the December 3, 2019 Planning Committee meeting;

WHEREAS 1389 Progreston Road was added to the City’s Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS 1389 Progreston Road, Carlisle is under imminent threat of demolition

WHEREAS the historical 1389 Progreston Road "Evergreen Farm" is one the last known historical framed homestead farms of it's kind left in Ward 15 Flamborough.

WHEREAS the City has designated other properties that have been under imminent threat of demolition such as 18-28 King Street East, Hamilton;

THEREFORE BE IT RESOLVED

That staff be directed to take appropriate action to designate 1389 Progreston Road under Part IV of the Ontario Heritage Act, including preparation and giving the required public notice of the Notice of Intention to Designate and a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 11

Bill No. 075

CITY OF HAMILTON

BY-LAW NO. 20-

Respecting Removal of Part Lot Control

**Blocks 95 and 96, Registered Plan No. 62M-1249 “Empire Caterini – Phase 1”,
municipally known as 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, and
427 Pumpkin Pass**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 14 residential parcels for street townhouse dwellings and three (3) easements for maintenance and access purposes, shown as Parts 1 to 9, inclusive, on deposited Reference Plan 62R-21316, and shown as Parts 1 to 8, inclusive, on deposited Reference Plan 62R-21317, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 95 and 96, Registered Plan No. 62M-1249, in the City of Hamilton.

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 22nd day of April, 2022.
4. **PASSED** this 22nd day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 6, Public Works Committee
Report 18-012 (PW18082)
CM: September 26, 2019
Ward: 13

Bill No. 076

CITY OF HAMILTON

BY-LAW NO. 20-

To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

WHEREAS at its meeting of September 26, 2018, Council approved of Item 6 of Public Works Committee Report 18-012, and authorized the City of Hamilton to permanently close and sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton. Designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT); and

WHEREAS notice to the public of the proposed sale of the part of the road allowance has been given in accordance with the requirements of the Sale of Land Policy By-law.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The part of Moxley Road set out as follows:

To Permanently Close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

Page 2 of 2

Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton. Designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)

is permanently closed.

2. The soil and freehold of the Parts 1, 2 and 3 on Plan 62R-21438, hereby permanently closed, be sold to Lafarge Canada Inc. for the sum of Three Hundred and Twenty-Three Thousand Dollars (\$323,000.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 22nd day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Repeal and Replace By-law No. 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton; and to Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS the Council of the City of Hamilton deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

AND WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the City at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS in the opinion of the Council for the City of Hamilton, the following are or could become a public nuisance:

- (a) the act of urinating or defecating in public places;
- (b) the act of knocking over mailboxes, relay boxes, newspaper boxes, recycling boxes and other waste containers located on highways; or
- (c) odours and lighting from the cultivation of cannabis plants.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART I - INTERPRETATION

Definitions

1. In this By-law:

"Act" means the *Cannabis Act* S.C. 2018, c. 16 and its regulations, and if applicable, any predecessor or successor acts and its respective regulations, all as amended;

"By-law" means this by-law to prohibit and regulate certain nuisances within the City of Hamilton;

“Canada Post” means Canada Post Corporation established by the *Canada Post Corporation Act*, R.S.C., 1985, c. C-10;

“City” means the municipal corporation of the City of Hamilton;

“Cannabis Plant” means a plant that belongs to the genus *Cannabis* and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

“Cultivate, Cultivated, Cultivating or Cultivation” in respect of cannabis, means to grow, propagate or to harvest cannabis plants and includes the possession of cannabis plants;

“Defecate” means to discharge excrement from the human body;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, part of which is intended for use or used, by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards;

“Nuisance” means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

“Officer” means a Police Officer or a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“Porta Potty” means a portable building containing a toilet;

“Public Place” includes a Highway and any place to which the public has access and private property that is exposed to public view, whether or not the property is owned by the person contravening the By-law, but does not include a Washroom Facility;

“Senses” means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

“Urinate” means to discharge urine from the human body; and

“Washroom Facility” means a room inside a building that is equipped with toilet facilities and includes a Porta Potty.

