

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - April 15, 2019 at 8:00 AM

MEETING - Civic Centre - Committee Room

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1. <u>Call to Order</u> Session #8.	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u>	
3.1 Approval of Previous Committee Minutes.	3 - 4
4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u>	
5. <u>In-Camera</u>	
6. <u>Items Referred from Council</u>	
6.1 Letter from R. Van Drunen re: Noise By-Law.	5 - 9
6.2 Request Email from C. Kent - Proposal for 8th Street Trails.	10 - 13
6.3 Letter from D. Cuthbertson re: Scott Street Concerns. - Awaiting comments from Police Service Board (next meeting set for May 31st, 2019).	14 - 18
6.4 Letter from W. Friesen, The Sleepy Owl re: Sign Installation Consideration.	19
6.5 Letter from Cdn Bass Championships re: Event Support. (PDEC Providing Input on items 5, 8 & 9 to AFEC).	20 - 22
7. <u>New Business</u>	
8. <u>Outstanding Items</u>	
8.1 Proposed Draft Smoking By-Law.	23 - 28
9. <u>Information</u>	
10. <u>Non-agenda Items</u>	
11. <u>Adjourn / Next Meeting Date</u> Monday May 6th, 2019.	

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #7

April 1, 2019

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the Civic Centre - Committee Room on April 1, 2019 from 8:00 a.m. to 8:06 a.m.

PRESENT: D. Judson - Chairperson, W. Brunetta - Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: D. Brown, CAO, T. Dennis, CBO/Planner/Committee Secretary, DJ. MacIntosh, Guest.

1. Call to Order - 0800am
Session #7

2. Disclosure of pecuniary interest and the general nature thereof
None.

3. Approval of Previous Committee Minutes

- 3.1 Approval of Previous Committee Minutes.
- Approved as presented.
Moved: Councillor Brunetta
Seconded: Mayor Caul
Carried

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.
None.

5. In-Camera
None.

6. Items Referred from Council

- 6.1 Letter from R. Van Drunen re: Noise By-Law.
- Police Services Board reviewing request at their April 5th meeting.
- 6.2 Request Email from C. Kent - Proposal for 8th Street Trails.
- Waiting on comments from CSEC & OFEC Executive Committees.

7. New Business

- 7.1 255 Scott Street (TBT Engineering) - Draft Land Use Agreement.
- After a review of the draft agreement, a discussion was had with the representative from TBT Engineering. All parties were satisfied with the agreement as presented. Therefore, the Planning & Development Executive Committee is recommending that Council approve the agreement as presented.

8. Outstanding Items

- 8.1 Proposed Draft Smoking By-Law.
- Police Services Board reviewing request at their April 5th meeting.

9. Information
None.

- 10. **Non-agenda Items**
 None.

- 11. **Adjourn / Next Meeting Date - 0806am**
 Monday April 15th, 2018.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

Date: April 8th, 2019

Report To: Planning & Development Executive Committee

From: Patrick Briere, By-Law Enforcement Officer

Re: Request Letter from R. Van Drunen re: Noise By-Law.

At the regular meeting of Council on January 14th, 2019, Council referred a request letter from Rebecca Van Drunen, regarding a review of the Noise By-Law. This request was referred to the Planning & Development Executive Committee with input from the Police Services Board.

This office has conducted a review of the Noise By-Law #48/97 and has determined that no changes be made to the existing By-Law. The current By-Law allows the investigating officer(s) the ability to use their discretion regarding what constitutes a noise violation and allows for residents who continue to work shift work the ability to contact By-Law/Police regarding issues at anytime of the day that disturb their sleep patterns.

The Police Services Board at their regular meeting on April 5th, 2019, reviewed this request and is recommending that no changes be made to the existing By-Law as well.

We are asking the Planning & Development Executive Committee to recommend to Council that the letter be received as information and that no further action be taken.

Respectfully submitted,



Patrick Briere
By-Law Enforcement Officer

From: [Rebecca V.D.](#)
To: [Town](#)
Subject: Mayor and Members of Council
Date: Thursday, December 6, 2018 8:38:28 AM

Dear Mayor and Members of Council of the Town of Fort Frances,
Dec 6th, 2018

I would like to respectfully request that By-Law No. 48/97 enforced under the Provincial Offences Act be re-evaluated. The Anti-Noise By-Law is enforced twenty-four hours a day, seven days a week. It specifically address musical instruments in 3. a) It also says that any device or instrument played or operated at such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual. These are deemed to be unusual noises.

