
**TOWNSHIP OF WEST LINCOLN
PUBLIC WORKS/RECREATION/ARENA
COMMITTEE AGENDA**

MEETING NO. FOUR HELD: Monday, June 17, 2013 Township Administration Building, 318 Canborough Street, Smithville - Immediately following the Administration/Finance/Fire Committee Meeting

1. **CHAIR:** Councillor Luciano DiLeonardo
2. **CHANGE IN ORDER OF ITEMS ON AGENDA:**
3. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST:**
4. **APPOINTMENTS/PRESENTATIONS:**
NOTE: Section 6.5(c) - Scheduled Appointments and/or Presentations
 - (c) Each scheduled appointment or presentation shall be allocated a maximum of ten minutes, exclusive of the time required to answer questions from Members of Council.
5. **REQUEST TO ADDRESS ITEMS ON THE AGENDA:**
NOTE: Section 10.13(5) – General Rules
 - (d) One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue. A response may not be provided and the matter may be referred to staff.

Chair to inquire if there are any members of the public present who wish to address any items on the Administration/Finance/Fire Committee agenda.

6. **CONSENT AGENDA ITEMS:**
7. **COMMUNICATIONS:**

- (a) **ITEM PW34-13**
Stephen Capell, President, West Niagara Agricultural Society
Re: Request for Community Festival Designation

Page 1-2

RECOMMENDATION:

1. That, the correspondence from Stephen Capell, President, West Niagara Agricultural Society, dated May 10, 2012, requesting that the Smithville Fall Fair be designated as a “Community Festival” in order to operate a beer garden during the Fair, be received; and
2. That, the Council of the Corporation of the Township of West Lincoln designate the Smithville Fall Fair, which is to be held from August 29th to and including September 1st 2013, at the Smithville Community Park, as a “Community Festival” and

3. That, the West Niagara Agricultural Society be informed that the Township of West Lincoln has no objection to the sale of alcoholic beverages in the Smithville Community Park from "Thursday, August 29th from 4:00 p.m. until 1:00 a.m.; Friday & Saturday, August 30th and August 31st from 12:00 noon until 1:00 a.m. and Sunday, September 1st from 1:00 p.m. until 10:00 p.m. in conjunction with the Smithville Fall Fair, conditional on requirements of the Township's special Events Policy.

(b) **ITEM PW35-13**

Niagara Region

Re: Revised Report PHD-05-2013 – A Regional By-law to Regulate Smoking in an Outdoor Public Place

Page 3-14

RECOMMENDATION:

That, the correspondence from the Niagara Region, dated April 19, 2013, requesting comments by June 30, 2013 regarding "Revised Report PHD-05-2013 – A Regional By-law to Regulate Smoking in an Outdoor Public Place", be received and....

8. **STAFF REPORTS:**

(a) **ITEM PW36-13 *AMENDMENT TO BUDGET***

Page 15-17

Director of Public Works & Engineering (Richard Bolduc)

Re: Report No. RFD PW-23-2013 – "AMENDMENT TO BUDGET", Sign Program Tender Authorization

RECOMMENDATION:

1. That, report RFD PW-23-2013, "AMENDMENT TO BUDGET", Sign Program Tender Authorization dated June 17, 2013 be received; and,
2. That, Council accepts the tender submission by Fine Lines Sign Co. for the design, construction and installation of the five signs in the amount of \$96,950.00 (plus HST); and,
3. That, Council approve the project budget in amount of \$108,564.00 (including taxes) which includes a budget amendment of \$72,064.00 to be funded through the Contingency Fund, and the approved 2013 Budget amount of \$36,500.00; and,
4. That, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with Fine Lines Sign Co.

(b) **ITEM PW37-13**

Page 18-24

Director of Public Works & Engineering (Richard Bolduc)

Re: Report RFI PW-24-2013 - 2013 Capital Project Status Report – Public Works

RECOMMENDATION:

That, report RFI PW-24-2013, re: 2013 Capital Project Status Report – Public Works, dated June 17, 2013 be received for information

(c) **ITEM PW38-13**

Page 25-26

Director of Public Works & Engineering (Richard Bolduc)

Re: Report RFD PW-22-2013 Declaration of a Public Highway Twenty Road – Road Widening

RECOMMENDATION:

1. That, Report RFD PW 22-2013, re: 2013 Declaration of a Public Highway Twenty Road - Road Widening dated June 17, 2013 be received; and,
2. That, a by-law be presented to Council to dedicate Part 2 on Registered Plan 30R-14100, Part Lot 14 Concession 7, Geographic Township of Caistor, now Township of West Lincoln, as a public highway for road widening of Twenty Road.

9. OTHER BUSINESS:

(a) ITEM PW39-13

Director of Public Works & Engineering (Richard Bolduc)

Page 27

Re: Memorandum – 2013 Bituminous Surface Treatment – Revised Authorizing By-law
FOR INFORMATION

(b) ITEM PW40-13

Members of Committee

Re: Referred Matters List

UNDER SEPARATE COVER

(c) ITEM PW41-13

Members of Council

Re: Other Business Items

10. NEW BUSINESS:

New Business Matters (Motion Required)

11. CONFIDENTIAL MATTERS:

NOTE: Closed session item(s) relate to the following allowable exception:

Personal Matters relating to an identifiable Individual and/or labour relations or employee negotiations and a proposed or pending acquisition or disposition of land by the municipality or local board;

(a) ITEM PW42-13

CAO

Re: Personnel Matter – Staffing Issue

VERBAL UPDATE

(b) ITEM PW43-13

CAO

Re: Property Matter - Proposed disposition of land – Industrial Park

VERBAL UPDATE

12. ADJOURNMENT:

That, this Committee does now adjourn at the hour of _____ p.m.

May 23/13 2 PAGES (INCLUSIVE)

905-957-3219
FAX to: Township of West Lincoln

from: West Niagara Agricultural Society

Good morning,

Please forward attached letter to
proper department.

Thank you.

APhilpott
Anita Philpott
Secy Treas.

