

**Community Services and Operations Committee**  
**Comité des services communautaires et des opérations**

**Agenda 19**  
**Ordre du jour 19**

**Wednesday, November 24, 1999 - 9:15 a.m.**  
**Le mercredi 24 novembre 1999 - 9 h 15**

**Victoria Hall, First Level**  
**Bytown Pavilion, City Hall**

**Salle Victoria, niveau 1**  
**Pavillon Bytown, hôtel de ville**

**Confirmation of Minutes  
Ratification des procès-verbaux**

Minutes 18 (November 10, 1999)

Procès-verbal 18 (Le 10 novembre 1999)

## **Index**

### **Information Items Articles pour information**

### **Action Items Articles pour exécution**

- |    |  |   |
|----|--|---|
| 1. | <b>Parking Enforcement - Government Authorized Requester Agreement</b><br><b>Application des règlements de stationnement - Entente d'accès à la</b><br><b>base de données du gouvernement</b><br>Ref.: ACS1999-PW-LTB-0042 | <b>1</b><br><br><br><br><br><b>City Wide</b>        |
| 2. | <b>Streets - Streets By-law 165-73 - Snow Dumping</b><br><b>Rues - Arrêté municipal sur l'entretien des rues 165-73 - Déversement</b><br><b>de neige</b><br>Ref.: ACS1999-PW-LTB-0055                                      | <b>5</b><br><br><br><br><br><b>City Wide</b>        |
| 3. | <b>Royal Oak Pathway Closure</b><br><b>Fermeture de sentier Royal Oak</b><br>Ref.: ACS1999-CM-BUS-0011   | <b>25</b><br><br><br><br><br><b>OT3 - Southgate</b> |
| 4. | <b>By-law Respecting Family Fireworks</b><br><b>Arrêté municipal sur les feux d'artifice domestiques</b><br>Ref.: ACS1999-CM-FIR-0002  | <b>43</b><br><br><br><br><br><b>City Wide</b>       |

### **Regional Matters Questions régionales**

**Members' Reports - Enquiries**  
**Rapports des membres - demandes de renseignements**

Councillor/Conseiller Stéphane Émard-Chabot, Chairperson/président

Councillor/Conseillère Inez Berg, Vice-Chairperson/vice-présidente

Councillor/Conseillère Elisabeth Arnold

Councillor/Conseillère Diane Deans

Councillor/Conseiller Allan Higdon

Councillor/Conseiller Shawn Little

LZF

November 12, 1999

ACS1999-PW-LTB-0042  
(File: TPE3551/0260)

Department of Urban Planning and Public  
Works

Ward/Quartier  
City Wide

- Community Services and Operations  
Committee / Comité des services  
communautaires et des opérations
- City Council / Conseil municipal

Action/Exécution

**1. Parking Enforcement - Government Authorized Requester Agreement**  
**Application des règlements de stationnement - Entente d'accès à la**  
**base de données du gouvernement**

**Recommendation**

That Council approve entering into the 1998 Government Authorized Requester Agreement with the Ministry of Transportation of Ontario as a basis for subsequent agreements.



November 16, 1999 (9:03a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

TK:yh

Contact: Tom Keeley - 798-8999



November 16, 1999 (2:17p)

Approved by  
John S. Burke  
Chief Administrative Officer

## Financial Comment

Since this change has been legislated by the Province, approval of the recommendation will require the City to collect fees and remit them to the Province. However the City will be allowed to retain a portion of the fees, estimated at \$ 51,000. annually, sufficient to cover administration and program development costs. The program including revenue and cost estimates will be reviewed after one year and may be the subject of a future report if necessary. The appropriate Department of Urban Planning and Public Works operating estimates will be revised to reflect these changes.



November 15, 1999 (3:46p)

for Mona Monkman  
City Treasurer

CP:ari

## Executive Report

### Reasons Behind Recommendation

By letter dated June 1, 1998, the Assistant Deputy Minister of the Ministry of Transportation advised *“The Ministry of Transportation can no longer sustain the provision of plate ownership information at no cost. The Ministry would like to work with municipalities to institute a method of recovery of a full offset of data access costs.”*

Plate ownership information, which can only be obtained from the vehicle owner database of the Ministry of Transportation of Ontario (MTO) enables the Corporation to identify and locate residents of Ontario who ignore or fail to pay their parking tickets. Access to the database has been provided under the terms of a 1995 agreement; a revised agreement was sent in 1998 and must be signed for that access to continue.

Vehicle owner information is received from the MTO via an electronic data transfer, a service that was free to municipalities until July 1, 1998. At that time, the MTO implemented a \$3.00 service charge for each data access request. Realizing that data access would be costly to municipalities, the Province implemented a procedure whereby the cost would be offset by convicted parking ticket offenders. In the cost-share program, increased court costs of \$9.00 are applied to vehicle owners who ignore their parking tickets or who elect a trial and then fail to attend it. When the ticket is paid, the \$9.00 increase is collected by the municipality, \$0.75 of each payment is retained by the municipality and \$8.25 is remitted to the MTO to cover the costs of data access.

The changes imposed by the MTO coincided with the Department's initial involvement with ParkSmart for the acquisition and design of a new computerized ticketing system. With a verbal agreement from the former Director of the Safety and Regulation Division of the MTO, the City did not commence collection of the additional costs until implementation of the PTMS. Since March 1999 the increased costs have been collected and, as of August 31, 1999, the amount to be remitted to the MTO was \$152,000.

The MTO has given notice to the City that the provision of plate ownership information will cease if payment of court costs collected and a signed Government Authorized Requester Agreement are not soon received. Since outstanding parking tickets cannot be pursued without the name and address of the plate holder, this jeopardizes a significant revenue stream. The Department is recommending that Council approve entering into the revised Government Authorized Requester Agreement.

### Consultation

The Office of the City Solicitor has been consulted and supports the recommendation of the Department.

### Disposition

The Department of Urban Planning and Public Works is to execute the Government Authorized Requester Agreement.

### List of Supporting Documentation

Document 1     A copy of the Government Authorized Requester Agreement is on file with the City Clerk.

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# Backgrounder

November 12, 1999

ACS1999-PW-LTB-0055

## 2. Streets - Streets By-law 165-73 - Snow Dumping

### Rues - Arrêté municipal sur l'entretien des rues 165-73 - Déversement de neige

#### Issue

- complaints to the City about violations of its "snow dumping" regulation have doubled in the last two years; 61% of the complaints involve snow plow contractors for hire
- the snow dumping regulation, part of the City's Streets By-law, prohibits the depositing of snow or ice on the street
- the regulation is intended to help keep streets and sidewalks clear and unobstructed in winter and to minimize the impact on the City's snow removal operations of the unanticipated work and expense associated with having to remove snow originating from private property
- last winter, the cost to the City of removing snow dumped from private properties onto City streets approached \$400,000
- meaningful enforcement has been difficult to date because of the workload of enforcement staff, the temporary nature of the evidence of violation, and the inability to positively identify offenders

#### What's New

- the City of Ottawa proposes to license snow plow contractors to enhance compliance with the snow dumping regulation of the Streets By-law
- it is also proposed to amend the City's Streets By-law to provide that the property owner or occupant must ensure that no snow or ice from his or her land is deposited on the street whether or not the owner or occupant is the actual mover of the snow or ice
- it is recommended that a request go forward to Regional Council to amend its Regulatory Code to impose the same obligation on the property owner or occupant when snow or ice is deposited on a regional road

#### Impact

- licensing will help identify snow plow contractors and their operators for the purposes of investigating possible snow dumping violations
- at an annual fee of \$150 per contractor, licensing will generate \$7,500 in net revenue which will be used to fund a number of snow dumping enforcement blitzes
- the amendment to the Streets By-law will encourage property owners or occupants to take action to ensure that any person engaged to clear their land of snow or ice (whether for compensation or not) does so in accordance with the by-law
- the proposals will improve compliance with snow dumping regulation as early as this winter season

**Contact: Jules Bouvier - 244-5300 ext. 3383**

**Chief Communications Officer - Lucian Blair - 244-5300 ext. 4444**



November 12, 1999

ACS1999-PW-LTB-0055  
(File: TPE3551/0210)

Department of Urban Planning and Public  
Works

Ward/Quartier  
City Wide

- Community Services and Operations  
Committee / Comité des services  
communautaires et des opérations
- City Council / Conseil municipal

Action/Exécution

## **2. Streets - Streets By-law 165-73 - Snow Dumping**

### **Rues - Arrêté municipal sur l'entretien des rues 165-73 - Déversement de neige**

#### **Recommendations**

1. That snow plow contractors for hire be licensed and regulated in accordance with the by-law attached as Document 1.
2. That, subject to approval of Recommendation 1, net revenue generated from snow plow contractor license fees be used to fund overnight enforcement blitzes of the snow dumping regulation.
3. That Streets By-law Number 165-73 regulating the use and care of streets be amended to provide that no owner or occupant shall permit snow or ice from his or her land to be thrown, pushed, plowed, dumped or otherwise deposited on the street.
4. That, subject to approval of Recommendation 3, City Council request the Council of the Region of Ottawa-Carleton to amend the Regional Regulatory Code to:
  - a. impose the same obligation on the property owner or occupant in connection with the depositing of snow on regional roads as is proposed in relation to City streets;

- b. authorize Municipal Law Enforcement Officers with the City of Ottawa to enforce the snow dumping provisions of the Code on regional roads within the City of Ottawa.