I would like to see this be re-evaluated as I feel the law is draconian and possibly discriminatory against musicians. There is no reasonable time frame given for practicing an instrument where it acoustically carries sound. It also does not specify what noise decibel level would constitute disturbing the peace. Instead it's left to the discretion of neighbors and/or the by-law officer.

I realize that there are musicians who not will respect others around them and not try their best to contain the noise and find a decent time that works for the neighbors and themselves; just as there are musicians that will do their best to be respectful and follow the laws. I, also, realize that some neighbors will be willing to work with each other and some will not. A happy medium between these two opposites would be wonderful to see.

I believe music to be very important to the community as a whole, as well as very important to individuals. I would like to live in a community that includes and considers musicians. We have very few events where local professional and amateur musicians can play for each other and the community. The Rainy Lake Square has added huge opportunities for such activities and it is very much appreciated. However, if musicians can not practice with any level of sound for fear of committing a offensive act, we will quickly have no more local musicians. Sound is a necessary part of musical instruments.

I would like to see a time frame where a person can practice their instrument, during reasonable hours, with a reasonable decibel level be included in this by-law. I, personally, believe something between the hours of 2 pm and 8pm Sunday to Thursday and 2pm to 10pm Friday and Saturdays to be a happy medium. Children tend to have bedtimes around 8 for school. Shift workers sleep during the day and need to be able to get their rest undisturbed. Most people sleep between the hours of 10pm and 8am. Also, if there is a concern about daily never ending practice, could the law not specify the noise can not go longer than two consecutive hours or every second day? Or something along those lines to address such issues. That is my reasoning anyways.

My concern about leaving the tolerable noise levels to each individual has many sides. One: this can

be heavily abused by someone holding a grudge or someone who simply has zero tolerance for music. Two: a musician has no way of knowing each neighbors individual tolerance levels without finding out the hard way with police or by-law officers being called in. If one neighbor complains no matter the noise levels or times, the musician is left with zero options. If this is a professional musician, the lack of ability to play with sound could greatly impact their ability to continue to produce an income from their skill.

I am bringing this to your attention today, because I just learned of the extreme extent that our Anti-Noise By-Law covers yesterday. I am buying a drum set this coming weekend. I went to the town to ensure that I am complying with our laws. I was so shocked and disturbed by it, that here I am writing to all of you.

I will be speaking to all my neighbors, giving them my number and will do my utmost best to not disturb them. I will also be buying a mute set for the drums and a rug for underneath. However, I have been told that I can not play silent all the time. I must have some sessions with noise. I am learning to drum due to a stroke I suffered from two years ago. I have discovered that drumming (specifically) helps stroke survivors immensely. Hence, I am going to be a beginner. I would really like to have clear cut decibel levels to adhere to instead of it being based off the whims of another. I would also like to feel that musicians, whether beginners or professionals, are welcomed in our community. Our Anti-Noise By-Law has the exact opposite effect.

Thank you for your time and consideration. I look forward to hearing from all of you concerning this matter.

Respectfully,

Rebecca Van Drunen
Fort Frances Resident

Town of Fort Frances

By-Law No. 48/97

(Being a by-law to prohibit unnecessary noise in the Town of Fort Frances.)

WHEREAS the Municipal Act, R.S.O. 1990, Chapter c.M.45, Section 210, Paragraph 138, provides that by-laws may be passed by Councils of local municipalities for prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, the blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants; and

WHEREAS on July 14, 1997, Council approved a recommendation from the Planning and Development Executive committee with respect to the penalty clause in the Anti-Noise By-Law.

NOW THEREFORE the council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:-

1. That By-Law No. 70/90 and amendments thereto are repealed.
2. No person shall make noise or permit noise to be made that is likely to disturb any other person within the Town of Fort Frances.
3. For the purpose of this by-law and without limiting the generality of the foregoing clause, the following noises or sounds shall be deemed to be unusual noises or noises likely to disturb the inhabitants, namely:
 - a) the sound or noise created by any radio, phonograph, television, musical instrument, public address system, sound equipment, loudspeaker or similar device or devices, or any musical or sound producing, sound reproducing, or sound transmitting instrument or apparatus of whatever kind when such device or instrument is played or operated in such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any house, apartment house, hotel or any other type of residence or campgrounds.
 - b) the use of loud, abusive or profane language in such a manner as to disturb the peace within the municipality.
 - c) the use of truck engine brakes being a device or system that converts a power-reducing engine into a power-absorbing retarding mechanism, or its equivalent, commonly referred to as a "Jake Brake" (The Jacobs Manufacturing Company), or "Dynatard Engine Brake" (Mack Trucks), or a "Brake Saver", or a "C-Brake" (Cummins/Peterbilt Trucks), or its equivalent.