FAXED MAY 23, 2013

WEST NIAGARA AGRICULTURAL SOCIETY7402 Mud St., Grassie, ON L0R 1M0
T:905-309-9939 F:905-945-9410

May 20, 2013

Township of West Lincoln
Public Works, Recreation, Arena Committee
318 Canborough St. PO Box 400
Smithville, ON L0R 2A0

Dear Committee Members,

Re: 2013 West Niagara Fair

As you may be aware, the Smithville Agricultural Society and the Lincoln Agricultural Society merged in December of 2012, to form the new West Niagara Agricultural Society. The new society purchased property in Grassie, ON where a new facility is being built.

With the merger, it was decided to host the new West Niagara Fair to replace the former Smithville and Lincoln County fairs. The former Smithville Fair has been held in Smithville for over 100 years at the Smithville Community Park.

Although the intent was to have the first West Niagara Fair at our new property, this will not be possible for 2013, therefore the society has requested use of the Smithville Community Park at which to hold the Fair. Permission has been granted by the staff of the Township of West Lincoln.

The West Niagara Fair will be held from Thursday, August 29, 2013 up to and including Sunday, September 1, 2013.

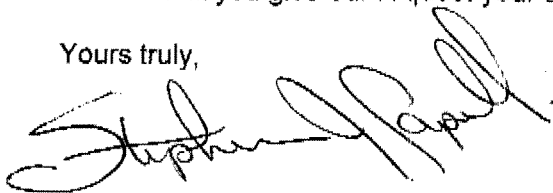
Through this letter, we respectfully ask that the West Niagara Fair be designated as a "Community Festival" in order that we may operate a beer garden during the Fair.

The hours of operation for the beer garden are proposed to be:

| | | |
|----------|-------------------|--------------------------|
| Thursday | August 29, 2013 | 4:00 pm until 1:00 am |
| Friday | August 30, 2013 | 12:00 noon until 1:00 am |
| Saturday | August 31, 2013 | 12:00 noon until 1:00 am |
| Sunday | September 1, 2013 | 1:00 pm until 10:00 pm |

We ask that you give our request your consideration and we await your reply.

Yours truly,

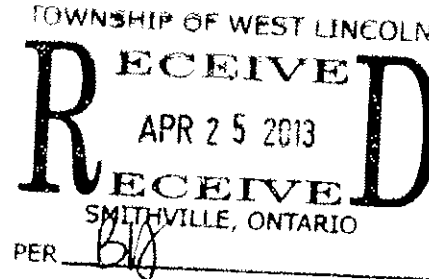


Stephen Capell, President

April 19, 2013

Ms. Carolyn Langley, Clerk
Township of West Lincoln
PO Box 400
Smithville, Ontario
L0R 2A0

CL 5-2013, April 18, 2013
PHSSC 4-2013, April 9, 2013
Revised Report PHD 05-2013
**A regional by-law to Regulate
Smoking In an Outdoor Public Place**



The Council of the Regional Municipality of Niagara, at its meeting of April 18, 2013, approved the following recommendation of its Public Health and Social Services Committee:

“That Revised Report PHD 05-2013, April 9, 2013, respecting A Regional By-law to Regulate Smoking in an Outdoor Public Place, *BE REFERRED to local municipal councils for comments (by June 30, 2013).*”

A copy of Revised Report PHD 05-2013 is attached for your reference. Please circulate this report to all members of your Council for their comments. We would appreciate receiving all comments by June 30, 2013. ***Please note that we are not asking for approval of this by-law at this time.*** The matter will be put before your council at a later time if supported by Regional Council. If you have any questions, I encourage you to contact Niagara Region Public Health, Maria Brigantino at maria.brigantino@niagararegion.ca or (905) 688-8248 ext. 7233, Manager, Tobacco Control Program.

Thank you for your attention to this very important matter.

Yours truly,



Janet Pilon
Regional Clerk

cc: Dr. V. Jaeger, Medical Officer of Health
Maria Brigantino, Manager, Tobacco Control Program

Niagara Region

REPORT TO: Public Health and Social Services Committee

SUBJECT: A Regional By-law to Regulate Smoking in an Outdoor Public Place

RECOMMENDATION

- 1) That the proposed Regional by-law, "A By-law to Regulate Smoking in an Outdoor Public Place", excluding roads, sidewalks, and rights-of-way, attached as Appendix, "A" **BE APPROVED**;
- 2) That the Chair of the Board of Health **BE DIRECTED** to share this report and the decision with local area municipalities; and,
- 3) That the Chair of the Board of Health **BE DIRECTED** to request from each of the local area municipalities a resolution giving their consent to the proposed Regional by-law

PURPOSE

This report explains the process used and rationale to develop the attached by-law, and requests approval for the attached by-law. It responds to suggestions and directions from the PHSSC meeting of March 5, 2013.

BUSINESS IMPLICATIONS

There are financial, staffing, and legal business implications which are fundamental to successfully implementing a Regional by-law.

Financial:

Enforcement: The by-law will be primarily enforced by Tobacco Control Officers (TCOs) which are 100 per cent funded through the Smoke-Free Ontario Strategy. Once the primary education phase is over, the **set fine amount would be \$250 (\$305, including court fees), consistent with fines established under the Smoke-Free Ontario Act (SFOA). Consistent with practice in other jurisdictions, it is anticipated that very few fines will need to be laid.**

Signage: A budget of approximately \$30,000 is required to cover the costs of signage. This one-time cost will be managed through the approved 2013 Niagara Region Public Health (NRPH) budget. The Region will provide signage to local area municipalities, and municipalities will be responsible for posting or adhering signage, *as deemed appropriate using their best judgment, consistent with other by-laws.*

Education: A budget of approximately \$60,000 will be required to educate residents and visitors. These costs will be managed through the NRPH 2013 approved budget. Local area municipalities have also identified in-kind contributions to support these efforts.

Staffing:

Existing staff and summer students will be utilized for by-law education, implementation, and enforcement. It is anticipated that several summer students will be hired from May-August 2013 to provide education and awareness during outdoor events throughout all Niagara municipalities. The costs associated with the students will be managed within the approved 2013 Tobacco Control budget. It is also anticipated that during the first year of the by-law, enforcement will utilize approximately 0.2 FTE TCO tracking and responding to complaints related to the by-law. Enforcement efforts are anticipated to decline over time as need will decrease.