November 15, 1999 (2:30p)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

JB:jb

Contact: Jules Bouvier - 244-5300 ext. 1-3383



November 15, 1999 (3:16p)

Approved by  
John S. Burke  
Chief Administrative Officer

### Financial Comment

Subject to City Council approval of these recommendations, it is estimated that the additional cost for materials and enforcement of the Snow Dumping by-law will be offset by additional licensing revenues as follows:

OPERATING ESTIMATES	1999	Subsequent Years
Expenditure Increase		
Materials (metal plates)	\$ 500.	500.
Overtime (enforcement blitzes)	\$ 7,500.	\$ 7,500.
Total Expenditures (Gross Cost)	\$ 8,000.	\$ 8,000.
Additional Revenue		
License Fee (New)	\$ 7,500.	\$ 7,500.
Processing fee (additional)	\$ 500.	\$ 500.
Total Additional Revenue	\$ 8,000.	\$ 8,000.
TOTAL CHANGE (net cost)	\$ 0	\$ 0

The 1999 and subsequent years operating budgets will be adjusted accordingly to reflect expenditure and revenue changes in the appropriate Department of Urban Planning and Public Works accounts.



November 15, 1999 (2:20p)

for Mona Monkman  
City Treasurer

CP:ari

## Executive Report

### Reasons Behind Recommendations

#### Background

At its meeting of March 31, 1999, the Community Services and Operation Committee directed as follows: “Be it resolved that the Department of Urban Planning and Public Works be directed to research and review the operation of private snow removal operators, and report back to the Committee with recommendations on the feasibility of licensing them or on other options to address this issue”.

The issue is an increase in complaints about apparent violations of Section 2A of the City’s Streets By-law which provides that “no person shall, unless otherwise authorized by the provisions of this or any other by-law of the Corporation, throw, push, plow, dump or otherwise deposit snow and ice on a street”. The “snow dumping” prohibition is in place to assist in keeping streets and sidewalks safe and unobstructed during the winter, and to minimize the impact on the City’s snow removal budget of the unanticipated expense associated with removing snow originating from private property. Last winter season, the cost to the City of removing private property snow dumped on the roadway approached \$400,000.

The number of service requests alleging violation of the snow dumping regulation has increased from 105 to 215 in the past two years. Many of the calls are from residents reporting neighbours who deposit (or whose contractors deposit) snow in the street or onto windrows; the complainants are particularly bothered because the snow is often pushed into their driveways by the City. Winter road operations staff reports chronic disregard of the regulation at a number of commercial properties, which is especially problematic because of the volume of snow that can accumulate on and be moved from large parking lots into the right-of-way.

The increase in complaints to the City results from both a growing awareness of the by-law (and intolerance of breaches), and a real increase in violations. Improved awareness arises from the comprehensive print and radio education campaign conducted by this Department throughout the winter. The increase in violations can be ascribed to a number of factors: increased use of snow plow contractors for hire who, for economic reasons, do not bother taking the time required to properly pile the snow onto the private property and whose breaches are multiplied by the number of properties served; growth in the number of residential developments with little or no snow storage space; awareness that City enforcement is constrained by limited resources and onerous evidentiary requirements.

In 1992, enforcement responsibility for the snow dumping prohibition was transferred without an increase in resources from the Ottawa Police to the Department of Urban Planning and Public Works. License Inspectors undertake field investigations and enforcement on a request-for-service basis as resources and circumstances permit; Operations Branch and Licensing office staff provide the administrative support associated with policy, education and awareness. The workload of License Inspectors, the temporary nature of the evidence of violation, and the difficulty in positively identifying the offenders make meaningful enforcement difficult. In 1997-1998, enforcement resulted in the issuance of 102 courtesy warnings and 3 fines; during the 1998-1999 winter season, 205 courtesy warnings and 2 fines were issued.

#### Recommendation 1

Two years ago, violations attributed to commercial snow plow operators represented fewer than 15% of the snow dumping service requests registered with the City; that figure jumped to 61% during last year's winter season. Because snow plow contractors provide service at many sites, those who violate the Streets By-law are likely to do so at a number of addresses served (or at all addresses served) and they are therefore considered more disruptive to neighbours and City operations than an individual resident who clears only his or her own driveway.

It is proposed to license snow plow contractors to enhance compliance with the snow dumping regulation of the Streets By-law. The by-law attached as Document 1 will do that in these ways:

- it will help identify contractors and their drivers for the purposes of investigating alleged snow dumping violations;
- it will discourage fly-by-night operators who prefer unregulated markets and who, by their nature, are either not aware of or not concerned about the City's Streets By-law;
- it will put in place the additional remedial tool of suspension or revocation of license for chronic snow dumping violations;
- subject to approval of Recommendation 2, it will fund three (3) late night/early morning enforcement blitzes by License Inspectors.

The proposed by-law will offer the additional benefits to the public of helping to ensure that vehicles are in good repair and that appropriate commercial liability insurance is in place.

Specifically, the licensing by-law proposes the following:

1. persons engaged in the business of contracting for the plowing or removal of private property snow by tractor, backhoe, front-end loader or other suitably equipped motor vehicle will have to obtain a municipal business license (since they have not been identified as significant contributors to the snow dumping problem, persons clearing snow with a hand-held snow shovel or with manually pushed snow-blowing equipment will not require a license)
2. for each snow plow used in the business, the license applicant will have to file with the City identifying vehicle information, and proof of good repair and insurance (it will constitute a chargeable offence if a snow plow not registered with the City is used in the business)
3. each snow plow will have to have attached to it or painted on its sides a sign with the business name and telephone number in letters and numbers not less than eight centimetres in height (that sign is intended to help residents identify snow dumping violators to the City)
4. a numbered metal plate, bearing the words "Ottawa" and "Snow Plow" and having to be affixed to the rear of the vehicle, will be issued by the City to each registered snow plow (more an aid to enforcement personnel than to the public, the absence of a plate will readily identify possible unregistered vehicles)
5. every contractor will have to maintain and make available to investigating Officers on request a ledger in which are recorded the work hours and job sites of snow plow operators for the purpose of identifying those who have dumped snow on the street
6. contractors will be responsible under the Licensing By-law for ensuring that their operators are aware of and do not violate the snow dumping regulation (that obligation on the licensee will not prevent the City from charging the operator as well or instead under the Streets By-law)
7. an annual license fee of \$150 per contractor is proposed. That fee is a combination of licensing registration cost (\$105 is the standard for other license categories) and a contribution to the funding of snow dumping enforcement blitzes proposed by and explored in more detail under Recommendation 2.

As always, there are some things licensing cannot do:

- it will not address violations by individual residents who cannot be made subject to a business licensing by-law (alleged violations by residents represent 39% of complaints to the City);

- it will not eliminate all snow dumping violations by contractors;
- it will not increase the resources available to respond to snow dumping requests for service which means that there will still be delays between complaint and investigation (that noted, pro-active enforcement blitzes funded by license fees may reduce complaints overall and, with the identification benefits of licensing and the new obligation on property owners, request-for-service investigations should prove more productive).

Of the 50 individuals, organizations and contractors who responded to the Department's invitation to comment on the topic of snow dumping, 33 offered comment on licensing. Of those, 76%, including 6 of 10 snow plow contractors, supported licensing. Although the details of exactly what licensing would impose, on whom and at what cost were not the object of consultation, having been developed in response to and after the consultations, the Department is satisfied that what is proposed here is a reasonable and enforceable by-law that is neither too onerous for law-abiding snow plow contractors nor too weak to be of value.

#### Recommendation 2

Licensing of snow plow contractors is expected to generate \$7,500.00 in net revenue annually. It is proposed to use that revenue to fund 3 or more enforcement blitzes per season. The blitzes will likely be scheduled for snow events of 15 centimetres or more. The blitzes will last up to 16 hours and will be undertaken by 4 License Inspectors. As a consequence of the duration and timing of each special enforcement effort, overtime pay will be required for the night, early morning and weekend hours. Each blitz will cost between \$2,000.00 and \$2,500.00.

Enforcement blitzes are expected to have an immediate positive impact on compliance with the Streets By-law; they will also provide an opportunity to confirm the license status of the snow plow contractors.

#### Recommendation 3

Currently, only the person who has actually deposited the snow on the street has committed an offence under the Streets By-law. Owners or occupants of private property who are not the actual movers of the snow are not subject to penalty, even when they encourage or consent to the violation.

Recommendation 3 proposes that the Streets By-law be amended to provide that no owner or occupant shall permit snow or ice from his or her land to be thrown, pushed, plowed, dumped or otherwise deposited on the street. That new obligation is expected to encourage residents to take action to ensure that all persons who clear the property of snow (whether for compensation or not) do so in compliance with the Streets By-law. Willful and chronic disregard of the snow dumping regulation could result in charges against the property owner or occupant whether or not that person actually put the snow on the street.

Recommendation 4

The Region's Regulatory Code includes a snow dumping provision which is identical to the City's existing regulation. Amendments to the Code are required to: impose the same obligation on the property owner or occupant in connection with the depositing of snow on regional roads as is proposed in relation to City streets; authorize City staff to enforce the snow dumping provisions of the Code on regional roads within the boundaries of Ottawa.