4. Anyone who contravenes any of the provisions of this By-Law is guilty of an offence and subject to such fines and penalties provided for under the Provincial Offences Act.

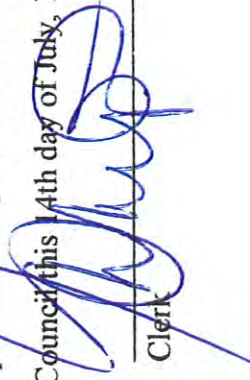
5. This by-law shall be enforced and administered by the Police Force and/or by the By-Law Enforcement Officer of the Town of Fort Frances.

6. This By-Law may be referred to as "The Anti-Noise By-Law".

This by-law shall come into force and take effect upon the final passing thereof.

READ THREE TIMES and finally passed in open Council this 14th day of July, 1997.


Mayor


Clerk

Town of Fort Frances

By-Law No. 48/97-A

(Being a by-law to amend By-Law No. 48/97, a by-law to prohibit unnecessary noise in the Town of Fort Frances.)

WHEREAS on July 14, 1997, Council passed By-Law No. 48/97 (the Anti-Noise By-Law); and

WHEREAS on May 25, 2004, Council approved a recommendation from the Planning and Development Executive Committee to amend the Anti-Noise By-Law to provide a clause to exempt Town employees, agents and contractors from the provisions of the Anti-Noise By-Law.

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:-

1. That By-Law No. 48/97 be amended as follows:
 - a) By renumbering sections 5 and 6 as sections 6 and 7 respectively, and
 - b) By the addition of the following new section 5:

“ The provisions of this by-law, as may be amended from time to time, shall not apply to the Corporation of the Town of Fort Frances, its employees, agents or contractors while engaged in the performance of their duties or the delivery of their service.”

This by-law shall come into force and take effect upon the final passing thereof.

READ THREE TIMES and finally passed in open Council this 14th day of June 2004.


MAYOR


CLERK Deputy

Patrick Briere

From: Kent, Christine (MNRF) <Christine.Kent@ontario.ca>
Sent: April 11, 2019 4:31 PM
To: Patrick Briere
Subject: RE: Proposal for 8th Street Trails
Attachments: 8thStreetTrailsMap.pdf

Hi Patrick,

I have been working on a map for the proposal (attached). As you can see by the legend, there is an existing trail for walking and skiing (green), an existing snowshoe trail (yellow), an existing walking trail that requires widening (orange) and the new trail I hope to cut (red).

My proposal is to create a brand new 1 km walking trail that would be approx. 4 feet wide (may need to cut to 6 feet to get the grooming machine down the trail). I also propose to widen the existing 440 m orange section of trail from 2 feet to 4 feet (cutting out to a max of 6 feet). The existing orange trail is well-established, but the proposed red trail can be moved as appropriate to avoid larger trees or other concerns.

Please let me know if you have further questions or if I should provide additional information. I would like to attend the meeting if possible. Please let me know where the meeting is and when to show up.

Thanks,
Christine
431-334-7969

From: Patrick Briere <pbriere@fortfrances.ca>
Sent: March-15-19 3:41 PM
To: Kent, Christine (MNRF) <Christine.Kent@ontario.ca>
Subject: RE: Proposal for 8th Street Trails