Legal:

Experience from other jurisdictions indicates that adequate education, awareness, and enforcement will result in high compliance. Legal enforcement action will be managed and funded through current practices in dealing with Smoke-Free Ontario Act offences through the Provincial Offences court.

The Municipal Act, 2001 empowers municipalities to pass by-laws with respect to the health, safety, and well-being of persons and also specifically with respect to smoking (section 115). The Municipal Act provides the authority for the Region to prohibit or regulate smoking of tobacco in public places and workplaces. The by-law will exclude highways, road allowances abutting a regional or municipal property, municipal sidewalks **(except where within 9 metres of an entrance or exit of a regional or municipal building)**, designated parking areas, and rights-of-way.

To be effective, the by-law must pass a "triple majority", meaning:

- 1) A majority of votes in favour of the by-law are cast at Regional Council;
- 2) A majority of the lower-tier municipalities must pass their own resolutions consenting to the by-law; and,
- 3) The number of electors in those municipalities that pass consenting resolutions must represent a majority of all electors in the Region. If the by-law fails on either (1) or (2) above, it will be deemed to have been repealed at the Regional level.

REPORT

The by-law attached in Appendix "A" proposes prohibiting smoking on or at outdoor regional and municipal property including, but not limited to, parks, playgrounds, sports and playing fields, splash pads, bus shelters, and beaches. Niagara region contains approximately 450 locations affected by the by-law. These locations include municipal and regional parks, green spaces, beaches, trails, and work sites. Recreation and parks areas will be prioritized for by-law implementation and enforcement based on age/demographic of user groups using these areas, primarily children and youth.

By-laws restricting smoking in outdoor areas such as parks and playgrounds are a positive step towards building safer and healthier communities. Studies have shown that ensuring these areas are smoke-free benefits the larger population generally, promotes positive role modelling for children, prevents cigarette litter, and creates supportive environments for those who are interested in cutting back or quitting smoking.

Boards of Health are required to work with municipalities to support healthy public policies and the creation or enhancement of supportive environments for comprehensive tobacco control. Appendix "B" outlines consultations that were conducted with local area municipality CAO's, by-law officers, and staff. ***The consultation table has been updated since the March 5, 2012 PHSSC meeting to reflect additional delegations to municipal councils.*** Other consultations also include Senior Management Teams of all Niagara Region Departments, Legal Services, and other Ontario municipalities.

Public Consultation:

Extensive public consultation was conducted across all 12 Niagara region municipalities. NRPH administered surveys at over 60 outdoor locations across the region between May-July 2012. In total, 1,907 Niagara residents completed the survey and the findings revealed that public support for smoke-free environments is strong, especially in outdoor areas where children are present. The results revealed the following:

- 88 per cent of Niagara residents support a by-law restricting smoking in outdoor public settings;
- 94 per cent of visitors to the region support a by-law restricting smoking in outdoor public setting;
- 90 per cent of Niagara residents support Niagara Falls by-law to some extent; and
- 85 per cent of Niagara residents agreed that restricting smoking in outdoor settings is good for the health of their community.

The survey results align with findings from the Rapid Risk Factor Surveillance System (RRFSS) which reported that 96 per cent of Niagara adults support some level of smoking restriction in outdoor settings (RRFSS, 2011).

An informational postcard was also developed to support this initiative. Approximately 8,000 postcards were distributed by 80 community partners. Over 500 postcards were received from Niagara residents pledging their support for a by-law which supports smoke-free environments.

NRPH receives daily complaints to the Tobacco Hotline from Niagara region residents. A common concern identified by residents is understanding where smoking is prohibited in outdoor settings. Typically, areas of concern identified are playing fields and entrances/exits to public buildings which are not restricted under the SFOA or in the municipal context.

Municipal Consultation:

Municipal consultations were conducted with all 12 local area municipalities to inform by-law development, planning, implementation, communications and education, enforcement, and signage. Meetings were conducted with local area municipality CAO's and Municipal By-law Enforcement Officers. Consultations were conducted in each municipality with representatives from various Departments including, but not limited to, Corporate Services, Parks and Recreation, Facilities, Municipal By-Law Enforcement, Communications, Planning, Public Works and Engineering, and Health and Safety.

The vast majority of municipal staff identified support for a Regional approach to prohibit smoking in outdoor spaces, with the Region taking the lead role in regulating and enforcing the by-law. Four common themes were identified during the consultation process:

- Enforcement—local area municipalities support the Region taking accountability for enforcement while working in conjunction with municipal by-law officers, where capacity exists. Municipalities identified strong support for referring complaints to the Tobacco Hotline, managed by the Tobacco Control Program.
- Predicted Challenges—municipal staff identified festivals, community events, and arenas as potential areas for non-compliance due to high volume of visitors. Initially, designated smoking areas (DSA's) and exemptions were identified as possible solutions by municipal staff. After consultation, the vast majority of staff recognized creating DSA's and exemptions would lead to inconsistent restrictions across the Region, which may result in confusion among the public and visitors alike. DSA's and exemptions would also create communication and enforcement challenges for regional and municipal staff. Alternatively, municipal staff were able to advise on educational opportunities and approaches, additional signage, and communications which could be used to mitigate concerns in combination with a complaint-based enforcement approach.
- Communications Strategies—there were various in-kind opportunities that were identified during consultations that will be instrumental in promoting the by-law across the region.
- Training—municipal staff identified training opportunities for staff as a critical success factor to implement the by-law. Suggestions and strategies have been integrated into by-law implementation plans.

Regional staff offered to make delegations to municipal councils. Presentations have been organized based on the advice and guidance from municipal staff (see Appendix "B"). Delegations to council have been open to the public. Presentations on this issue have been highlighted by various media outlets including Niagara This Week, St. Catharines Standard, and Thorold News.