Complaints of snow dumping on regional roads in Ottawa represent 25% of all snow dumping calls. Since taking on enforcement in 1992, License Inspectors have responded to those calls with information and warnings. The recommendation to appoint them to enforce the Code provisions will not add to workload particularly, since they are already responding to the calls, but it will authorize them to lay charges where warranted.

Desultory Additional Information

*Education and Public Awareness*

The Department will continue to improve its public awareness program. The established print and radio campaign will be particularly important in reaching residents who will not be subject to licensing but who must now ensure that anyone who clears snow on their behalf does not deposit it onto the street. Print ads will include a reference to the mandatory municipal license for contractors.

Snow plow contractors listed in the telephone directory will be notified of the licensing requirement by mail and will be granted until January 15, 2000 to obtain the 1999-2000 snow plow contractor license.

*Enhanced Monitoring by Winter Road Crew Supervisors*

The Department's winter road crew supervisors will be enlisted this season to monitor and report violations. As they go about their regular duties and with knowledge of what constitutes cogent evidence, the supervisors will collect information and report violations to License Inspectors. License Inspectors will respond to violation reports initiated by the supervisors, and will lay charges where appropriate. The supervisors may be required to act as witnesses to support charges in Court.

*How Other Municipalities Address the Problem*

A survey of 14 Canadian cities identified that by-laws prohibiting the dumping of snow from private property to streets and sidewalks are commonplace. Most cities report that their enforcement initiatives are subject to the same evidentiary complications experienced in Ottawa and that, as a result, many more warnings than charges are issued.

In October of this year, Orillia City Council introduced a snow plow contractor license which requires contractors for hire to obtain a \$50.00 license for each piece of equipment used in the business including manually pushed snow blowers. The City of Kirkland (located near

Montreal) also regulates and licenses snow plow contractors at an annual fee of \$100.00 per contractor. Both cities report that licensing was introduced to address the problem of snow dumping.

#### *Licensing Snow Plow Operators (Drivers)*

The Department considered but opted not to recommend the licensing of snow plow operators. No benefit could be identified that cannot be achieved by licensing only the contractor. The proposed licensing by-law does require that self-employed snow plow operators obtain a contractor's license; and it provides that contractors are to keep and make available to investigating Officers a record of all operators and their job sites.

#### *Protection from Disreputable Contractors*

Although licensing has not been proposed as a way to protect the public from fraudulent contractors who require payment in advance and then fail to honour contracts, it is expected that the by-law will discourage disreputable operators who prefer unregulated markets.

### Consultation

The Department received comments from 50 stakeholders as a result of its public consultation, the details of which are outlined in Document 2. Of the respondents, 31 were private residents, 10 were snow plow contractors, 7 were community groups, 1 was a BIA, and 1 was a service provider that relies on clear roads to conduct business.

Most respondents agreed that snow dumping violations were an on-going and increasing concern. A majority expressed the opinion that more snow is being deposited on the street because more people are depending on snow plow contractors for hire to clear private laneways. Residential streets were most often identified as the problem locations (that is not a surprising outcome given that most respondents were residents and community groups).

Set out in the table below are five options the Department invited comment on and the response received in relation to each of them. Licensing was the option that received the strongest support. Those who opposed licensing expressed the opinion that the City should enforce its existing regulation better rather than add to it; and some stated a concern that either the license fee, or improved compliance with the Streets By-law because of licensing, or both, would increase the price of snow plow service to residents as contractors passed on those new costs.

<b>Actions</b>	<b>% In Favour</b>	<b>% Opposed</b>	<b>% No Comment</b>
license and regulate snow plow contractors	50%	16%	34%
make property owner responsible too	42%	6%	52%
improve awareness/education	34%	2%	64%
conduct enforcement blitzes	26%	10%	64%
increase City resources reporting violations	20%	10%	70%

### **Disposition**

Office of the City Solicitor to prepare amending by-laws and to process them to City Council for enactment, and to forward Council's request to the Region of Ottawa-Carleton for action.

Department of Urban Planning and Public Works, Licensing, Transportation and Buildings Branch and Operations Branch to implement.

### **List of Supporting Documentation**

Document 1 By-law Amending Licensing By-law Number L-6 to License Snow Plow Contractors

Document 2 Consultation Details

## Part II - Supporting Documentation

Document 1

### BY-LAW NUMBER L-

A by-law of The Corporation of the City of Ottawa amending By-law Number L-6.

The Council of The Corporation of the City of Ottawa enacts as follows:

1. Paragraphs (77A) and (77B) of Section 1 of By-law Number L-6 entitled "A by-law of The Corporation of the City of Ottawa respecting licenses", as amended, are renumbered as paragraphs (77D) and (77E).
2. Section 1 of the said By-law Number L-6 is further amended by adding thereto immediately after paragraph (77) the following paragraphs:
  - (77A) "Snow Plow" means:
    - (a) a motor vehicle as defined in the Highway Traffic Act (Ontario) equipped with a snow blower, snow plow or other snow clearing device, and
    - (b) a self-propelled vehicle of a design commonly used for snow plowing or snow removal including a tractor while equipped with a snow blower, a snow plow or other snow clearing device, a front-end loader or a backhoe.
  - (77B) "Snow Plow Contractor" means a person who is engaged in the business of contracting for the plowing or removal of snow on or from private property by means of a snow plow.
  - (77C) "Snow Plow Operator" means a person who drives a snow plow.
3. Section 2 of the said By-law Number L-6 is amended by adding thereto immediately after paragraph (31), the following paragraph:
  - (32) Every snow plow contractor;
4. Schedule No. 1 entitled "Fee Structure" to the said By-law Number L-6 is amended by adding thereto immediately following the item Skateboarding facility, the following item:

# 16

<u>Column 1</u> Description of <u>License</u>	<u>Column 2</u> <u>License Fee</u>	<u>Column 3</u> <u>Expiry Date</u>
<b>Snow Plow Contractor</b>	150.00	30 <sup>th</sup> September

5. The said By-law Number L-6 is further amended by adding thereto, immediately after Schedule No. 29, the Schedule No. 30 Relating to Snow Plow Contractors attached hereto.

GIVEN under the corporate seal of the City of Ottawa this      day of      ,  
1999.

CITY CLERK

MAYOR

SCHEDULE NO. 30 TO BY-LAW NUMBER L-6  
Relating to Snow Plow Contractors

LICENSE REQUIRED

1. Every snow plow contractor shall obtain a snow plow contractor's license.

EXEMPTIONS

2. This schedule does not apply to persons engaged in the business of clearing snow with a hand-held snow shovel or with manually pushed snow-blowing equipment.

CONDITIONS FOR ISSUANCE OR RENEWAL OF A SNOW PLOW CONTRACTOR LICENSE

3. No snow plow contractor's license shall be issued or renewed unless the applicant:
  - (a) is at least eighteen (18) years of age,
  - (b) has provided an address within the National Capital Region accessible from the street to which the public has reasonable access to make inquiries in person about the business,
  - (c) has filed proof of insurance for each snow plow to be used in the business in accordance with the requirements of Sections 5 and 6,
  - (d) has registered each snow plow used in the business by filing a list indicating for each snow plow, the make, model, year and the Motor Vehicle Plate Number or, where a Motor Vehicle Plate is not issued pursuant to the Highway Traffic Act (Ontario), the Vehicle Identification Number, and
  - (e) has filed proof of good repair for each snow plow used in the business.

ISSUANCE OF LICENSE

4. Upon issuance of a snow plow contractor's license, the Chief License Inspector shall:
  - (a) assign an identifying number to each of the snow plows listed in clause 3(d), and
  - (b) furnish one (1) plate bearing the identifying number referred to in clause 4(a) and the words "Snow Plow" and "Ottawa" to each of the snow plows listed in clause 3(d)

INSURANCE

5. With respect to every vehicle required to be licensed under the Highway Traffic Act (Ontario), every snow plow contractor shall file proof of Motor Vehicle Liability insurance coverage subject to a limit of not less than \$1,000,000.00; such insurance coverage shall be inclusive per occurrence for bodily injury, death, accident benefits and including damage to property occasioned by any accident arising out of the plowing operation of any licensed motor vehicle to be used in the business in respect of which a license is applied for.

6. With respect to vehicles and equipment not required to be licensed under the Highway Traffic Act (Ontario), every snow plow contractor shall file proof of Comprehensive/Commercial General Liability insurance coverage subject to a limit of not less than \$1,000,000.00; such insurance coverage shall be inclusive per occurrence for bodily injury, death, accident benefits and including damage to property occasioned by any accident arising out of the plowing operation of any unlicensed vehicle and equipment to be used in the business in respect of which a license is applied for.

#### SIGNAGE STANDARDS

7. Every snow plow shall have attached to or painted on both sides a clearly visible sign showing the name and telephone number of the business in letters and figures not less than eight centimetres (8 cm) in height.

#### PRODUCTION OF LICENSE

8. Every snow plow operator shall surrender his or her driver's license issued under the Highway Traffic Act (Ontario) or under the law of another jurisdiction and permit for the vehicle issued under the Highway Traffic Act (Ontario) or under the law of another jurisdiction for inspection when requested by any license inspector, municipal law enforcement officer or police officer.