Hi Christine,

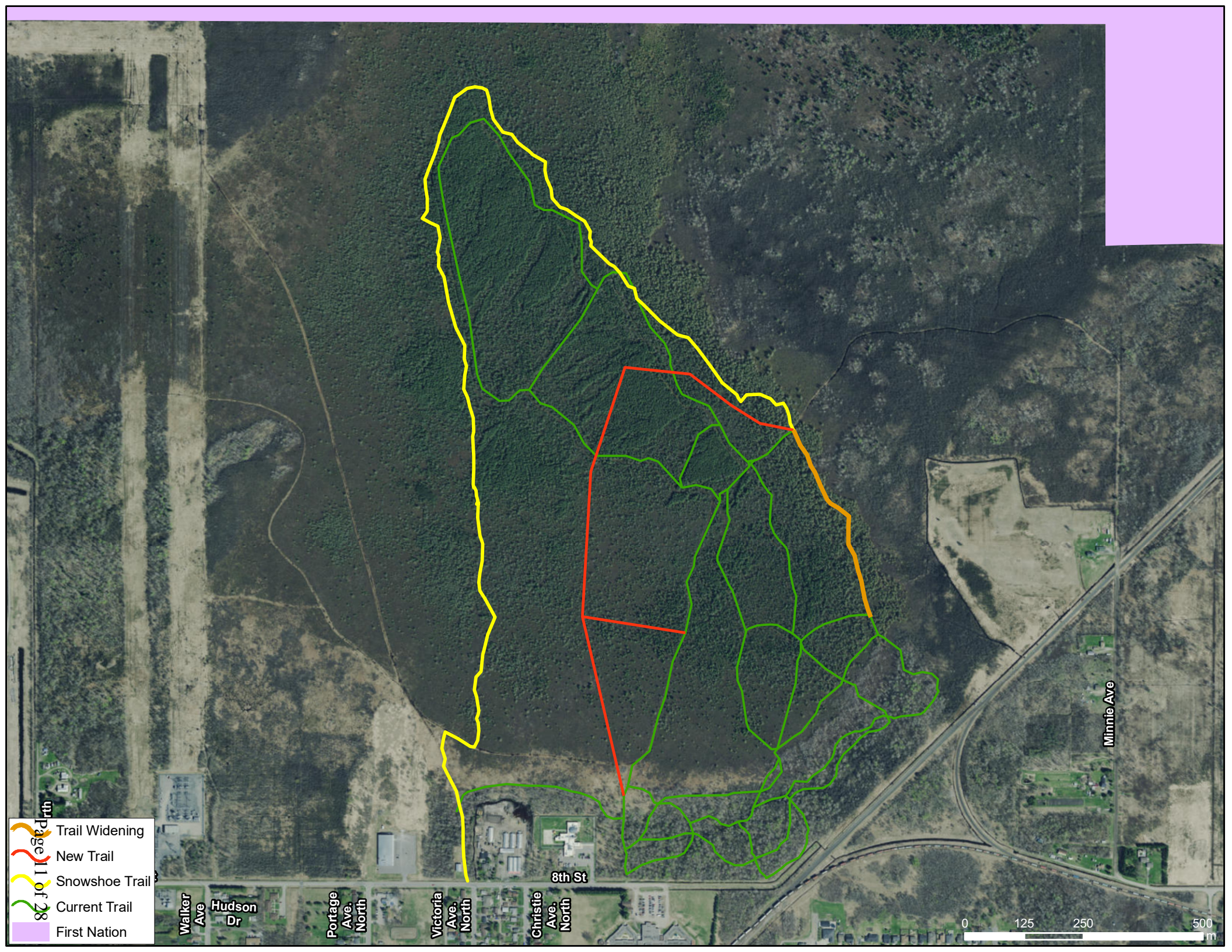
Thanks for the reply. I have asked the other Committees to have their comments to me by Thursday April 11th, 2019. If I can get your information as by this time that would be great. I am looking to have all of the information on our Committee's agenda for Monday April 15th, 2019, 0800am. Which you are more than welcome to attend if you would like.

Best regards,

Patrick Briere, CMM I, Property Standards Professional
MLEO/Public Information Officer, Planning & Development Division
PH: 1-807-274-5323 ext. 1218
pbriere@fortfrances.ca

From: Kent, Christine (MNRF) <Christine.Kent@ontario.ca>
Sent: March 15, 2019 2:26 PM
To: Patrick Briere <pbriere@fortfrances.ca>
Subject: RE: Proposal for 8th Street Trails

Hi Patrick,



- Trail Widening
- New Trail
- Snowshoe Trail
- Current Trail
- First Nation

Walker Ave

Hudson Dr

Portage Ave. North

Victoria Ave. North

Christie Ave. North

8th St

Minnie Ave



April 3, 2019

Report To: Planning and Development Executive Committee

From: Michael Behan, Vice-Chair Operations and Facilities Executive Committee

RE: Request dated March 6, 2019 for expansion of the 8th street walking trails

An email request dated March 6 was received by Council at the March 11, 2019 meeting and was referred initially to Planning and Development Executive Committee with input from Community Services Executive Committee and subsequently Operations and Facilities Executive Committee.

The Operations and Facilities Division has historically not been involved in the operation or maintenance of that trail system and, given the proposed expansion have no objections to that. The Operations and Facilities Division does not have any infrastructure in that area and any development would not impact current or proposed future operations.

Respectfully Submitted

A handwritten signature in blue ink that reads "Michael Behan". The signature is written in a cursive, flowing style.

Michael Behan

Vice-Chair, Operations and Facilities Executive Committee

2019Apr 8th Street Walking Trails input to PDEC

Patrick Briere

From: Jason Kabel
Sent: April 3, 2019 7:48 PM
To: Patrick Briere
Subject: RE: Request Email - Proposal for 8th Street Trails

Hi Patrick,

Please find the comments from the CSEC below regarding the 8th Street trails request.

8th Street Trails Request - Christine Kent - The committee recommends to the Planning & Development Executive Committee to consider the following with their recommendation to Mayor & Council:

- Have the proposed new trail GIS mapped and provided to the committee prior to giving the authorization to start clearing.
- Have Trish Law meet with Ms. Kent and volunteer trail groomer Mr. McLeod regarding GIS options for a new trail mapping.
- Determine if the proposed expansion is Town or Crown land.
- Ensure Ms. Kent and any volunteers sign a liability waiver prior to commencement of any trail clearing.
- Ensure the Town's Tree Removal policy is adhered to.

Please let me know if you have questions or concerns.

Thanks,
Jason



Jason Kabel, B.Sc., B.Ed.
Community Services Division Manager
740 Scott Street Fort Frances, ON P9A 1H8
Tel: 807-274-4561 ext. 1719 Fax: 807-274-3799
jkabel@fortfrances.ca | www.fortfrances.ca

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From: Patrick Briere <pbriere@fortfrances.ca>
Sent: March-12-19 2:42 PM
To: Tyson Dennis <tdennis@fortfrances.ca>; Milton Strachan <mstrachan@fortfrances.ca>; Jason Kabel <jkabel@fortfrances.ca>
Cc: Arlene Byrnes <abyrnes@fortfrances.ca>; Travis Rob <trob@fortfrances.ca>
Subject: Request Email - Proposal for 8th Street Trails

Good Afternoon All,

Attached please find a copy of an email request for a proposal for the 8th street trails that was received by Council last night and referred to PDEC with input from CSEC. I have added OFEC to this proposal as well to ensure that the appropriate Divisions have the opportunity to comment on this proposal.

Dear Mayor Caul and Council Members,

This letter is to express deep concern and the need for action in regards to the recent increase in “street” people loitering in the downtown core particularly the 200 and 300 blocks of Scott street. We, the business owners, are experiencing a decrease in the number of legitimate shoppers coming downtown as they are afraid of being harassed and/or panhandled. We have received many complaints from our customers in regards to having their way blocked and being asked for handouts sometimes to the point of being threatened. We are witnessing entry to our stores being blocked by people smoking and loitering.

We also are experiencing a marked increase in shoplifting in our businesses by these same people, so much so that we have compiled a share list of people that have been caught shoplifting in our stores. This list of known shoplifters is currently at 29 and growing. All of these people have been charged and brought to court and subsequently released with no repercussions. Knowing this, they are free to steal again.

As business owners we are also getting complaints from our staff members as they are being approached as they are leaving work for handouts from individuals who are clearly intoxicated by drugs or alcohol or both particularly those who have to park in the Legion parking lot and have to walk through the back alley. Downtown employees feel watched and afraid when a group of these people, working together as a team, come in to the stores to shoplift. Part of the group distracts while the others do the stealing.

All of the above is directly related to the rampant methamphetamine problem that this town is currently experiencing.

So what is the solution???? Although we don't have the answer, we do have some ideas.

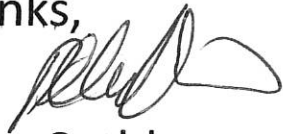
- Perhaps the O.P.P. walking the streets several times a day?
- Perhaps moving the food shelter off of Scott street?
- Perhaps the drug unit could target the growing Methamphetamine problem
- Perhaps the O.P.P. could target the person/business that is buying and selling the stolen merchandise

which provides money for drugs and an incentive to go out and steal more things

- Perhaps our by-law officers walking the downtown core regularly – not necessarily to enforce loitering bylaws but to be seen as a uniformed officer presence downtown


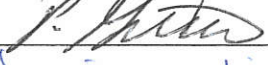








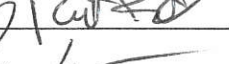
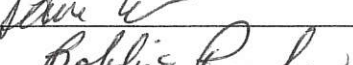
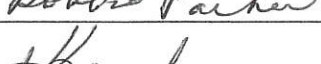
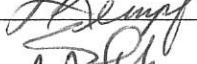

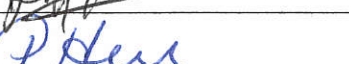


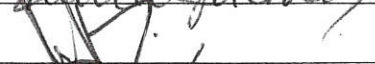
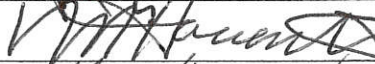
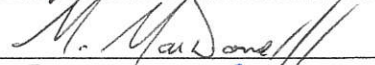

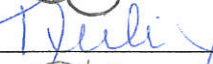




For your consideration

Thanks,

A handwritten signature in black ink, appearing to read 'Doug Cuthbertson', with a stylized, flowing script.

Doug Cuthbertson

Owner Northwoods Gallery and Gifts

Store Name	Signature	Signature Printed
NORTHWOODS		D. CUTHBERTSON
GORTCH'S		PAT GORTSHORE
DIANA'S NEEDLE ART		DIANA NIXON
Sight & Sound		DEREK JACKSON
Betty's of Fort Frances		Blair Anderson
Curvy Chick		Jennifer Horton
CAUSMEAN REAL ESTATE		DAN R. CAUSMEAN
Jack Spitz Apparel		SCOTT KRIENKE-TORREY
INK SPOTZ APPAREL		DARLYSS KRIENKE
FLINT HOUSE		ED GACKLEY
McTAGGARTS		RICHARD BOLEARY
4 Your Pets		Pam Williams
MR. SUB		BOBBIE PARKER
THE UPS Store		Lil Kempf
THE UPS Store		S. Christensen
CAUSEWAY Insurance		John Homer
INTERNATIONAL TRAVEL		PATRICIA HERE
SCANLIFE		Barry Jackson
Sunlife		PAULA JACKSON
TAGGS Source for Sports		Russell Ling
Leon's		M. Howarth
Investment Planning Counsel		M. Mac Done II
5300 The Bazaar Shop		Dawn Gray
Warehouse One		Heili Savinac
Warehouse One		Shannon Singleton
Lowery's		Tim Hudson
Shoppers Drug Mart		Tyler Doerksen

March 28 2019

Rec'd 28 Mar 19
2:55 PM K7

To Mayor Caul and Council Members,

This is a formal request for permission to set up a billboard to advertise my business "The Sleepy Owl" at one of the following town's properties:

1. 1003 Frog Creek Rd. On the right side of Frog Creek Road heading East.
2. 1003 Frog Creek Rd. On the right side of McIrvine St heading South.
3. North of Balsam St. On the right side of McIrvine St heading South
4. South of Balsam St. On the right side of McIrvine St heading South.

The intention is to erect a sign 8' x 16' in size and according to the towns regulation.

I have spoken Patrick Briere about this, and he informed me that the first step is to get town's permission, and then to pay for a sign permit. Upon hearing town's approval I will do that.

Thanks.



Wade Friesen

Owner of The Sleepy Owl

sales@thesleepyowl.com

www.thesleepyowl.com

(807) 275 5683 (Cell)

(807) 274 5500 (Front Desk)



Canadian
Bass Championship Inc.
P.O. Box 531
Fort Frances, ON
P9A 3M8

March 22, 2019

Mayor and Town Council

Town of Fort Frances
P.O. Box 38
Fort Frances, Ontario
P9A 3M5

Re: Fort Frances Canadian Bass Championships and Teen Dance (July 17th - July 20th, 2019)

Dear Mayor and Councillors:

The FFCBC directors sincerely appreciate your significant contributions to facilitate the 2019 event. The Town of Fort Frances is a valued sponsor of the FFCBC since its creation in 1995.

We respectfully request the following support from the Town of Fort Frances:

- 1) Designate, in writing, the "Fort Frances Canadian Bass Championship Live Release Tournament" as a significant municipal festival & event.
- 2) Authorize use of the Memorial Sports Centre Stage, Tables, Chairs & Town picnic tables. FFCBC will arrange for pick-up and return.
- 3) Supply the FFCBC with the necessary documents to facilitate closing road to accommodate tent. Requesting road closure at the Sorting Gap Marina for the period of July 12th to July 22nd inclusive.

- 4) We submit a request to the Town of Fort Frances for the use of four barricades for the use at the Sorting Gap.
- 5) The FFCBC will be filling out a building permit application for the erection of the tent, we ask the town look at any charges associated.
- 6) Provide us, early in July, with list of Sorting Gap Marina slip lessees. We will contact the lessees with a formal request for the possible use of their slips during the tournament.
- 7) Waive launch fees for tournament competitors and volunteers from July 18th to 20th . We will provide the Sorting Gap Marina staff with a list of tournament anglers and names of volunteers (spotters, catch & release and photography boats) who plan to launch there.
- 8) Authorize the temporary installation of poles and flags on the concrete pylons and edges of the launch ramp, as in previous years.
- 9) Allow the tournament to attach pennants, signs and banners to street light poles, fencing and other creative places with the assurance that no damage will be done to the infrastructure and the material will be promptly removed after the event.
- 10) Provide the Director of Tournament Operations and the Director of Site & Facilities with a dock key.
- 11) Requesting assistance from the Town of Fort Frances with the setting up of the Tent on July 12th and the taking down of the Tent on July 22nd.

We look forward to discussing our request in greater detail at your convenience and invite any Town Councillor to any FFCBC board meeting.

Respectfully,

Wayne Allen, Co-Chairman

Jim Cuthbertson, Co-Chairman



2019 FFCBC Board of Directors

Wayne Allen	Co-Chair/Bar Operations
Wayne Allen	Teen Dance
Kathy Cuthbertson	Food Court
Jim Cuthbertson	Co-Chair/Site & Facilities
Greg Gustafson	Treasurer/Angler Registrations
Paul Jewiss	Anglers' Representative
Kevin Cawston	Fish Care
Eric Kaufman	Weigh Master
Jeanette Cawston	Volunteers Co-ordinator
Robin Reid	Director

Date: April 12th, 2019

Report To: Planning & Development Executive Committee

From: Patrick Briere, By-Law Enforcement Officer

Re: Proposed Draft Smoking By-Law.

The Planning & Development Executive Committee will recall at their regular meeting held on February 4th, 2019 that this office introduced a proposed draft smoking by-law for consideration by the Committee. The changes made within this proposed draft by-law were completed to incorporate the new legislative changes that have been made to the Smoke-Free Ontario Act. The Committee requested further information regarding the proposed draft by-law and the answers are as follows:

- The NWHU Smoking Enforcement Officer, advised that the following response to how the legislation pertains to private property and is enforced. "The SFOA 2017 was meant to keep tobacco/vape out of the hands of our youth and there will always be extenuating circumstances. If the private property wishes to add signs to say no smoking on their property, they are encouraged to do so, however we are not able to enforce them. If the smokers are on a sidewalk or road allowance within the 20 m, it can be enforced by us. If they are on the road it would be the OPP. If the private company gets tired of telling people not to smoke on their property, they can post no trespassing signs and call the OPP if the signs are being ignored. This process will take a while for people to accept it as "the norm", we encourage education first with progressive enforcement."
- The Police Services Board reviewed the request at their regular meeting held on April 5th, 2019 and had no concerns with the proposed draft as presented.
- The CAO requested the proposed draft by-law be reviewed by our solicitor. The solicitor made some amendments to the draft by-law and it is attached for your reference.

We are asking that the Planning & Development Executive Committee recommend that Council approve the proposed draft by-law as presented and authorize a By-Law be prepared for signing by Mayor & Clerk.

Respectfully submitted,



Patrick Briere
By-Law Enforcement Officer

THE CORPORATION OF THE TOWN OF FORT FRANCES
(the “Municipality”)

BY-LAW NO. _____

A BY-LAW TO REGULATE SMOKING IN PUBLIC PLACES IN THE MUNICIPALITY

WHEREAS section 8 of the Municipal Act, 2001, S.O. 2001, Chap. 25 as amended (the “Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality=s ability to respond to municipal issues;

AND WHEREAS section 10 of the Act provides that a single-tier municipality may pass by-laws respecting, among other things, the health, safety and well-being of persons;

AND WHEREAS section 128 of the Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, could become or cause public nuisances;

AND WHEREAS section 129 of the Act provides that a local municipality may prohibit and regulate with respect to, among other things, odours;

AND WHEREAS it has been determined that second-hand smoke and vapour are a health hazard, or discomfort and nuisance, to or for many inhabitants of and visitors to the Municipality;

AND WHEREAS it is desirable for the health, safety, and well-being of the inhabitants of and visitors to the Municipality to regulate smoking and vaping in public places in order to better protect the inhabitants of and visitors to the Municipality from conditions injurious to health resulting from smoking or from second-hand smoke in accordance with the provisions of this by-law.

NOW THEREFORE council (“Council”) of the Municipality enacts as follows:

1. DEFINITIONS

1.1 For the purpose of this by-law:

- (a) “Cannabis” has the same meaning as in subsection 2(1) of the Cannabis Act (Canada);
- (b) “Electronic Cigarette” means a vapourizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating or other element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device, whether or not the

vapour contains nicotine, cannabis, or any other substance;

- (c) “E-substance” means a substance that is manufactured or sold to be used in an Electronic Cigarette;
- (d) “Municipal Building” means any building or structure owned, leased, or controlled by the Municipality, with the exception of the premises commonly known or referred to as:
 - (i) the Memorial Arena - Auditorium premises (herein sometimes referred to as the “Fort Frances Sportsplex Facility” - located at 740 Scott Street, Fort Frances, Ontario); and
 - (ii) Rainy Lake Square premises (herein sometimes referred to as “Rainy Lake Square” – located at 235 Scott Street, Fort Frances, Ontario).
- (e) “Officer” means a Person appointed by or under the authority of a by-law of the Municipality to enforce by-laws of the Municipality, a Northwestern Health Unit smoking enforcement officer, a provincial offences officer as defined in the Provincial Offences Act, R. S. O. 1990, c. P.33 (the “Provincial Offences Act”), as amended, or a police officer (including, without limitation, an Ontario Provincial Police officer);
- (f) “Park” means any land owned, leased, or controlled by the Municipality designed or used for public recreation, including, without limitation, trails, gardens, beach areas, natural areas, swimming pools, playgrounds, playing fields, sports fields, and in all cases any and all adjacent spectator stands, seating, and watching areas;
- (g) “Person” shall include a natural person, a body corporate, an association, organization, group, team, or business;
- (h) “Smoke” and “Smoking” includes the carrying, holding, or the inhaling or exhaling of or from, or otherwise using, lighted cannabis, a lighted cigar, cigarette, water-pipe, pipe, or any other lighted smoking instrument or appliance;
- (i) “Tobacco Product” means any product that contains tobacco, in any processed or unprocessed form that may be smoked, inhaled, or chewed, including, without limitation, snuff; and
- (j) “Vapour Product” means an Electronic Cigarette, an E-substance, or any component of an Electronic Cigarette.

2. PROHIBITIONS

2.1 No Person shall:

- (a) Smoke or permit the Smoking of Cannabis or Tobacco Product; or
- (b) inhale vapour from, exhale vapour from, or otherwise use any Vapour Product, or permit the inhaling of vapour, exhaling of vapour, or use of any Vapour Product

in or on any Municipal Building or vehicle or other conveyance or equipment owned, leased, or controlled by the Municipality, or any part of them.

2.2 No Person shall:

- (a) Smoke or permit the Smoking of Cannabis or Tobacco Product; or
- (b) inhale vapour from, exhale vapour from, or otherwise use any Vapour Product, or permit the inhaling of vapour, exhaling of vapour, or use of any Vapour Product

within 9 metres of any entrance, exit, or air intake of any Municipal Building.

2.3 No Person shall:

- (a) Smoke or permit the Smoking of Cannabis or Tobacco Product; or
- (b) inhale vapour from, exhale vapour from, or otherwise use any Vapour Product, or permit the inhaling of vapour, exhaling of vapour, or use of any Vapour Product

in, on, or within 20 metres of any Park.

2.4 No Person shall:

- (a) Smoke or permit the Smoking of Cannabis or Tobacco Product; or
- (b) inhale vapour from, exhale vapour from, or otherwise use any Vapour Product, or permit the inhaling of vapour, exhaling of vapour, or use of any Vapour Product

in, on, or within 25 metres of the Fort Frances Sportsplex.

2.5 No Person shall:

- (a) Smoke or permit the Smoking of Cannabis or Tobacco Product; or
- (b) inhale vapour from, exhale vapour from, or otherwise use any Vapour Product, or permit the inhaling of vapour, exhaling of vapour, or use of any Vapour Product

in, on, or within 9 metres of Rainy Lake Square.

3. EXCEPTIONS

- 3.1 This by-law does not apply to a highway.

4. ENFORCEMENT

- 4.1 The provisions of this by-law may be enforced by an Officer.
- 4.2 Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by any Person, the Officer may require the name, address, and proof of identity of that Person.
- 4.3 Failure to provide proof of identification pursuant to paragraph 4.2 of this by-law when requested by an Officer to do so shall constitute obstruction of the Officer under paragraph 5.3 of this by-law.

5. OFFENCES AND PENALTY

- 5.1 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.00 exclusive of costs.
- 5.2 If this by-law has been contravened and a conviction entered, the Court in which the conviction is entered, and any Court of competent jurisdiction thereafter may, in addition to any other remedy and penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 5.3 No Person shall obstruct or hinder or attempt to obstruct or hinder an Officer in the exercise of a power or the performance of an act or duty under this by-law.

6. COLLECTION OF UNPAID FINES

- 6.1 Where a fine is in default, the Municipality may, in addition to all other rights and remedies available to the Municipality, proceed with civil enforcement, against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.

6.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

7. SEVERABILITY

7.1 If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which shall continue to operate in full force.

8. SHORT TITLE

8.1 This by-law may be referred to as the Smoking By-Law.

9. REPEAL

9.1 By-Law No. 38/15, as amended, is repealed.

ENACTED AND PASSED this ____ day of April, 2019.

per _____
June Caul, Mayor

per _____
Elizabeth Slomke, Clerk