Enforcement:

Enforcement of smoking restrictions is often raised as a concern but studies show that concerns about compliance far exceed the number of actual problems. Municipalities in Ontario with smoke-free outdoor legislation were contacted to discuss their experience, the findings of which have proved consistent with the literature. Municipalities also reported no impact on the use of recreational facilities as a result of the by-law.

The initial phase of enforcement consists of education, and then moves towards warnings and/or charges, as appropriate. ***Fine amounts from other jurisdictions have been reviewed to inform the set fine for the proposed by-law.***

Enforcement of the by-law will be performed on a complaint basis by Tobacco Control Officers (TCOs) working in conjunction with existing municipal by-law officers. Municipal by-law officers will have the authority to issue charges if there is support and capacity from the municipality. ***The existing Tobacco Hotline¹ would be used to receive complaints from the public or local area municipalities.*** Previous experience enforcing by-laws demonstrates that comprehensive education efforts are fundamental to ensure successful implementation. It is important to ensure that people know about the changes, and NRPH will ease into this change process much like in the past during various phases of going smoke-free.

Education:

NRPH has developed a public education strategy that will ultimately increase awareness of the by-law and educate residents of the benefits of smoke-free environments. Strategies will include utilizing students to provide education and awareness at various outdoor events, disseminating information and resources to various user groups, and displaying temporary signage at large community events. Existing social media channels will be utilized to engage Niagara residents, in addition to traditional forms of media.

Signage:

To support education efforts, signage will be produced by the Region and installed by local area municipalities. Additional signage will be used as needed to reinforce the by-law and to direct complaints to the Tobacco Hotline.

¹ Tobacco Hotline: 905-688-8248 ext. 7393 or 1-888-505-6074

Signage is one component of a larger comprehensive public education strategy to make it clear where smoking is not permitted. Signs will be posted at all primary access points of regional and municipal properties, including beaches and trails. Local municipal staff have advised on the location and the number of signs required in order to ensure the best coverage. Municipal recommendations have been provided based on experience educating about and enforcing other municipal by-laws. Secondary signage will be available to municipalities to support education efforts. Signage will adhere to all relevant municipal and provincial guidelines.

Requiring that a "No Smoking" sign be posted for the by-law to be in effect is not feasible due to financial, staffing, and sign pollution issues. There are significant financial implications associated with the development and installation of additional signs, including the production of the signs, staff time, and additional hardware and posts required. Signage recommendations proposed here are consistent with other by-laws and legislation such as the Highway Traffic Act, litter by-laws, and other provincial legislation such as the ban on cell phone use while driving in a motor vehicle.

After careful review and consideration of financial, staffing, and enforcement implications, NRPH recommends using a comprehensive education strategy to inform the public of the Regional by-law, and keeping signage related to this by-law consistent with other by-laws and legislation.

Exemptions and Designated Smoking Areas:

During several consultations, there were discussions pertaining to an exemption process or to allow designated smoking areas across all regional and municipal properties. Creating other exemptions and/or designated smoking areas will cause confusion as to where smoking is allowed and where it is not permitted. There would be additional costs related to the following: for extra signage to clearly mark areas where smoking would be permitted, additional work for Regional and Municipal staff, and significant enforcement barriers. This option may also result in residents still being exposed to second-hand smoke and children observing adults smoking.

Requests for future exemptions could be presented to Regional Council as an amendment to the by-law but would need a triple majority from both the Region and the area Municipalities. There is no general exemption process that could be written into this by-law that would negate the need for going through the triple majority process.

Exemption applications would require additional staff time, which would result in financial implications, including the development and installation of additional signage, and additional communications and enforcement. It is not known how many exemptions would be put forward by municipalities, or with what frequency, and therefore cost cannot be calculated.

The exemptions here identified are based on consultations with Municipal and Regional staff, municipal readiness, and legislative requirements. Since the scope of the proposed by-law is limited to regional and municipal property, provincial and federal properties have not been specifically identified as exemptions.

NRPH is not recommending exemptions unless exemptions have been identified in existing by-laws or staff performing work at regional or municipal work sites are unable to leave property by virtue of legislation, emergency response, or operational requirements.

NRPH staff considered the Scotiabank Convention Centre exemption in great detail. The intent of the Regional by-law was to enhance the most comprehensive by-law existent in the region, that of Niagara Falls. During the municipal consultation process, NRPH was informed that Niagara Falls City Council had identified a strong rationale to exempt the Scotiabank Convention Centre from the Niagara Falls by-law which was implemented in May, 2011.

NRPH has considered many options in reviewing the exemption for the Scotiabank Convention Centre from the Regional "By-Law to Regulate Smoking in an Outdoor Public Place". Options have included the following: identifying a "sunset provision" that would name a specific date in which the exemption would no longer apply under the Regional by-law; not including any exemption for the Scotiabank Convention Centre in the Regional by-law; and working with the City of Niagara Falls and the Scotiabank Convention Centre to identify opportunities to work towards making the property smoke-free, while recognizing that this process will take time. The latter option is recommended as the most balanced and appropriate option.

By focusing on parks, playgrounds, sporting areas and beaches, including events that occur in these areas, and minimizing exemptions, this by-law provides more protection for children and other Niagara residents and visitors from the effects of secondhand smoke, while denormalizing smoking behavior and facilitating decreased smoking rates.

REPORTS PERTINENT TO THIS MATTER

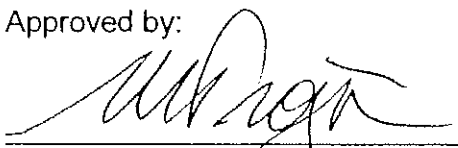
2011 - PHD 04-2011; PHD 05-2011; PHD 46-2011

2012 – PHD 11-2012; PHD 38-2012

Submitted by:

Valerie Jaeger, MD, PhD, MPH
Medical Officer of Health

Approved by:



Mike Trojan
Chief Administrative Officer

This report was prepared by Maria Brigantino, Manager, Chronic Disease and Injury Prevention, and Gillian McDonald, Health Promoter, Chronic Disease and Injury Prevention; and reviewed by Stephen Chisholm, Legal Services, Ellen Wodchis, Director, Chronic Disease and Injury Prevention, Dr. Andrea Feller, Associate Medical Officer of Health and Dr. Valerie Jaeger, Medical Officer of Health.

Appendix A: Proposed Regional By-Law

THE REGIONAL MUNICIPALITY OF NIAGARA

Bylaw No.

A BY-LAW TO REGULATE SMOKING IN AN OUTDOOR PUBLIC PLACE

WHEREAS subsection 115(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended provides that a municipality may prohibit or regulate the smoking of tobacco in public places;

AND WHEREAS it has been determined that smoking and second-hand tobacco smoke is a health hazard or discomfort for individuals residing in or visiting The Regional Municipality of Niagara (hereinafter, "Niagara Region");

AND WHEREAS smoke-free policy interventions are effective mechanisms to reduce exposure to tobacco smoke, prevent initiation of smoking, encourage cessation of smoking, support recent quitters and contribute to the denormalization of tobacco use;

AND WHEREAS Niagara Region therefore wishes to prohibit tobacco smoking in outdoor public places for the health of the public generally, and particularly for the benefit of young persons, and to improve the environmental and social conditions in public places;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Regional Municipality of Niagara enacts as follows:

DEFINITIONS AND INTERPRETATION

1. (1) The following definitions shall be used in interpreting and applying this by-law:

"authorized person" means an individual designated or authorized by Niagara Region or a local municipality whose duties include, without limitation, tobacco control or the monitoring of regional or municipal property for the purpose of addressing unauthorized activities;

"designated parking area" means a parking lot or parking area which has been established only for the purpose of parking a vehicle and is not associated with any other municipal or regional property;

"local municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and the Township of West Lincoln.

"municipal sidewalk" means a sidewalk intended for pedestrians located between that portion of a highway intended for the general passage of vehicles and the lateral property line, but does not include a sidewalk located within the boundary of any regional and municipal owned or leased property;

“outdoor public place” means the outdoor areas around all buildings located on any property owned, leased or controlled by the Niagara Region or any local municipality, including without limitation parks, playgrounds, sports or playing fields, arenas, recreational centres, splash pads, pools, beaches, bus shelters, trails and any area that is within a 9 metre radius of an entrance to or exit from a building located on any regional or municipal property, whether or not a “No Smoking” sign is posted, but does not include:

- a. highways;
- b. road allowances abutting a regional or municipal property;
- c. municipal sidewalks, save and except for that portion of any municipal sidewalk that is within a 9 metre radius of any entrance to or exit from a building located on any regional or municipal property;
- d. designated parking areas;
- e. rights-of-way;
- f. regional or municipal property where city or regional staff are not able to leave the property during work hours by virtue of legislative, operational or emergency response requirements;
- g. residential dwellings owned, operated or subsidized by Niagara Regional Housing or a local municipality, and;
- h. the three (3) designated smoking areas at the Niagara Falls Scotiabank Convention Centre, as set forth more particularly in the City of Niagara Falls Consolidated By-Law No. 2011-51 as amended by By-Law 2011-152.

“smoke” or **“smoking”** includes the holding of tobacco or other lighted smoking material or equipment while the product is alight or emitting smoke;

“tobacco” includes pipe tobacco, water-pipe tobacco, cigarettes, cigars, cigarillos or any similar product made with or containing tobacco;

PROHIBITION

- 2.(1) No person shall smoke tobacco upon or within an outdoor public place.
- 2.(2) The prohibition in section 2.(1) above applies whether or not a “No Smoking” sign of any format or content is posted.
- 2.(3) No person shall remove a sign posted under this section while the prohibition remains in force.
- 2.(4) No person shall hinder or obstruct an authorized person lawfully carrying out the enforcement of this by-law.

OFFENCE and SET FINE

- 3.(1) Any person who contravenes a provision of this by-law is guilty of an offence and, upon conviction, is liable to a set fine of \$250.00.

ENFORCEMENT

- 4.(1) The provisions of this bylaw respecting smoking in an outdoor public place shall be enforced by any authorized person as designated by the Niagara Region or a local municipality.

CONFLICTS

- 5.(1) If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

SEVERABILITY

- 6.(1) If any section or part of this by-law are found by any Court of competent jurisdiction to be invalid, such section or part shall be deemed to be severable and all other sections of this by-law shall remain valid and enforceable.

ENACTMENT

- 6.(1) This by-law shall come into force on the day that it is approved in accordance with section 115(5) of the *Municipal Act, 2001*, S.O. 2001, C.25.

**Appendix B: Consultations with Local Area Municipalities
(Updated March 25, 2013)**

| Type of Consultation | Date | Municipality | Presentation to Municipal Council Requested |
|--|-----------------------------------|-------------------------|--|
| Area CAO Meeting | Friday November 30, 2012 | All area municipalities | N/A |
| Municipal Consultation | Monday December 3, 2012 | Niagara Falls | In the process of scheduling |
| Municipal Consultation | Wednesday December 5, 2012 | Port Colborne | In the process of scheduling |
| Municipal Consultation | Thursday December 6, 2012 | Thorold | February 5, 2013 |
| Municipal Consultation | Monday December 10, 2012 | NOTL | February 11, 2013 |
| Municipal Bylaw Enforcement Officer Consultation | Wednesday December 12, 2012 | All area municipalities | N/A |
| Municipal Consultation | Friday January 4, 2013 | Pelham | May 21, 2013 |
| Municipal Consultation | Monday January 7, 2013 | Welland | April 16, 2013 |
| Municipal Consultation | Monday January 7, 2013 | Wainfleet | February 26, 2013 |
| Municipal Consultation | Tuesday January 8, 2013 | West Lincoln | March 18, 2013 |
| Municipal Consultation | Wednesday January 9, 2013 | Fort Erie | February 25, 2013 |
| Municipal Consultation | Tuesday January 15, 2013 | Lincoln | March 25, 2013 |
| Municipal Consultation | Tuesday January 15, 2013 | Grimsby | February 26, 2013 (Parks and Recreation Committee) |
| Municipal Consultation | Wednesday January 23, 2013 | St. Catharines | In the process of scheduling |

DATE: June 17, 2013

REPORT NO: RFD-PW-23-2013

SUBJECT: "AMENDMENT TO BUDGET"
Sign Program Tender Authorization

CONTACT: Richard Bolduc, A.Sc.T., Director of Public Works & Engineering
Bob Denison, Supervisor, Arena, Parks Operations

OVERVIEW:

- Staff has identified the need for the installation of five (5) community and entrance signs.
- A sign tender was circulated which closed on May 30 2013.
- The Township received six (6) tender submissions by the deadline, and two were disqualified.
- One further submission was received after the deadline, and was returned.
- A low bid in the amount of \$96,950.00 was received by Fine Lines Sign Co.
- Fine Lines Sign has successfully completed similar works in the past.
- Staff recommends acceptance of the tender submitted by Fine Lines Sign Co.
- Staff requests and amendment to budget in the amount of \$\$72,064.00 to be funded from the Contingency Fund.

RECOMMENDATION:

1. That, report RFD PW-23-2013, 'AMENDMENT TO BUDGET', Sign Program Tender Authorization dated June 17, 2013 be received; and,
2. That, Council accepts the tender submission by Fine Lines Sign Co. for the design, construction and installation of the five signs in the amount of \$96,950.00 (plus HST); and,
3. That, Council approve the project budget in amount of \$108,564.00 (including taxes) which includes a budget amendment of \$72,064.00 to be funded through the Contingency Fund, and the approved 2013 Budget amount of \$36,500.00; and,
4. That, a By-Law be passed to authorize the Mayor and Clerk to enter into an agreement with Fine Lines Sign Co.

ALIGNMENT TO STRATEGIC PLAN

Key Actions (reference page 20):

4. *Develop a tourism strategy that explores opportunities to promote special events.*

Key Actions (reference page 21):

7. *Promote local attributes of community to encourage tourism and visitors to the community.*

BACKGROUND:

In 2011 the existing community entrance signs were identified for replacement, and a budget of \$15,000.00 was allocated in the approved 2012 budget.

In 2012 the Community Centre road sign was damaged in a motor vehicle accident. This sign was used to promote events happening at the Community Centre, as well as at other locations throughout the Township. The Township has since been unable to collect revenues, which were previously received, from the loss of this sign use for advertising. The Township received \$6,500.00 from insurance for the replacement of this sign.

In 2013 a capital request was made through corporate expenditures for the replacement of the existing Town Hall sign, which is in poor condition. A budget of \$15,000.00 was allocated in the approved 2013 Budget.

CURRENT SITUATION:

Staff prepared and circulated a tender document on May 15th, 2013, and the tender closed on May 30th, 2013. The tender was also advertised in the Grimsby/Lincoln News. Fifteen (15) tender packages were picked up, with six (6) tender submissions received by the tender deadline. One tender was submitted after the deadline and was returned. All accepted submissions were accompanied by the required 'Bid Security'. Two bids did not meet the required tender criteria / specifications, and were disqualified.

The tender bid values were as follows:

| Company | Tender Price | Corrected Price |
|------------------------|---------------------|------------------------|
| 1. Fine Lines Sign | \$96,950.00 | N/A |
| 2. Everest Signs | \$127,050.00 | N/A |
| 3. Patriot Enterprises | \$135,000.00 | N/A |
| 4. Zebra Signs | \$122,000.00 | N/A |

The low bidder, Fine Lines Sign has extensive experience completing similar works. Staff has received positive reference checks from several previous clients of Fine Lines Sign Company. The lowest bidder is capable of successfully completing this project.

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FINANCIAL IMPLICATIONS

Proposed budgeted funding for this project is as follows:

| | |
|---|-------------|
| Insurance amount received from the damaged Community Centre sign..... | \$ 6,500.00 |
| 2012 CIDB budgeted item for Community and Leisureplex signs..... | \$15,000.00 |
| 2013 New Town Hall sign budgeted item..... | \$15,000.00 |
| Total Original Budgeted Amount..... | \$36,500.00 |

A review of the revised project requirements and proposal submissions indicates that the original specified budget for this project is inadequate; therefore a comprehensive project review was undertaken and the following chart illustrates the new proposed budget that is estimated to be able to complete the project.

| Project Budget | Cost |
|------------------------|--------------|
| Tender Amount | \$96,950.00 |
| Contingencies (10%) | \$9,695.00 |
| Total | \$106,645.00 |
| Est. Net HST | \$1,919.00 |
| Sub-Total | \$108,564.00 |
| Approved Budget Amount | \$36,500.00 |
| Budget Amendment | \$72,064.00 |

INTER-DEPARTMENTAL COMMENTS

CONCLUSION

In summary, Staff recommends that the bid submission from Fine Lines Sign Co. be accepted and that an amendment to budget be authorized.

Finally, Staff recommends that the Mayor and Clerk be authorized to enter into an agreement with Fine Lines Sign Co. for the design, construction and installation of the five signs included in the 2013 sign program.

Prepared by:

Submitted by:

**Bob Denison,
Operations Supervisor**

**Richard Bolduc, A. Sc. T
Director of Public Works & Engineering**

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DATE: June 17, 2013
REPORT NO: RFI PW-24-2013
SUBJECT: 2013 Capital Project Status Report – Public Works
CONTACT: Richard Bolduc, Director of Public Works & Engineering

OVERVIEW:

- The purpose of this Report is to provide Council with a status update for the 2013 Capital Projects for the Public Works Department.

RECOMMENDATION:

1. That, report RFI PW-24-2013, re: 2013 Capital Project Status Report – Public Works, dated June 17, 2013 be received for information

ALIGNMENT TO STRATEGIC PLAN

Key Actions (reference page 17):

1. Develop a Communication Strategy to support:
 - Implementation of effective communications and improved flow of information in important community issues impacting citizens.

Key Actions (reference page 22):

Ensure that community infrastructure, servicing plans, and the growth management strategy are strategically aligned with a long-range financial plan.

BACKGROUND:

As part of the 2013 Budget process, Council approved various Public Works Capital Projects.

The approved capital projects for the Public Works Department included various projects in the following areas:

- Facilities
- Roads
- Bridges
- Sidewalks
- Sanitary Sewers
- Equipment
- Arena
- Cemeteries
- Christmas Decorations.

This report provides Council with a status update, including projects completed projects, projects underway, and projects to be carried over to 2014.

CURRENT SITUATION:

The status of the projects was obtained through consultation with the following project leads.

- Kaveh Etezadi, Manager of Roads Operations, Water and Wastewater
- Bob Denison, Supervisor of Parks and Facilities
- Brent Julian, Coordinator of Engineering Services
- Richard Bolduc, Director of Public Works and Engineering

During the review of the status of projects the priority projects were identified and Staff have confirmed the necessity and ability to deliver the project as outlined in the following chart:

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| 2013 CAPITAL PROJECTS STATUS REPORT, JUNE 2013 | | | |
|---|---|--|---|
| Item | Status and Schedule | Action | Estimated Key Dates |
| Bridge # 12 – South Grimsby Rd 6 | - Awarded in December 2012 - Geotechnical completed - Currently under design. | RFP Close Committee Design Completion | Complete Complete In progress Nov. 2013 |
| Detailed Condition Bridge Surveys | - RFP Closed May 22/13 - Proposal Evaluation in progress | RFP Close Committee Project Start Completion | Complete July 15/13 Aug /13 Dec. 2013 |
| Bridge # 34 E.A.– North Chippawa Rd | - Tentative RFP close – Sept 26/13 | RFP Close Committee Project Start Completion | Sept 26 /13 Oct 21/13 Nov. 2013 Dec. 2013 |
| Bridge Guardrail Replacements | - Tentative RFP close August 2013 | Tender Close Committee Project Start Completion | Aug 15/13 Sept 15/13 Oct . 2013 Nov. 2013 |
| Mill & Pave – Grassie Road | - Tender closed on April 25 th . 2013 - Received Council approval in May - Construction commencement tentative for June 2013 | Tender Close Committee Project Start Completion | Complete Complete July 2013 Aug. 2013 |
| Hot Mix – Spot Repairs | - Tender circulation on June 6/13 - Tender close on June 20/13 - Tentatively scheduled for August | Tender Close Committee Project Start Completion | June 20/13 July 15/13 Aug. 2013 Sept. 2013 |

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| 2013 CAPITAL PROJECTS STATUS REPORT, JUNE 2013 | | | |
|---|--|--|--|
| Item | Status and Schedule | Action | Estimated Key Dates |
| Northridge Drive E.A. & Design | - Tentative RFP close on Aug. 15/ 13 | RFP Close Committee Project Start Completion | Aug 15 /13 Sept 15 /13 Oct / 13 Dec. 2013 |
| CSO Inflow & Infiltration Study, Ph 1 | - Final Report tentative date is June 2013 | RFP Close Committee Project Start Completion | Complete Complete Complete July 2013 |
| CSO Inflow & Infiltration Study, Ph 2 | - Commence with completion of Ph 1 | RFP Close Committee Project Start Completion | TBD TBD TBD TBD |
| Tractor Replacement Side Walk Attachments | - Tender Circulation on June 6/13 - Tender Close on June 20/13 | Tender Close Committee Project Start Delivery | June 20/13 July 15/13 Aug. / 13 Sept./13 |
| Canborough Street Reconstruction | - Region of Niagara Cost Share Project - Construction commence Fall 2013 - Sanitary spot repair rehabilitation tentative for Fall 2013 | Tender Close Design Construction Completion | Fall 2013 In-progress 2013 – 2014 2014 |
| Fairgrounds baseball area track repairs | - In house project - Tentative completion June 20/13 | Project Start Completion | July 2013 July 2013 |
| Leisureplex security | - In house project - Tentative completion – Oct./13 | Project Start Completion | Oct. 2013 Oct. 2013 |

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| 2013 CAPITAL PROJECTS STATUS REPORT, JUNE 2013 | | | |
|---|---|--|---|
| Item | Status and Schedule | Action | Estimated Key Dates |
| Leisureplex bleachers | - Request for Quotes in June 2013 - Project tentative completion – July 2013 | RFQ Project Start Completion | July 2013 July 2013 Aug. 2013 |
| Abingdon Ball Diamond Upgrades | - In house project - Tentative completion – Sept. 2013 | Project Start Completion | In progress Sept. 2013 |
| Abingdon Ball Diamond Building Upgrades | - In house project - Tentative completion – Sept. 2013 | Project Start Completion | In progress Sept. 2013 |
| All Parks Signage | - In house project - Tentative completion – Aug. 2013 | Project Start Completion | July 2013 Aug. 2013 |
| Playground Upgrades | - In house project - Tentative completion – Oct. 2013 | Project Start Completion | Sept. 2013 Oct. /13 |
| Community Centre Playground Rubber Replacement | - Project awarded in April 2013 - Tentative completion – August 2013 | Tender Close Award Project Start Completion | Complete Apr. 2013 In Progress Aug. 2013 |
| Accessibility Upgrades | - Project awarded in March 2013 - Tentative completion – August 2013 | Award Completion | Mar. /13 Aug. 2013 |
| Public Works Lighting Upgrades | - Request for Quotes in August 2013 - Tentative completion – Nov. 2013 | RFQ Project Start Completion | Aug. /13 Aug. / 13 Nov. 2013 |

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| 2013 CAPITAL PROJECTS STATUS REPORT, JUNE 2013 | | | |
|---|---|--|--|
| Item | Status and Schedule | Action | Estimated Key Dates |
| Lion's Building Demolition | - Tender close – July 2013 - Tentative completion – Nov. 2013 | Tender Close Committee Project Start Completion | July 15/13 Aug. 12/13 Aug. 2013 Nov. 2013 |
| Community / Arena Sign Tender | - RFP Closed May 27, 2013 - Tentative completion – Nov. 2013 | Tender Close Committee Project Start Completion | Complete June 17/13 July 2013 Nov. 2013 |
| Christmas Light Purchase | - Tentative completion – Nov. 2013 | Project Start Completion | Nov. /13 Nov. / 13 |
| Zero Turn Mower – (Parks) | - Request for Quotes in June 2013 - Tentative completion – Aug. 2013 | Tender Close Delivery | July 2013 Sept. 2013 |
| Tractor Replacement (Parks) | - Tender close in June 2013 - Tentative completion – Aug. 2013 | Tender Close Delivery | July 2013 Sept. 2013 |
| Leisureplex Fields | | Tender Close Committee Project Start Completion | July 2013 Aug. 12/13 Sept. 2013 2014 |

| 2013 CAPITAL PROJECTS STATUS REPORT, JUNE 2013 | | | |
|---|----------------------------|---------------|----------------------------|
| Item | Status and Schedule | Action | Estimated Key Dates |

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| | | | |
|---|--|--|---|
| Fuel Tank Replacement | - Project tentative completion date - Sept. 2013 | Tender Close Committee Project Start Completion | Complete Complete July 2013 Sept. 2013 |
| 2013 Surface Treatment | - Tender Closed April 23/13 - Tentative completion date – Sept. 2013 | Tender Close Committee Project Start Completion | Complete Complete July 2013 Sept. 2013 |
| Fairgrounds Master Plan and Arena Feasibility Study | -Environmental Scan and Needs Assessment – submitted to Council for information at the November Public Works Committee | Council | Sept. 2013 |

FINANCIAL IMPLICATIONS

All Public Works Capital Budget items will conform to the approved Capital Budget with any proposed variances to be authorized by Council and/or in conformance with the Township of West Lincoln purchasing policy.

INTER-DEPARTMENTAL COMMENTS

N/A

CONCLUSION

That Council has received the status of the 2013 Capital Projects for information.

Prepared and Submitted by:

Richard Bolduc, A. Sc. T.
Director of Public Works & Engineering

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DATE: June 17, 2013
REPORT NO: RFD PW 22-2013
SUBJECT: Declaration of a Public Highway Twenty Road - Road Widening
CONTACT: Richard Bolduc, A.Sc.T, Director of Public Works & Engineering

OVERVIEW:

- When a road width is deficient, the Township requests a road widening
- As part of a condition of severance application B5/2012WL, lands have been conveyed to the Township on Plan 30R-14100 to accommodate road widening requirements.
- A by-law is now require to dedicated part of Twenty Road as a Public Highway
- The purpose of road widening is to ensure the private lands are not land-locked and to provide a means of inventory of lands owned by the Township for road purposes.
- A one-time contribution of \$279.28 be paid towards the increased costs of the survey for road widening greater than 150 metres in length.

RECOMMENDATION:

1. THAT, Report RFD PW 22-2013, re: 2013 Declaration of a Public Highway Twenty Road - Road Widening dated June 17, 2013 be received; and,
2. THAT, a by-law be presented to Council to dedicate Part 2 on Registered Plan 30R-14100, Part Lot 14 Concession 7, Geographic Township of Caistor, now Township of West Lincoln, as a public highway for road widening of Twenty Road.

ALIGNMENT TO STRATEGIC PLAN:

Key Actions (reference page 29):

1. Explore infrastructure processes and materials to improve the durability of rural roads and bridges and begin to incorporate in future renewal projects

BACKGROUND:

In 2012 Committee of Adjustment received an application B5/2012 for a severance on Twenty Road. Twenty Road is a given approximate road with a width of 13.7 meters (irregular).

In accordance with Township Policy POL-PW-1-04, Public Works request dedication of lands for the purpose of a road widening. The Policy states

When a road width is deficient, a road widening shall be requested equal to one-half of the deficient width, whenever feasible. In specific circumstances, where factors such as topography, the location of existing buildings, etc. dictate, more than one-half of the widening on one side of the road may be required.

Public Works requested a road widening of approximately 234.63 metres by 2.93 metres (irregular), being one-half of the width deficiency.

CURRENT SITUATION:

The Township has now received confirmation from our legal advisor that the land transfer closing has been completed.

Staff has drafted a bylaw to dedicate a portion of Twenty Road as a Public Highway, and shown as Part 2 on Registered Plan 30R-14100, Part Lot 14 Concession 7, Geographic Township of Caistor, in the Township of West Lincoln, Regional Municipality of Niagara.

FINANCIAL IMPLICATIONS:

In accordance with Township Policy POL-PW-1-04, at applicant is entitled to a one-time contribution towards the increased costs of the survey for road widening greater than 150 metres in length. The prescribed contribution is \$3.30 per metre for each metre in excess of 150 metres, or 84.63 metres and totaling \$279.28. This contribution is typically paid through the approved Public Works Administration Budget.

CONCLUSION:

Staff is recommending that a by-law be presented to the next Committee meeting declaring Part 2 as shown on Registered Plan 30R-14100, Part Lot 14 Concession 7, Geographic Township of Caistor, in the Township of West Lincoln, Regional Municipality of Niagara as a Public Highway.

Staff are further recommending that a one-time contribution of \$279.28 be paid towards the increased costs of the survey for road widening greater than 150 metres in length

Prepared by:

Submitted by:

Brent Julian, C. Tech., rcji
Coordinator for Engineering Services

Richard Bolduc, A. Sc. T
Director of Public Works & Engineering

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PUBLIC WORKS & ENGINEERING DEPARTMENT

MEMO

TO: Mayor & Members of Council

DATE: June 24, 2013

FROM: Richard Bolduc, Director of Public Works & Engineering
Kaveh Etezadi, Manager of Roads Operations, Water & Wastewater

RE: **2013 Bituminious Surface Treatment - Revised Authorizing By-law**

On May 27, 2013, Council approved By-law 2013-53, being a by-law to approve a joint agreement between the Township and Norjohn Contracting & Paving for Bituminious Surface Treatment.

The Agreement, however, is actually between several municipalities and Norjohn Contracting & Paving; the Town of Pelham, the Township of Wainfleet and the Township of West Lincoln. As such, a new by-law naming all parties and repealing By-law 2013-53, has been brought to Council for approval on June 24, 2013.