#### REGISTRATION OF SNOW PLOWS

9. (1) Every licensee may register additional snow plows or remove a snow plow from the register referred to in clause 3(d) by complying with the requirements set out in clauses 3(c), 3(d) and 3(e) for issuance or renewal.
- (2) Every licensee shall ensure that every snow plow used in the business is registered with the Chief License Inspector pursuant to clause 3(d) or subsection 9(1).
- (3) The Chief License Inspector shall:
- (a) assign an identifying number to each of the snow plows added to the register pursuant to subsection 9(1), and
  - (b) furnish one (1) plate bearing the identifying number referred to in clause 9(3)(a) and the words "Snow Plow" and "Ottawa" to each of the snow plows added to the register pursuant to subsection 9(1).
- (4) Every licensee who removes a snow plow from the register pursuant to subsection 9(1) shall return the plate furnished by the Chief License Inspector.

### TRANSACTION RECORDS

10. (1) Every licensee shall ensure that a record is made in a ledger book with the entries transcribed in ink in a clear and legible manner, or in a recording system approved by the Chief License Inspector, indicating:
- (a) the municipal address of every site for which a snow plowing or snow removal contract has been entered into,
  - (b) the name and address of the person who entered into the snow plowing or snow removal contract referred to in clause 10(1)(a),
  - (c) the day, month, year and time of every snow plowing or snow removal activity,
  - (d) the snow plow operator performing the snow plowing or snow removal activity, and
  - (e) the plate number of the snow plow used in performing the snow plowing or snow removal activity.
- (2) Every licensee shall ensure that the records referred to in subsection 10(1) are retained for a period of ninety (90) days.
- (3) Every licensee shall ensure that, when requested by the Chief License Inspector at any time during business hours, the records referred to in subsection 10 (1) are produced for inspection and that the Chief License Inspector is permitted to remove any transaction record from the premises for the purpose of photocopying or for use in any court or other proceedings.

### GENERAL REGULATIONS

11. No licensee shall permit or allow any snow plow that is not registered with the Chief License Inspector to be used in his or her business.
12. No licensee shall use any snow plow that is not registered with the Chief License Inspector to be used in the snow plow contractor's business.
13. Every licensee shall ensure that the plate furnished pursuant to clause 4(b) or clause 9(3)(b) is securely attached to the rear of the snow plow so as to be clearly visible to the public during the currency of the license.
14. Every licensee shall ensure that:
- (a) the information on the sign referred to in Section 7 is clearly visible to the public at all times, and
  - (b) the information on the plate referred to in clause 4(b) or clause 9(3)(b) is clearly visible to the public at all times.

## 20

15. Every licensee shall:
  - (a) comply with clause 2(a) of By-law Number 165-73 entitled "A by-law of The Corporation of the City of Ottawa regulating the use and care of streets", as amended, and
  - (b) ensure that his or her snow plow operator complies with clause 2(a) of By-law Number 165-73 entitled "A by-law of The Corporation of the City of Ottawa regulating the use and care of streets", as amended.
  
16. Every licensee shall return the plate furnished by the Chief License Inspector for each snow plow that is no longer in service or used in the licensee's business.

## SNOW DUMPING CONSULTATION DETAILS

### Method of Consultation

An invitation to comment on the scope of the problem and on options to improve compliance was mailed in August to the City's Community Associations, Business Improvement Areas and Merchant Groups, to the Ottawa Pedestrian Advisory Group and OTTAWALK, and to 79 snow plow contractors listed in the Yellow Pages Telephone Directory. One month was provided for comment.

As agencies or organizations that count on unobstructed roadways to conduct business or provide service, Police, Fire, and Ambulance, the Canadian Automobile Association, Blue Line Taxi, Capital Taxi, OC Transpo, the Victorian Order of Nurses and the King's Daughters Dinner Wagon were also invited to comment.

To reach the general public, a notice was published in The Ottawa Citizen and Le Droit on July 30 and again on August 13. A number of community newspapers also carried the notice. On August 10, The Ottawa Citizen published a feature story on the City's review which precipitated a few more comments to the Department.

### Respondents

Individuals by Ward (31)	Contractors (10)	Organizations (9)
Britannia/Richmond - 1	Algonquin Landscaping	Bel-Air Kenson Park CA
Carleton - 0	Appleseed Organic	Carleton Heights & Area Res. A.
Southgate - 4	B.A.M. Paving	Hunt Club Park CA
Rideau - 2	Brian Renaud	King's Daughters Dinner Wagon
Bruyère/Strathcona - 0	By-town Fence	Ottawalk
Somerset - 0	Expert Landscaping	Ottawa Pedestrian Advisory Group
Kitchissippi - 4	Landtech Landscaping	Riverside Park Comm. & Rec. Ass.
Mooney's Bay - 6	Randy Bradbury	Somerset Heights BIA
Capital -3	Skyhigh Roofing and Siding	Southkeys/Greenboro CA

Alta Vista/Canterbury - 3	The Lawn Clinic	
Unidentified - 8		

### Comments

It has already been identified in the body of the report the level of support or opposition to various course of actions. Related comments, with the frequency of receipt in brackets, are set out below.

- Residents and contractors dump snow from private property onto the street or on the city's windrows; when the City snow plow passes that excess snow is dumped into neighbours' driveways (11)
- Something needs to be done now (8)
- The City is partly to blame for approving developments with little or no snow storage space, especially the pie-shaped lots in courts and cul-de-sacs. The City must take those circumstances into consideration, as well as the problems encountered at those properties that have narrow shared drives or that have lost space to road widenings (6)
- The City should prohibit the use of plows that comprise a blade attached to a pick-up truck. Those vehicles can only push the snow so far; then the snow is left in the street for city plows to spread. Only snow-blowing equipment or front-end loaders that can pick-up or throw the snow back onto the private property should be permitted (6)
- Tax payers should not bear the cost of private property snow removal (5)
- Licensing will raise costs for the people who can least afford it and who most desperately need the private snow plow service - the elderly and people with disabilities (5)
- Licensing will penalize the good operators. Just increase fines and enforce existing by-laws, and use the money from fines to enhance enforcement (3)

### Departmental Response

The Department expects that the recommendations will improve compliance with the Streets By-law as early as this winter season, thereby reducing the number of related service requests and relieving some pressure on the City's snow removal operations.

The proposed recommendations should not significantly increase costs to the property owner. The licensing by-law is not particularly onerous for law-abiding snow plow

contractors. In fact, snow plowing businesses will likely benefit from licensing which is expected to discourage disreputable operators, and improve the public's perception of the industry.

The Department finds no compelling reason to recommend prohibition of certain types of equipment at this time. Although pick-up trucks with plows tend to be most often cited in snow dumping complaints, such vehicles can be used effectively to clear driveways without contravening the Streets By-law if the work is carried out conscientiously or in conjunction with other types of equipment.

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November 15, 1999

ACS1999-CM-BUS-0011  
(File: ACS1300)

Department of Community Services

Ward/Quartier  
OT3 - Southgate

- Community Services and Operations Committee / Comité des services communautaires et des opérations
- City Council / Conseil municipal

Action/Exécution

### **3. Royal Oak Pathway Closure** **Fermeture de sentier Royal Oak**

#### **Recommendation**

That public consultations be held regarding the potential permanent closure of a public pathway linking Royal Oak Court to the Greenboro open space system.



November 15, 1999 (12:58p)

Janette Foo  
Commissioner of Community Services



November 15, 1999 (3:23p)

Approved by  
John S. Burke  
Chief Administrative Officer

PL:pl

Contact: Paul Landry - 244-5300 ext. 1-4042

## Financial Comment

There are no financial implications associated with City Council approval of this report. Any costs or revenues generated as a result of the permanent closure and disposal of the public pathway will be identified in the report to be brought forward to Council in the spring of 2000.



November 15, 1999 (2:45p)

Mona Monkman  
City Treasurer

ML:ai

## Executive Report

### Reasons Behind Recommendation

On November 29, 1995 a public meeting was held in Greenboro to discuss the closure of a public pathway block linking Royal Oak Court to the Greenboro open space system (see Document 1 for location plan). A total of 28 residents of the Royal Oak/Royal Elm neighbourhood attended the meeting and expressed a strong desire to see the public pathway closed to reduce unwanted pedestrian "short-cut" traffic from Greenboro through their streets to the intersection of Hunt Club and Albion Roads. The residents testified to a significant amount of noise, vandalism, break-ins and other serious disturbances to their neighbourhood, which they attributed to non-residents using the pathway.

On December 6, 1995, City Council approved the following motions presented by the Ward Councillor:

THAT this pathway link be closed temporarily, for a period of two years, to allow the City and residents to evaluate the effectiveness of the closure in solving the problems experienced by residents on the courts;

THAT if the closure be deemed successful in reducing vandalism, robberies and disturbances on the two courts, that Council initiate the process to close the pathway permanently.

The pathway was closed in September 1996 by way of fencing erected across the rear of the pathway block and signage was installed indicating the temporary closure by order of City Council. The pathway has remained closed since the expiry of the two-year closure period in September 1998. A number of individual written statements and a group petition from area residents have been received, testifying to the sharp decline in disturbances to the

neighbourhood in the period following the closure of the pathway. Copies of these statements are attached in Document 2.

In spring of 1999, the Ward Councillor and the residents of Royal Oak Court/Royal Elm Private formally requested that the City initiate the process of permanently closing the pathway. In keeping with the *Corporate Policy on Real Property Transactions Regarding City-Owned Parkland*, City Council approval, by a two-thirds majority, is required to undertake public consultation regarding the property's potential surplus status to park or recreational purposes. Should City Council approve the recommendation, a public meeting will be called early in 2000 to discuss the pathway's permanent closure and the removal of its park designation.

The results of the public meeting and any recommendation(s) regarding the status of the pathway will be brought before City Council in spring, 2000.

### Consultation

A public meeting was held on November 29, 1995 at the Greenboro Pavillon to discuss the concerns of the residents of Royal Oak Court and Royal Oak Private over the pathway in question. A total of 28 residents were in attendance, as well as a representative of the SouthKeys/Greenboro Community Association and the Ward Councillor.

Written statements from residents as well as a group petition requesting the permanent closure of the walkway have been received and are attached in Document 2.

### Disposition

The Department of Community Services, in consultation with Property Services Branch, Department of Corporate Services, will undertake the public consultation and will report to City Council with the results and recommendation(s).

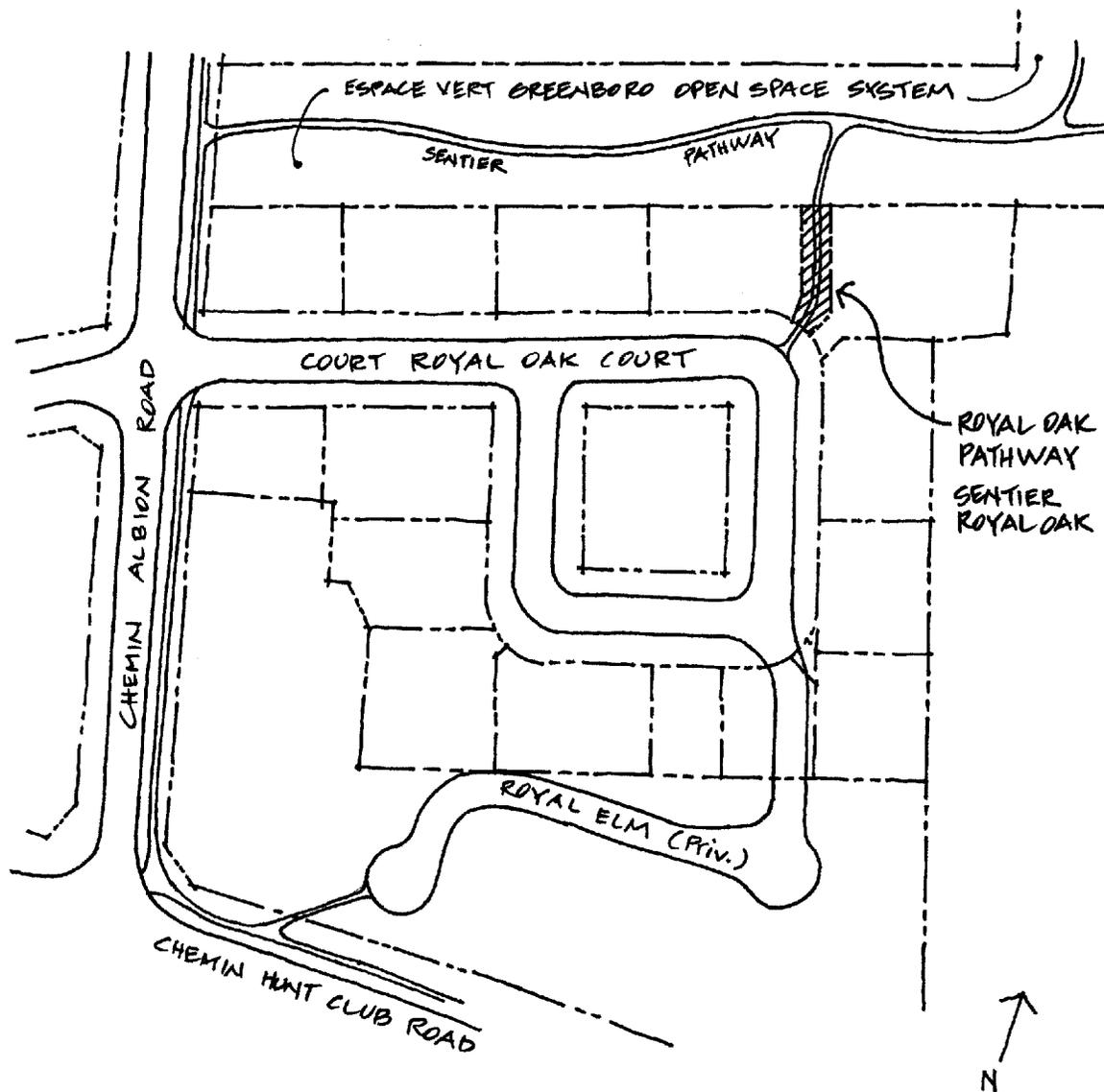
### List of Supporting Documentation

- |            |   |
|------------|---|
| Document 1 | Location Plan for the Royal Oak Pathway   |
| Document 2 | Statements from residents regarding the effectiveness of the temporary closure of the Royal Oak Pathway |

Part II - Supporting Documentation

Document 1

Location Plan for the Royal Oak Pathway



**Statements From Residents Regarding the Effectiveness of the  
Temporary Closure of the Royal Oak Pathway**

August 26, 1999

RE: PERMANENT CLOSURE OF BICYCLE PATH ACCESS LANE.

Dear Councillor Deans,

Since the closure of the bicycle path access lane on Royal Oak Crt., we the home owners on Royal Elm Private, have noticed a substantial reduction in pedestrian traffic cutting through our neighbourhood. We have also noticed that, **VANDALISM, LOITERING** and other more serious criminal incidents such as **ARSON and THEFT** from **RESIDENTIAL** and **VEHICLE BREAK-INS** have been dramatically reduced.

To my knowledge, between July 1996 and May of 1997, we had approximately 20 occurrences on Royal Elm Pvt. alone, most of these, with the exception of the more serious crimes such as Residential Break and Enters, Arson and Vehicle Break and Enters went unreported. In the last two years and since the closing of the access path, we have experienced only two or three incidents at most.

This access lane, located only some 30 meters or so from Albion road, was previously used as a **SHORT CUT** by mostly teenagers and other youths to get to and from the Hunt Club and Albion road intersection. The reopening of this access lane (Short Cut) would reintroduce over a hundred or so home owners and their families to the same stresses and fears experienced prior to its temporary closure.

It is our collective opinion, that the reopening of this short cut would be illogical, irresponsible and a step backwards.

Because we live here and see it every day, we are also convinced that the decision to close the access lane (Short Cut) back in 1997, remains the sole reason for the reduction of criminal occurrences in our community.

Therefore, we the owners listed below, would like to join our neighbours on Royal Oak Court in asking you councillor Deans, to please convey our sentiments and our request to the Department of Community Services, that the closure of the Bike Path Access Lane, situated at the north east corner of Royal Oak Court be made permanent.

102 - VIP Construction  
103 - Mr. W. Bourbeau  
104 - Mr. & Mrs. L. Berthelet  
106 - Mr. T. Walker  
108 - Mrs. J. Charbonneau  
110 - Ms. M. Lobb  
112 - Mr.& Mrs. N. Kerr  
114 - Mr.& Mrs. W. Redmond  
116 - Ms. M. Stone  
117 - Mr. D. Labrèche  
118 - VIP (RENTAL UNIT)  
120 - Mr.& Mrs. K. Akkawi  
122 - Mr. & Mrs. L. Beischer  
124 - Mr. & Mrs. J. Nash  
126 - Mr. & Mrs. G. Tessier  
128 - Tony and Christine (VIP RENTAL UNIT)  
129 - Mr. & Mrs. D. Cléroux  
130 - T. Davis & B. Smith  
131 - S. Glover & M. Micic

Sincerely,  
Denis Cléroux, (President)  
Royal Elm Private Co-tenancy

Please feel free to contact me at my residence,  
tel# 736-0270

cc: Ivor Pontiroli  
cc: Residents of Royal Elm Pvt.

**Pacelia, Catherine**

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From: Michael Sherman [michael.sherman@sympatico.ca]  
Sent: Sunday, September 05, 1999 11:22 PM  
To: DeansD@city.ottawa.on.ca  
Subject: ROYAL OAK COURT TEMPORARY PATH CLOSURE

As a resident of Royal Elm Private, I wish to add my name to the list of people on Royal Oak Court and Royal Elm Private who wish to make the path closure on the north-east corner of Royal Oak Court permanent.

COPY

We did not live here when the path was open, but from what we understand, there was a great deal of traffic passing through with very little regard or respect shown to the residents living here. We understand that there was noise, interference with the children playing in the street with people coming through on bicycles and skateboards, vandalism, littering and petty theft by the passersby coming through on the path, using it as a short cut to get to the malls at Bank and Hunt Club Roads.

We have commented since living here that there is an unbelievable amount of foot traffic, as well as motor vehicle traffic coming through here for a little dead end street that doesn't go anywhere.

I shudder to think what it would be like if the pathway was opened up and all that additional traffic was allowed to go through the streets. One of the reasons we chose to move here was that for these reasons it would be a quiet, safe neighbourhood.

We urge you to speak for us at City Council to make sure that the path remains permanently closed.

Thank you.

Michael Sherman.

SEP 07 1999

**Munn, Beverly**

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From: Edith BostwickPeet [mailto:BostwickPeetE@inac.gc.ca]  
Sent: Wednesday, August 25, 1999 8:36 AM  
To: DeansD@city.ottawa.on.ca  
Subject: Royal Oak Court/Royal Elm Private - temporary path closure

Dear Councillor Deans:

My husband and I live at 52 Royal Oak Court. We are writing to express our very strong desire that the path closure on the north-east corner of Royal Oak Court be made permanent.

Tom and I moved to 52 Royal Oak at the end of May of this year. We were concerned about this particular area of Hunt Club given reports of petty theft, vandalism, etc. but after discussions with neighbours we were convinced that the path closure has meant a remarkable improvement to the standard of living on our two streets. Royal Oak/Royal Elm is a beautiful, quiet, friendly location, a little enclave safe from the rigours of the world so close by. We would all like to keep it that way. We bought our house in part because the only people on the streets would be the people who live here.

Should this path be reopened, the steady flow of pedestrian traffic, bikes, skateboards, rollerbladers, etc. and the litter and shopping carts that clutter that pathway would only be re-routed back through our neighbourhood. That is completely unnecessary given that Albion Road is only a very short distance from the main path.

My husband and I are worried about decreasing property values. We also worry about personal safety and security of our property. As we mentioned above, we have been advised of the incidents of burglary and petty theft in our neighbourhood prior to the path being closed. We do not want to go back to that way of living.

This is a safe, quiet and enjoyable place to live. We vehemently request that our safety and solitude not be jeopardized simply so people outside our neighbourhood can cut 3 minutes off their walk to the mall.

Sincerely,

Edith Bostwick-Peet  
Thomas Peet  
52 Royal Oak Court  
Ottawa, Ontario K1T 3N9  
Tel: 260-8313 (h)  
953-2291 (w-e)  
990-1545 (w-t)  
Fax: 994-4699  
Email:

[ebostwic@istar.ca](mailto:ebostwic@istar.ca) OR [thomas\\_peet@hotmail.com](mailto:thomas_peet@hotmail.com)  
OR [BostwickPeetE@inac.gc.ca](mailto:BostwickPeetE@inac.gc.ca)

**Munn, Beverly**

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From: Deborah Sharp [mailto:sharpdeb@email.msn.com]  
Sent: Thursday, August 26, 1999 8:05 PM  
To: DeansD@city.ottawa.on.ca  
Subject: Royal Oak Court Temporary Path Closure

I am writing in support of the permanent closure of the pathway on the north-east corner of Royal Oak Court.

I have found that in the two years the pathway has been closed, that our community has become a quieter and safer place to live. The noise level during the day and evening has diminished considerably, there is no flow through traffic of those individuals who do not live in the Court, and there has been less vandalism to the properties. I live quite close to the closure and I have noticed the difference dramatically.

I still use the parks and pathways but I do not find it a great hardship to walk to the end of the street and get access to the pathway from Albion Road.

I can see no discernible reason why this pathway should be re-opened. The people living in the Court still have access to the parks and pathways of Greenboro. We have a safer and quieter neighbourhood with the pathway closed. There are many little children living in the neighbourhood and the increased traffic from pedestrians, roller bladers, bicyclists, skate boarders, shopping carts etc. can only be a hazard to them.

The property adjacent to the path has been well maintained by the adjoining property owners and the City has not incurred any costs related to the closure.

Councillor Deans, I would hope you would support us in our efforts to keep the pathway permanently closed and persuade City Council that this closure has been very effective in making Royal Oak Court a better place to live.

Sincerely,

Deborah Sharp  
42 Royal Oak Court  
K1T 3N9

**Munn, Beverly**

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From: Donald Kennedy [dkennedyO\_intranet.cal  
Sent: Wednesday, September 01, 1999 9:39 AM  
To: [DeansD@city.ottawa.on.ca](mailto:DeansD@city.ottawa.on.ca)  
Subject: Re: Path Closure

Dear Diane:

My husband and I would both like to voice our opinion on the closure of the path access at the north-east corner of Royal Oak Court.  
- We are in total favour of keeping it closed! ----

The amount of foot traffic that has stopped coming down our street as a result of the closure, has resulted in: -- less noise (ie. skateboarding at 10:30 at night, no shopping carts from the mall, no extra bicycle/pedestrian traffic) -- less vandalism and thefts (though we have been very lucky, some of our neighbours were not) - as well as sheer mischief such as setting fires, smashing pumpkins for the heck of it etc. etc..

Our understanding of a court is that there is one way in and out only. No paths, no extra points of entry of any kind - which makes one's property more desirable when it comes time to sell (ie. to say, real estate values are not degraded). We hope that you can persuade your fellow council members to vote and make this "Temporary" closure a permanent one.

You have served us well since being in office, and we hope you will continue to do so.

Sincerely;

Don and Judy Kennedy  
28 - Royal Oak Court  
KIT 3N9

731-3244

114 Royal Elm Private  
 Ottawa, Ontario  
 K1T 3S5  
 August 30, 1999

Councillor Diane Deans  
 111 Sussex Drive  
 Ottawa, Ontario, K1N 5A1

114 Royal Elm  
 Private  
 K1T 3S5  
 738-2265

Dear Madam Councillor:

This letter is intended to comment on the permanent closure of the path at the NE corner of Royal Oak Court. The path has been closed on a temporary basis for approximately two years.

We reside on Royal Elm Private which runs off Royal Oak Court and we are impacted by the path closure in a similar manner on both streets.

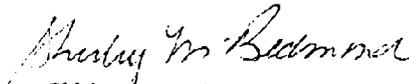
Since the path in question has been closed temporarily, in our opinion, there has been a very positive effect on our streets. Some of the positive effects are listed below:

- a) A significant decrease in vandalism and petty thefts;
- b) A major decrease in litter such as pop cans, candy wrappers, etc.;
- c) The pedestrian traffic through our street by nonresidents of our street has decreased substantially;
- d) Bicycle traffic through our streets by nonresidents is a very small percentage in relation to when the path was open. We might add that there are no sidewalks in Royal Elm Private and our road way is much narrower than city streets. A major reduction in bicycle traffic is therefore considered to be a positive safety feature.

In summary, since the path closure, the quality of life has definitely improved. Our street is more quiet, has less litter, is safer and, in short, is now a much nicer place to live.

Your support in obtaining permanent closure of the path at the NE corner of Royal Oak Court is requested and will be much appreciated by the undersigned.

Sincerely,

  
 Shirley M. Redmond

  
 J. William Redmond

SEP 01 1999

SEP 01 1999

**Pacelia, Catherine**

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From: Laszlo Jokuty [mailto:ljokuty@home.com]  
Sent: Friday, September 03, 1999 1:06 PM  
To: Diane Deans  
Subject: Royal Oak Court path closure

Dear Councillor Deans:

As a seven year resident of 46 Royal Oak Court I feel that the closure of the path has added tremendously to our sense of comfort and safety. As you know the walking distance from the path to Albion to Hunt Club is the same as that through Royal Oak Court and Royal Elm Priv. to Hunt club. There is no advantage to be gained either way. The quality of life of our neighbours to the north has not been diminished, while the quality of life of the residents of our neighbourhood has increased profoundly.

We no longer have a 24 hour, 7 days a week parade of pedestrians, skate boarders, shopping cart borrowers, bladders and swarms of teenagers who leave behind a trail of noise, obscenities, theft, slashed tires, garbage etc. We can now sleep with our windows open at night. The sense of comfort, quiet, security for children and property cannot be forfeited. The care, pride and taxes that we contribute to our neighbourhood should not be allowed to be trampled upon by careless strangers. We don't trash their rented property, why should they be allowed to trash our private property?

The name Royal Oak Court does not imply Royal Oak Street or Royal Oak Freeway, it is open at one end only, by design not by accident. It would be a great disservice to our community if the path were reopened. In the truest sense of fairness and consideration for each other the path must remain closed, permanently.

Sincerely

Laszlo Jokuty  
46 Royal Oak Court  
K1T 3N9

September 15, 1999

Councillor Diane Deans,  
111 Sussex Drive,  
Ottawa, ON  
K1N 5A1

Dear Ms Deans:

I was recently informed by a neighbour, Mr. Ivor Pontiroli, that the two-year temporary path closure on the north-east corner of Royal Oak Court has ended.

During this time period the amount of vandalism, littering and petty theft has been greatly reduced. In all, the neighbourhood is much quieter and safer.

I believe that this improvement is due largely to the path closure and I hope that you will voice our concerns to make the closure permanent.

Yours sincerely,  
Jan Kibbe

SEP 15 1999

38

MICHEL + GRACE FORTIER  
44 ROYAL OAK COURT  
OTTAWA ONT  
K1T 3N9

August 30 1999

TO: DIANE DEANS

REF: ROYAL OAK COURT PATH CLOSURE

As residents of Royal Oak Court (for ten years) since the path closure there has been an excellent improvement. It has been quieter, cleaner, no vandalism or theft.

This proves that we should be able to continue to live in a safer community, provided the path access remains closed.

We therefore ask that you initiate the process of making the path closure permanent.

Sincerely  
M. Kamel Fortier  
Michel Fortier

SEP 02 1999

28 August 1999

Dear Councillor Deans,

As residents of Royal oak Court (heading into our fourth year), we are contacting you of the dramatic change the temporary closure of the path has made to life on the court.

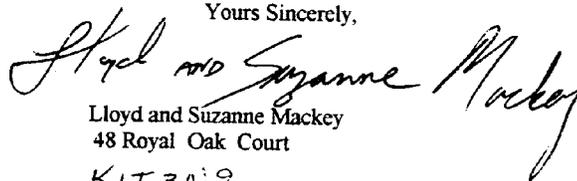
For starter the closure has decreased the continuous flow of pedestrian, rollerblades, and bicycles using the path as a short cut to the Loeb mall. As well the vandalism and destruction of property has pretty much ceased (previously there were trees destroyed, planters and decorations stolen, broken bottles, slashed tires, container fires at the construction site on Royal Elm. Last but not least the loud and foul language at late hours.).

We feel the closure of the path has returned Royal Oak court and Royal Elm private to a quiet and safer street to live on. That is the reason we purchased in a small court with no through vehicle or pedestrian traffic.

The path originally was for access of Royal Oak court residents to the park lands. There is still an entrance off of Albion road which takes a mere thirty seconds to reach from anywhere in the street.

Thank you for listening and request that you vote for a permanent closure of the path when the issue comes up for discussion at council. In doing such will ensure the peaceful neighbourhood and maintain the property values.

Yours Sincerely,



Lloyd and Suzanne Mackey  
48 Royal Oak Court  
KIT3N9

SEP 03 1999

Write Mail

Help?

Send Mail	Save Draft	Preview	Check Spelling
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From: "gerry tessier" <gerry.vi@usa.net>  
 To: DeansD@city.ottawa.on.ca Address Book  
 Subject: Royal Oak Crt Path Closure Directory Search  
 Cc:  
 Bcc:

Save in Sent Folder  Send as HTML  Read Receipt  
 Use Stationery: None Priority: Normal

Dear Diane,  
 We have just found out that the temporary closure of the path on the north-east corner of Royal Oak Crt is up for review. Once again, we must turn to you in our hour of need and request your support to make the closure permanent.  
 When we moved here four years ago, traffic through our street was overwhelming and at times dangerous. Royal Elm Pvt is owned by the residents and we are thus responsible for accidents and injuries that might occur and so we do not wish to see the return of our street becoming a short cut for heavy traffic from the shopping centre. Please take the necessary action to ensure that the closure becomes permanent and that the residents of Royal Oak Crt and Royal Elm Pvt are supported by you and the City Council in keeping things as they are.  
 Thank you for your support,  
 Vi and Gerry Tessier,  
 126 Royal Elm Pvt.

Note: HTML signatures may appear as attachments to message recipients.

Signature: Gerry (Text)

Click the "Browse" button to locate the file you need, and select it. The file path will appear in the attachment field. Next, click "Attach" to attach the selected file to your message. When you send your message, the attached file is automatically enclosed.

Attach	Remove
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Attachment:  Browse...

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**Pacelia, Catherine**

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From: Grewal, Anant [mailto:Anant.Grewal@nrc.ca]  
Sent: Monday, September 20, 1999 9:46 AM  
To: 'DeansD@city.ottawa.on.ca'  
Subject: Path Closure on Royal Oak Court

Dear Councillor Deans,

I reside at 62 Royal Oak Court in Ottawa. Approximately two years ago, Mr. Ivor Pontiroli of 38 Royal Oak Court with the support of residents of Royal Oak Court and Royal (Elm Private) was successful in convincing Ottawa City Council to temporarily close the pedestrian access between the Court and the pathway that runs immediately north of Royal Oak Court (approximately parallel to Hunt Club Road).

The reason for this endeavor was to reduce the occurrences of petty theft, vandalism, littering and noise that was attributed the use of the access and Royal Oak Court as a short-cut to the Shopping Center at Bank and Hunt Club by individuals living outside the court. Prior to the closure there were, among other incidents, two fires set in a construction dumpster immediately adjacent to our property. During the past two years there has been a dramatic drop in these incidents. There is now also virtually no non-resident pedestrian traffic through Royal Oak Court.

I strongly believe that this closure should be made permanent. The minor inconvenience of accessing the pathway from Albion Street, something my family and I do virtually every day in the summer months, is more than offset by the reduced level of petty crime that has been brought about by this closure. I hope that City Council will approve the permanent closure of this access.

Yours truly,

Anant Grewal  
62 Royal Oak Court  
Ottawa, Ontario, K1T-3P1  
Tel: (613) 739-7018

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November 12, 1999

ACS1999-CM-FIR-0002  
(File: LBT 8605/110)

Department of Community Services

Ward/Quartier  
City Wide

- Community Services and Operations  
Committee / Comité des services  
communautaires et des opérations
- City Council / Conseil municipal

Action/Exécution

#### **4. By-law Respecting Family Fireworks**

##### **Arrêté municipal sur les feux d'artifice domestiques**

### **Recommendation**

That By-law Number 166-89 respecting fireworks and firecrackers be amended (Document 3) to permit:

a) the sale of 'family fireworks' on January 1<sup>st</sup>, 2000, and the six business days immediately preceding January 1<sup>st</sup>, 2000;

b) the setting off of 'family fireworks' on December 31<sup>st</sup>, 1999, and January 1<sup>st</sup>, 2000.



November 12, 1999 (1:40p)

Janette K. Foo  
Commissioner of Community Services



November 15, 1999 (3:02p)

Approved by  
John S. Burke  
Chief Administrative Officer

LM:lm

Contact: Gary Richardson 798-8827  
Charles O'Brien 798-8809

## Financial Comment

There are no financial implications associated with City Council approval of this report.



November 15, 1999 (2:37p)

Mona Monkman  
City Treasurer

CP:ai

## Executive Report

### Reasons Behind Recommendation

Approximately 10 years ago, the City of Ottawa adopted a By-law respecting fireworks and firecrackers (Document 1). Although the sale and the discharge of firecrackers are strictly prohibited within the municipality, the current By-law does provide some opportunities for the setting off of fireworks and 'family fireworks'.

According to the Federal Fireworks Manual, Display Fireworks is defined as high-hazard recreational fireworks (formerly Class 7.2.2) such as aerial shells, mines, and larger Roman Candles designed for use at public gathering. Such Display Fireworks events must adhere to stringent rules including the issuing of a permit by the Fire Chief authorizing the display of display fireworks.

Unlike display fireworks, 'family fireworks' (also named 'consumer fireworks' in the Federal Fireworks Manual) are defined as low hazard recreational fireworks (formerly Canadian Class 7.2.1) and include fountains, volcanoes, pin wheels, sparklers and Roman candles. Ottawa's current By-law restricts the sale of 'family fireworks' to Victoria Day and Canada Day and six business days preceding each holiday. It also restricts the setting off of 'family fireworks' to Victoria Day and Canada Day and the day preceding and following each holiday.

When hosting a 'family fireworks' display event, there is risk involved which mainly takes place during the discharging period. If improperly handled 'family fireworks' may cause self mutilation or if used in confined areas they may start or spread fires at the point of landing. For these reasons, the setting off of 'family fireworks' must adhere to specific safety instructions (Document 2). When not handled properly, serious incidents do happen mainly causing burns and injuries to fingers, hands and eyes.

In recent weeks, requests from residents and community groups have expressed a desire to celebrate New Year' Eve for the millennium with the displaying of 'family fireworks'.

In light of the unique nature of the up-coming celebrations and the time of the year 'family fireworks' would be discharged, the Fire Chief is recommending that the discharging of 'family fireworks' to celebrate New Year's Eve for the millennium be permitted.

Proposed recommendation is to amend By-law 166-69 to allow for 'family fireworks' to be sold on New Years Day on January 1<sup>st</sup>, 2000 and the six business days immediately preceding January 1<sup>st</sup>, 2000 (Document 3). As well authorization to discharge 'family fireworks' would also be allowed on December 31, 1999, and on January 1, 2000.

It is important that the public is aware of the need to handle and set off with 'family fireworks' in a proper and safe manner. The Fire Chief's recommendation is based on the understanding and expectation that the users will adhere to all relevant industry standards and practices with respect to the safe handling and setting off of 'family fireworks'.

To promote a safe display of 'family fireworks' the Ottawa Fire Services is committed to inform members of the Public about safety practices when firing 'family fireworks'. A media information campaign for this event to be developed in conjunction with the Corporate Communications Centre would take place in the coming weeks should Council approve the recommendation in this submission.

## Consultation

The Office of the City Solicitor was consulted in the preparation of this submission.

## Disposition

The Office of the City Solicitor to process the By-law amendment to Council.  
Fire Services Branch and Corporate Communications to jointly prepare and undertake the media information campaign on safe 'family fireworks' practices.

## List of Supporting Documentation

Document 1	Current By-law respecting fireworks and firecrackers
Document 2	Safety Instructions when firing 'Family fireworks'
Document 3	Proposed Amendment to the Fireworks By-law Number 166-89

**Part II - Supporting Documentation****Document 1****CURRENT BY-LAW RESPECTING FIREWORKS AND FIRECRACKERS****OFFICE CONSOLIDATION OF BY-LAW NUMBER 166-89****BY-LAW NUMBER 166-89**

A by-law of The Corporation of the City of Ottawa respecting fireworks and firecrackers.

The Council of The Corporation of the City of Ottawa enacts as follows:

Definitions

1. In this by-law,
  - (a) "Act" means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution thereof;
  - (b) "Corporation" means The Corporation of the City of Ottawa;
  - (c) "display firework" means a firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks other than firecrackers under the Act, and
    - (i) includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, and
    - (ii) does not include firecrackers;
  - (d) "family firework" means a firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks other than Christmas crackers and caps for toy guns under the Act, and
    - (i) includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers, and
    - (ii) does not include Christmas crackers and paper caps for toy pistols, toy cannons or toy guns;
  - (e) "Fire Chief" means the Chief of the Fire Department of the Corporation or authorized subordinates or assistants;
  - (f) "firecracker" means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;
  - (g) "fireworks" means display fireworks and family fireworks;

- (h) "Fireworks Supervisor" means a person who is an approved purchaser of display fireworks under paragraphs (d) and (e) of section 121 of the Explosive Regulations C.R.C., c. 599, as amended.

### Interpretation

2. (1) In this by-law:
- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
  - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

### Sale of Fireworks and Firecrackers

3. (1) No person shall sell or offer for sale any firecrackers.
- (2) The sale of family fireworks is prohibited except on the following days:
- (a) Victoria Day and Canada Day,
  - (b) each of the six business days immediately preceding Victoria Day and Canada Day.
- (3) Fireworks displayed in store windows shall be mock samples only and not contain explosive composition.
- (4) For reference purposes, subsection 5.2.2. of Section 5.2 of the Ontario Fire Code (Ontario Regulation 67/87) provides as follows:

"Subsection 5.2.2. Fireworks

5.2.2.1. The manufacture, storage, transportation and sale of fireworks shall be in conformance with the Explosives Act (Canada) and the Explosives Regulations made thereunder.

5.2.2.2. The handling and discharge of fireworks shall conform to the Fireworks Manual, as published by the Explosives Division, Department of Energy, Mines and Resources of the Government of Canada."

and section 120 of the Explosive Regulations provides as follows:

"120.(1) No person shall knowingly sell any fireworks to a person who is under the age of 18 years.

(2) No person shall sell any fireworks to a person who appears to be under the age of 18 years and does not produce evidence that he is of the age of 18 years or over.

- (3) For the purposes of this section, "fireworks" does not include
- (a) caps for toy guns included in Subdivision 1 of Division 2 fireworks; and
  - (b) model rocket engines included in Subdivision 3 of Division 2 fireworks."

#### Discharge of Firecrackers

4. No person shall discharge, fire or set off, or cause to be discharged, fired or set off, any firecrackers.

#### Family Fireworks

5. (1) The setting off of family fireworks is prohibited except on the following days:
- (a) Victoria Day,
  - (b) the day immediately preceding Victoria Day,
  - (c) the day immediately following Victoria Day,
  - (d) Canada Day,
  - (e) the day immediately preceding Canada Day, and
  - (f) the day immediately following Canada Day.
- (2) A person eighteen years of age or over may hold a display of family fireworks on any land belonging to him or her or on any other privately owned land where the owner thereof has given permission for such display or discharge of fireworks.
- (3) No person shall use, set off or allow to be used or set off any family firework in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.
- (4) No person shall set off any family firework in or into any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.
- (5) No person shall set off any family firework in or on or into any highway, street, lane, square or other public place.
- (6) No person under the age of eighteen years shall set off any firework except under the direct supervision of and control of a person eighteen years or over.
- (7) No person being the parent or guardian of any person under the age of eighteen years shall allow the person to set off any firework except when such parent or guardian or some other responsible person of eighteen years or over is in direct supervision and control.

#### Public Fireworks Displays

6. (1) No person or group of persons shall hold a display of display fireworks in the City of Ottawa without first having obtained a permit to do so issued by the Fire Chief.

- (2) No person or group of persons shall discharge, fire or set off, or cause to be discharged, fired or set off, any display firework in the City of Ottawa, without first having obtained a permit issued by the Fire Chief authorizing the display of display fireworks.

7. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:

- (a) the application is incomplete,
- (b) the applicant is not a Fireworks Supervisor,
- (c) the display is not being held by or under the auspices of an established club, association or group of persons,
- (d) the purpose of the display is not of civic, national or international significance, or not of special significance for particular interest groups, or
- (e) there are reasonable grounds for belief that the holding of the fireworks display will result in a breach of this by-law or the Act.

8. An applicant for a permit shall:

- (a) be a Fireworks Supervisor,
- (b) if the fireworks display is to be held on property of the Corporation,
  - (i) procure a policy of insurance for comprehensive general liability insurance, including fireworks endorsement, in an amount of not less than one million (\$1,000,000.00) dollars inclusive, per occurrence for bodily injury, death and damage to property, including loss of use thereof, that may result or arise out of the holding of the fireworks display that complies with the following:
    - (A) the insurance policy shall be in the joint names of the Corporation and the holder of the public fireworks display permit,
    - (B) the insurance shall preclude subrogation claims by the Insurer against anyone insured thereunder,
    - (C) the insurance shall contain an endorsement to provide all named Insureds with prior notice of changes and cancellations. Such endorsement shall be in the following form:

"It is understood and agreed that the coverage provided by this policy will not be changed or amended in any way nor cancelled until thirty (30) days after written notice of such change or cancellation shall have been given to all Named Insured."

- (D) the insurance shall indemnify and save harmless the Corporation from any and all claims, demands, causes of action, loss, costs or damages the Corporation may suffer, incur or be liable for, resulting from the holding of the fireworks display,
- (ii) that is in a park, including Lansdowne Park, make the arrangements with the Commissioner of Recreation and Culture or authorized representative for the use of the park for the display, and provide evidence of insurance in the form of a certificate of insurance, or a certified copy of insurance if requested, to the Commissioner of Recreation and Culture of the Corporation or authorized representative prior to the holding of the fireworks display, if the fireworks display is to be

held on property not referred to in paragraph (b), and not owned or occupied by the applicant, obtain the consent of the owner or occupant of such property in writing and submit a copy of it with the application,

- (c) if the fireworks display is to be held on property not referred to in paragraph (b), and not owned or occupied by the applicant, obtain the consent of the owner or occupant of such property in writing and submit a copy of it with the application,
- (d) upon request from the Fire Chief, any person making application for a fireworks display permit shall provide Comprehensive General Liability insurance, including fireworks endorsement, in an amount of not less than one million (\$1,000,000.00) dollars inclusive, per occurrence for bodily injury, death and damage to property including loss of use thereof that may result or arise out of the holding of the fireworks display,
- (e) supervise the fireworks display.

9. The following conditions shall apply to the holding of a public fireworks display under a permit issued under this by-law:

- (a) the permit is valid only for the display at the place and on the date or dates set forth in the permit,
- (b) the display is not being held within one hundred and eighty-two (182 m) metres of a nursing home, public hospital, home for the aged, any premises or place where explosives, gasoline, or other highly inflammable substances are manufactured, sold or stored, or within one hundred and eighty-two (182 m) metres of a church or a public, separate, secondary school or other school unless the consent of the owner of such church or school or an agent or representative of such owner is obtained,
- (c) the applicant shall supervise the fireworks display,
- (d) the persons present at the display other than those engaged in the conduct or supervision thereof shall be kept back at least forty-six (46 m) metres from the place at which the fireworks are being discharged, and
- (e) every person to whom a permit is issued shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use and present at all times and for a reasonable period thereafter, at the location or site of the setting off or holding of the display of display fireworks.

10. The Fire Chief may issue permits for displays of fireworks on the conditions set forth in Section 9, and each such permit shall state the name of the club, association or group to whom the same is issued, the purpose of the display, the place and date at which and on which the same may be held, and the name of the person under whose supervision the same shall be held.

11. It is hereby declared for greater certainty that for purposes of this by-law the setting off of family fireworks on Victoria Day and Canada Day or the day immediately preceding or on the day immediately after Victoria Day or Canada Day on land appurtenant to the private residence by the owner or tenant of such residence or a person authorized by him or her so to do shall be deemed to be a family fireworks display under subsection (2) of Section 5.

12. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs. (By-law 45-91)

13. When a person has been convicted of an offence under this by-law,  
(a) the Ontario Court (Provincial Division) of the Regional Municipality of Ottawa-Carleton, or (By-law 36-95)  
(b) any court of competent jurisdiction thereafter, may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

14. By-law Number 89-71 entitled "A by-law of The Corporation of the City of Ottawa respecting fireworks and firecrackers", as amended, is hereby repealed.

GIVEN under the corporate seal of the City of Ottawa this 2nd day of August, 1989.

CITY CLERK

MAYOR

**SAFETY INSTRUCTIONS WHEN FIRING 'FAMILY FIREWORKS'**

- 1 People under the age of 18 who use fireworks must be supervised by an adult.
- 2 Choose a wide, clear site away from overhead obstacles (for example, 30 m x 30 m for firing Roman candles), with spectator standing at the perimeter.
- 3 Do not fire in windy conditions
- 4 Read all instructions on the fireworks. Plan the order of firing before you begin.
- 5 Use a good firing base, such as pails, boxes or wheelbarrows filled with earth or sand.
- 6 Bury half way fireworks that do not have a standing base unless the labeling on the fireworks indicates otherwise. Set them at a 10-degree angle, pointing away from people.
- 7 Never light fireworks in your hand or hold lighted fireworks in your hand, other than a sparkler.
- 8 Light carefully. Always light the fuse at its tip.
- 9 Keep water nearby. Dispose of used fireworks (including debris) in a pail of water or return to vendor.
- 10 Never try to relight fireworks that did not go off. Never try to fix fireworks that are defective. Wait at least 30 minutes before approaching such fireworks.
- 11 Keep fireworks in a cool, dry, ventilated place and in a locked container, away from children.