Application

2. This By-law applies to all persons, lands and properties in the City of Hamilton.

PART II - RESTRICTIONS

Urinating or Defecating in a Public Place

3. No person shall Urinate or Defecate in a Public Place.

Knocking over Personal and Public Property

4. No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, recycling container, garbage container or other similar waste container located on a Highway. This section shall not apply to:
 - (a) City employees or any person under contract to the City who is acting under the City's Solid Waste Management By-law;
 - (b) City employees or any person under contract to the City while performing work in the normal course of their duties; or
 - (c) Canada Post employees or any person under contract to Canada Post while performing work in the normal course of their duties.

Lighting from the Cultivation of Cannabis Plants

5. No person shall cause, create or permit light from the Cultivation of cannabis plants to shine upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
6. Every owner or occupier of land shall ensure that no light from the Cultivation of cannabis plants on his or her land shines upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
7. Outdoor lighting and indoor lighting from the Cultivation of cannabis plants that can be seen outdoors shall be operated, placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a building on adjoining land or lands regardless of whether such a building has or may have a barrier, shades, drapes or other interior window coverings.

Odours from the Cultivation of Cannabis Plants

8. No person shall cause, create or permit the emission of an odour from the Cultivation of cannabis plants so as to be or to cause a Nuisance to any person or to the public generally.
9. Every owner or occupier of land shall ensure that no emission of an odour from the Cultivation of cannabis plants on his or her land is or causes a Nuisance to any person or to the public generally.

PART III - ENFORCEMENT

Enforcement

10. The provisions of this By-law may be enforced by an Officer.
11. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
12. An order under section 11 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order.
13. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
14. An order under section 13 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (b) the work to be completed;
 - (c) and the date by which the work must be complete.
15. An order under section 13 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.
16. An order made under sections 11 or 13 may be served personally or by registered mail to the last known address of:
 - (a) the person who caused, created or permitted the offence; and
 - (b) the owner or occupier of the lands where the contravention occurred.
17. Where an owner or occupier of the land on which the contravention occurred, who has been served with an order and fails to comply with the order, then an Officer, or any authorized agent on behalf of the City may enter on the land at any reasonable time

and complete the work required to bring the land into compliance with the provisions of this By-law as set out in the order.

18. Where the work required to bring the land into compliance with the By-law has been performed by or for the City, the costs incurred in doing the work may be collected by action or the costs may be added to the tax roll for the land and collected in the same manner as taxes.
19. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
20. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
21. No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

22. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

Same re Corporations

23. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Other Remedies

24. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Continuing Offence

25. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

26. In the alternative to a charge for the offences described in this By-law and listed in Schedule A of the City of Hamilton's By-law 17-225, an Officer may issue an administrative penalty notice for the applicable contraventions.

PART IV – MISCELLEOUS

Severability

27. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Administrative Penalty Table

28. Administrative Penalty By-law No 17-225 is amended by adding Table 23 to Schedule A:

TABLE 23: BY-LAW NO. 20-078 NUISANCE BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	20-078	3	Urinate in public place	\$205.00
2	20-078	3	Defecate in public place	\$305.00
3	20-078	4	Cause to knock over a mailbox	\$205.00
4	20-078	4	Attempt to knock over a mailbox	\$155.00
5	20-078	4	Cause to knock over a relay box	\$205.00
6	20-078	4	Attempt to knock over a relay box	\$155.00
7	20-078	4	Cause to knock over a newspaper box	\$205.00
8	20-078	4	Attempt to knock over a newspaper box	\$155.00
9	20-078	4	Cause to knock over a waste container	\$205.00
10	20-078	4	Attempt to knock over a waste container	\$155.00

Short Title

29. The short title of this By-law is the “Public Nuisance By-law”.

Proceedings and Other Actions Continued

30. Any proceeding being conducted, or other action being carried out under By-law No. 09-110 shall be deemed to continue under this By-law, and any reference to By-law 09-110 in such proceeding or other action shall be deemed to refer to this By-law.

Repeal

31. By-law No. 09-110 is hereby repealed.

Enactment

32. This By-law comes into force and effect on the day it is passed.

PASSED this 22nd day of April, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on April 22, 2020

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 22nd of April, 2020 in respect of each recommendation contained in,

Committee of the Whole Report 20-003, April 22, 2020

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 22nd day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk