



City of Hamilton

CITY COUNCIL ADDENDUM

22-010

Wednesday, April 27, 2022, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

5. COMMUNICATIONS

*5.5. Correspondence respecting the Proposed Permanent Closure and Sale of a Portion of Kerr Street, Dundas:

*5.5.a. Shirley O'Meara

*5.5.b. Linda Helson

Recommendation: Be received and referred to the consideration of Item 5 of Public Works Committee Report 22-006.

*5.6. Correspondence from the Ministry of the Environment, Conservation and Parks respecting the 2022 Provincial Day of Action on Litter, taking place on May 10, 2022.

Recommendation: Be received.

12. BY-LAWS AND CONFIRMING BY-LAW

- *12.10. 099
To Amend Zoning By-law No. 6593, Respecting Lands Located at 866 West 5th Street, Hamilton
ZAC-21-036
Ward: 8
- *12.11. 100
To Amend Zoning By-law No. 65936, Respecting Lands Located at 525 Rymal Road West, Hamilton
ZAC-20-044 & 25T-202010
Ward: 14
- *12.12. 101
A By-law to Repeal and Replace By-law Nos. 09-208 and 13-182, being the Demolition Control Area By-law
Ward: City Wide
- *12.13. 102
To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses
Ward: City Wide
- *12.14. 103
To Amend By-law No. 14-090 (Sewer Use By-law) to Provide for the regulation of Construction Dewatering and to make other Minor Amendments
Ward: City Wide
- *12.15. 104
A By-law to Authorize a Franchise Agreement Between the City of Hamilton and Enbridge Gas Inc.
Ward: City Wide

*12.16. 105

To Repeal By-law No. 21-205 of the City of Hamilton, a By-law to Permanently Close a Portion of the Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077(LT) ad Part of PIN 17446-1082(LT), City of Hamilton

Ward: 12

*12.17. 106

Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton

Ward: 12

Pilon, Janet

Subject: Kerr St. Closure

From: Shirley O'Meara

Sent: Sunday, April 24, 2022 4:25 PM

To: Craig Campbell <ccampbell@hamiltonnews.com>; VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; McIntosh, Carrie <Carrie.McIntosh@hamilton.ca>; Farruggia, Cetina <Cetina.Farruggia@hamilton.ca>

Subject: Fwd: Kerr St. Closure

Subject: Fwd: Kerr St. Closure

- I don't know the name of the Chairperson that hosted the meeting and would send this along but don't know who it was. A young lady.

- Residents that do not use the City or engage very often, do not know where to look to see what is happening or what to expect for the procedure.

- I was on the meeting for 2 1/2 hours and never expected it to be so long. 5 mins for people to talk and some talked for 40 mins regarding their items, I understand that they were many more important issues than my concern but never the less, I was unaware that the time would be so long. I went on the chat line with the Councillors and the Chair to say I had to leave and I don't know if they received it or not. There was no recognition that my request was acknowledged, except for me to turn off my Video in the very beginning, which I did and spent 2 1/2 hours listening. I had made a previous appointment which I could not cancel, therefore I had to relieve myself from the communication.

- **What is the purpose for the acquisition of the Laneway???**

- If it is to give the applicant more Land to give their residents more space to hang out all day. That property is a garbage dump and an eye sore. If anything, he should be made to clean it up and spend the money on the land grab to renovate and spruce up the exterior and existing grounds of the property.

- Offer Price - ??????

- Cars park along the South side of Kerr St. all day. Whether they are health care workers, or condo owners from across the Street or employees of Metro. Residents from Hatt St. have to park there in the evenings when Town Hall has meetings or events. Then we have to move them back to Hatt St. when there is availability. There is an elderly gentleman from 77 Governor's Rd, who walks daily, comes down the lane and proceeds along onto Hatt St. from Kerr. Sometimes we can't even get out of the Metro Exit and turn right without a back up. The bike lanes have now made driving along this section of Ogilvie even longer to turn right onto Hatt from Ogilvie. Parking spaces are limited already.

- What do you mean by Seasonal parking on the South side of Kerr for Snow Removal?

- There are new owners on Hatt St. and surrounding homes which were totally unaware of this proposal. They also are opposed to it but cannot be included in this Zoom process because they are working. The Notices were approx 19-20 months ago and a lot of changes with Taxpayers have gone on.

- I turn right on the Laneway approx 3 times per week so I can avoid stopping at the traffic on Ogilvie to turn right on Hatt St to my residence and avoid the lights. Especially now with the bike lanes which has left back ups with vehicles at Main & Hatt. I can hardly get out sometimes.

- You mention that the snow is not ploughed or the lane is not serviced by the City, I am unaware of this. It seems it is ploughed and serviced by the City, garbage removal etc. otherwise cars would not be able to park there.
- There are garbage cans out there all the time so I'm not sure if the garbage is picked up or not. Emergency vehicles and Garbage trucks need to get through. How does this work. I'm sure it is ploughed otherwise how could people park and use it.
- If you are concerned about the traffic lights and it being dangerous (I never go out that way and turn left) then make it a One Way Lane. Otherwise people would have to be driving down Kerr St. and having to do a 3 point turn just to park entering from Hatt St. to a DEAD END.
- Using the funds from the proceeds to widen and repave Kerr St. makes absolutely no sense. There are garages and cars parked on the north side all of the time. How can you widen it. Crazy. How can you be sure the proceeds would offset expenses.
- the process of posting on the City Web-site is ridiculous. Who looks at it without any notification. I have 4 new neighbours and none of them were aware of this process or proposal. (18 + months from the original notice I got in the mailbox, only once)
- I sent my initial issues to my Councillor Arlene several months ago and never heard anything back. I would be happy to meet her in person and point out my concerns and those of my immediate neighbours.
- Respectfully I would like some information on the outcome. Seems they rubber stamped everything.

Shirley O'Meara

5.5 (b)

re: the proposed closure of part of Kerr Street, Dundas.

I object to the selling off of a public thoroughfare, used by both pedestrians and vehicles, to a private individual. The proposed sale is like the City selling me the portion of Ogilvie Street that abuts the front of my house, so that I could increase the size of my property and my residence with no regard for the rest of the citizens.

I, personally, use the part of Kerr Street under discussion when I garden in my front yard. My wheelbarrow and any dirty tools cannot be transported through my house, but must be walked around to the garage at the rear of my property. I use Kerr Street to get there as it is the shortest route.

I, and many others, use Kerr Street to exit onto Ogilvie Street when going to Metro, or Ancaster, or Governor's Road or anywhere south and west of the Ogilvie Street Terrace [as the property 31-37 Ogilvie Street was called when it was built in 1860]. For me to have to drive out of Kerr Street onto Hatt Street, turn left onto Ogilvie Street and then proceed south may not seem like much of an inconvenience or expense, but over the years it will waste both my time and my money.

Recently Metro built a set of stairs down the hill from Kerr Street to their parking lot as so many pedestrians were slipping and sliding down the hill from Kerr Street, although the store signs warned them not to make use of the hill for access to their store. Closing Kerr Street, as proposed, will make those stairs inaccessible to any but the residents of the Manor, who have no need for a grocery store anyway.

The Postie parks her minivan in the part of Kerr Street that would be closed. From there she delivers her mail in this section of town. When I told her about the proposed closure, she said that the property was messy enough as it stands and could not see why increasing its size would guarantee any improvement.

City snowploughs, garbage trucks and recycling trucks all use the crescent that is Kerr Street to do their jobs. They enter from Hatt Street and exit onto Ogilvie Street. They are all large vehicles and would find it difficult to turn around in the Kerr Street that would be left after the closure. Their only option

5.5 (b)

would be to back up onto Hatt Street to continue their rounds. Hatt Street is a very busy street, with cars sweeping around the curve from the lights at Hatt and Main to the lights at Hatt and Ogilvie. **The City would be liable for the accidents which could easily happen weekly as the oversize vehicles backed onto Hatt Street.**

Ambulances and other emergency vehicles also use the Kerr Street route frequently. They would be forced to use only Ogilvie Street, blocking traffic on a busy street.

I have lived at ■ Ogilvie Street for more than 40 years. Mr. Sciara has tried to close Kerr Street before. The Town of Dundas refused him, and at the time promised me that I would never be stressed by having to deal with such an application again. Please check back in your records to see the results of his earlier appeal.

Twenty-four men already live at 35-37 Ogilvie Street. Any more would be ridiculous for this neighbourhood.

Thank you for your attention.

Linda Helson

Pilon, Janet

Subject: The 2022 Provincial Day of Action on Litter

From: Act ON Litter (MECP) <ActONLitter@ontario.ca>

Sent: Monday, April 25, 2022 4:25 PM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>

Subject: The 2022 Provincial Day of Action on Litter

Good afternoon,

Ontario is gearing up for the 2022 Provincial Day of Action on Litter, taking place on Tuesday, May 10. We will be encouraging Ontarians to get outside and take part in safe litter cleanups in their local communities.

We hope you will be able to join us in promoting and supporting the 2022 Day of Action!

To help make this year's Day of Action a success, we are seeking your support with the following activities:

1. Leading up to the Day of Action, promoting public participation in a cleanup on Tuesday, May 10 or on the weekends surrounding the Day of Action, and educating on the impact of litter and waste using your communications channels. Please see our [digital toolkit and Partner Guide](#) for sharable content.
2. Hosting a litter cleanup on Tuesday, May 10 or on the weekends surrounding the Day of Action, for the public or your volunteers or employees to participate in.
3. Sharing and promoting use of the [Litter Cleanup Guides](#) and [Litter Cleanup Reporting Form](#).

- Our Litter Cleanup Guides include information on organizing a safe, successful litter cleanup and a form for participants to track what they collect during their cleanup.

Our cleanup guides webpage now includes a new guide for educators and schools, to help engage students and youth in litter reduction and prevention efforts.

Please note the cleanup guides notify participants of potential municipal requirements, such as: confirming whether a permit is required to cleanup a certain area or seeking a litter disposal method.

- Our Litter Cleanup Reporting Form is where participants can submit information about their cleanups to us. This information will help us better understand litter in our environment and may help inform future government decision making.
4. On the Day of Action, posting to your social media accounts to officially recognize the day, using the hashtag [#actONLitter](#).

The Ministry of the Environment, Conservation and Parks digital campaign to promote the 2022 Day of Action on Litter will launch soon — please keep an eye out for sharable social posts on our social media accounts and follow the #actONlitter hashtag!

If you have any questions, please reach out to actONlitter@ontario.ca or visit www.ontario.ca/actONlitter for more information.

Thank you for your support in working together to keep our province clean.

Andrea Khanjin
Parliamentary Assistant to the Minister of the Environment, Conservation and Parks

Authority: Item 9, Planning Committee
Report 22-006 (PED22090)
CM: April 27, 2022
Ward: 8

Bill No. 099

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 6593, Respecting Lands Located at 866 West 5th Street, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 22-006 of the Planning Committee, at its meeting held on the 27th day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet Nos. W9b and W17c of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended by changing the zoning from “AA” (Agricultural) District (Block 1) and the “C” (Urban Protected Residential etc.) District (Block 2) to the “RT-30/S-1818” (Street – Townhouse) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That the “RT-30” (Street - Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That notwithstanding Subsection 10F(4) (a), (b), and (c), (5) (b), and (6) (i), the following provisions shall apply for Street Townhouse Dwellings:
 - i. A front yard depth of not less than 3 metres to a building face and 6 metres to a garage, except 1.15 metres to an unenclosed porch and 0.15 metres to a daylight triangle;
 - ii. A rear yard depth of not less than 6 metres;
 - iii. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.5 metres for a Street Townhouse Dwelling, not exceeding two storeys in height, except 0.15 metres to a daylight triangle;
 - iv. A distance between buildings not exceeding two storeys in height, of not less than 3.0 metres; and,
 - v. A lot area of not less than 165.0 square metres for each Street Townhouse Dwelling.
- b) Subsection 18 (3)(vi)(d) shall not apply.
- c) Subsection 18A, Table 6 shall not apply.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RT-30/S-1818” (Street – Townhouse) District, Modified provisions; and,
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-21-036



This is Schedule "A" to By-law No. 22- Passed the day of, 2022	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 22-_____</h3> <h3>to Amend By-law No. 6593</h3>	<p>Subject Property</p> <p>866 West 5th Street</p> <p> Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street Townhouse) District, Modified</p> <p> Block 2 - Change in Zoning from the "C" (Urban Protected Residential Etc.) District, to the "RT-30/S-1818" (Street Townhouse) District, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-21-036	Hamilton
Date: March 11, 2022	Planner/Technician: JV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 6593, Respecting Lands Located at 525 Rymal Road West, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 8 of Report 22-006 of the Planning Committee, at its meeting held on the 27th day of April 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. W27e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from “AA” (Agricultural) District to “RT-30/S-1817” (Street – Townhouse) District, Modified, (Block 1) and “C/S-1817” (Urban Protected Residential, etc.) District, Modified, (Block 2) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. That the “RT-30” (Street Townhouse) District provisions, as contained in Section Ten F of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

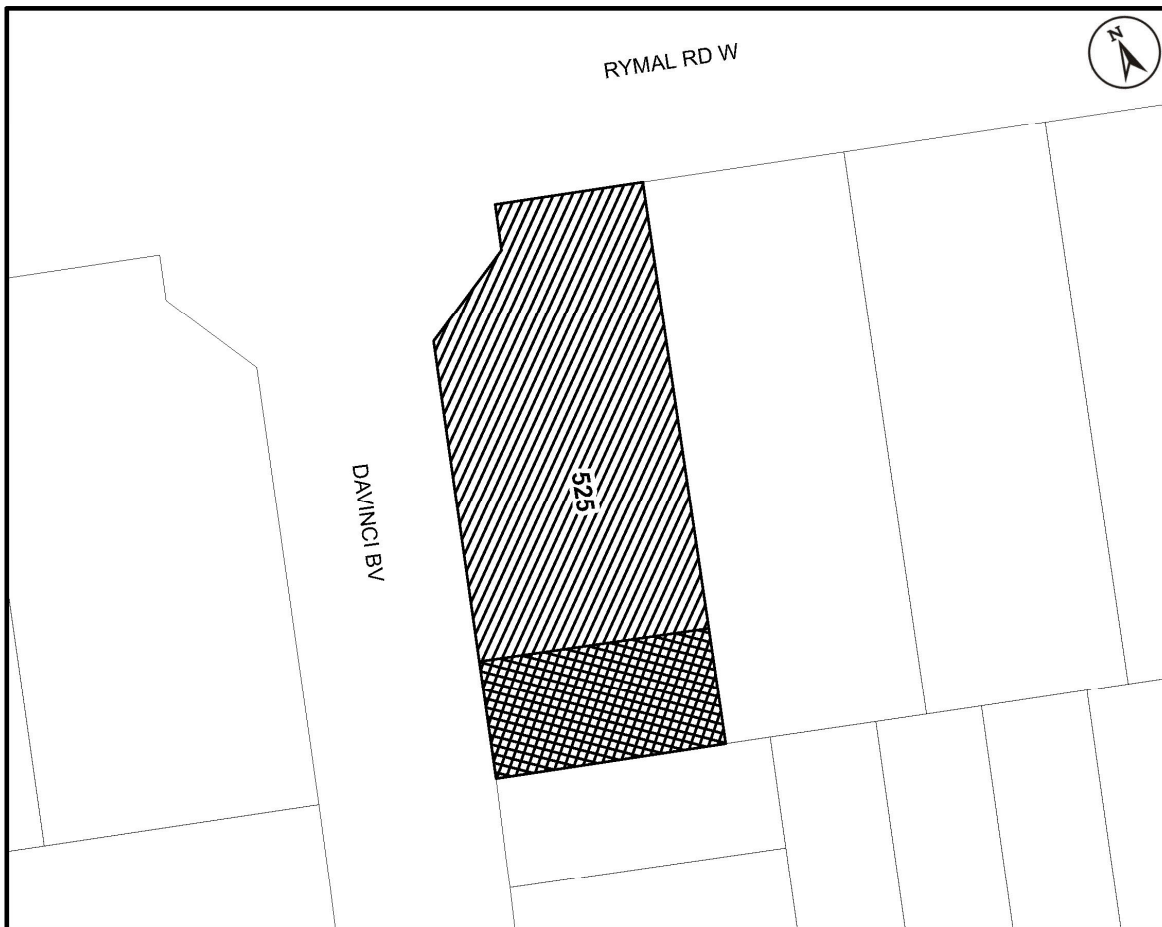
- a) That notwithstanding Subsection 10F. (4)(c) the following provisions shall apply for Street Townhouse Dwellings:
 - i. A side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres not exceeding two storeys in height; and,
 - ii. A side yard abutting a wall that is not a party wall, along a side lot line of a width of not less than 3 metres not exceeding two storeys in height on a Corner Lot;
 - b) That notwithstanding Subsection 10 F. (6)(i), a lot area of not less than 160.0 square metres for each Street Townhouse Dwelling; and,
 - c) That in addition to the provisions of Subsection 10F. (4)(c), a side yard width of not less than 1.5 metres abutting the hypotenuse of a daylight triangle for a Street Townhouse Dwelling, not exceeding two storeys in height;
3. That the “C” (Urban Protected Residential, etc.) District provisions, as contained in Section Nine of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - a) Notwithstanding Subsection 9(4), every lot or tract of land shall have a width of at least 12.0 metres and an area of at least 358 square metres within the district;
 4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the site-specific “C/S-1817” (Urban Protected Residential, etc.) District and the site-specific “RT-30/S-1817” (Street – Townhouse) District provisions; and,
 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-20-044 & 25T-202010



This is Schedule "A" to By-law No. 22- Passed the day of, 2022	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 22-_____</h3> <h3>to Amend By-law No. 6593</h3>	Subject Property 525 Rymal Road West <table style="width: 100%;"> <tr> <td style="width: 20px; text-align: center;"></td> <td>Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified</td> </tr> <tr> <td style="text-align: center;"></td> <td>Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified</td> </tr> </table>		Block 1 - Change in zoning from the "AA" (Agricultural) District to the "RT-30/S-1817"(Street - Townhouse) District, Modified		Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified
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	Block 2 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1817" (Urban Protected Residential, etc.) District, Modified				

Scale: N.T.S	File Name/Number: ZAC-20-044 & 25T-202010	 Hamilton
Date: March 7, 2022	Planner/Technician: JV/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 11, Planning Committee
Report 22-006 (PED22093)
CM: April 27, 2022
Ward: City Wide
Bill No. 101

**CITY OF HAMILTON
BY-LAW NO. 22-**

**A By-law to Repeal and Replace By-Law Nos. 09-208 and 13-185, being the
Demolition Control Area By-Law**

WHEREAS section 33 of the *Planning Act*, R.S.O. 1990, c. P.13, provides that Council may, by by-law, designate any area within the City as a demolition control area when a property standards by-law under section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c. 23, is in force and applies to the area within the municipality;

AND WHEREAS Property Standards By-law No. 10-221, as amended, prescribes standards of maintenance and occupancy for properties and is in force in the City;

AND WHEREAS no person shall demolish the whole or any part of any residential property in a demolition control area designated by Council pursuant to section 33 of the *Planning Act*, R.S.O. 1990, c. P .13, unless the person has been issued a demolition permit by Council;

AND WHEREAS under subsections 33(3) and 33(6) of the *Planning Act*, R.S.O. 1990, c. P .13, Council is the decision-maker with respect to consenting to the demolition of a residential property in an area of demolition control;

AND WHEREAS under sections 9 and 10 of the *Municipal Act*, 2001, S.O. 2001, c. 25, in accordance with section 23.1 of the *Municipal Act*, 2001, the powers of a municipality under that or any other Act may be delegated to a person or a body, subject to the restrictions set in sections 23.1 to 23.5, inclusive, of the *Municipal Act*, 2001;

AND WHEREAS Council wishes to: maintain the integrity of residential neighbourhoods; prevent the premature loss of dwelling units and the creation of vacant land; retain existing dwelling units until new uses have been considered; and, prevent the premature loss of municipal assessment;

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

1. In this By-Law:

"Chief Building Official" means the City's Chief Building Official and includes their designate;

"City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

"Council" means the City's Council;

"Demolition Control Approval" means approval to demolish Residential Property pursuant to this By-Law;

"Dwelling Unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

"Ontario Heritage Act" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

"Planning Act" means the *Planning Act*, R.S.O. 1990, c. P. 13;

"Residential Property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Demolition Control Area

2. All of the lands within the boundaries of the City are designated as a demolition control area.
3. No person shall demolish or otherwise remove the whole or any portion of a Residential Property in the demolition control area unless the person has been issued Demolition Control Approval by the City.
4. This By-Law does not apply when:
 - (a) the demolition of a part of the Residential Property does not reduce the number of Dwelling Units;
 - (b) the Residential Property is owned by the City and the demolition is required for the implementation of a City capital works project previously approved by Council, except if the Residential Property is designated under the *Ontario Heritage Act* or subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest;

- (c) the Residential Property is a mobile home;
 - (d) the owner of the Residential Property has entered into a demolition agreement with City;
 - (e) the Residential Property is exempted under any federal or provincial statute or regulation;
 - (f) the Residential Property has been found to be unsafe under section 15.9 of the *Building Code Act*, 1992 and an order to demolish has been issued under that section without any option to repair; or,
 - (g) an order has been issued under section 15.2 of the *Building Code Act*, 1992 that the Residential Property be demolished without any option to repair.
5. Every applicant seeking Demolition Control Approval shall submit a completed demolition application to the City in the form and with such content as required by the Chief Building Official in their sole discretion. Incomplete applications shall not be accepted by the City and shall not constitute an application for Demolition Control Approval for the purposes of section 33 of the *Planning Act* or this Demolition Control Area By-law.

Delegation of Authority

6. Council delegates to the Chief Building Official its authority to issue Demolition Control Approval pursuant to subsections 33(3) and 33(6) of the *Planning Act* for applications to demolish Residential Property where:
- (a) the erection of a new building is proposed on the site of the Residential Property to be demolished and where the following standard conditions apply:
 - i. that the applicant seeking Demolition Control Approval has applied for and received a building permit for a replacement building on the 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 for each Dwelling Unit contained in the Residential Property which sum:

1. the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 2. is a lien or charge on the property until paid; and;
 - iii. that the applicant seeking Demolition Control Approval has registered on title to the property notice of conditions (i) and (ii) in a form satisfactory to the Chief Building Official and the City Solicitor.
 - (b) Final Site Plan Control approval has been granted for redevelopment of the Residential Property to be demolished;
 - (c) Draft Plan of Subdivision approval has been granted for redevelopment of the Residential Property to be demolished, for which the Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
 - (d) demolition of the Residential Property is a condition of an approved Consent to Sever and all other conditions of the approved Consent to Sever have been met; or,
 - (e) the Residential Property has been severely damaged by a fire or natural disaster and the demolition has been recommended by a Professional Engineer licensed to practice in Ontario.
7. The delegation of authority set out in this Demolition Control Area By-Law does not include the authority to:
 - (a) refuse to issue Demolition Control Approval, and where the Chief Building Official would refuse to issue Demolition Control Approval, they shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval;
 - (b) attach conditions to Demolition Control Approval with which an owner of Residential Property is not in agreement and where this is the case, the Chief Building Official shall so advise Council which retains all power with respect to issuing or refusing to issue Demolition Control Approval; or,
 - (c) issue or refuse to issue Demolition Control Approval for a Residential Property that is:
 - (i) designated pursuant to Part IV or V of the *Ontario Heritage Act*; or,

- (ii) subject to an agreement, covenant, or easement for the conservation, protection or preservation of property of cultural heritage value or interest.

- 8. The Chief Building Official is authorized to undertake all acts necessary to carry out the delegated power under this Demolition Control Area By-Law, including the authority to sign any required documents.

Administration and Enforcement

- 9. Nothing in this By-Law shall exempt any person from complying with the requirement of any other applicable by-law, or from obtaining any licence, permission, permit, authority or approval required by this or any other by-law of the City or by any other law in force at the time.
- 10. Every person who demolishes a Residential Property or any portion thereof, without obtaining Demolition Control Approval under this By-law is guilty of an offence under section 33(16) of the *Planning Act* and is liable to a penalty or penalties as set out in section 33(16) of that Act.

Title, Repeal and Effective Date

- 11. This By-Law may be cited as the "Demolition Control Area By-Law".
- 12. By-Law No. 09-208 and amending By-Law No. 13-185 are repealed as of the day on which this By-Law comes into force.
- 13. This By-Law comes into force on the date of its passing.
- 14. In the event of a conflict between any provision of this By-Law and the *Planning Act*, the *Planning Act* prevails.
- 15. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-Law to be invalid, or to be of not force and effect, it is Council's intention in enacting this By-Law, that each and every other provision of this By-Law be applied and enforced in accordance with its terms to the extent possible according to law.

Transition

- 16. The repeal of By-Laws 09-208 and 13-185 does not:
 - (a) affect the previous operation of those By-Laws;

- (b) affect a right, privilege, obligation or liability that came into existence under those By-Laws;
 - (c) affect an offence committed under those By-Laws, or any penalty, forfeiture or punishment incurred in connection with the offence; or,
 - (d) affect an investigation, proceeding or remedy in respect of a right, privilege, obligation or liability described in section 16(b), or a penalty, forfeiture or punishment described in section 16(c).
17. An investigation, proceeding or remedy described in section 16(d) may be commenced, continued and enforced as if By-Laws 09-208 and 13-185 had not been repealed or revoked.
18. A penalty, forfeiture or punishment described in section 16(c) may be imposed as if By-Laws 09-208 and 13-185 had not been repealed or revoked.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Planning Committee
Report 22-006 (PED22105)
CM: April 27, 2022
Ward: City Wide
Bill No. 102

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses

WHEREAS Council enacted By-law 07-170, Being a By-law to Licence and Regulate Various Businesses;

AND WHEREAS Council for the City of Hamilton recognizes the importance of providing opportunities for the taxi industry to maintain operational efficiency due to fuel pricing inflation by increasing the Taxi Meter Rate under By-law 07-170

AND WHEREAS; this By-law amends By-law No. 07-170.

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.

Appendix 1, Schedule 25 of By-law No. 07-170 is hereby amended by deleting the amount of "\$3.90" in the first listed item and replacing it with "\$4.90"

2. That in all other respects, By-law No. 07-170 is confirmed.
3. That the provisions of this By-law shall take full force and effect on its day of passing.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 4, Public Works Committee
Report 22-006 (PW19029(a))
CM: April 27, 2022
Ward: City Wide

Bill No. 103

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 14-090 (Sewer Use By-law) to provide for the regulation of Construction Dewatering and to make other Minor Amendments

WHEREAS sections 8 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 paragraphs 5, 6, 7, 8 and 10 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the City; the health, safety and well-being of Persons; services and things that the municipality is authorized to provide under subsection 10(1); the protection of Persons and property; and structures, including fences and signs;

AND WHEREAS it is desirable to regulate the Discharge of all Matter into the City of Hamilton's Storm Sewer, Sanitary Sewer and Combined Sewer systems;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a Person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS section 87 of the *Municipal Act, 2001* authorizes the City of Hamilton to enter on land, at reasonable times, to inspect the Discharge of any Matter into the City's Sewage system or into any other Sewage system the contents of which ultimately empty into the City's Sewage system and authorizes the City to conduct tests and take samples for this purpose;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

AND WHEREAS the City of Hamilton wishes to make amendments to By-law 14-090 to provide for the regulation of Construction Dewatering and to make other minor technical amendments thereto,

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

1. Section 1.1 of By-law 14-090 is amended by adding thereto the following new definitions, which definitions shall be inserted into the By-law in alphabetical order:

“Construction” includes land development, renovation, repair, maintenance and demolition activities.

“Construction Dewatering” means the removal of water through any means from Premises to facilitate Construction, including but not limited to one or more of the following:

- (a) Taking water from a well or otherwise extracting Groundwater;
- (b) Draining water from a permanent or temporary pond or other surface water body, whether natural or man-made;
- (c) The permanent or temporary alteration of a natural or pre-existing drainage pattern; and,
- (d) Releasing water previously stored in a tank, tanker truck, vessel, or other means of water storage,

where the water so removed is Discharged directly or indirectly into Sewer Works, and such Discharge is not related to a Groundwater Remediation Unit or Site.

2. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Building Code” and substituting the following therefor:

“Building Code” means the Building Code enacted as a regulation under the *Building Code Act, 1992*.

3. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Composite Sample” and substituting the following therefor:

“Composite Sample” means a sample of Sewage, Groundwater or Stormwater which is composed of a series of Grab Samples taken at intervals during the sampling period and manually or automatically combined.

4. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Connection or Drain” and substituting the following therefor:

“Connection” means that part of any pipe or hose or those parts of a system of pipes or hoses that Discharge Sewage, Groundwater, or Stormwater directly or indirectly to Sewer Works”

“Drain” means that part of any pipe or hose, or those parts of a system of pipes or hoses that conduct Sewage, Groundwater, or Stormwater to a Connection.

5. Section 1.1 of By-law 14-090 is amended by deleting the definition of “Grab Sample” and substituting the following therefor:

“Grab Sample” means an aliquot of Sewage, Groundwater, or Stormwater sampled at one particular place and time.

6. Section 1.1 of By-law 14-090 is amended by deleting the definition of “hailed sewage” and substituting the following therefor:

“Hailed Sewage” means “hailed sewage” as that term is defined in R.R.O. 1990, Reg 347 as amended, and also means any one or more of the following when hauled or otherwise transported by a Carrier:

- (a) waste removed from a cesspool, a septic tank, a privy vault or privy pit a chemical toilet, a portable toilet, a Sewage holding tank or other container for human excretion;
- (b) any Sewage originating from a Sewage System as described in Part 8 of the Building Code;
- (c) Domestic Sewage;
- (d) Industrial Sewage;
- (e) Sewage Sludge;
- (f) leachate from a waste disposal site; and,
- (g) water originating from Construction Dewatering.

7. Section 4.2 of By-law 14-090 is amended by deleting section 4.2 and substituting the following therefor:

4.2 No Person shall, directly or indirectly, Discharge or permit the Discharge of Matter into a Sewer Works or into a Connection to a Sewer Works which has two or more separate liquid layers.

8. Section 4.5 of By-law 14-090 is amended by adding the following subsection (d) thereto:

- (d) water originating from Construction Dewatering, except where:
 - (i) the Discharge complies with a valid Sewer Discharge Permit; and;
 - (ii) all fees required under the Sewer Discharge Permit are paid.

9. Section 4.7 of By-law 14-090 is amended to read as follows:

4.7 No Person shall, directly or indirectly, Discharge or permit the Discharge of Matter into a Storm Sewer or into a Connection to a Storm Sewer where the Discharge:

- (a) contains Sewage;
- (b) contains Contact Cooling Water;
- (c) contains Oil and Grease (Mineral/Synthetic) which causes a visible film, sheen or discolouration on the water's surface;
- (d) contains any raw material, intermediate product, finished product, by-product or waste product of an Industrial process;
- (e) contains paint or organic solvent;
- (f) contains liquid or solid Matter generated by carpet or furniture cleaning that is collected in a holding tank;
- (g) exceeds of any one or more of the limits for any one or more of the parameters in Schedule C;
- (h) contains Blowdown Water; or,
- (i) contains water originating from Construction Dewatering.

10. Section 4.8 of By-law 14-090 is amended to read as follows:

4.8 Despite subsection 4.7(g), 4.7(h) and 4.7(i) a Person may Discharge or permit the Discharge of Matter into a Storm Sewer or into a Connection to a Storm Sewer where the Discharge:

- (a) exceeds of any one or more of the limits for any one or more of the parameters in Schedule C, where:
 - (i) the Discharge is in accordance with a valid environmental compliance approval, order, or an approval, licence or permit issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the Discharge;
 - (ii) a copy of the environmental compliance approval, order or an approval, licence or permit referred to in subsection 4.8(a)(i) has been provided to the General Manager;
 - (iii) the Discharge complies with a valid Sewer Discharge Permit; and
 - (iv) all fees required under the Sewer Discharge Permit are paid;
- (b) contains Blowdown Water, where:
 - (i) the Discharge is in accordance with a valid environmental compliance approval, order or an approval, licence or permit issued pursuant to the *Environmental Protection Act* or *Ontario Water Resources Act* which expressly allows the Discharge;

- (ii) a copy of the environmental compliance approval, order or an approval, licence or permit referred to in subsection 4.8(b)(i) has been provided to the General Manager;
 - (iii) the Discharge complies with a valid Sewer Discharge Permit; and
 - (iv) all fees required under the Sewer Discharge Permit are paid; or,
 - (c) contains water originating from Construction Dewatering activities, where:
 - (i) the Discharge complies with a valid Sewer Discharge Permit; and
 - (ii) all fees required under the Sewer Discharge Permit are paid.
11. Section 11.4 of By-law 14-090 is amended by adding thereto the following subsection (g):
- (g) Construction Dewatering
12. Section 11.21 (b) of By-law 14-090 is amended by adding the following subsection (iv) thereto:
- (iv) Construction Dewatering Discharge, the quantity of the Discharge shall be determined by a device that measures the Discharge flow that contains water originating from a source other than the City's potable water supply.
13. Section 11 of By-law 14-090 is amended by the addition of the following section 11.24:
- 11.24 A Sewer Discharge Permit for Construction Dewatering Discharges referred to in subsection 11.4(g) authorizes Discharge water originating from Construction Dewatering:
- (a) in respect of treatable parameters in excess of any of the following limits permitted under Schedule B:
 - (i) cBiochemical Oxygen Demand;
 - (ii) total suspended solids;
 - (iii) total phosphorus;
 - (iv) total kjeldahl nitrogen;
 - (v) Oil and Grease (Animal/Vegetable);
 - (b) which contains water that has originated from a source other than the City's Potable Water supply;
 - (c) that exceeds the limits for any one or more of the parameters contained in Schedule B in accordance with a Compliance Program; or,

- (d) that exceeds the limits for Chloride in excess of 1500 milligrams/litre but less than 4000 milligrams/litre, subject to a sampling and reporting program to be outlined in the Permit.
14. Section 11 of By-law 14-090 is amended by the addition of the following section 11.25:
- 11.25 A Person who has applied for a Sewer Discharge Permit for Construction Dewatering shall install and maintain, at their expense, a device acceptable to the General Manager that measures the Discharge flow of Construction Dewatering water.
15. Section 11 of By-law 14-090 is amended by the addition of the following section 11.26:
- 11.26 A Person who has applied for a Sewer Discharge Permit for Construction Dewatering Discharge shall have already complied with and shall continue to meet the requirements of subsection 11.12, if applicable to the proposed Discharge.
16. Schedule "B" to By-law 14-090 is deleted and the attached Schedule "B" is substituted therefor.
17. Schedule C" to Bylaw 14-090 is deleted and the attached Schedule C" is substituted therefor.
18. Schedule "D" to By-law 14-090 is deleted ad the attached Schedule "D" is substituted therefor.
19. This By-law shall come into effect of the date of passage.

PASSED this 27th day of April, 2022

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE B

LIMITS FOR SANITARY SEWER AND COMBINED SEWER DISCHARGE

Parameter *	Limit (milligrams/litre)
cBiochemical Oxygen Demand (cBOD)	300
Total Suspended Solids (TSS)	350
Total Phosphorus	10
Total Kjeldahl Nitrogen (TKN)	100
Oil and Grease (Animal/Vegetable)	150
Oil and Grease (Mineral/Synthetic)	15
Phenolic Compounds	1
Chlorides	1500
Sulphates	1500
Sulphide (as H ₂ S)	1.0
Aluminum (total)	50
Iron (total)	50
Fluorides	10
Antimony (total)	5
Bismuth (total)	5
Chromium (total)	5
Cobalt (total)	5
Manganese (total)	5
Silver (total)	5
Tin (total)	5
Titanium (total)	5
Vanadium	5
Zinc (total)	2

Cyanide (total)	2
Copper (total)	2
Lead (total)	2
Nickel (total)	2
Arsenic (total)	1
Molybdenum (total)	1
Selenium (total)	1
Cadmium (total)	0.7
Mercury (total)	0.01
Aldrin/Dieldrin**	0.0002
Benzene	0.01
Bis(2-ethylhexyl)phthalate	0.28
Parameter (cont'd)	Limit (milligrams/litre)
Chlordane**	0.1
Chloroform	0.04
DDT**	0.0001
1,2-Dichlorobenzene	0.05
1,4-Dichlorobenzene	0.08
3,3-Dichlorobenzidine**	0.002
cis-1,2-Dichloroethylene	4
trans-1,3-Dichloropropylene	0.14
Di-n-butyl phthalate	0.08
Ethylbenzene	0.16
Hexachlorobenzene	0.0001
Hexachlorocyclohexane**	0.1
Methylene Chloride	2
Mirex**	0.1
PCBs	0.001
Pentachlorophenol	0.005

1,1,2,2-Tetrachloroethane	1.4
Tetrachloroethylene	1
Toluene	0.016
Total Xylenes	1.4
Total PAHs	0.005
Trichloroethylene	0.4
Parameter*	Limit (specified)
pH	> 6.0 to < 11.0 pH
Temperature	60°C

* as defined by a Reference Method of an Accredited Laboratory

**for the purposes of section 4.3, parameters as marked are Pesticides

SCHEDULE C

LIMITS FOR STORM SEWER DISCHARGE

Parameter*	Limit (milligrams/litre)
Total Suspended Solids (TSS)	15
Oil and Grease (Animal/Vegetable)	10
Zinc (total)	0.5
Chromium (total)	0.08
Lead (total)	0.12
Nickel (total)	0.08
Copper (total)	0.05
Cadmium (total)	0.008
Phenolic Compounds	0.02
Phosphorus (total)	0.4
Parameter*	Limit (specified)
pH	> 6.0 to < 11.0 pH
Temperature	60°C
<i>E. coli</i>	2400 most probable number per 100 milliliters

* as defined by a Reference Method of an Accredited Laboratory

SCHEDULE D

CITY LOCATIONS FOR DISCHARGE OF HAULED SEWAGE

The following are Hauled Sewage Receiving Facilities:

1. Woodward Avenue Wastewater Treatment Plant

700 Woodward Avenue, Hamilton, Ontario

2. Mountain Transfer Station

Kilbride Road Hamilton, Ontario

3. Eastport Drive Wastewater Pumping Station

Eastport Drive and Pier 25 Gateway S, Hamilton, Ontario

Authority: Item 5, Public Works Committee
Report 21-018 (PW21070)
CM: December 15, 2021
Ward: City Wide

Bill No. 104

**CITY OF HAMILTON
BY-LAW NO. 22-**

**A By-Law to Authorize a Franchise Agreement Between
City of Hamilton and Enbridge Gas Inc.**

WHEREAS the Council of the City of Hamilton deems it expedient to enter into the attached franchise agreement (the "Franchise Agreement") with Enbridge Gas Inc.;

AND WHEREAS the Ontario Energy Board by its Order issued pursuant to the *Municipal Franchises Act* on the 31st day of March, 2022 has approved the terms and conditions upon which and the period for which the franchise provided in the Franchise Agreement is proposed to be granted, and has declared and directed that the assent of the municipal electors in respect of this By-Law is not necessary:

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

1. That the Franchise Agreement between the City of Hamilton and Enbridge Gas Inc. attached hereto and forming part of this by-law, is hereby authorized and the franchise provided for therein is hereby granted.
2. That the Mayor and City Clerk be and they are hereby authorized and instructed on behalf of the City of Hamilton to enter into and execute under its corporate seal and deliver the Franchise Agreement, which is hereby incorporated into and forming part of this By-Law.
3. That the following by-law be hereby repealed:
 - By-law #07-090 for the City of Hamilton, passed in Council on March 28, 2007.
4. That this by-law is subject to, and shall come into force and take effect as of the later of: final passing thereof; and the approval of the Franchise Agreement by Ontario Energy Board.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

2000 Model Franchise Agreement

THIS AGREEMENT effective this day of , 2022

BETWEEN:

CITY OF HAMILTON

hereinafter called the "Corporation"

- and -

ENBRIDGE GAS INC.

hereinafter called the "Gas Company"

WHEREAS the Gas Company desires to distribute, store and transmit gas in the Municipality upon the terms and conditions of this Agreement;

AND WHEREAS by by-law passed by the Council of the Corporation (the "By-law"), the duly authorized officers have been authorized and directed to execute this Agreement on behalf of the Corporation;

THEREFORE the Corporation and the Gas Company agree as follows:

Part I - Definitions

1. In this Agreement

- (a) "decommissioned" and "decommissions" when used in connection with parts of the gas system, mean any parts of the gas system taken out of active use and purged in accordance with the applicable CSA standards and in no way affects the use of the term 'abandoned' pipeline for the purposes of the *Assessment Act*;
- (b) "Engineer/Road Superintendent" means the most senior individual employed by the Corporation with responsibilities for highways within the Municipality or the person designated by such senior employee or such other person as may from time to time be designated by the Council of the Corporation;

- (c) "gas" means natural gas, manufactured gas, synthetic natural gas, liquefied petroleum gas or propane-air gas, or a mixture of any of them, but does not include a liquefied petroleum gas that is distributed by means other than a pipeline;
- (d) "gas system" means such mains, plants, pipes, conduits, services, valves, regulators, curb boxes, stations, drips or such other equipment as the Gas Company may require or deem desirable for the distribution, storage and transmission of gas in or through the Municipality;
- (e) "highway" means all common and public highways and shall include any bridge, viaduct or structure forming part of a highway, and any public square, road allowance or walkway and shall include not only the travelled portion of such highway, but also ditches, driveways, sidewalks, and sodded areas forming part of the road allowance now or at any time during the term hereof under the jurisdiction of the Corporation;
- (f) "Model Franchise Agreement" means the form of agreement which the Ontario Energy Board uses as a standard when considering applications under the *Municipal Franchises Act*. The Model Franchise Agreement may be changed from time to time by the Ontario Energy Board;
- (g) "Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation;
- (h) "Plan" means the plan described in Paragraph 5 of this Agreement required to be filed by the Gas Company with the Engineer/Road Superintendent prior to commencement of work on the gas system; and
- (i) whenever the singular, masculine or feminine is used in this Agreement, it shall be considered as if the plural, feminine or masculine has been used where the context of the Agreement so requires.

Part II - Rights Granted

2. To provide gas service

The consent of the Corporation is hereby given and granted to the Gas Company to distribute, store and transmit gas in and through the Municipality to the Corporation and to the inhabitants of the Municipality.

3. To Use Highways

Subject to the terms and conditions of this Agreement the consent of the Corporation is hereby given and granted to the Gas Company to enter upon all highways now or at any time hereafter under the jurisdiction of the Corporation and to lay, construct, maintain, replace, remove, operate and repair a gas system for the distribution, storage and transmission of gas in and through the Municipality.

4. Duration of Agreement and Renewal Procedures

(a) If the Corporation has not previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law.

or

(b) If the Corporation has previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law provided that, if during the 20 year term of this Agreement, the Model Franchise Agreement is changed, then on the 7th anniversary and on the 14th anniversary of the date of the passing of the By-law, this Agreement shall be deemed to be amended to incorporate any changes in the Model Franchise Agreement in effect on such anniversary dates. Such deemed amendments shall not apply to alter the 20 year term.

(c) At any time within two years prior to the expiration of this Agreement, either party may give notice to the other that it desires to enter into negotiations for a renewed franchise upon such terms and conditions as may be agreed upon. Until such renewal has been settled, the terms and conditions of this Agreement shall continue, notwithstanding the expiration of this Agreement. This shall not preclude either party from applying to the Ontario Energy Board for a renewal of the Agreement pursuant to section 10 of the *Municipal Franchises Act*.

Part III – Conditions

5. Approval of Construction

- (a) The Gas Company shall not undertake any excavation, opening or work which will disturb or interfere with the surface of the travelled portion of any highway unless a permit therefor has first been obtained from the Engineer/Road Superintendent and all work done by the Gas Company shall be to his satisfaction.
- (b) Prior to the commencement of work on the gas system, or any extensions or changes to it (except service laterals which do not interfere with municipal works in the highway), the Gas Company shall file with the Engineer/Road Superintendent a Plan, satisfactory to the Engineer/Road Superintendent, drawn to scale and of sufficient detail considering the complexity of the specific locations involved, showing the highways in which it proposes to lay its gas system and the particular parts thereof it proposes to occupy.
- (c) The Plan filed by the Gas Company shall include geodetic information for a particular location:
 - (i) where circumstances are complex, in order to facilitate known projects, including projects which are reasonably anticipated by the Engineer/Road Superintendent, or
 - (ii) when requested, where the Corporation has geodetic information for its own services and all others at the same location.
- (d) The Engineer/Road Superintendent may require sections of the gas system to be laid at greater depth than required by the latest CSA standard for gas pipeline systems to facilitate known projects or to correct known highway deficiencies.
- (e) Prior to the commencement of work on the gas system, the Engineer/Road Superintendent must approve the location of the work as shown on the Plan filed by the Gas Company, the timing of the work and any terms and conditions relating to the installation of the work.
- (f) In addition to the requirements of this Agreement, if the Gas Company proposes to affix any part of the gas system to a bridge, viaduct or other structure, if the Engineer/Road Superintendent approves this proposal, he may require the Gas Company to comply with special conditions or to enter into a separate agreement as a condition of the approval of this part of the construction of the gas system.

- (g) Where the gas system may affect a municipal drain, the Gas Company shall also file a copy of the Plan with the Corporation's Drainage Superintendent for purposes of the *Drainage Act*, or such other person designated by the Corporation as responsible for the drain.
- (h) The Gas Company shall not deviate from the approved location for any part of the gas system unless the prior approval of the Engineer/Road Superintendent to do so is received.
- (i) The Engineer/Road Superintendent's approval, where required throughout this Paragraph, shall not be unreasonably withheld.
- (j) The approval of the Engineer/Road Superintendent is not a representation or warranty as to the state of repair of the highway or the suitability of the highway for the gas system.

6. **As Built Drawings**

The Gas Company shall, within six months of completing the installation of any part of the gas system, provide two copies of "as built" drawings to the Engineer/Road Superintendent. These drawings must be sufficient to accurately establish the location, depth (measurement between the top of the gas system and the ground surface at the time of installation) and distance of the gas system. The "as built" drawings shall be of the same quality as the Plan and, if the approved pre-construction plan included elevations that were geodetically referenced, the "as built" drawings shall similarly include elevations that are geodetically referenced. Upon the request of the Engineer/Road Superintendent, the Gas Company shall provide one copy of the drawings in an electronic format and one copy as a hard copy drawing.

7. **Emergencies**

In the event of an emergency involving the gas system, the Gas Company shall proceed with the work required to deal with the emergency, and in any instance where prior approval of the Engineer/Road Superintendent is normally required for the work, the Gas Company shall use its best efforts to immediately notify the Engineer/Road Superintendent of the location and nature of the emergency and the work being done and, if it deems appropriate, notify the police force, fire or other emergency services having jurisdiction. The Gas Company shall provide the Engineer/Road Superintendent with at least one 24 hour emergency contact for the Gas Company and shall ensure the contacts are current.

8. Restoration

The Gas Company shall well and sufficiently restore, to the reasonable satisfaction of the Engineer/Road Superintendent, all highways, municipal works or improvements which it may excavate or interfere with in the course of laying, constructing, repairing or removing its gas system, and shall make good any settling or subsidence thereafter caused by such excavation or interference. If the Gas Company fails at any time to do any work required by this Paragraph within a reasonable period of time, the Corporation may do or cause such work to be done and the Gas Company shall, on demand, pay the Corporation's reasonably incurred costs, as certified by the Engineer/Road Superintendent.

9. Indemnification

The Gas Company shall, at all times, indemnify and save harmless the Corporation from and against all claims, including costs related thereto, for all damages or injuries including death to any person or persons and for damage to any property, arising out of the Gas Company operating, constructing, and maintaining its gas system in the Municipality, or utilizing its gas system for the carriage of gas owned by others. Provided that the Gas Company shall not be required to indemnify or save harmless the Corporation from and against claims, including costs related thereto, which it may incur by reason of damages or injuries including death to any person or persons and for damage to any property, resulting from the negligence or wrongful act of the Corporation, its servants, agents or employees.

10. Insurance

- (a) The Gas Company shall maintain Comprehensive General Liability Insurance in sufficient amount and description as shall protect the Gas Company and the Corporation from claims for which the Gas Company is obliged to indemnify the Corporation under Paragraph 9. The insurance policy shall identify the Corporation as an additional named insured, but only with respect to the operation of the named insured (the Gas Company). The insurance policy shall not lapse or be cancelled without sixty (60) days' prior written notice to the Corporation by the Gas Company.
- (b) The issuance of an insurance policy as provided in this Paragraph shall not be construed as relieving the Gas Company of liability not covered by such insurance or in excess of the policy limits of such insurance.
- (c) Upon request by the Corporation, the Gas Company shall confirm that premiums for such insurance have been paid and that such insurance is in full force and effect.

11. Alternative Easement

The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if it is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Corporation and the Gas Company shall share the cost of relocating or altering the gas system to facilitate continuity of gas service, as provided for in Paragraph 12 of this Agreement.

12. Pipeline Relocation

- (a) If in the course of constructing, reconstructing, changing, altering or improving any highway or any municipal works, the Corporation deems that it is necessary to take up, remove or change the location of any part of the gas system, the Gas Company shall, upon notice to do so, remove and/or relocate within a reasonable period of time such part of the gas system to a location approved by the Engineer/Road Superintendent.
- (b) Where any part of the gas system relocated in accordance with this Paragraph is located on a bridge, viaduct or structure, the Gas Company shall alter or relocate that part of the gas system at its sole expense.
- (c) Where any part of the gas system relocated in accordance with this Paragraph is located other than on a bridge, viaduct or structure, the costs of relocation shall be shared between the Corporation and the Gas Company on the basis of the total relocation costs, excluding the value of any upgrading of the gas system, and deducting any contribution paid to the Gas Company by others in respect to such relocation; and for these purposes, the total relocation costs shall be the aggregate of the following:
 - (i) the amount paid to Gas Company employees up to and including field supervisors for the hours worked on the project plus the current cost of fringe benefits for these employees,
 - (ii) the amount paid for rental equipment while in use on the project and an amount, charged at the unit rate, for Gas Company equipment while in use on the project,
 - (iii) the amount paid by the Gas Company to contractors for work related to the project,

- (iv) the cost to the Gas Company for materials used in connection with the project, and
 - (v) a reasonable amount for project engineering and project administrative costs which shall be 22.5% of the aggregate of the amounts determined in items (i), (ii), (iii) and (iv) above.
- (d) The total relocation costs as calculated above shall be paid 35% by the Corporation and 65% by the Gas Company, except where the part of the gas system required to be moved is located in an unassumed road or in an unopened road allowance and the Corporation has not approved its location, in which case the Gas Company shall pay 100% of the relocation costs.

Part IV - Procedural And Other Matters

13. Municipal By-laws of General Application

The Agreement is subject to the provisions of all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending this Agreement.

14. Giving Notice

Notices may be delivered to, sent by facsimile or mailed by prepaid registered post to the Gas Company at its head office or to the authorized officers of the Corporation at its municipal offices, as the case may be.

15. Disposition of Gas System

- (a) If the Gas Company decommissions part of its gas system affixed to a bridge, viaduct or structure, the Gas Company shall, at its sole expense, remove the part of its gas system affixed to the bridge, viaduct or structure.
- (b) If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation

may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and neither party shall have recourse against the other for any loss, cost, expense or damage occasioned thereby. If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.

16. Use of Decommissioned Gas System

- (a) The Gas Company shall provide promptly to the Corporation, to the extent such information is known:
 - (i) the names and addresses of all third parties who use decommissioned parts of the gas system for purposes other than the transmission or distribution of gas; and
 - (ii) the location of all proposed and existing decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas.
- (b) The Gas Company may allow a third party to use a decommissioned part of the gas system for purposes other than the transmission or distribution of gas and may charge a fee for that third party use, provided
 - (i) the third party has entered into a municipal access agreement with the Corporation; and
 - (ii) the Gas Company does not charge a fee for the third party's right of access to the highways.
- (c) Decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas are not subject to the provisions of this Agreement. For decommissioned parts of the gas system used for purposes other than the transmission and distribution of gas, issues such as relocation costs will be governed by the relevant municipal access agreement.

17. Franchise Handbook

The Parties acknowledge that operating decisions sometimes require a greater level of detail than that which is appropriately included in this Agreement. The Parties agree to look for guidance on such matters to the Franchise Handbook prepared by the Association of Municipalities of Ontario and the gas utility companies, as may be amended from time to time.

18. Other Conditions

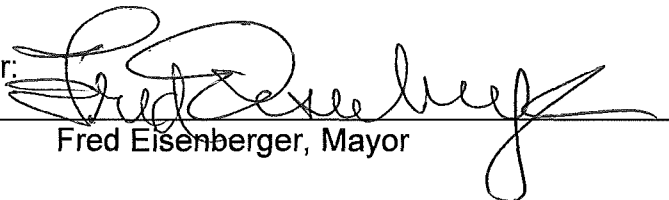
Notwithstanding the cost sharing arrangements described in Paragraph 12, if any part of the gas system altered or relocated in accordance with Paragraph 12 was constructed or installed prior to January 1, 1981, the Gas Company shall alter or relocate, at its sole expense, such part of the gas system at the point specified, to a location satisfactory to the Engineer/Road Superintendent.


19. Agreement Binding Parties

This Agreement shall extend to, benefit and bind the parties thereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the parties have executed this Agreement effective from the date written above.

CITY OF HAMILTON

Per: 
Fred Eisenberger, Mayor

Per: 
Andrea Holland, City Clerk
Lisa Barroso,

ENBRIDGE GAS INC.

Per: _____
Mark Kitchen, Director
Regulatory Affairs

Per: _____
Murray Costello, Director,
Southeast Region Operations

OFFICE OF THE CLERK APPROVED BY COUNCIL	
DATE	December 15, 2021
AUTHORITY	PW 21-018, Item 5
INTL	CW
YEAR FILE	2022-15688

Authority: Item 2, Public Works Committee
Report 18-009 (PW18048)
CM: June 27, 2018
Ward: 12

Bill No. 105

CITY OF HAMILTON

BY-LAW NO. 22-

To Repeal By-law No. 21-205 of the City of Hamilton, a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT) and Part of PIN 17446-1082 (LT), City of Hamilton

WHEREAS Council of the City of Hamilton enacted a by-law to permanently close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, being By-law No. 21-205;

AND WHEREAS Council of the City of Hamilton wishes to repeal By-law No. 21-2051;

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

1. By-law No. 21-205 of the City of Hamilton is repealed.
2. This By-law comes into force on the day it is passed.

PASSED this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 2, Public Works Committee
Report 18-009 (PW18048)
CM: June 27, 2018
Ward: 12
Bill No. 106

CITY OF HAMILTON

BY-LAW NO. 22-

Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton

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 the Council of the City of Hamilton on June 27, 2018, in adopting Item 2 of Public Works Committee Report 18-009, authorized the City to permanently close and sell a portion of Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton;

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

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

1. That portion of road allowance, set out as:

Being a By-law to Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4 and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 17446-1077 (LT), Part of PIN 17446-1079 (LT), and Part of PIN 17446-1085 (LT), City of Hamilton

Page 2 of 2

Part of Queen Street, Registered Plan 347, Part of Reserve, Registered Plan 347, designated as Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, City of Hamilton is hereby permanently closed.

2. That the soil and freehold of Parts 2, 3, 4 and 5 on Plan 62R-19878 and Parts 1, 2 and 3 on Plan 62R-20864, hereby permanently closed.
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 on this 27th day of April, 2022.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk