



Council

Agenda

**Regular Meeting of Council
August 13, 2012
at 7:00 p.m.**

MEETINGS

FOR THE WEEKS OF
AUGUST 13TH, 2012 and
AUGUST 20TH, 2012

Monday, August 13, 2012

5:00 p.m.

Special Closed Meeting of Council
Council will adjourn in-camera for training and educational purposes
5th Floor Boardroom

6:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor

Wednesday, August 22, 2012

6:00 p.m.

Special Committee Meeting of Council
Council Chambers, 2nd Floor
(Gaming Facility)

**THE CORPORATION OF THE CITY OF NORTH BAY
REGULAR MEETING OF COUNCIL HELD
MONDAY, AUGUST 13, 2012**

PUBLIC PRESENTATIONS:

PUBLIC MEETING MINUTES:

Monday, July 30, 2012

COMMITTEE REPORTS:

Community Services Committee Report No. 2012-14

CORRESPONDENCE:

1. Report from Paul Valenti dated August 8, 2012 re Tender No. 2012-67, McIntyre Street Parking Garage Rehabilitation (F05/2012/PARKS/6079PK).
2. Report from Karen McIsaac dated July 30, 2012 re Business Licencing By-Law (C00/2012/BYLAW/BUSLICEN).
3. Report from Jennifer McDonald dated August 1, 2012 re Capital Projects Status Report – June 2012 (F05/2012/CPSR/GENERAL).
4. Report from Peter Carello dated August 8, 2012 re Community Infrastructure Improvement Fund Applications (F11/2012/CIIF/GENERAL).
5. Report from Peter Carello dated August 7, 2012 re Preparation of a New Zoning By-Law (D14/2012/CNB/BL28-80).

BY-LAWS FOR CONSIDERATION:

General Government - First, second and third readings:

By-Law No. 2012-159 to confirm proceedings of the Meeting of Council on July 30, 2012.

Community Services – First and second readings:

By-Law No. 2012-167 to rezone certain lands on Dree Street (GAP Construction Co. Ltd. – 387 Dree Street).

By-Law No. 2012-169 to rezone certain lands on Northshore Road (Kenneth & Leona Walker – 860 Northshore Road.)

Community Services – First, second and third readings:

By-Law No. 2012-168 to designate a Site Plan Control area on certain lands on Dree Street (GAP Construction Co. Ltd. – 387 Dree Street).

By-Law No. 2012-183 to execute an Agreement with Miller Paving North Bay, a division of Miller Paving Limited relating to paving the Steve Omischl Sports Field Complex South Parking Lot.

By-Law No. 2012-184 to execute an Agreement with Monteith Brown Planning Consultants Ltd. relating to the Multi-Use Recreational Facility Feasibility Study.

Engineering & Works – First, second and third readings:

By-Law No. 2012-181 to amend Traffic & Parking By-Law No. 2002-001 (Schedule 18 – No Parking Areas At Any Time).

MOTIONS:

MOTION TO ADJOURN IN-CAMERA:

IN-CAMERA CORRESPONDENCE:

6. ***Confidential*** report from Peter Chirico dated August 8, 2012 re Property Matter.

MOTION TO RECONVENE:

MOTION FOR RECONSIDERATION:

GIVING NOTICE:

ADJOURNMENT:

**MINUTES OF THE REGULAR MEETING
OF CITY COUNCIL
HELD MONDAY, JULY 30, 2012**

PRESENT: Mayor McDonald, Councillors Lawlor, Anthony, Bain, Maroosis, Vaillancourt, Mayne, Mendicino, Campbell, Koziol, Vrebosch

PUBLIC PRESENTATION:

Jake Lacourse re Summer in the Park

CORRESPONDENCE:

Grannittis Ristorante re Champions tele-wagering (458)
North Bay Police Services re Recognition of fallen officers (460)

REPORTS FROM OFFICERS:

Evans, R. re North Bay Gaming Facility (Casino) (465)
Hillier, B. re Source Water Protection Planning update (462)
Hillier, B. re Redline Amendment - Laurentian Heights (464)
Ltd., south of Surrey Drive
Hillier, B. re North Bay Gaming Facility (Casino) (465)
Kilgour, I.G. re Cultural Plan update (459)
Kilgour, I.G. re Nipissing Lakers & North Bay Trappers (476)
Co-Existence Agreement
Knox, J.D. re Heritage North Bay Memorandum of (461)
Understanding
Lang, A. re Tender No. 2012-56, West Ferris (467)
Community Centre Roof Rehabilitation
Program
Linkie, D.G. re Recognition of fallen officers (460)
Rocheffort, L. re Tax Extension Agreement - 151 Main (463)
Street East
Schiavone, D. re Traffic & Parking By-Law Amendment - (468)
No Parking Areas - Pearce Street
Seguin, C. re Nipissing Lakers & North Bay Trappers (476)
Co-Existence Agreement
Valenti, P. re Tender No. 2012-54, Construction of (466)
Steve Omischi Sports Field Complex
south parking lot

Res. #2012-456: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That minutes for the public meeting held on:

- Monday, July 16, 2012

be adopted as presented.

"CARRIED"

Res. #2012-457: Moved by Councillor Lawlor, seconded by Councillor Anthony
That accounts totaling \$10,158,705.02 for June 2012 be approved.

"CARRIED"

Res. #2012-458: Moved by Councillor Lawlor, seconded by Councillor Anthony
That Council offer no objection to Champions Tele-wagering
relocating from Grannittis Ristorante, 540 Lakeshore Drive to
Cheffy's Last Stop located at 406 Lakeshore Drive.

"CARRIED"

Res. #2012-459: Moved by Councillor Mendicino, seconded by Councillor Mayne
That the report from Ian Kilgour dated July 16, 2012 re Cultural
Plan Update be received for information purposes only.

"CARRIED"

Res. #2012-460: Moved by Councillor Lawlor, seconded by Councillor Anthony
That 1) the Council of The Corporation of the City of North Bay
approve the Dedication Protocol for fallen North Bay
Police Service Officers and North Bay Fire and
Emergency Services personnel as contained in Appendix
"A" to Report to Council CAO 2012-01 dated July 23,
2012;

2) the North Bay Police Services Building located at 135
Princess Street West be dedicated in memory of
Constable Len Slater; and

3) the Trout Lake Road / ONR Overpass be dedicated in
Memory of Constable Fred Lefebvre.

"CARRIED"

Res. #2012-461: Moved by Councillor Lawlor, seconded by Councillor Anthony
That Council endorses the Memorandum of Understanding
attached to Report to Council CAO 2012-02 between The
Corporation of the City of North Bay and Heritage North Bay
allowing Heritage North Bay to utilize specific City facilities for the
purpose of raising revenue.

"CARRIED"

Res. #2012-462: Moved by Councillor Mendicino, seconded by Councillor Mayne
That no further comments be provided to the Source Protection
Authority and North Bay - Mattawa Source Protection Committee
on the final draft of the Source Protection Plan.

"CARRIED"

Res. #2012-463: Moved by Councillor Lawlor, seconded by Councillor Anthony
That The Corporation of the City of North Bay enter into a Tax
Extension Agreement with Evelyne Abraham in Trust, for payment
of all outstanding taxes, penalties, interest and costs on the
property known as 151 Main Street East, North Bay, more
particularly described as Part of Lot 16, Plan 10, Widdifield, as in
NB150673, North Bay, District of Nipissing.

"CARRIED"

Res. #2012-464: Moved by Councillor Mendicino, seconded by Councillor Mayne
That the request from Exp. Services Inc. on behalf of Laurentian
Heights Ltd. to revise the Draft Approved Plan of Subdivision (File
No. 48T-93101) on the south side of Surrey Drive as indicated in
Report to Council No. CSBU 2012-57, be approved.

"CARRIED"

Res. #2012-465: Moved by Councillor Mendicino, seconded by Councillor Mayne
That Report to Council No. CSBU 2012-58 regarding the North Bay
Gaming Facility (Casino) be referred to the Community Services

Committee for a Public Meeting to be held at a Special Meeting of Committee on August 22, 2012 at 6:00 p.m.

"CARRIED"

Res. #2012-466: Moved by Councillor Mendicino, seconded by Councillor Mayne That North Bay City Council approve the award of a contract to Miller Paving North Bay, a division of Miller Paving Limited in the amount of \$224,104.82 (plus HST) for the construction of the Steve Omischl Sports Field Complex south parking lot.

"CARRIED"

Res. #2012-467: Moved by Councillor Mendicino, seconded by Councillor Mayne That North Bay City Council approve the award of a contract to Designed Roofing Inc. in the amount of \$213,000.00 (excluding HST), for the replacement of all flat roofs and other associated works at the West Ferris Community Centre.

"CARRIED"

Res. #2012-468: Moved by Councillor Vrebosch, seconded by Councillor Koziol That Traffic & Parking By-Law No. 2002-001 be amended to restrict parking on both sides of Pearce Street between Airport Road and Francis Street.

"CARRIED"

Res. #2012-469: Moved by Councillor Lawlor, seconded by Councillor Anthony That the following by-law be read a first and second time:

By-Law No. 2012-77 to confirm proceedings of the Meeting of Council on July 16, 2012.

"CARRIED"

Res. #2012-470: Moved by Councillor Lawlor, seconded by Councillor Anthony That the following by-law be read a third time and passed:

By-Law No. 2012-77 to confirm proceedings of the Meeting of Council on July 16, 2012.

"CARRIED"

Res. #2012-471: Moved by Councillor Lawlor, seconded by Councillor Anthony That the following by-law be read a third time and passed:

By-Law No. 2012-169 to stop up, close and convey a portion of the unopened Decaire Road road allowance.

"CARRIED"

Res. #2012-472: Moved by Councillor Vrebosch, seconded by Councillor Koziol That the following by-laws be read a first and second time:

By-Law No. 2012-179 to execute a Purchase Agreement with Greening Canada Fund L.P. relating to carbon emission reduction credits.

By-Law No. 2012-180 to amend By-Law No. 2011-123 to authorize user fees for Engineering, Environmental Services and Works.

"CARRIED"

Res. #2012-473: Moved by Councillor Vrebosch, seconded by Councillor Koziol
That the following by-laws be read a third time and passed:

By-Law No. 2012-179 to execute a Purchase Agreement with Greening Canada Fund L.P. relating to carbon emission reduction credits.

By-Law No. 2012-180 to amend By-Law No. 2011-123 to authorize user fees for Engineering, Environmental Services and Works.

"CARRIED"

Res. #2012-474: Moved by Councillor Mendicino, seconded by Councillor Mayne
That Council adjourn in-camera pursuant to section 239(2) of the *Municipal Act, 2001*, as amended, at 7:32 p.m. for the following reasons: Item No's. 13 and 14, being litigation matters, including matters before administrative tribunals, affecting the municipality; Item 15, being a proposed acquisition of land by the Municipality; and Item 16, being a proposed lease of land by the Municipality.

"CARRIED"

Res. #2012-475: Moved by Councillor Mendicino, seconded by Councillor Mayne
That Council reconvene at 9:24 p.m.

"CARRIED"

Res. #2012-476: Moved by Councillor Mendicino, seconded by Councillor Mayne
That North Bay City Council enter into a three (3) year Co-Existence Agreement with the Nipissing Lakers and the North Bay Trappers as attached as Schedule "A" to Report to Council CSBU 2012-56.

"CARRIED"

Res. #2012-477: Moved by Councillor Vaillancourt, seconded by Councillor Maroosis
That this Regular Meeting of Council do now adjourn at 9:25 p.m.

"CARRIED"

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *PLANNING ACT*
HELD MONDAY, JULY 30, 2012**

PRESENT: Mayor McDonald, Councillors Lawlor, Anthony, Bain, Maroosis,
Vaillancourt, Mayne, Mendicino, Campbell, Koziol, Vrebosch

1. Gap Construction Co. Ltd. - Vacant land behind 379, 383 & 387 Dree Street

Councillor Mendicino explained the purpose of the meeting.

The City Clerk advised that notice of the meeting was given by prepaid first class mail on the 10th day of July, 2012 to all owners of property within 120 metres of the subject property and by the posting of a placard on the subject property.

Beverley Hillier explained the purpose of the rezoning application.

Councillor Mendicino asked for public presentations in support of or objecting to the rezoning.

No presentations were made.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

**MINUTES OF THE PUBLIC MEETING OF
CITY COUNCIL HELD UNDER THE *PLANNING ACT*
HELD MONDAY, JULY 30, 2012**

PRESENT: Mayor McDonald, Councillors Lawlor, Anthony, Bain, Marosis, Vaillancourt, Mayne, Mendicino, Campbell, Koziol, Vrebosch

1. Kenneth & Leona Walker - 860 Northshore Road

Councillor Mendicino explained the purpose of the meeting.

The City Clerk advised that notice of the meeting was given by prepaid first class mail on the 10th day of July, 2012 to all owners of property within 120 metres of the subject property and by the posting of a placard on the subject property.

Beverley Hillier explained the purpose of the rezoning application.

Councillor Mendicino asked for public presentations in support of or objecting to the rezoning.

No presentations were made.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

COMMUNITY SERVICES COMMITTEE REPORT NO. 2012-14

August 13, 2012

TO THE COUNCIL
OF THE CORPORATION
OF THE CITY OF NORTH BAY

Your Worship and Councillors:

The Community Services Committee presents Report No. 2012-14 and recommends:

1. That a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Gap Construction Co. Ltd. from an "Industrial Holding (MH)" zone to an "Industrial Special Zone No. 3 (M Sp.3)" for the purpose of a lot addition to a property known locally as 387 Dree Street in the City of North Bay, be approved; and
b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 as amended, in order to regulate parking, lighting, landscaping, stormwater, drainage, garbage, play space, ingress, egress and fencing as required." "A" and "B" to Report to Council No. CSBU 2012-23, be approved.
2. That the proposed Zoning By-Law Amendment by Kenneth & Leona Walker from a "Rural Residential Lakefront (RRL)" zone to a "Rural (A)" zone for the purpose of permitting the construction of one (1) single detached dwelling on an existing lot of record east of 850 Northshore Road in the City of North Bay, be approved.

All of which is respectfully submitted.

	ASSENTS	DISSENTS
MENDICINO (CHAIRMAN)	_____	_____
MAYNE	_____	_____
VAILLANCOURT	_____	_____
MAYOR McDONALD	_____	_____

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-159

**BEING A BY-LAW TO CONFIRM PROCEEDINGS
OF THE MEETING OF COUNCIL ON
JULY 30, 2012**

WHEREAS the *Municipal Act, R.S.O. 2001*, Chapter 25, (the "Act") Section 5(1), provides that the powers of a municipal corporation shall be exercised by Council;

AND WHEREAS Section 5 (3) of the Act provides a municipal power, including a municipality's capacity, rights, powers and privileges under section 9 of the Act, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise and any of the matters shall be implemented by the exercise of the natural person powers;

AND WHEREAS in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That the actions of the Council of The Corporation of the City of North Bay at its meeting held on July 30, 2012 in respect of each motion, resolution and other action passed and taken by the Council at its said Meeting is, except where the prior approval of the Ontario Municipal Board or other authority is by law required, hereby adopted, ratified and confirmed.
2. That where no individual by-law has been passed with respect to the taking of any action authorized in or by the Council mentioned in Section 1 hereof or with respect to the exercise of any powers of the Council, then this by-law shall be deemed for all purposes to the by-law required for approving and authorizing the taking of any action authorized therein or thereby required for the exercise of any powers therein by Council.
3. That the Mayor and the proper officers of The Corporation of the City of North Bay are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, and to execute all documents as may be necessary and directed to affix the corporate seal to all such documents as required.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST, 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 13TH DAY OF AUGUST, 2012.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-167

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO REZONE CERTAIN LANDS ON DREE STREET FROM AN "INDUSTRIAL HOLDING (MH)" ZONE TO A "INDUSTRIAL SPECIAL ZONE NO. 3 (M SP.3)"

(GAP CONSTRUCTION CO. LTD. - 387 DREE STREET)

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zone designation shown on Schedules "B-82" and "B-83" of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on August 13th, 2012 to approve this rezoning.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) Schedules "B-82" and "B-83" of By-law No. 28-80 are amended by changing the zoning designation of the property shown on Schedules "A" and "B" attached hereto, which property is more particularly described as Concession 14, Part of Lot 34, Parcels 5464 & 6761 in the former Township of West Ferris, known locally as a specific parcel of vacant land behind 379, 383 & 387 Dree Street in the City of North Bay.
- 2) All buildings or structures erected or altered and the use of land in such "Industrial Special Zone No. 3 (M Sp.3)" shall conform to all applicable provisions of By-law No. 28-80 of the Corporation of the City of North Bay.
- 3) Pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended, those lands shown as hatched on Schedule "B" attached hereto are hereby designated a Site Plan Control Area.
- 4) a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06 as amended.
- b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
- c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS ____ DAY OF _____, 2012.

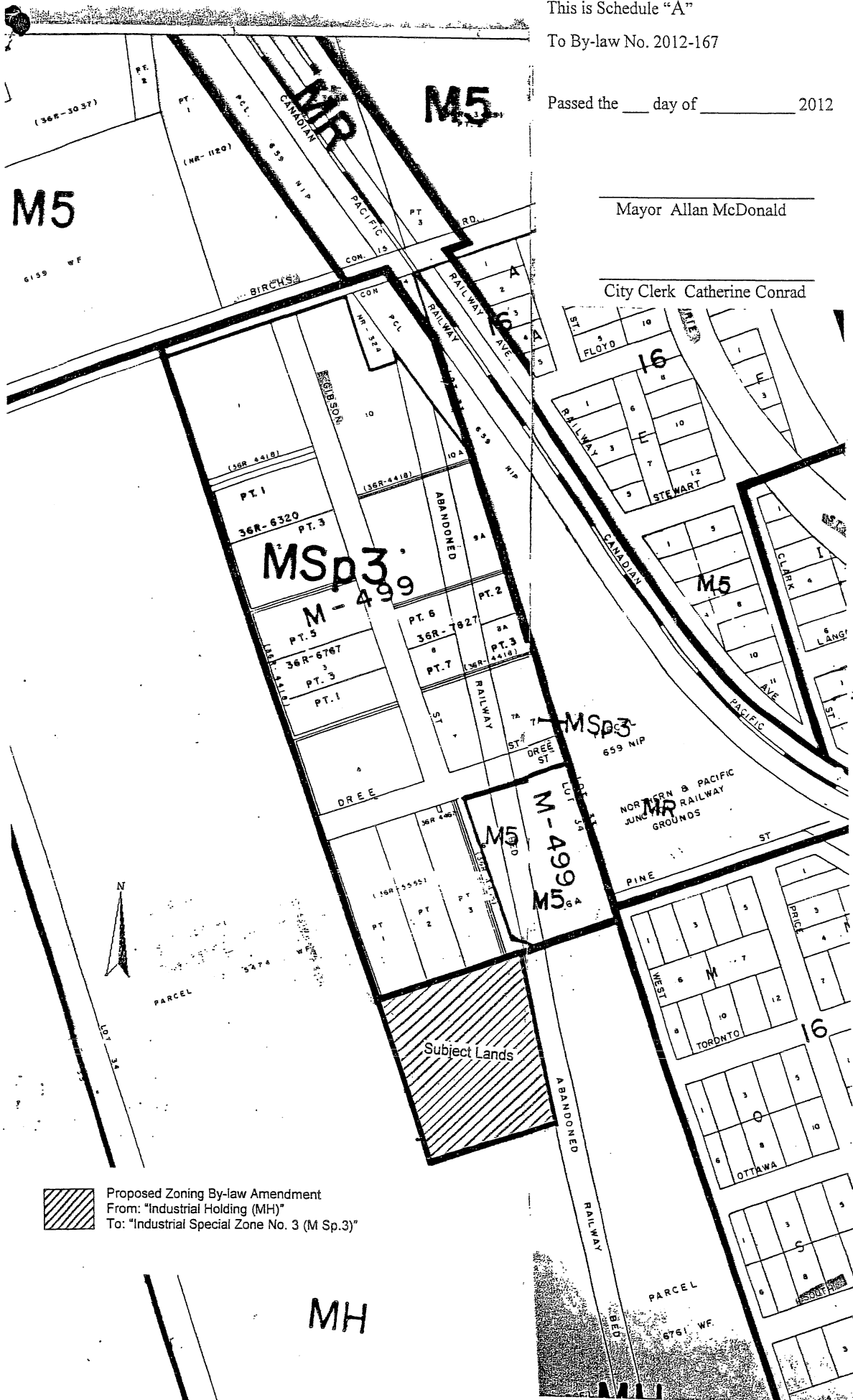
MAYOR ALLAN MCDONALD

CITY CLERK CATHERINE CONRAD

Passed the ___ day of _____ 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



Proposed Zoning By-law Amendment
From: "Industrial Holding (MH)"
To: "Industrial Special Zone No. 3 (M Sp.3)"

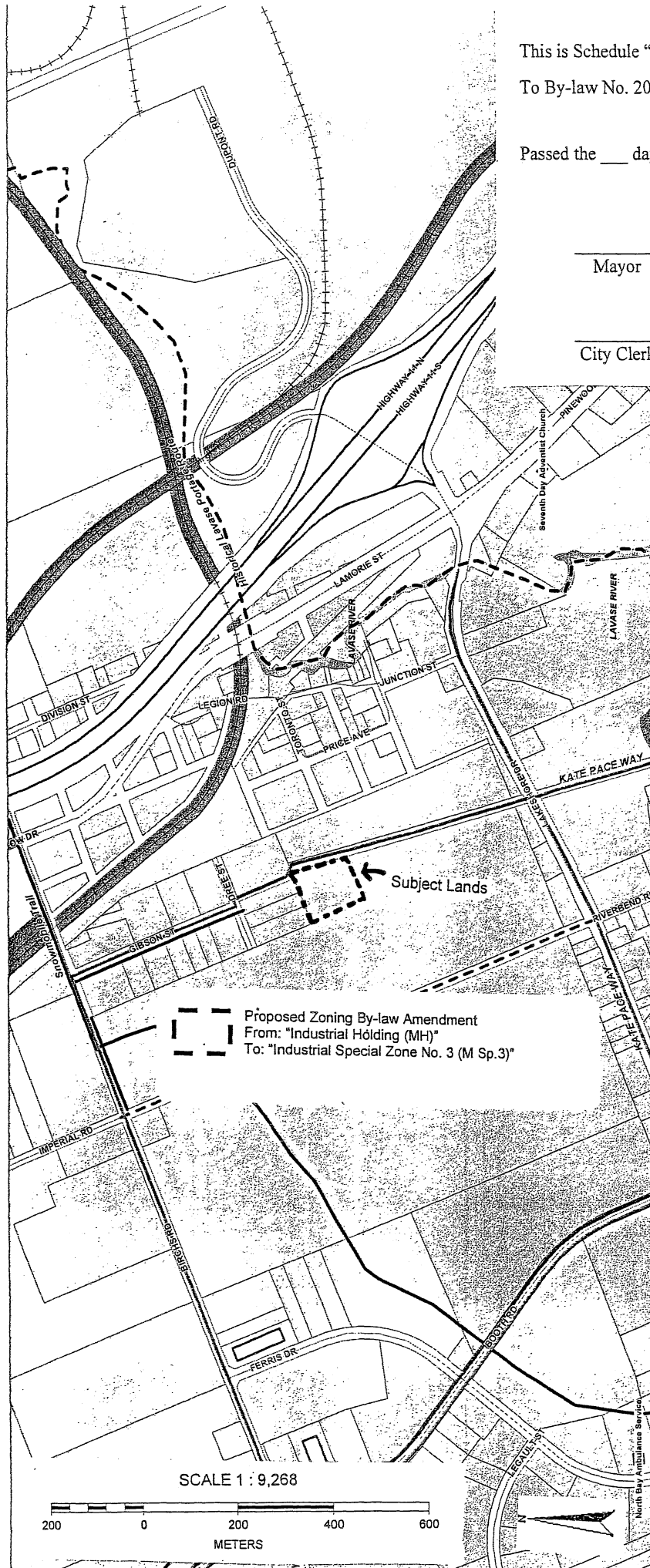
MH

This is Schedule "B"
To By-law No. 2012-167

Passed the ___ day of _____ 2012

Mayor Allan McDonald

City Clerk Catherine Conrad

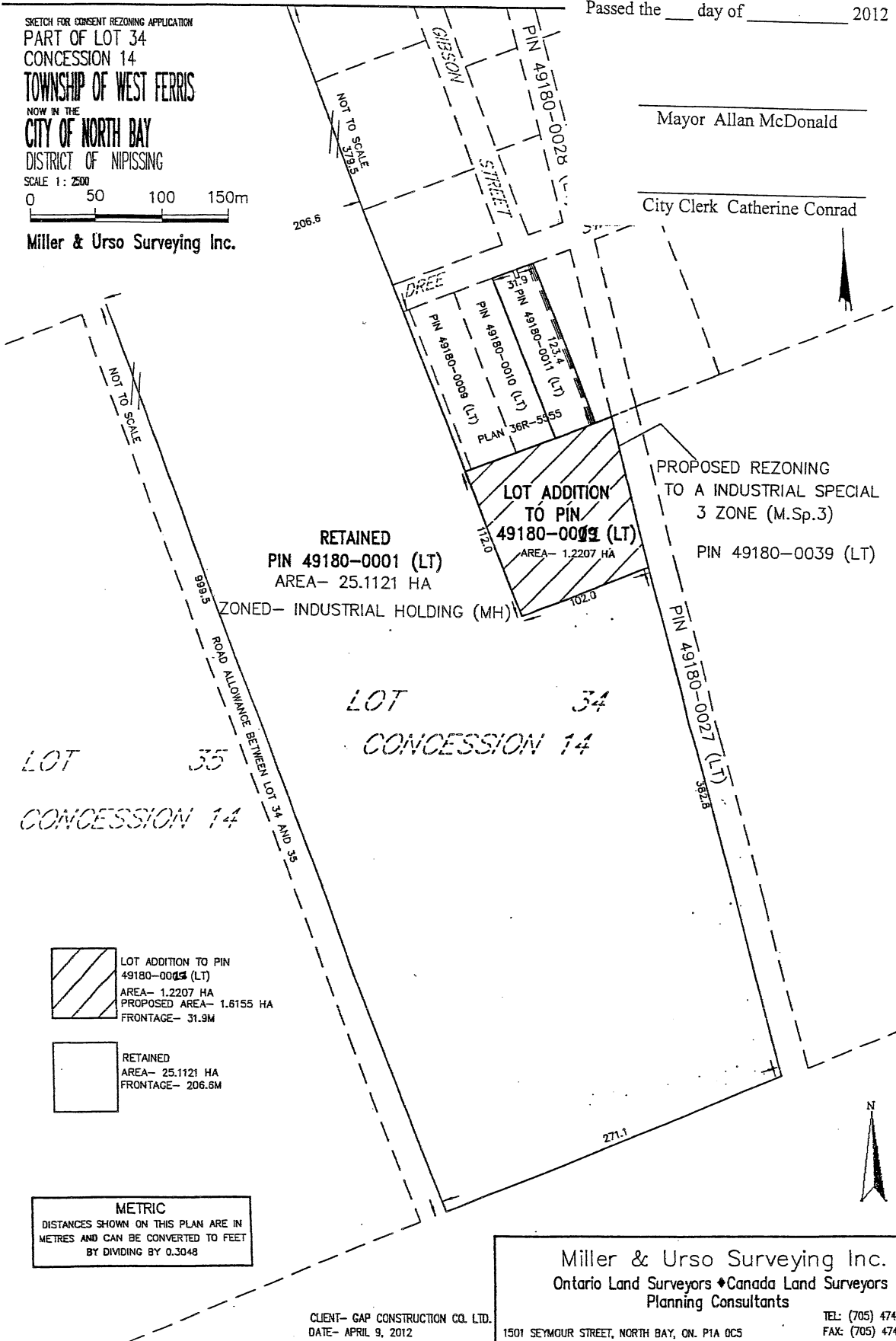


Passed the ___ day of _____ 2012

SKETCH FOR CONSENT REZONING APPLICATION
 PART OF LOT 34
 CONCESSION 14
 TOWNSHIP OF WEST FERRIS
 NOW IN THE
CITY OF NORTH BAY
 DISTRICT OF NIPISSING
 SCALE 1: 2500
 0 50 100 150m
 Miller & Urso Surveying Inc.

 Mayor Allan McDonald

 City Clerk Catherine Conrad





NOT TO SCALE
 NOT TO SCALE
 ROAD ALLOWANCE BETWEEN LOT 34 AND 35

RETAINED
 PIN 49180-0001 (LT)
 AREA- 25.1121 HA
 ZONED- INDUSTRIAL HOLDING (MH)

LOT ADDITION
 TO PIN
 49180-0001 (LT)
 AREA- 1.2207 HA

PROPOSED REZONING
 TO A INDUSTRIAL SPECIAL
 3 ZONE (M.Sp.3)
 PIN 49180-0039 (LT)

LOT 35
 CONCESSION 14

-  LOT ADDITION TO PIN 49180-0001 (LT)
 AREA- 1.2207 HA
 PROPOSED AREA- 1.6155 HA
 FRONTAGE- 31.9M
-  RETAINED
 AREA- 25.1121 HA
 FRONTAGE- 206.6M

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Miller & Urso Surveying Inc.
 Ontario Land Surveyors ♦ Canada Land Surveyors
 Planning Consultants
 CLIENT- GAP CONSTRUCTION CO. LTD.
 DATE- APRIL 9, 2012
 1501 SEYMOUR STREET, NORTH BAY, ON. P1A 0C5
 TEL: (705) 474-
 FAX: (705) 474-

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-169

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80
TO REZONE CERTAIN LANDS ON NORTHSORE ROAD
FROM A "RURAL RESIDENTIAL LAKEFRONT (RRL)" ZONE
TO A "RURAL (A)" ZONE

KENNETH & LEONA WALKER – 860 NORTHSORE ROAD

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zone designation shown on Schedule "C-5" of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on August 13th, 2012 to approve this rezoning.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY
HEREBY ENACTS AS FOLLOWS:**

- 1) Schedule "C-5" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedules "A" and "B" attached hereto (which property is more particularly described as Concession B, Part of Lot 6, Reference Plan No. 36R-10792, Part 1, and Reference Plan No. 36R-11769, Part 1, Parcel 18857, in the former Township of Widdifield), from a "Rural Residential Lakefront (RRL)" zone to a "Rural (A)" zone.
- 2) All buildings or structures erected and the use of land in such "Rural (A)" zone shall conform to all applicable provisions of By-law No. 28-80 of the Corporation of the City of North Bay.
- 3)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06 as amended.
 - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.
 - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST, 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS DAY OF 2012.

MAYOR, ALLAN MCDONALD

CITY CLERK, CATHERINE CONRAD

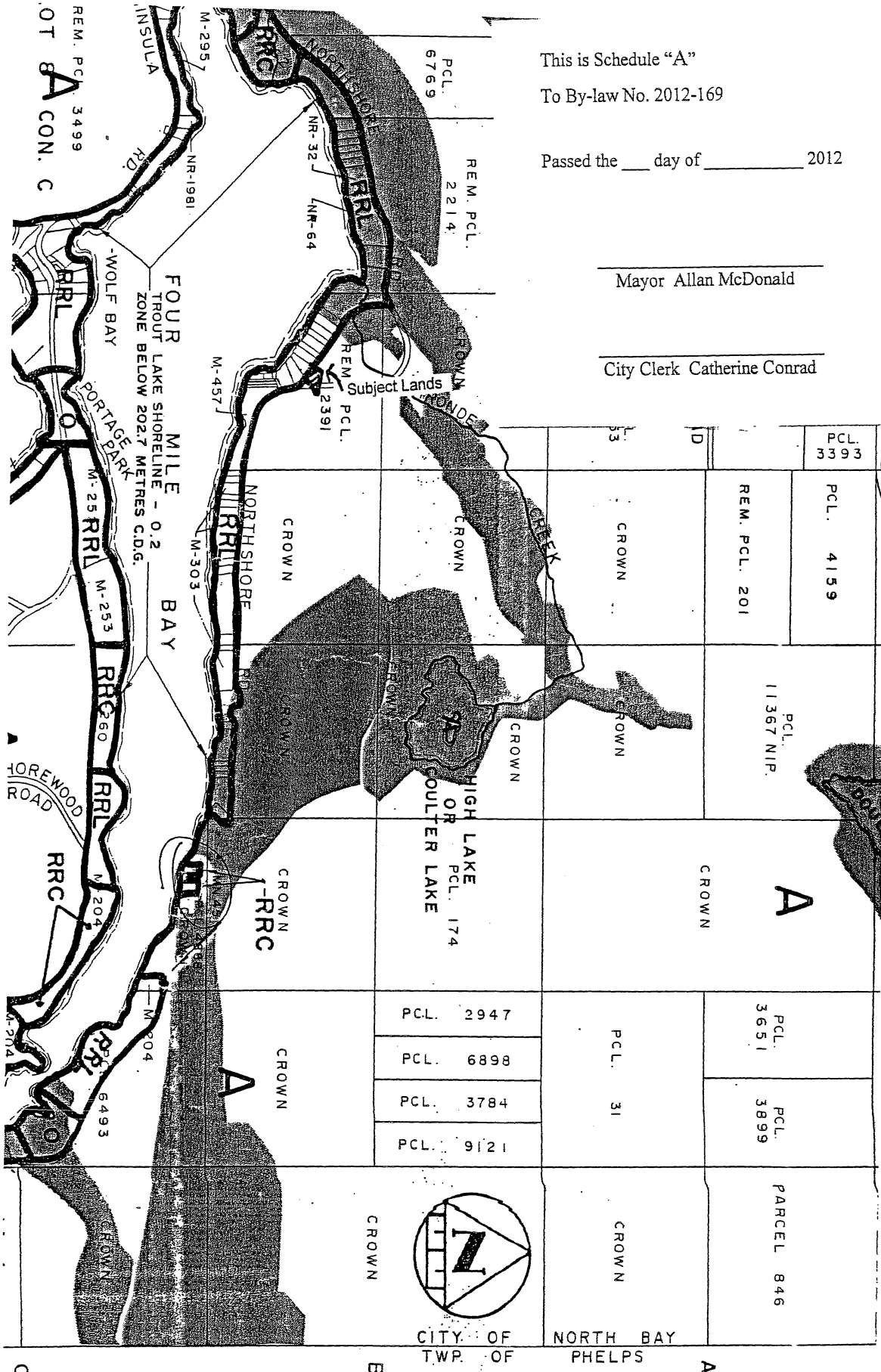
This is Schedule "A"


To By-law No. 2012-169

Passed the ___ day of _____ 2012

Mayor Allan McDonald

City Clerk Catherine Conrad




 Proposed Zoning By-law Amendment
 From: "Rural Residential Lakefront (RRL)"
 To: "Rural (A)"



Proposed Zoning By-law Amendment
From: "Rural Residential Lakefront (RRL)"
To: "Rural (A)"

This is Schedule "B"
To By-law No. 2012-169

Passed the ___ day of _____ 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



Subject Lands

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-168

A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA ON CERTAIN LANDS ON DREE STREET

(GAP CONSTRUCTION CO. LTD. – 387 DREE STREET)

WHEREAS the Council of The Corporation of the City of North Bay, hereinafter referred to as the "City", deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended;

AND WHEREAS the Council deems it desirable to delegate to the Chief Administrative Officer the authority to enter into an agreement respecting the matters referred to herein;

AND WHEREAS Council intends to pass By-law No. 2012-167 to rezone the subject lands from an "Industrial Holding (MH)" zone to an "Industrial Special Zone No. 3 (M Sp.3)" in order to permit the expansion of an existing business at 387 Dree Street;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) That certain parcel of land composed of Concession 14, Part of Lot 34, Parcels 5464 & 6761 in the former Township of West Ferris, known locally as a specific parcel of vacant land behind 379, 383 & 387 Dree Street in the City of North Bay, which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) As a condition of approval, all buildings or structures and parking facilities shall be provided and maintained in a location that is satisfactory to the City of North Bay.
- 3) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an agreement with The Corporation of the City of North Bay respecting the provisions, to the satisfaction of and at no expense to the City of the following matters:
 - a) parking facilities and access driveways and the surfacing of such areas;
 - b) walkways and the surfacing thereof;
 - c) facilities for lighting, including floodlighting;
 - d) walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
 - e) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
 - f) adequate water supply for fire fighting purposes.

- 4) a) The Chief Administrative Officer is hereby authorized to enter into, under Corporate Seal, one or more agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee upon the owner for preparation.
- b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act or any successor legislation thereto and The Land Titles Act or any successor legislation thereto against any and all subsequent owners of the land.
- 5) a) The said Agreement shall be binding on the owner, its successors, assigns and heirs.
- b) The owner shall authorize the City to exercise the provisions of Section 427 of The Municipal Act, 2001 (S.O. 2001, c.25), as amended or any successor legislation thereto in the event of a breach by the owner of a condition of this agreement.
- 6) This By-law comes into force and effect upon being finally passed.

READ A FIRST TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST 2012.

READ A SECOND TIME IN OPEN COUNCIL THE 13TH DAY OF AUGUST 2012.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 13TH DAY OF AUGUST 2012.

MAYOR ALLAN MCDONALD

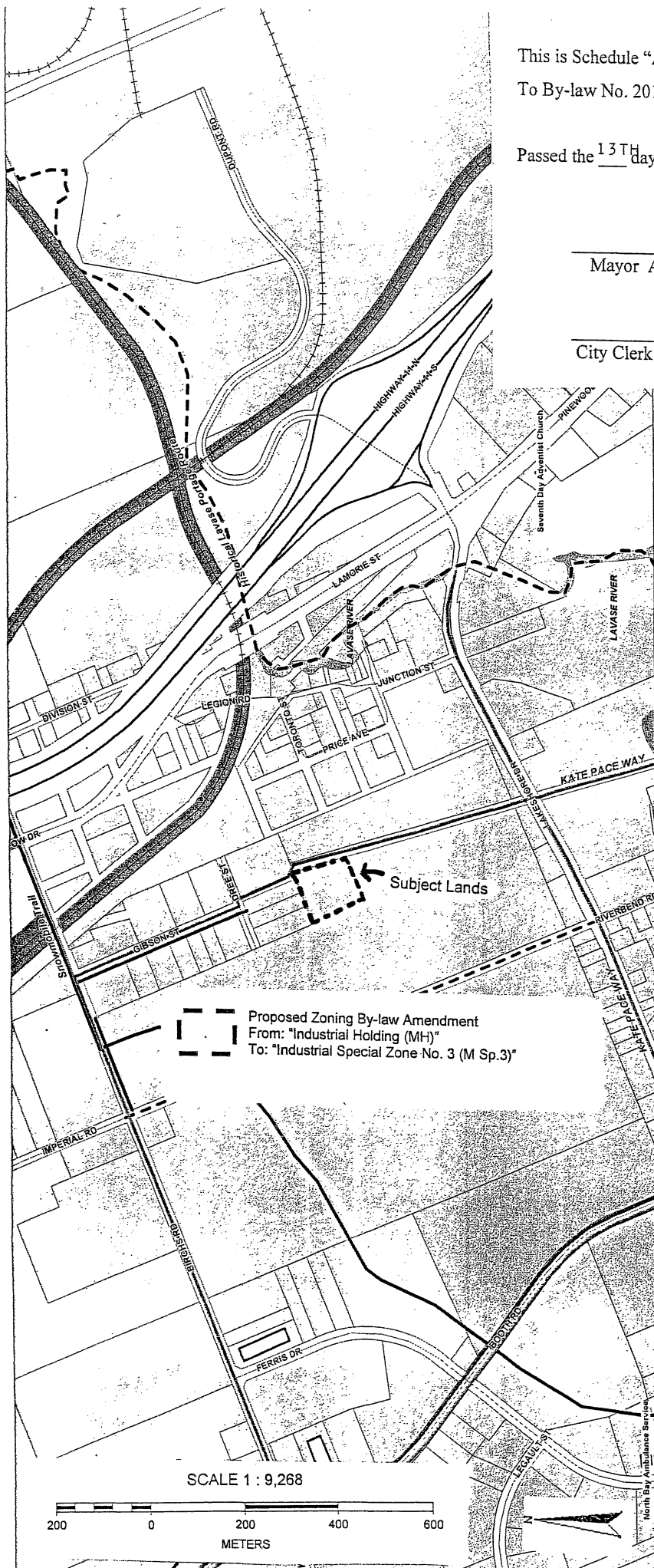
CITY CLERK CATHERINE CONRAD

This is Schedule "A"
To By-law No. 2012-168

Passed the 13TH day of AUGUST 2012

Mayor Allan McDonald

City Clerk Catherine Conrad



Passed the 13TH day of AUGUST 2012

SKETCH FOR CONSENT REZONING APPLICATION
 PART OF LOT 34
 CONCESSION 14
 TOWNSHIP OF WEST FERRIS

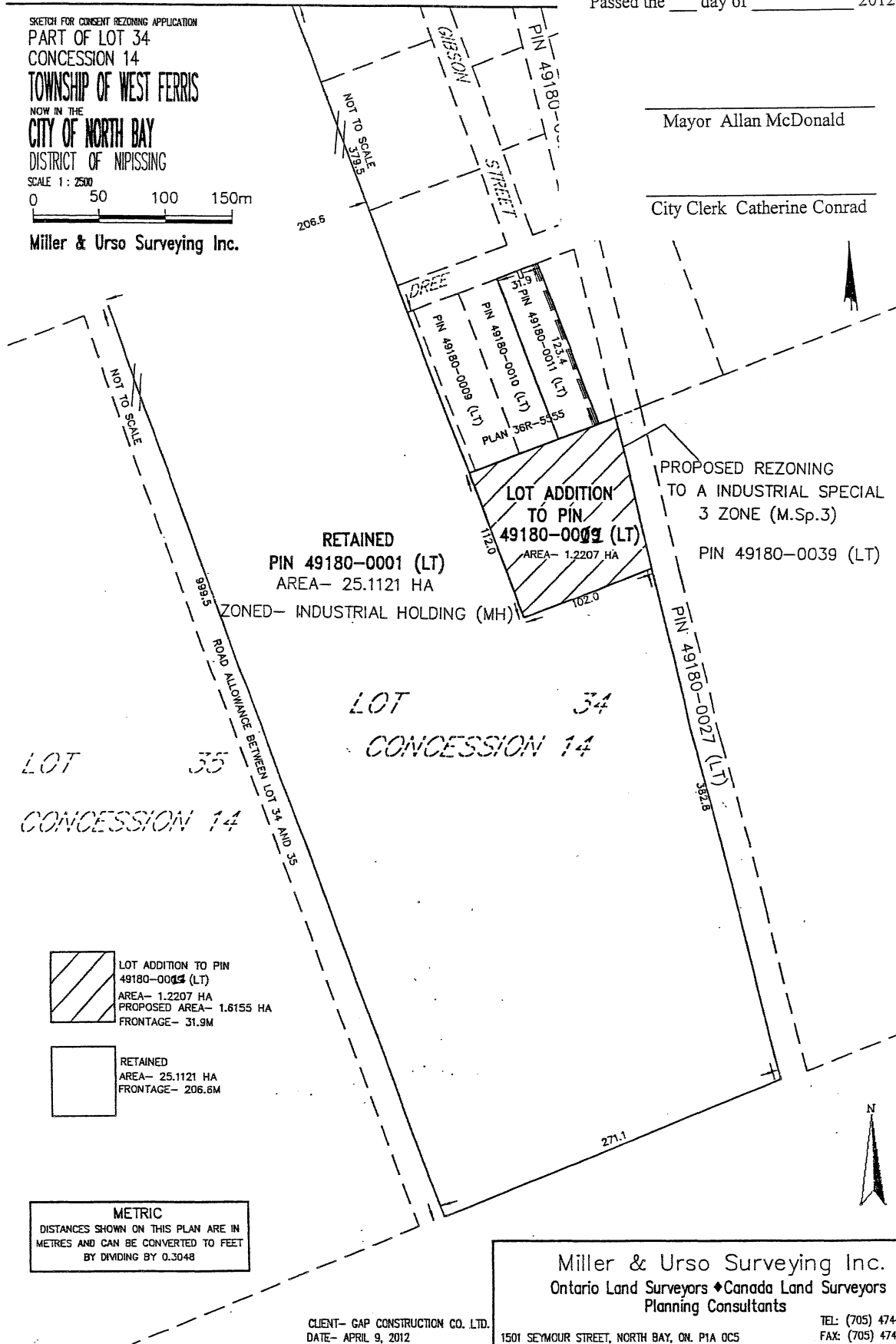
NOW IN THE
 CITY OF NORTH BAY
 DISTRICT OF NIPISSING


SCALE 1: 2500
 0 50 100 150m


Miller & Urso Surveying Inc.

Mayor Allan McDonald

City Clerk Catherine Conrad



 LOT ADDITION TO PIN 49180-0009 (LT)
 AREA- 1.2207 HA
 PROPOSED AREA- 1.6155 HA
 FRONTAGE- 31.9M

 RETAINED
 AREA- 25.1121 HA
 FRONTAGE- 206.6M

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Miller & Urso Surveying Inc.
 Ontario Land Surveyors ♦ Canada Land Surveyors
 Planning Consultants
 1501 SEYMOUR STREET, NORTH BAY, ON. P1A 0C5
 TEL: (705) 474-
 FAX: (705) 474-

CLIENT- GAP CONSTRUCTION CO. LTD.
 DATE- APRIL 9, 2012

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-183

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN MILLER PAVING NORTH BAY, A DIVISION OF MILLER PAVING LIMITED AND THE CORPORATION OF THE CITY OF NORTH BAY RELATING TO PAVING THE STEVE OMISCHL SPORTS FIELD COMPLEX SOUTH PARKING LOT.

WHEREAS the agreement with Miller Paving North Bay, a division of Miller Paving Limited for the Steve Omischl Sports Field Complex South Parking Lot was approved by Resolution No. 2012-466 passed on the 30th day of July, 2012;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay enter into an Agreement dated the 1st day of August, 2012 with Miller Paving North Bay, a division of Miller Paving Limited relating to paving the Steve Omischl Sports Field Complex South Parking Lot.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute that certain Agreement between The Corporation of the City of North Bay and Miller Paving North Bay, a division of Miller Paving Limited and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST 2012.

cc. READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 13TH DAY OF AUGUST 2012.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-184

**BEING A BY-LAW TO AUTHORIZE THE
EXECUTION OF AN AGREEMENT BETWEEN
MONTEITH BROWN PLANNING
CONSULTANTS LTD. AND THE
CORPORATION OF THE CITY OF NORTH
BAY RELATING TO THE MULTI-USE
RECREATIONAL FACILITY FEASIBILITY
STUDY.**

WHEREAS the agreement with Monteith Brown Planning Consultants Ltd. for the Multi-Use Recreational Facility Feasibility Study was approved by Resolution No. 2012-52 passed on the 23RD day of January, 2012;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That The Corporation of the City of North Bay enter into an Agreement dated the 13TH day of August, 2012 with Monteith Brown Planning Consultants Ltd. relating to the Multi-Use Recreational Facility Feasibility Study.
2. That the Mayor and Clerk of The Corporation of the City of North Bay are hereby authorized to execute that certain Agreement between The Corporation of the City of North Bay and Monteith Brown Planning Consultants Ltd. and to affix thereto the Corporate seal.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST 2012.

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST 2012.

cc
READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 13TH DAY OF AUGUST 2012.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-181

**A BY-LAW TO AMEND TRAFFIC & PARKING BY-LAW NO. 2002-001
(SCHEDULE 18 – NO PARKING AREAS AT ANY TIME)**

WHEREAS the *Municipal Act, 2001*, (S.O. 2001, c.25) authorizes the Council to pass By-Laws regulating or prohibiting certain traffic on highways and regulating or prohibiting parking on highways;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H-8, as amended, authorizes the Council to pass By-laws regulating traffic on highways;

AND WHEREAS the Council passed Resolution No. 2012-468 at its meeting held Monday, July 30, 2012, authorizing that the Traffic & Parking By-law No. 2002-001 be amended with respect to no parking areas.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That Schedule 18 (No Parking Areas at Any Time) to Traffic & Parking By-Law No. 2002-001 is hereby amended to add the following:

<u>"Road</u>	<u>Side</u>	<u>From</u>	<u>To</u>
<u>SECTION P</u>			
Pearce Street	both	Airport Road	Francis Street"

2. That this by-law comes into effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST, 2012.

cc
READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF AUGUST, 2012.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 13TH DAY OF AUGUST, 2012.

MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

CITY OF NORTH BAY

REPORT TO COUNCIL

Report No: CORP 2012-102

August 8, 2012

Originator: Paul Valenti

Subject: Tender No. 2012-67 McIntyre St. Parking Garage Rehabilitation

RECOMMENDATION:

That North Bay City Council approves the award of a contract to Horseshoe Hill Construction Inc. in the amount of \$993,150.00 (plus HST) for rehabilitation work related to the McIntyre St. Parking Garage.

BACKGROUND:

In 2010, the City of North Bay hired the firm of Read Jones Christoffersen to complete a condition assessment to the McIntyre Street Parking Garage. The report indicated the need for repair and replacement of areas of structural pre-cast elements, slab waterproofing, anchoring systems, and drainage. The City completed minor, immediate repairs in 2011 that would allow the parking garage to remain operational until all necessary repairs are completed in 2012. These repairs are deemed necessary for the continued safe use of the parking garage.

A tender was publicly advertised in accordance with the City Purchasing Policy. Fourteen (14) tender packages were distributed. The tender closed August 7, 2012. Two (2) tenders were received and evaluated by Read Jones Christoffersen Consulting Engineers, the Facilities and Parking Supervisor, and the Manager of Purchasing. The results are as follows:

Firm	Tender Price (plus HST)
Horseshoe Hill Construction Inc.	\$993,150.00
Complete Concrete Restoration Ltd.	\$1,049,750.00

The tender provided by Horseshoe Hill Construction in the amount \$993,150.00 (plus HST) is considered fair and reasonable.

ANALYSIS / OPTIONS:

1. That North Bay City Council approves the award of a contract to Horseshoe Hill Construction Inc. in the amount of \$993,150.00 (plus HST) for rehabilitation work related to the McIntyre St. Parking Garage.

-
2. Do not award a contract. This option is not recommended. The City may have to consider closing the facility until such repairs are completed. This would have a negative impact on downtown businesses and increase demands on neighbouring parking lots.
-

RECOMMENDED OPTION / FINANCIAL IMPACTS:

Option 1 is recommended as follows:

That North Bay City Council approves the award of a contract to Horseshoe Hill Construction Inc. in the amount of \$993,150.00 (plus HST) for rehabilitation work related to the McIntyre St. Parking Garage.

The net cost to the City, based on the applicable 100% HST rebate, is \$993,150.00.

Sufficient funding for the project is available and will be allocated as follows:

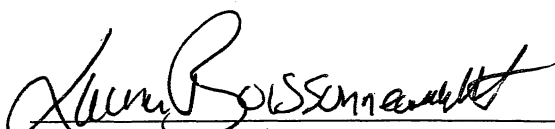
- \$666,150.00 from the 2012 Community Services Capital Budget, Project 6079PK; authorized by By-Law No. 2012-24, dated February 6, 2012.
 - \$110,000.00 from the 2011 Community Services Capital Budget, Project 6030PK; authorized by By-Law No. 2011-32, dated March 7, 2011.
 - \$217,000.00 from the 2009 Community Services Capital Budget, Project 2961PK; authorized by By-Law No. 2009-195, dated October 5, 2009.
-

Respectfully submitted,

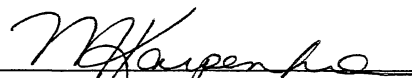


Paul Valenti,
Manager of Purchasing

We concur in this report and recommendation.



Laura Boissonneault, CGA
Supervisor of Budgets & Financial
Reporting



Margaret Karpenko, CMA
Chief Financial Officer/Treasurer



Peter Chirico
Managing Director, Community Services



Jerry Knox
Chief Administrative Officer

Personnel designated for continuance: Supervisor, Facilities and Parking

Attachments: Tenders

**CITY OF NORTH BAY
REPORT TO COUNCIL**

Report No: CORP 2012-92

Date: July 30, 2012

Originator: KAREN McISAAC

Subject: BUSINESS LICENCING BY-LAW

RECOMMENDATION

That Report to Council CORP 2012-92, dated July 30, 2012, regarding proposed updates to the Business Licencing By-Law be received and referred to the General Government Committee.

BACKGROUND

The City's current Licencing By-Law No. 2004-191 has not been reviewed in its entirety since its passing in 2004. We have received requests from the Chamber of Commerce, Northgate Shopping Centre and citizens to review the current by-law to amend and clarify certain provisions in the current By-Law. For the most part the changes to the By-Law are administrative or housekeeping. However, there are a number of proposed changes, being recommended, as follows:

1. Hawkers and Peddlers:

The definition of a hawker and peddler is "any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, ware or merchandise for which orders are taken and that are to be delivered in the City of North Bay afterwards." An example of a hawker and peddler would be someone who sells items (i.e. flags) from a roadside location or within a privately owned location.

The main challenge we have is with out-of-town hawkers and peddlers who do not obtain the required business licence. In order to try to rectify this we are proposing to include the following section in the general provisions of the By-Law:

"The Owner of a premise shall not permit a person to conduct Business on the premises without a Licence, where such Licence is required by this By-Law."

This clause will help to ensure that the owners of the premises will advise any person using the premises as a hawker and peddler the requirement of a licence. If the individual using the premises does not obtain the required licence the onus is then placed on the owner.

We would also recommend a new class for hawker and peddlers licences. This class will give the opportunity to any owner of a premise to obtain an all-inclusive annual hawker and peddler licence for their premises. The annual cost of the licence will be \$3,000.00 and would be in effect from July 1st to June 30th of the next

4. Precious Metal Purchasers:

Currently Precious Metal Purchasers are not licensed. We are also recommending that Precious Metal Purchasers be licensed. There has been an increased presence of precious metal purchasers within the City. We currently have no way of tracking what precious metal purchasers are in the City and where they are located. By including precious metal purchasers as part of the licensing process the City will have the ability to provide individuals with assistance who feel they have not been treated fairly by the purchaser. This will enable the Municipality to provide any information that we have on file to help in any police investigation for fraudulent activities. The associated fee with this licence will be \$150.00 per event for a non-resident and \$300.00 per year for a resident.

5. Seasonal Restaurants:

The City currently requires licences for restaurants and for refreshment vehicles. We also have restaurants that are open for a specific period of time during the year. We are recommending a new classification of licences for "Seasonal Restaurants". These premises are permanent structures that are not open for more than eight months in any calendar year. The reason for creating this class is to ensure that the necessary inspections are completed by the Health Unit, Fire Department and gas fitters due to the closure of the premises. We would recommend that the annual fee be \$100.00 which is in line with the fees charged by other municipalities.

6. Door to Door Sales/Service Person:

Due to the increase in fraudulent door to door sales/service people we have been asked by the North Bay Police Service to recommend a licensing process for these individuals. We would propose that any door to door sales/service person provide photo identification with their current residential address, together with a letter from the company that they are representing. This will enable the Municipality to provide any information that we have on file to help in any police investigation for fraudulent activities. We would recommend an annual fee of \$100.00.

OPTIONS ANALYSIS

Option # 1: To update the Business Licencing By-Law, as proposed.

This is the recommended option.


Option # 2: Not to update the Business Licencing By-Law.

This is not the recommended option.

RECOMMENDED OPTION


That Report to Council CORP 2012-92, dated July 30, 2012, regarding proposed updates to the Business Licencing By-Law be received and referred to the General Government Committee.

Respectfully submitted,



Karen Mclsaac
Deputy City Clerk

/km
W:\CLERK\RM\SC00\2012\BYLAW\BUSLICEN\0002.doc
We concur in this report and recommendation.



Catherine Conrad
City Clerk



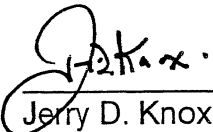
Christina A. (Tina) Murphy
Assistant City Solicitor



Ron Melnyk
By-Law Enforcement Officer



Lea Janisse
Managing Director Corporate Services



Jerry D. Knox
Chief Administrative Officer

Personnel designated for continuance: Karen Mclsaac, Deputy City Clerk
Attachments: Draft Business Licencing By-Law (Amendments/Additions in Red)
Copy for: Catherine Conrad
Peter Leckie
Ron Melnyk

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2012-<>

**BY-LAW FOR LICENSING, REGULATING AND GOVERNING BUSINESS
IN THE CITY OF NORTH BAY**

DRAFT

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THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW 2012-<>

**BEING A BY-LAW FOR LICENSING, REGULATING
AND GOVERNING BUSINESS IN THE CITY OF NORTH BAY**

WHEREAS the *Municipal Act* R.S.O. 2001, Section 10 (2) authorizes a single tier municipality to pass by-laws respecting business licensing;

AND WHEREAS it is considered desirable to license, regulate and govern certain business in the City of North Bay so as to ensure the health and safety of the public;

AND WHEREAS it is considered desirable to license, regulate and govern certain business in the City of North Bay so as to mitigate any nuisance caused by the operation of any such business;

AND WHEREAS General Government Committee Report 2012-<>

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE
CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

For the purpose of this by-law:

- 1.1 **"Act"** refers to the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, except where specific reference is made to another Act of the Legislature of the Province of Ontario or the Parliament of Canada.
- 1.2 **"Antique"** shall mean any good, object, material, merchandise or item of any kind which is of a higher value because of its age.
- 1.3 **"Antique/Collectible Show"** shall mean the offering for sale, on a temporary basis at one location, goods, wares or merchandise that have not been recently produced or manufactured.
- 1.4 **"Applicant"** shall mean a Person who is required to be licensed pursuant to this By-Law or who has made application for a licence to the Issuer of Licences and shall include a Licensee.
- 1.5 **"Appropriate person Authority having jurisdiction"** shall mean:
 - (i) with regard to health matters, the Medical Officer of Health, or his or her designate for the North Bay Parry Sound District Health Unit,
 - (ii) with regard to building matters, the Chief Building Official for the City, or his or her designate,
 - (iii) with regard to fire safety matters, the Chief Fire Official for the City, or his or designate,
 - (iv) with regard to police matters, the Chief of Police for the City or his or her designate.
- 1.6 **"Arts"** shall mean those kinds of articles which are the creation of the Applicant from raw materials such as oil paintings, water-colour paintings, wood and other sculptures.

1.7 **"Auction"** shall mean a public sale to Persons in which bids on goods, articles, merchandise, effects, etc., are received by an Auctioneer and where each bid offers more than the last previous bid, the article being put up for Auction sold to the highest bidder. This shall not include a Silent auction or Chance Auction, as defined as follows:

(i) **"Silent Auction"** shall mean an Auction conducted by means of written bids given on displayed goods, wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item; and

(iii) **"Chance Auction"** (also known as a "Chinese Auction") shall mean an Auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid.

1.8 **"Auctioneer"** shall mean a Person who conducts a sale by Auction.

1.9 **"Business"** shall mean any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes:

- (i) exhibitions, festivals and other organized public amusements held for profit or otherwise;
- (ii) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a hawker or peddler, and
- (iii) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

~~shall mean a trade, business or occupation and includes the sale of, hire of goods or services on an intermittent or one-time basis, the showing for the purpose of sale or hire of samples, patterns or specimens of any goods and any activity or thing a local municipality may license by authority of the *Municipal Act*, R.S.O. 2001 Section 150 (1) but does not include,~~

~~but shall not include:~~

- ~~(i) a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail,~~
- ~~(ii) the selling of goods by wholesale,~~
- ~~(iii) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.~~

1.10 **"Business Day"** shall mean a day other than a Saturday or Sunday and any Statutory Holidays on which City Hall is closed for business.

1.11 **"Business Licence Fee"** shall mean a non-refundable monetary charge imposed by the City to issue a licence as set out in Schedule "A" hereto.

1.12 **"By-Law"** shall mean this By-Law and any amendments thereto passed by Council.

1.13 **"Cash security deposit"** shall mean cash or certified cheque.

1.14 **"Chief Building Official"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the *Ontario Building Code Act*, R.S.O. 1992, c. 23, and amendments thereto.

- 1.15 **"Chief of Police"** shall mean the person or his or her designate who may, from time to time, be appointed as Police Chief by North Bay Police Services Board.
- 1.16 **"Circus/Midway"** shall mean:
- (i) a Business operating amusement ride(s) or other device(s);
 - (ii) a Business operating authorized games of chance, or
 - (iii) a performance exhibiting equestrian, animal, and acrobatic acts and their equipage intended to entertain or amuse or provide entertainment to the public.
- 1.17 **"City"** shall mean The Corporation of the City of North Bay.
- 1.18 **"City Clerk"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the City Clerk.
- 1.19 **"City Engineer"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the City Engineer.
- 1.20 **"Corporation"** shall mean The Corporation of the City of North Bay.
- 1.21 **"Council"** shall mean the Council of The Corporation of the City of North Bay.
- 1.22 **"Craft"** shall mean those kinds of articles which are the creation of the Applicant from raw materials wherein a limited amount of equipment is used and the article is utilitarian in nature such as woven material and carved objects.
- 1.23 **"Craft Show"** shall mean the temporary exhibition and offering for sale of Arts and Crafts.
- 1.24 **"Door to Door Sales/Service Person"** shall mean a person who goes from place to place selling or offering for sale a service of any kind.
- 1.25 **"Fire Chief"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as Fire Chief for the City and is ultimately responsible to Council as defined in the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.*
- 1.26 **"Fire Prevention Officer"** shall mean the person or his or her designate who is appointed as a Fire Prevention Officer under the provisions of the *Fire Protection and Prevention Act., 1997, S.O. 1997 c. 4.*
- 1.27 **"Food"** shall mean food or drink for human consumption and includes refreshments and confections, but excludes liquor.
- 1.28 **"Hawker and Peddler"** shall mean any Person:
- (i) who goes from door to door with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow;
 - (ii) who sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow; or

- (iii) that is engaged in retail sales but does not have a commercial store front and includes their employees but does not include:
 - (a) Service Clubs,
 - (b) Not for Profit Clubs,
 - (c) Charitable Organizations or
 - (d) Such other institutions, organizations or clubs as the Council by Resolution may approve.

- 1.29 **"Issuer of Licences"** shall mean ~~a person appointed by the Council to issue the licences as set out in this By-Law~~ the City Clerk or his or her designate.
- 1.30 **"Letter of Credit"** shall mean an irrevocable letter of credit that shall be drawn on a chartered Canadian Bank and deemed to be automatically extended without amendment for one (1) year from the present or any future expiration date thereof, unless thirty (30) days prior to any such date the bank shall notify the City in writing by registered mail that the bank elects not to consider this letter of credit renewed for any such additional period.
- 1.31 **"Licence"** shall mean a City of North Bay Business Licence issued pursuant to this By-Law.
- 1.32 **"Licensee"** shall mean a Person who has been issued a Licence pursuant to this By-Law either in the current calendar year or in a previous calendar year and shall include an Applicant.
- 1.33 **"Manager of Purchasing"** shall mean the person or his or her designate who may, from time to time, be appointed by Council to act as the Manager of Purchasing.
- 1.34 **"Masculine"** shall include the feminine gender and the neuter.
- 1.35 **"Medical Officer of Health"** shall mean the Medical Officer of Health, or his or her designate, for the North Bay Parry Sound District Health Unit
- 1.36 **"Month"** shall mean a calendar month.
- 1.37 **"Municipal Enforcement Officer"** shall mean a person or his or her designate who may, from time to time be appointed by the Council whose duties include the enforcement of this By-Law.
- 1.38 **"Non-Profit Charitable Organization"** shall mean an organization, whether incorporated or not, which:
 - (i) has objects and purposes that are exclusively or wholly charitable;
 - (ii) is recognized by Revenue Canada as being "charitable"; and
 - (iii) is in compliance with the reporting requirements under the *Charities Accounting Act* or is completing a Public Information Return under the *Income Tax Act*.
- 1.39 **"Non-Profit Non-Charitable Organization"** shall mean an organization whether incorporated or not, which has objects and purposes that are both charitable and non-charitable and that raises money for the relief of poverty, the advancement of education, the advancement of religion, culture and the arts, health and welfare or for athletic clubs and associations.
- 1.40 **"Non-Resident"** shall mean a person who has not resided continuously in the City for at least three (3) months immediately preceding the time of commencing a business in the City.

- 1.41 **"Operate"** shall mean to directly or indirectly manage, work, control, maintain, put or keep in a functional state any Business.
- 1.42 **"Outdoor Patio"** shall mean an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters.
- 1.43 **"Owner"** shall mean the registered owner, tenant, beneficial owner, lessee or occupant of the lands and premises or the Person or his authorized agent in lawful control of the real property, premises, or building within the geographical boundaries of the City and who permits the operation or maintenance of any business.
- 1.44 **"Pawnbroker"** shall mean a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon, as defined in the *Pawnbrokers Act*, R.S.O. 1990, c. P.6, as amended.
- 1.45 **"Pawnbrokers Act"** shall mean the *Pawnbrokers Act*, R.S.O. 1990, c. P.6 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor.
- 1.46 **"Pawn Shop"** shall mean a business or premise where the business of a Pawnbroker is carried out.
- 1.47 **"Person"** shall include ~~any association, company, partnership, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.~~ shall include any individual, corporation, partnership, company, association, agent or trustee or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law and shall include any group of persons comprising a society or other organization.
- 1.48 **"Pet Shop"** shall mean every shop, place, business or premise in which dogs, cats, fish, reptiles, birds or any other pet that is generally understood to be domesticated is sold or kept for sale.
- 1.49 **"Place of Amusement"** shall mean a building, premises, room or area which contains facilities, equipment or machines for the playing of:
- (i) three or more games of chance, or
 - (ii) three or more games of mixed chance and skill, or
 - (iii) a combination of three or more games of chance and games of mixed chance and skill.
- Games shall include, but shall not be limited to, video games, pinball games, table top hockey games, table top soccer games, electronic games, and billiard tables, pool tables or bagatelle tables or bowling alleys and any other games that are not contrary to the Criminal Code of Canada R.S.C., 1985, c. C-46.
- 1.50 **"Place of Business"** shall mean any place, Premises or Location, or part thereof, in or from which a Business is carried on, and includes a shop, office or a vehicle for the purpose of carrying on the Business.
- 1.51 **"Premises"** shall mean land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of a Business.

- 1.52 **"Precious Metals"** shall mean a valuable metal, which includes but is not limited to gold, silver and platinum.
- 1.53 **"Property Taxes"** shall mean the amount of taxes levied on real property under the *Ontario Municipal Act*, 2001 S.O. 2001, c.25, and the *Education Act* and any amounts owed under the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to real property and includes any amounts deemed to be taxes by or under any other Act and any amounts given priority lien status by or under any Act.
- 1.54 **"Provincial Offences Act"** shall mean the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and the Regulations enacted thereunder as amended from time to time or any Act and Regulation enacted in substitution therefor.
- 1.55 **"Purchase"** shall mean to obtain Precious Metals by paying money or its equivalent and shall include the terms purchase, exchange and acquire by any means and "purchasing" and "purchased" has a like meaning.
- 1.56 **"Purchase Event"** shall mean an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event.
- 1.57 **"Refreshment Vehicle"** shall mean any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks.
- 1.58 **"Resident"** shall mean a Person who has resided continuously in the City for a period of three (3) or more months immediately preceding the time of commencing a Business in the City.
- 1.59 **"Restaurant"** shall mean any Premises in which Food is prepared and provided for sale for immediate consumption within the building or premises and includes but is not limited to, an accessory take-out service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter and fish and chip shop but does not include any class of refreshment vehicle.
- 1.60 **"Seasonal Restaurant"** shall mean:
- (i) a building, structure or part thereof where Food is prepared on or off the premises and is offered for sale to the public; and
 - (ii) that is not operated for more than eight (8) months in any calendar year.
- 1.61 **"Sidewalk"** shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- 1.62 **"Sign"** shall mean any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags and painting of exterior building walls. For the purpose of removal of signs, this definition may also include all sign structures as well as any inflatable advertising devices.
- 1.63 **"Singular"** includes the plural and the plural includes the singular.

- 1.64 **"Special Event Organizer"** shall mean the Person who organizes any type of Craft Show, Trade Show or Antique/Collectible Show (collectively referred to as the "Show"), whether for profit or not.
- 1.65 **"Tattoo and/or Body Piercing Parlour"** shall mean a Business or Premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks or designs and/or where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body but shall not include a Premises which is operated solely for the purpose of piercing earlobes.
- 1.66 **"Tobacco"** shall mean a product composed in whole or in part of tobacco, including tobacco leaves, and any extract of tobacco leaves. It includes cigarette papers, tubes, filters and snuff but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act*, R.S.C., 1985, c. F-27 applies.
- 1.67 **"Trade Show"** shall mean a Business or a Person which coordinates a show or similar exhibition of three (3) or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items, or services of a similar nature and where the vendors or Businesses will be organized at a specific location for a period not to exceed fourteen (14) consecutive days.
- 1.68 **"Vehicle"** shall include an automobile, motorcycle, motor vehicle, trailer, mobile home, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power and shall include a motorized snow vehicle or all terrain vehicle.
- 1.69 **"Zoning Administrator"** shall mean a person who may be appointed from time to time by Council to the position of Zoning Administrator for the City.

2. GENERAL PROVISIONS - BUSINESS LICENSING

- 2.1 Every Person carrying on, conducting, operating, maintaining, keeping or engaging in any Business specifically identified in Schedule "A" hereto shall be required to obtain a City of North Bay Business Licence to do so from the Issuer of Licences.
- 2.2 The Owner of a premise shall not permit a person to operate a Business on the premises without a Licence, where such Licence is required by this By-Law.
- 2.3 For the purposes of this By-Law a Business shall not include:
- 2.3.1 a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail,
 - 2.3.2 the selling of goods by wholesale, or
 - 2.3.3 the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.
- ~~2.2 Notwithstanding the provisions of section 2.1, no City of North Bay Business Licence shall be required by a business where the operation of such business is to deliver products within the City of North Bay and the location of operation of the business is outside the corporate limits of the City of North Bay.~~

3. APPLICATION FOR NEW LICENCE

3.1 Every Person required to obtain a Licence pursuant to this By-Law:

3.1.1 shall apply in writing on the appropriate application form as provided by the Issuer of Licences;

3.1.2 shall deposit, at the time of application, with the Issuer of Licences, all required non-refundable Business Licence Fees as set out in Schedule "A" to this By-Law for each Business category; and

3.1.3 provide any required approvals, inspections or documentation required by the provisions of this By-Law or as deemed necessary by the Issuer of Licences.

3.2 The Applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out on the application form and as deemed necessary by the Issuer of Licences.

3.3 The Issuer of Licences shall not issue a Licence until:

3.3.1 all required approvals and inspections as required by the application have been obtained by the Applicant,

3.3.2 Business Licence Fees have been paid in full,

3.3.3 all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence,

3.3.4 ~~any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this By-Law have been paid in full, and any outstanding fines imposed under the Provincial Offences Act for the contravention of a provision of any City of North Bay By-Law arising out of the operation of a Business, whether such fines are owed by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-Law, and~~

3.3.5 all of the required documentation has been provided to the Issuer of Licences.

3.4 There shall be a separate Licence for each of the premises to be used by the Applicant.

3.5 There shall be a separate application for each category of Business operated and Licence to be issued.

3.6 The Applicant shall comply with all requirements as set out in this By-Law as well as all applicable Federal, Provincial, Municipal Statutes, Regulations, By-Laws and Codes and any other provisions that may govern the Business, Place or Premises used in the carrying on of the Business and/or the Persons carrying on the Business or engaged in it and to which the application pertains.

3.7 The Issuer of Licences, upon receipt of the application for a Licence may make, cause to be made, or request, any additional documents, investigations, approvals or inspections to be made in respect of such application for a Licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense.

3.8 Upon receipt of a completed application, together with all required documentation for a Licence and the appropriate Business Licence

Fees have been paid, the Issuer of Licences may prior to the issuance of any such Licence:

3.8.1 make any inquiries to any municipal official or employee, who has carried out inspections relative to the business under application,

3.8.2 receive reports from such municipal officials and employees as may be deemed necessary, and

3.8.3 inquire into all relevant matters in order to ascertain if the Applicant is entitled to a Licence under the provisions of this By-Law.

3.9 Upon being satisfied that the Applicant is entitled to obtain a Licence under the provisions of this By-Law, the Issuer of Licences shall prepare and issue a Licence to the Applicant.

4. APPLICATION FOR RENEWAL LICENCE

4.1 Every Person required to renew a Licence previously granted under this By-Law, shall submit to the Issuer of Licences, an application form for renewal of the Licence as provided by the Issuer of Licences.

4.2 Every Applicant shall ensure that the information on the application is up to date and report any changes of circumstances to the Issuer of Licences.

4.3 Where there has been a change of circumstance the Issuer of Licences shall not issue a Licence until:

4.3.1 all required approvals and inspections have been obtained by the Applicant,

4.3.2 the required documentation has been provided,

4.3.3 all Business Licence Fees have been paid in full,

4.3.4 all Property Taxes are paid to the satisfaction of the City when required as a condition of obtaining a licence, and

4.3.5 any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law have been paid in full; any outstanding fines imposed under the *Provincial Offences Act* for the contravention of a provision of any City of North Bay By-Law arising out of the operation of a Business, whether such fines are owed by the Applicant personally or by any Business of which the Applicant is an Owner, as defined by this By-Law.

4.4 Where the Issuer of Licences receives an application for renewal of a Licence previously granted under this By-Law and the appropriate fees have been paid, he or she shall, prior to the issuance of any such Licence:

4.4.1 make inquiries into all relevant matters in order to ascertain if the Applicant is entitled to obtain a renewed Licence under the provisions of this By-Law,

4.4.2 inquire into any and all relevant changes in circumstances since the previous Licence was issued to the Applicant ,

4.4.3 make any inquiries to any municipal official or employee, who has carried out inspections or investigations relative to the Business under application, and

4.4.4 receive reports from such municipal officials and employees as may be deemed necessary.

4.5 When the Issuer of Licences is satisfied that the Applicant is entitled to obtain a Licence under the provisions of this By-Law, the Issuer of Licences shall prepare and issue a Licence to the said Applicant.

5. FORM OF LICENCE

5.1 Every Licence shall show therein:

5.1.1 the operating name of the Business or Person to whom the Licence is issued,

5.1.2 the operating address of the Premises or location for which the Licence is issued,

5.1.3 the category of Licence granted,

5.1.4 the date of issue of the licence,

5.1.5 the date of expiration of the licence, and

5.1.6 shall be signed by the Issuer of Licences.

~~5.2 A licences shall not be transferable.~~

6. ADMINISTRATION FEES

6.1 An administration fee of Twenty-Five Dollars (\$25.00) will apply to the following:

Duplicate Licence:

6.1.1. In the event that the Licence issued under this By-Law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of the administration fee, shall issue a duplicate of the original Licence, upon which shall be stamped or marked the word "DUPLICATE" or "COPY". The expiry date of the "Duplicate" or "Copy" shall be the same as the one being replaced.

Late Renewals:

6.1.2. In the event that a Licence is not renewed on or before the existing expiry date, notwithstanding any charge(s) that may be laid under this By-Law, the Applicant shall also be required to pay a \$25.00 Administration Fee in addition to the applicable Business Licence Fee.

7. CHANGE OF NAME

7.1 Where the ownership of a Business is not changed or affected but the operating name has changed, the Licensee shall immediately within thirty (30) Business Days of such change notify the Issuer of Licences and upon being satisfied that there has been no other change in the circumstances of the Licenced Business, the Issuer of Licences may issue a replacement of the original Licence. The Licensee shall return and surrender their Licence in order to affect such a change at no cost. The expiry date of the Licence shall be the same as the one being replaced.

8. CHANGE OF OWNERSHIP

- 8.1 Every Licensee shall, upon change of ownership of the Licenced Business return and surrender their current Licence to the Issuer of Licences. The new owner shall make application for a new Licence as set out in this By-Law.

9. CHANGE OF PREMISES

- 9.1 Where a currently Licenced Business changes Premises, such new Premises shall not be deemed to be Licenced. The ~~Applicant-owner~~ Licensee shall ~~immediately~~ notify the Issuer of Licences within seven (7) Business Days ~~make the Issuer of Licences aware of the change of~~ location and surrender to the Issuer of Licences the Licence issued with respect to their previous Premises. The Issuer of Licences shall upon payment of a fee in the amount of Twenty-Five Dollars (\$25.00) and being satisfied that the new location meets all the requirements as set out in this By-Law issue a replacement to the original Licence. The expiry date of the Licence shall be the same as the one being replaced.

10. LICENCE PERSONAL

- 10.1 No Person shall enjoy a vested or property right in any Licence or the continuance of any Licence or such a Licence and such rights shall remain the property of the City.
- 10.2 Licences are not transferable.

11. NUISANCE ABATEMENT

- 11.1 Every Person required to be Licensed under this By-Law, in addition to any other provisions or requirements expressed elsewhere in the By-Law, shall comply with the following requirements:
- 11.1.1 ~~at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle or premises for which the Licence is issued, Place of Business for which the Licence is issued including any Vehicle used for or by the Licensed Business,~~
- 11.1.2 shall not breach or violate or cause, suffer, or permit any breach or violation of any By-Law of the City or of any statute, Order-In-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the Business or Premises for, or in relation to which such Licence was issued,
- 11.1.3 shall not cause, suffer or commit any nuisance to arise in, on, or in connection with the ~~object, amusement,~~ Place of Business, Vehicle or Premises, for which the Licence was issued,
- 11.1.4 shall not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the ~~object, amusement,~~ Place of Business, Vehicle or Premises for which the Licence was issued, that is unnecessary, unreasonable or contrary to any municipal By-Law prohibiting the same, and if any such shouting, noise or other disturbance occurs, the Licensee shall immediately take steps to cause the same to be abated,
- 11.1.5 shall not cause, suffer, or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premises for which the Licence was issued, and

11.1.6 shall not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any Vehicle or Premises for which the Licence was issued.

11.2 Every Person who acquires a Licence that is issued under this By-Law is responsible for the due performance and observance of all the provisions of this By-Law by their employees, agents, invitees and all other persons in or upon the Premises that is Licensed under the provisions of this By-Law.

12. INSPECTION

12.1 A Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the Premises, facilities, equipment, Vehicles, and other property used or kept for hire in connection with the carrying on of a Business that is Licensed or that is required to be Licensed pursuant to this By-Law.

12.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual who is exercising a power or performing a duty under this By-Law, including carrying out an inspection.

12.3 The owner of a premises shall, upon request by a Municipal Enforcement Officer, Issuer of Licences, Police Officer or other duly appointed individual, provide forthwith information relating to any person conducting Business on the premises who is required to obtain a Licence pursuant to this By-Law, including the corporate name, business name, address, phone number, and dates of operation at that premises.

12.4 No person shall knowingly provide false information in any application under this By-Law or in any document, correspondence or other form of communication required to be furnished under this By-Law.

~~12.2 The Issuer of Licences may waive the requirement for any inspection, approval or documentation as may be required pursuant to this By-Law where such inspection, approval or documentation is not applicable to the carrying on of the Business that is licensed or an application for a Licence has been made under the authority of this By-Law.~~

13. POSTING OF LICENCE

13.1 Every Person licensed pursuant to this By-Law shall post in a prominent and conspicuous place the current Licence on the premises or that part thereof to which the Licence pertains. The owner Licensee shall ensure that the Licence is positioned in such location that it may be readily seen and read by persons entering the Premises.

13.2 Where a Licence is issued to a Person who goes from place to place or to a particular place with food, goods, wares, or merchandise for sale, the Licensee shall keep the Licence with them at all times while carrying out their Business and shall exhibit it to any Municipal Enforcement Officer, Issuer of Licences, ~~peace officer~~, Police Officer or other authority having jurisdiction ~~duly appointed person~~ who so requests.

14. REFUSAL TO GRANT A LICENCE

14.1 The Issuer of Licences may refuse to grant or issue a licence to any Applicant who:

14.1.1 has failed to comply with the requirements of this By-Law or other applicable By-Laws of the City of North Bay or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the Business or Premises, facilities, equipment, Vehicles or other property used or kept for hire in connection with the Licensed activity,

14.1.2 has any outstanding Property ~~realty~~-Taxes owing to the City, or

14.1.3 has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law.

14.2 The Issuer of Licences may also, at their discretion, refuse to grant or issue a Licence to any Applicant where the Issuer of Licences believes it is not in the public interest to do so.

15. SUSPENSION/REVOCATION

15.1 The Issuer of Licences may suspend or revoke a Licence issued to any Licensee who:

15.1.1 has failed to comply with the requirements of this By-Law or other applicable By-Laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency or Board of Commission thereof, in, upon or in connection with the applied for Licensed activity of the Business or Premise, facilities, equipment, Vehicles and other property used or kept for hire in connection with the Licensed activity,

15.1.2 has outstanding Property ~~realty~~ Taxes owing to the City, or

15.1.3 has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By-Law.

15.2 The Issuer of Licences may also suspend or revoke any Licence issued to any Applicant where the Issuer of Licences believes it is in the public interest to do so.

15.3 Any suspension of a Licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

15.4 No person shall operate any Business or Premise contrary to any Licence suspension or terms and conditions thereto or where such Licence has been revoked.

16. NOTICE AND APPEAL

16.1 Where the Issuer of Licences refuses to issue, suspends, or revokes a Licence the said Issuer of Licences shall notify the Applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said Licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality within fifteen (15) days of receiving the notice.

16.2 Where the Issuer of Licences refuses to grant a Licence, suspends or

~~revokes a Licence under this By Law the Applicant or Licensee may appeal this decision to the Council of the City by filing with the Clerk an appeal, in writing, of the said decision within fifteen (15) days of being notified in writing of the decision of the Issuer of Licences.~~

- 16.2 Upon receipt of an appeal from the Applicant, the Clerk and Council shall follow the procedure set out in this By-Law.
- 16.3 A Hearing Committee may hear any interested parties or afford them an opportunity to be heard on any matter where Council is required by law to hold a hearing in relation to any act, by-law or decision. ~~where such a hearing is required.~~
- 16.4 The Hearing Committee shall be comprised of the Mayor, the Chair and the Vice-Chair of the Standing Committee to which the matter relates, or their nominees from the Standing Committee. Any other Councillor may sit to hear the interested parties, but shall not be a Member of the Hearing Committee for the purpose of making a recommendation to the Council.
- 16.5 The Hearing Committee shall be bound by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. 22, as amended.
- 16.6 Except as otherwise herein provided this By-Law applies mutatis mutandis to the Hearing Committee.
- 16.7 Upon the conclusion of a hearing conducted by the Hearing Committee, the Hearing Committee shall, as soon as practicable, make a written report to Council summarizing the evidence and arguments presented by the parties, the findings of fact made by the Hearing Committee and the recommendations, if any, of the Hearing Committee with reasons therefor on the merits on the application in respect of which the hearing has been conducted.
- 16.8 After considering the report of the Hearing Committee, Council may thereupon in respect of such application, do any act, pass any by-law or make any decision that it might have done, passed or made, had it conducted the hearing itself.
- ~~16.3 Upon receipt of an appeal from the Applicant the Clerk and Council shall follow the procedure set out in this By Law.~~
- ~~16.4 The Council of the Corporation may, after the appropriate hearing is conducted, grant a Licence, refuse to grant a Licence, revoke a Licence or suspend a Licence and may make any suspension of Licence subject to such terms and conditions as Council may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the Applicant or Licensee.~~
- ~~16.5 Council, in considering whether or not to grant a Licence, refuse to grant a Licence, or to revoke or suspend a Licence shall have regard to the following:~~
- ~~16.5.1 whether or not the Applicant or Licensee and the Premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a Business that is licensed or that is required to be licensed, pursuant to this By Law, complies with all requirements of this By Law.~~
- ~~16.5.2 whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this By Law or has committed past~~

breaches of this By Law,

~~16.5.3~~ whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable By Law of the City or any Statute, Order In Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the licensed activity or the premises, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;

~~16.5.4~~ whether or not the Applicant or Licensee has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of this By Law,

~~16.5.5~~ whether or not the Applicant or Licensee has any outstanding realty property taxes owing to the City of North Bay in respect of the Business or premises in question.

~~16.6~~ Council shall comply with the following procedure in granting a Licence, refusing to grant a Licence, revoking or suspending any Licence issued under this By Law:

~~16.6.1~~ where Council wishes to consider whether or not to issue a Licence or to refuse to grant a Licence or to suspend or revoke a Licence issued under this By Law, the Clerk shall fix a date and time for such matter to be considered by Council and shall mail a Notice of Hearing to the Licensee (at their last known address as shown in the records of the Issuer of Licences or the current year's Assessment Roll) and to any other person who has applied to be heard with regard to the matter,

~~16.6.2~~ such Notice shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing,

~~16.6.3~~ at such hearing Council shall receive a report, either verbally, or in writing, from the Issuer of Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by Council,

~~16.6.4~~ at the hearing before Council, the Licensee, either personally or through their agent, shall be afforded an opportunity to present such material and evidence relevant to the issue before Council as they may deem expedient and they may ask questions of any person presenting evidence or a report to Council relevant to the said issue,

~~16.6.5~~ Council may, in its sole discretion, afford any other person who applied to be heard and who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before Council and to ask questions of any person presenting evidence or a report to Council relevant to the said issues,

~~16.6.6~~ for the purpose of this Section a quorum of Council shall be a majority of the members of Council and a decision by the majority of members present shall be the decision of Council,

~~16.6.7~~ Council may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer of Licences resolve into the Committee of the Whole, to debate the matter and to reach its decision,

~~16.6.8~~ the decision made by Council sitting as the Committee of the

Whole shall be confirmed in open Council by Resolution immediately following the meeting of the Committee of the Whole and a certified copy of such Resolution shall be mailed to the Licensee, to any person who has appeared before Council and requested that a copy of the Resolution be provided to them, and to the Issuer of Licences.

~~16.7 No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, a Business for which a Licence is required under this By Law while such Licence is suspended or revoked by the Issuer of Licences under the provisions of this By Law.~~

~~16.8 Every person engaging in any Business, for which they are required to be licensed by the provisions of this By Law, shall be responsible that all the provisions of this By Law with respect to the same are complied with.~~

17. CHARITABLE ORGANIZATIONS

~~17.1 Notwithstanding Sections 2.1 and 2.2, Any no charitable or non-profit charitable organization selling items for the purpose of raising funds for such charitable organization shall be required to obtain a Licence and no Business Licence Fee shall be payable pay the fee to obtain a licence for such Licence under the provisions of this By Law.~~

18. INSURANCE

~~18.1 All insurances required herein shall be provided at the time of application in a form acceptable to the Issuer of Licences and in the amount as specified pursuant to the applicable Sections of this By-Law. unless otherwise approved by Council.~~

19. LICENCE FEES AND INSPECTIONS

~~19.1 The Business Licence Fees to be paid for a Licence and the renewal for a Licence shall be as set out in the attached Schedule "A". Schedule "A" hereunder sets out the Business Licence Fee to be paid by the Applicant at the time of application for a licence.~~

~~19.2 Incomplete applications shall be considered not to have been received and may be returned to the Applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining or renewing such Licence, the Applicant may be required to submit a new application along with all of the required approvals in accordance with provisions of Section 3 hereof.~~

~~19.3 Despite the actual date any application for renewal of a Licence, the fee for such renewal shall be as set out in Schedule "1" to this By-Law.~~

20. EXPIRY OF LICENCE

~~20.1 For the purpose of every new Business Licence issued, the date of expiry shall be the date as set out on the Licence. the 1st day of the following month one year from the date of issue and each renewal of a Licence shall, therefore expire on the 1st day of such month in each subsequent year.~~

~~20.2 All Refreshment Vehicle Licences expire December 31st each year in which they were issued.~~

~~20.3 Notwithstanding Section 21.1:~~

20.320.2.1 every Business Licence for a circus/midway shall expire ninety (90) days from the date of issue.

21. PENALTY

~~21.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction is liable for a fine under the Provincial Offences Act.~~

21.1 A person who contravenes a provision of this By-Law is guilty of an offence and on conviction is liable to a fine of not less than \$500.00 and not more than \$50,000.00.

22. REGISTER— LICENCE RECORDS

~~22.1 The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premises in which the licensee carries on, conducts, operates, maintains, keeps or engages in the business, trade, occupation or calling, object or amusement for which the license was issued, the number of the license any plates used and the date of issue.~~

22.1 The Issuer of Licences shall maintain records of Applications and related documentation, inspection reports, departmental and agency approvals and Licences issued, in accordance with the City's Retention By-Law.

23. SEVERABILITY

Should any section of this By-Law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

24. ADVERTISING

Any Sign advertising any event or business shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendment thereto, being a By-Law to Restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.

25. REPEAL

25.1 By-Law 2004-191 and any amendments thereto are hereby repealed.

26. ENACTMENT

26.1 This By-Law shall take effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THE DAY OF
2012.

READ A SECOND TIME IN OPEN COUNCIL THE DAY OF
2012.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND
PASSED THIS DAY OF , 2012.

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THIS IS SCHEDULE "A" TO BY-LAW 2012-<> OF THE CORPORATION OF
THE CITY OF NORTH BAY

RELATING TO THE ANNUAL FEES FOR BUSINESS LICENCES

BUSINESS CLASS	BUSINESS LICENCE FEE	SCHEDULE
Auctioneer	\$100.00 per year	B
Circus/Midway	\$100.00 per visit	C
Door to Door Sales/Service Person	\$100.00 per year	D
Firearms Repair Facility	\$50.00 per year	E
Hawkers and Peddlers		F
<u>Class A - Resident</u>	\$100.00 per year January 1 st to December 31 st of each calendar year	
<u>Class B - Non- Resident</u>	\$200.00 5 consecutive days \$50.00 each additional day \$300.00 per year July 1 st to June 30 th of the next calendar year	
<u>Class C - All-Inclusive Annual</u>	\$3,000.00 per year January 1 st to December 31 st of each calendar year	
Outdoor Patios	\$10.00 per location per year	G
Pawnbroker	\$100.00 per year	H
Pet Shop	\$50.00 per year	I
Places of Amusement	\$100.00 per year	J
Precious Metal Purchasers	\$150.00 per event or \$300.00 per year (with permanent location)	K
Refreshment Vehicles		L
<u>Class A</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class B</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class C</u>	\$200.00 per year \$ 50.00 each additional vehicle	
<u>Class D</u>	\$50.00 per year \$25.00 per additional cart	

Restaurants	\$50.00 per year	M
Seasonal Restaurants	\$100.00 per year	N
Special Events	Licence Fees are only applicable to Non-Residents of the City.	O
<u>Class A - Craft</u>	\$10.00 per day	
<u>Class B - Trade</u>	\$25.00 per day	
<u>Class C - Antique</u>	\$25.00 per day	
Tattoo and Body Piercing Parlours	\$100.00 per year	P
Tobacco Sales	\$50.00 per year	Q

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THIS IS SCHEDULE "B" TO BY-LAW 2012-<> OF THE CORPORATION
OF THE CITY OF NORTH BAY

AUCTIONEER

Applicable to:	Every Person who sells or offers goods for sale by public Auction.
Definitions:	<p>Auctioneer – shall mean a person who conducts a sale by Auction.</p> <p>Auction - shall mean a public sale to Persons in which bids on goods, articles, merchandise, effects, etc., are received by an Auctioneer and where each bid offers more than the last previous bid, the article being put up for Auction sold to the highest bidder. Shall not include a Silent auction or Chance Auction.</p> <p>(i) Silent Auction - shall mean an Auction conducted by means of written bids given on displayed goods, wares or merchandise with the final declaration of sale being made to the last individual having submitted a bid on the specified bid sheet for that item.</p> <p>(ii) Chance Auction – (also known as a "Chinese Auction") shall mean an Auction conducted by means of predetermining a set price on an item, thence receiving verbal bids on such an item. The final declaration of sale shall be made to the highest bidder who shall then pay the price, based on the difference between the predetermined price and the highest bid.</p>
Exemptions:	<p>The requirement to obtain an "Auction Licence" does not apply to:</p> <ol style="list-style-type: none"> 1. a Sheriff or court Bailiff acting under a court procedure; 2. a Municipality conducting an auction under the tax sale provisions of the <i>Municipal Act, 2001</i>; 3. a Person who engages the services of a licensed Auctioneer to conduct an Auction on his or her behalf; 4. a Person registered under the <i>Real Estate and Business Brokers Act</i> who is selling real estate by public auction; 5. a Person licensed under the <i>Livestock Community Sales Act</i> who is conducting a community livestock sale; 6. Silent Auction .
Licence Fee:	<p>\$100.00 per year.</p> <p>Every Auctioneer shall advise the Issuer of Licences a minimum of seven (7) days in advance, of the time, date and location of every auction scheduled by such Auctioneer.</p>
Application Circulated to and Approvals Required From:	<ol style="list-style-type: none"> 1. North Bay Police Service.
Special Conditions:	<ol style="list-style-type: none"> 1. Every Auctioneer shall keep a proper ledger of account of the Auctioneer transacted by them as an Auctioneer. The entries in the ledger shall give the names and addresses of the owners of the goods, wares, merchandise or effects to be sold, the description of the same, the price for which the same was sold, the names and addresses of the persons purchasing such goods, wares, merchandise or effects or any portion thereof, the price for which the item was sold and the Auctioneer shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay to the person entitled to such proceeds, less the Auctioneer's legal and proper commissions and charges and they shall, in case no sale is made of such goods, on payment of their proper costs

	<p>and charges, return such goods to the person entitled to receive such goods on demand being made for such goods.</p> <p>2. No Auctioneer shall:</p> <ul style="list-style-type: none">(i) permit any disorder in their auction room or offices,(ii) conduct or permit to be conducted any mock auction,(iii) knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by them,(iv) give away articles or sell them for nominal amounts for the purpose of stimulating bidding,(v) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount they pay for any article(s),(vi) by deceit, falsehood, or other fraudulent means stimulate or raise bids or cause to stimulate or raise bids affecting the selling price of any item offered for sale to the public by public auction,(vii) sell or put up for sale by auction any goods, wares, merchandise or effects held on a reserve bid basis without first announcing to those in attendance at the auction the fact that such item is held on a reserve bid. <p>3. The Applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.00.</p>
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THIS IS SCHEDULE "C" TO BY-LAW 2012-<>OF THE CORPORATION OF THE CITY OF NORTH BAY

CIRCUS / MIDWAY

Applicable to:	To any Person operating a circus/midway, amusement ride(s) or other device(s) and authorized games of chance, a performance exhibiting equestrian, animal, and acrobatic and other performances and their equipage intended to entertain or amuse or provide entertainment to the public.
Definitions:	<p>"Circus/Midway" shall mean:</p> <ul style="list-style-type: none"> (i) a Business operating amusement ride(s) or other device(s); (ii) a Business operating authorized games of chance, or (iii) a performance exhibiting equestrian, animal, and acrobatic acts and their equipage intended to entertain or amuse or provide entertainment to the public.
Exemptions:	None
Licence Fee:	\$100.00 per visit
Application Circulated to and Approvals Required From:	N/A
Special Conditions:	<ol style="list-style-type: none"> 1. No Person having control or charge of such an operation shall commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus, or mechanical device or ride or any other structure or erection until a licence has been obtained. 2. No Licence shall be issued for a circus involving amusement devices or show involving carnival rides unless the applicant submits: <ul style="list-style-type: none"> (i) a valid and current licence to carry on business in Ontario issued by the Technical Standards & Safety Authority, or its successor; (ii) a valid and current Ontario Amusement Device Permit issued by the Technical Standards & Safety Authority, or its successor, for each ride and (iii) a valid Certificate of Inspection from the Ontario Electrical Authority. 3. Every Person making application shall provide proof of liability insurance in the amount of Two Million Dollars (\$2,000,000.00) Five Million Dollars (\$5,000,000.00) and in a form acceptable to the City. Such insurance shall provide a minimum thirty (30) days written notification to the City of any change, expiration or cancellation of such policy. Where the operation of such Circus/Midway will take place on any City owned property, liability insurance shall also include and name "The Corporation of the City of North Bay" as an additional insured. 4. The electrical system, equipment, fuses and switches shall be inaccessible to the public and cables on the ground in areas used by the public shall be protected as required by the Ontario Electrical Safety Authority. 5. All electrical systems shall be operated and maintained in a safe manner. 6. Every Person to whom this schedule relates shall keep good order in or at any building or premises in respect to which a licence has been issued, and at his own expense shall keep a sufficient staff of employees or servants for that purpose.

	<p>7. Every Person to whom this schedule relates shall produce a list of the names, address and date of birth of all employees, agents or contractors, upon demand of a police officer.</p> <p>7. No Circus/Midway or other like traveling exhibition or side show, or other entertainment connected therewith, shall be exhibited in the City of North Bay for longer than a period of ten (10) consecutive days.</p>
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DOOR TO DOOR SALES/SERVICE PERSON

Applicable to:	Every person goes from place to place selling or offering for sale a service of any kind.
Definitions:	A Person who goes from place to place selling or offering for sale a service of any kind .
Exemptions:	None
Annual Licence Fee:	\$100.00 per year
Application Circulated to and Approvals Required From:	1. North Bay Police Service
Special Conditions:	<ol style="list-style-type: none"> 1. Every Door-to-Door Sales/Service Person shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address. 2. Every Door-to-Door Sales/Services Person shall produce to the Issuer of Licenses at the time of application, a letter from their employer authorizing them to conduct business on behalf of the employer. This letter shall include the name of the business, current business address of the business together with the name of a contact person for complaint purposes. 3. No Person shall engage in, or carry on his business by passing door-to-door within the City before 9:00 a.m. any day or after 7:00 p.m. any day. 4. Every Door-to-Door Sales/Service Person shall provide a current Criminal Record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside. 5. Each Licence shall be issued for the period of time that the Door-to-Door Sales/Service Person is selling his or her service within the City. The Door-to-Door Sales/Service Person will require a new Licence each time they attend within the City to sell their service. 6. Every Door-to-Door Sales/Service Person will produce to any homeowner a copy of the Licence that they have been provided by the City at the request of the homeowner.

FIREARMS REPAIR FACILITY

Applicable to:	Every person who operates a firearm repair facility in which firearms are discharged.
Definitions:	A Repair Facility in which firearms are discharged.
Exemptions:	None
Annual Licence Fee:	\$50.00 per year
Application Circulated to and Approvals Required From:	1. North Bay Police Service
Special Conditions:	<ol style="list-style-type: none">1. No person without a Licence shall operate a firearm repair facility in which firearms are discharged.2. No Licensee shall discharge a firearm at the licensed premises except for the purpose of testing the firearm.3. Every Licensee shall ensure that any building in which firearms are discharged for the purpose of testing are fully enclosed and protected to ensure that no projectile can escape such structure.4. Only firearms repair facilities that repair firearms which do not require a Firearms Acquisition Certificate shall require a licence hereunder.

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THIS IS SCHEDULE "F" TO BY-LAW 2012-<> OF THE CORPORATION OF
THE CITY OF NORTH BAY

HAWKER AND PEDDLER

Applicable to:	<p>Hawker and Peddler shall mean any Person who:</p> <ol style="list-style-type: none"> 1. Goes from door to door with goods, wares or merchandise for sale or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow. 2. Sells from a permanent structure on a temporary basis, goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which immediate sales are made and for which orders are taken with delivery to follow. 3. Is engaged in retail sales but does not have a commercial store front and includes their employees but does not include: <ol style="list-style-type: none"> (i) Service Clubs (ii) Not for Profit Clubs (iii) Charitable Organizations or (iv) Such other institutions, organizations or clubs as the Council by Resolution may approve.
Definitions:	<p><u>Class A:</u> Class A Licence shall mean a Licence issued to a Resident.</p> <p>Resident shall mean a Person who resides in the City and does not have a Place of Business in the City in which the Business is normally carried on and shall include a person who conducts Business in a place, premises or location on a one-time or temporary basis.</p> <p><u>Class B:</u> Class B Licence shall mean a Licence issued to a Non-Resident</p> <p>Non-Resident shall mean a Person who has not resided continuously in the City for at least three (3) months immediately preceding the time of commencing a Business in the City.</p> <p><u>Class C:</u> Class C Licence shall mean an annual Hawker and Peddler Licence issued to the owner of the premises, in lieu of requiring individual persons to obtain Hawker and Peddler Licences to operate a Business on that premises.</p>
Exemptions:	<p>The requirement to obtain a Hawker and Peddler Licence does not apply to:</p> <ol style="list-style-type: none"> 1. The sale of goods by wholesale. 2. Persons who sell goods that are grown or produced on their own agricultural operation within the City, or family members or employees who have written authority to sell the goods on their behalf. 3. Persons who sell Christmas trees on a seasonal basis. 4. Persons who conduct Business on a premises for which the Owner holds a valid Class C Licence.
Licence Fee:	<p><u>Class A:</u> \$100.00 per year (Resident) Licences shall run from January 1st to December 31st of each calendar year.</p> <p><u>Class B:</u> \$300.00 per year (Non-Resident) Licences shall run from July 1st to June 30th of the next calendar year.</p> <p><u>Class C:</u> \$3,000.00 per year Licence shall run from January 1st to June December of each calendar year.</p>

Application Circulated to and Approvals Required:	<ol style="list-style-type: none"> 1. City of North Bay Zoning Department (if applicable) 2. North Bay Parry Sound District Health Unit (if applicable)
Special Conditions:	<ol style="list-style-type: none"> 1. The application for licence under this By Law shall be in writing on forms to be provided by the City and shall be fully completed and contain the following information: <ol style="list-style-type: none"> (I) The full name, residence address, business address and telephone numbers of the Applicant and each partner, if any. (II) If the Applicant is a company, corporation, club or organization the head office address, business address and telephone numbers as well as the full names, addresses and telephone numbers of the principal officers thereof. (III) A complete list of goods, wares or merchandise intended to be sold. 1. Any signs promoting any event are not permitted on any utility poles and only permitted on private property (with the permission of the owner). All signs must be removed immediately after the event. 1. All Signs promoting any event shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendments thereto, being a By-Law to restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.

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OUTDOOR PATIOS

Applicable to:	Every Person with an outdoor patio on any sidewalk within the City.
Definitions:	Outdoor Patio shall mean an encroachment on a sidewalk or boulevard outside of or immediately adjacent to a building or other structure providing services in the nature of a restaurant or tavern or like business and within or on which may be included objects such as tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols and decorative planters.
Exemptions:	None
Licence Fee:	\$10.00 per location per year
Application Circulated to and Approvals Required From:	1. City of North Bay Engineering Department .
Special Conditions:	<p>1. Every owner requesting an Outdoor Patio Licence shall produce a policy of insurance and shall include and name "The Corporation of the City of North Bay" as an additional insured endorsed to the effect that the City of North Bay shall be named insured and will be given at least thirty (30) days' notice in writing of any cancellation, insuring the City for at least the amount of One Million Dollars (\$1,000,000.00) Two Million Dollars (\$2,000,000.00) for comprehensive general liability against loss or damage resulting from bodily injury or death of one or more persons, or from loss or damage to property resulting from any accident. A copy of this certificate of such policy shall be deposited with the Issuer of Licences prior to the licence being issued.</p> <p>2. Every Applicant for an Outdoor Patio Licence shall submit a sketch for the approval of the City Engineer and the Issuer of Licences, to show that;</p> <p>(i) adequate space of a minimum of five (5) feet in width for pedestrian passage is being maintained, and</p> <p>(ii) current standards of engineering requirements for public services is being maintained, including fire hydrants, drainage, etc.</p> <p>3. The City Engineer shall prepare a Report to Council to authorize the use of the sidewalk by the Licensee and Council shall make the final determination as to whether or not the City will allow the Outdoor Patio.</p> <p>4. The Licensee shall not encumber the sidewalk any further than as shown on the sketch approved by the City Engineer and the Issuer of Licences.</p> <p>5. The Licensee shall not damage the sidewalk area or make any permanent attachments to the sidewalk area.</p> <p>6. The Licensee shall maintain the sidewalk area in the manner shown on the sketch approved by the City Engineer and the Issuer of Licences.</p> <p>7. The licensee shall clean and keep clean the area of the Outdoor Patio and keep it free from papers and rubbish of any kind.</p>

	<p>8. No tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols or decorative planters shall be placed so as to interfere with access by wheelchairs.</p> <p>9. The surface area of the sidewalk patio may not exceed the interior licensed floor area of a restaurant licensed by the L.L.B.O.</p> <p>10. The licensee shall erect and maintain a fence or other vertical barrier to delineate the perimeter of the licensed sidewalk area, with the exception of access openings, to the standard required by the L.L.B.O.</p> <p>9. The Licensee shall erect and maintain a fence or other vertical barrier to delineate the perimeter of the licensed sidewalk area. The top rail of a fence shall be painted reflective yellow white and the remainder of the fence shall be painted in a contrasting colour for the benefit of visually impaired people.</p> <p>10. The sidewalk area shall not be used for tables, chairs, temporary entrance shelters, canopies, umbrellas, parasols or decorative planters positioned in such a manner as to obstruct exit from the restaurant.</p> <p>11. The Licensee shall clearly illuminate patio entrances and patio to restaurant entrances</p> <p>12. The Licensee shall comply with all other applicable laws.</p> <p>13. No advertising is permitted on the sidewalk by virtue of the Outdoor Patio Licence.</p> <p>14. No frame sandwich board signs are permitted on the sidewalk near the Outdoor Patio.</p>
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PAWNBROKER

Applicable to:	Every Person who carries on the Business of a Pawnbroker.
Definitions:	<p>Pawnbrokers – means a Person who carries on the Business of taking by way of pawn or pledge any article for the repayment of money lent thereon, as defined in the <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended.</p> <p>Pawn Shop – means a Business or Premise where the business of a Pawnbroker is carried out.</p>
Exemptions:	NONE
Licence Fee:	\$100.00 per year
Application Circulated to and Approvals Required From:	<ol style="list-style-type: none"> 1. City of North Bay Zoning Department. 2. North Bay Police Service
Special Conditions:	<ol style="list-style-type: none"> 1. Every Pawnbroker shall give to the City security to the satisfaction of the City Clerk in the sum of \$2,000.00 for the due observance by the Pawnbroker under the <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended. 2. The operation of the Business shall conform to the provisions of the <i>Pawnbrokers Act</i>, R.S.O. 1990, c.P.6, as amended and all applicable North Bay Police Services Board By-Laws that may be in force. 3. Every Pawnbroker shall provide a current Criminal Record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside. 4. For the purposes of this By-Law the initial Criminal Record Check must be dated within the last sixty (60) days of the initial Application for a Pawnbroker's Licence. All subsequent renewals for a Pawnbroker's Licence must include a Criminal Record Check that is current within the last two (2) years.

PET SHOP

Applicable to:	Every Person that operates a Pet Shop.
Definitions:	Pet Shop shall mean every shop, place, business or premise in which dogs, cats, fish, reptiles, birds or any other pet that is generally understood to be domesticated is sold or kept for sale.
Exemptions:	The requirement to obtain a "Pet Store Licence" does not apply to: (i) An animal shelter operated on or behalf of a public authority; (ii) A veterinary hospital or clinic; or (iii) Any facility in which animals are placed for care pursuant to the <i>Animals for Research Act</i> , R.S.O. 1990, c.A.22, as amended.
Annual Licence Fee:	\$50.00 per year
Application Circulated to and Approvals Required From:	1. City of North Bay Building Department 2. City of North Bay Fire Department 3. City of North Bay Zoning Department 4. North Bay & District Humane Society
Special Conditions:	1. If the North Bay and District Humane Society finds an animal that is in distress, the Licencing Officer may suspend or revoke the licence. 2. A Licence may be revoked or suspended where an animal is sold or offered for sale where it is prohibited by Federal or Provincial Law or Municipal By-Law of the City of North Bay.

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THIS IS SCHEDULE "J" TO BY-LAW 2012-<> OF THE CORPORATION OF
THE CITY OF NORTH BAY

PLACE OF AMUSEMENT - (Pool Tables, Bowling Alleys, Arcades)

Applicable to:	Any Premises defined as a Place of Amusement.
Definitions:	<p>"Place of Amusement" shall mean a Business or Premises in which are offered facilities for the playing of:</p> <ul style="list-style-type: none"> (i) three or more games of chance, or (ii) three or more games of mixed chance and skill, or (iii) a combination of three or more games of chance and games of mixed chance and skill. <p>Games shall mean games that are not contrary to the <i>Criminal Code of Canada</i>, and shall include, but are not limited to video games, pinball games, table top hockey games, table top soccer games, electronic games, and billiard tables, pool tables or bagatelle tables or bowling alleys.</p>
Exemptions:	<ul style="list-style-type: none"> 1. Those with less than a total of three (3) games, machines and/or tables. 2. Bingo halls where electronic equipment is used for the purposes of conducting Bingo games.
Annual Licence Fee:	\$100.00 per year
Application Circulated to and Approval Required From:	<ul style="list-style-type: none"> 1. City of North Bay Fire Prevention 2. City of North Bay Zoning Department 3. City of North Bay Building Department 4. North Bay Parry Sound District Health Unit
Special Conditions:	<p>The Licensee shall ensure that:</p> <ul style="list-style-type: none"> 1. Orderly conduct is maintained in the Place of Amusement. 2. The operation of the Place of Amusement shall be conducted in a manner that is not in any way adverse to the public interest. 3. Every part of the Place of Amusement is sufficiently lighted so as to permit the safe use of the facility by the public. 4. Waste receptacles are accessible to the users.

PRECIOUS METAL PURCHASERS

Applicable to:	Any Person who purchases precious metals, including but not limited to gold, silver or platinum.
Definitions:	<p>"Precious Metals" " shall mean a valuable metal, which includes but is not limited to gold, silver and platinum.</p> <p>"Purchase" includes purchase, exchange and acquire by any means and "purchasing" and "purchased" has a like meaning.</p> <p>"Purchase Event" shall mean an event held for primary purpose of purchasing Precious Metals from members of the public at large or from a Person or Persons invited to the purchase event.</p>
Exemptions:	A person purchasing gold from a person engaged in the business of selling gold such as a jeweler or a gold distributor.
Licence Fee:	\$150.00 per event (Non-Resident) \$300.00 per year (Resident)
Application Circulated to and Approvals Required from:	<ol style="list-style-type: none"> 1. City of North Bay Zoning Administrator (if applicable) 2. City of North Bay Fire Department (if applicable)
Special Conditions:	<ol style="list-style-type: none"> 1. No Person shall purchase, offer to purchase or advertise to purchase Precious Metals by any means, unless such person is the holder of a Licence issued under this By-Law for such purpose. 2. Any Person holding a Purchase Event shall produce to the Issuer of Licences at the time of application, two pieces of identification, one of which shall be photographic identification. Such identification shall clearly state the applicant's name and current residential address 3. No Person shall obtain any Precious Metals from any Person who is known to be or appears to be: <ol style="list-style-type: none"> a. under the age of eighteen years; or b. under the influence of alcohol or drugs. 4. No Person shall hold, sponsor, advertise or promote a Precious Metals Purchase Event unless such Person holds a Licence issued under this By-Law for such purpose and in accordance with the terms of the Licence and this By-Law. 5. The Applicant for a Licence pursuant to this By-Law shall, both before and after a Licence is issued, produce such books, records or other documents or information as the Issuer of Licences may consider necessary to corroborate any of the statements contained in the application. 6. The Issuer of Licences may refuse to issue a Licence or having issued a Licence under this part, may revoke same if: <ol style="list-style-type: none"> (a) any of the information set out in the application or statutory declaration of the Applicant or owner is false;

- (b) the Purchase Event is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public;
- (c) the Purchase Event is held in a location or conducted in any way in a manner contrary to the provisions of this By-Law or contrary to any condition imposed in the licence;
- (d) the Applicant refuses to produce any records, books, documents, or other information requested by the Issuer of Licences in accordance with this By-Law; or
- (e) the Applicant refuses to permit the Issuer of Licences to inspect any premises or inspect or test any measuring or weighing or other devices used in the purchase of the precious metals.

7. Where an Applicant for a Licence wishes to hold a Purchase Event at more than one site, a separate Licence shall be required for each site. A Business Licence Fee shall be payable for each such additional Licence.
8. The Licence for the Purchase Event shall be displayed in a clearly visible location on the Premises where the Purchase Event is held.
9. Applicants for a Licence shall ensure all advertising material distributed, displayed or published to promote a Purchase Event, including any radio or television broadcast, or internet promotion, contains a statement that the Purchase Event is held under the authority of this By-Law and shall state the number and expiry date of the licence issued for such Purchase Event under this By-Law, and that the Seller of the Precious Metals is over the age of 18 years with no exceptions.
10. For the purposes of this By-Law a Criminal Record Check must be dated within the last sixty (60) days of the Application for a Precious Metal Purchaser Licence.

REFRESHMENT VEHICLES

<p>Definitions:</p>	<p>Refreshment Vehicle means any Vehicle from which Food and/or refreshments are sold or offered for sale for consumption by the public and includes without limiting the generality of the foregoing, carts, wagons, trailers and trucks. Refreshment Vehicles are divided into the following classes:</p> <p>Class A: a <u>motorized vehicle</u>, other than a motor assisted bicycle or motorcycle, from which food that is <u>prepared and cooked on-site</u> is offered for sale, e.g., a chip truck.</p> <p>Class B: a <u>motorized vehicle</u>, other than a motor assisted bicycle or motorcycle, from which food that is <u>prepared and cooked off-site</u> is offered for sale, e.g., a catering truck;</p> <p>Class C: a <u>non motorized vehicle</u> propelled by muscular power, motor assisted bicycle, trailer, or motorcycle, or which can be moved from location to location by a motorized vehicle from which food that is <u>prepared and cooked on-site</u> is offered for sale, e.g., hot dog cart;</p> <p>Class D: a <u>non motorized vehicle</u>, propelled by muscular power, motor assisted bicycle, or motorcycle, or which can be moved from location to location by a motorized vehicle from which <u>prepackaged and prepared foods are sold on site</u>, or frozen confectionary and beverages are offered for sale, e.g., ice cream cart.</p>
<p>Exemptions:</p>	<p>Seasonal Restaurants – See Schedule "N"</p>
<p>Licence Fee:</p>	<p>Class A: \$200.00 per year \$ 50.00 each additional vehicle</p> <p>Class B: \$200.00 per year \$ 50.00 each additional vehicle</p> <p>Class C: \$200.00 per year \$ 50.00 each additional vehicle</p> <p>Class D: \$ 50.00 per year \$ 25.00 each additional vehicle</p>
<p>Application Circulated to and Approval Required From:</p>	<ol style="list-style-type: none"> 1. City of North Bay Building Department 2. City of North Bay Zoning Department 3. City of North Bay Fire Prevention 4. North Bay Parry Sound District Health Unit 5. Proof of Insurance (\$2,000,000.00) 6. Licensed Gas Fitter Inspection <p>All Classes of Refreshment Vehicles must obtain and provide proof of the necessary inspections <u>annually</u> prior to renewing Refreshment Vehicle Licence.</p>
<p>Special Conditions:</p>	<ol style="list-style-type: none"> 1. Every person-Licensee shall: <ol style="list-style-type: none"> (a) ensure that every Refreshment Vehicle is equipped with a metal refuse container with a self closing lid, and such container shall be kept in a clean and sanitary condition,

- (b) ensure that the metal refuse container be emptied at least once daily,
- (c) ensure such containers shall be used for the disposal of all refuse,
- (d) ensure that every refuse container is located in such a position so as to be easily accessible by persons making purchases while the Refreshment Vehicle is stopped,
- (e) ensure that the Refreshment Vehicle and all parts and equipment for use in the dispensing of refreshments is maintained in a clean and sanitary condition and at all times in good repair,
- (f) ensure that hard ice cream and related products are maintained in a hard condition in the Refreshment Vehicle at all times, as approved by the North Bay Parry Sound District Health Unit,
- (g) ensure that soft ice cream and related products are stored in a refrigerated cabinet suitable for the storage of soft ice cream, as approved by the North Bay Parry Sound District Health Unit,
- (h) ensure that all dispensing equipment is of a sanitary design and cleaned on a daily basis,
- (i) ensure that adequate refrigeration, as approved by the North Bay Parry Sound District Health Unit, is provided for perishable Food that shall be kept so refrigerated,
- (j) ensure that the date of expiration is clearly and legibly marked on or affixed to the wrapper of all sandwiches or pre-packaged food sold from the Refreshment Vehicle,
- (k) ensure that beverages, which shall include but shall not be limited to, milk, juices, and soft drinks, are only sold in individual disposable containers,
- (l) ensure that Refreshment Vehicles from which hot, prepared foods are sold are so equipped as to maintain such foods so heated at a temperature as approved by the North Bay Parry Sound District Health Unit,
- (m) ensure that no LPG (liquefied petroleum gas) LNG (liquefied natural gas) or any combustible fuelled appliance is operated within ten (10) feet of any structure, door, window, or opening that shall include an alcove or alleyway,
- (n) ensure that the Refreshment Vehicle is free from holes, crevices or cracks and all surfaces are readily washable and are kept clean and in good condition,
- (o) ensure that only single service disposable cups, plates, forks, spoons, knives and containers are used and serviettes shall be provided from a dispenser, and
- (p) ensure that all condiments are in sealed single serve packages or a sealed container.

2. Every person selling or handling refreshments and Food shall be clean and neat in appearance and shall maintain clean hands at all times. If no sink is available for hand washing then every person selling or handling refreshments and Food shall be supplied with gloves or hand sanitizer.

3. No Licensee or person employed with any Licensee under this section shall be suffering from any form of contagious disease while actively engaged in his or her work.

4. Gloves must be worn by any Licensee or Employee handling Food or refreshments who has an open cut or wound on their hands.

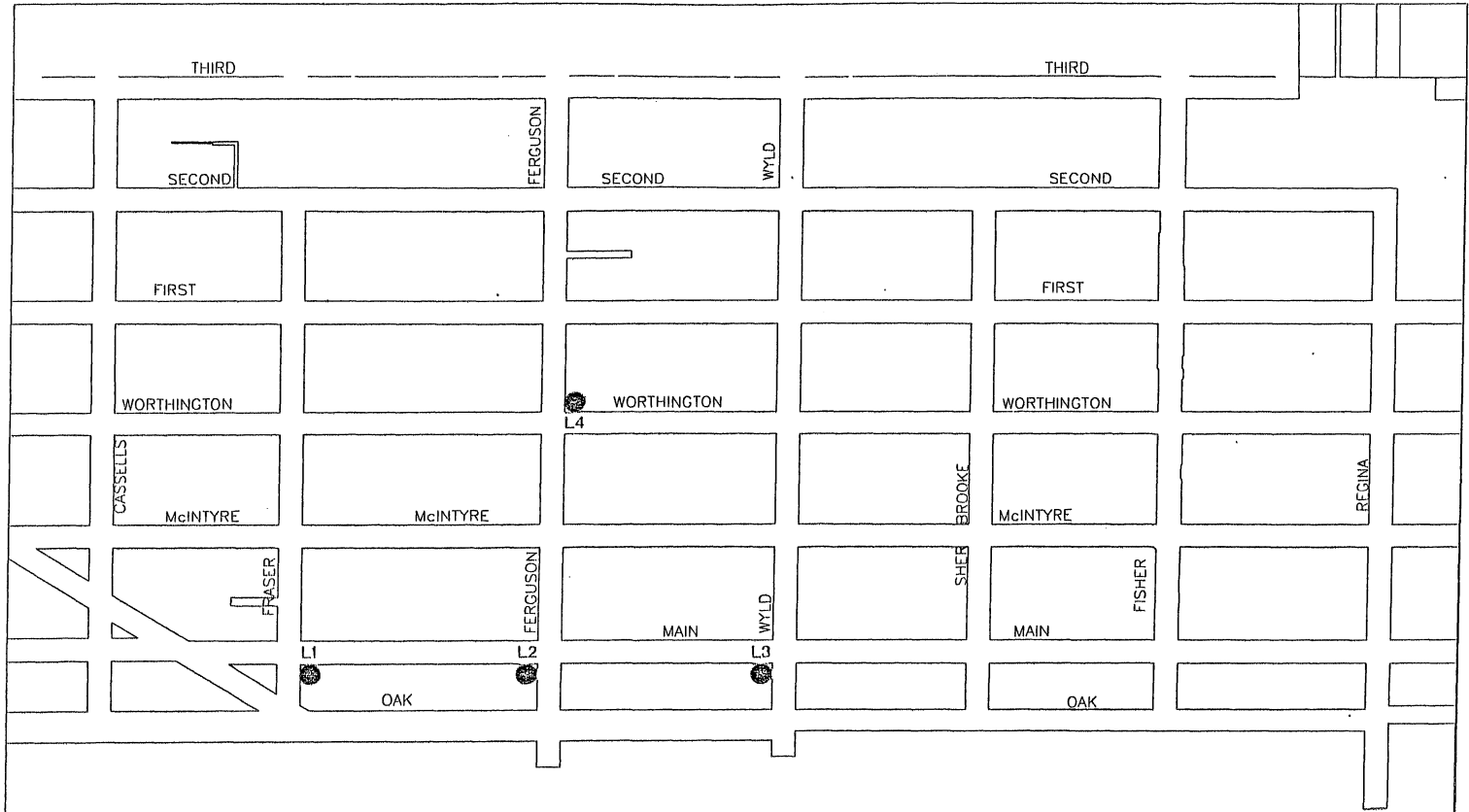
5. Every Licensee shall take out a separate Licence for each Refreshment Vehicle owned or operated by them and the Licence shall be affixed so as to be clearly visible.

6. Every Licensee shall at his or her own expense, whenever required to do so by the Issuer of Licences, bring such Refreshment Vehicle to any person designated by the Issuer of Licences for inspection.

7. All Refreshment Vehicle owners shall carry a minimum of One-Two Million Dollars (\$2,000,000.00) liability insurance and shall furnish proof of this coverage satisfactory to the City prior to being licensed. Such insurance shall contain an endorsement specifying that the municipality shall be given a minimum thirty (30) days written notice of any change, expiration, or cancellation of such policy. Where the Refreshment Vehicle has been granted permission to operate on City property, the policy shall also contain an endorsement identifying "The Corporation of the City of North Bay" as an additional insured.
8. Every Licensee shall ensure that each operator or employee is made familiar with the contents of this Section and shall not permit any operator under their control, management, supervision or direction to breach any of the provisions of this Section and any Regulations from the North Bay Parry Sound District Health Unit or any other Authority having Jurisdiction.
9. No Licensee or employee of a Refreshment Vehicle shall dispense Food to any person while such person is standing on a roadway.
10. No Licensee or Employee of a Refreshment Vehicle shall operate within thirty (30) metres of an existing restaurant with the exception of the Refreshment Vehicles operating within the provisions of Section 11.
11. No Licensee or Employee of a Refreshment Vehicle shall when operating on public property operate from any other location in the central business district as defined on Schedule "K-1" attached to this by-law other than in the areas designated as follows:
 - 11.1 100 Block, Main Street West, in the marked location in the vicinity of the C.I.B.C. identified as "L1" as shown on the attached Schedule "K-1"
 - 11.2 100 Block, Main Street West, in the marked location in the vicinity of the Royal Bank identified as "L2" as shown on the attached Schedule "K-1"
 - 11.3 200 Block, Main Street East, in the marked location in the vicinity of Century 21 identified as "L3" as shown on the attached Schedule "K-1"
 - 11.4 100 Block, Worthington Street West, in the marked location adjacent to Lot #7, identified as "L4" as shown on the attached Schedule "K-1"
12. No Licensee or Employee of a Refreshment Vehicle shall operate from any of the locations referred to in section 11 above unless that operator is the successful bidder for one of the locations as a result of a lottery type scheme, such scheme to be advertised in the local newspaper in the month of April of each year and the draw shall be on the first Monday in the month of May of each calendar year held prior to May 15th each year. The lottery shall be conducted by the Manager of Purchasing and shall be open to all licensed owners or operators of food carts.
13. In the event that only one licensed owner or operator has filed for the draw by the closing date, the requirements in section 11 above may be waived by the Manager of Corporate Support Services, City Clerk and the Refreshment Vehicle owner or operator may

	<p>select one or more of the location per refreshment vehicle.</p> <p>14. In the event the successful bidder of one of the designated locations referred to in section 11 above chooses not to continue to use the designated location prior to the end of the season, the location may be assigned to the second bidder for the remainder of the year. In the event that no bidder wishes to use the remaining or unassigned spots the Licensee of a Refreshment Vehicle may use any of the designated locations on a first come first serve basis.</p> <p>15. If the successful bidder of one or more of the designated locations referred to in section 11 above does not use the said designated location for a period of 14 consecutive days the spot will be deemed abandoned and may be assigned to the bidder drawn second in the draw.</p> <p>16. In cases where there was no draw the location may be used on a first come first serve basis.</p>
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CITY OF NORTH BAY

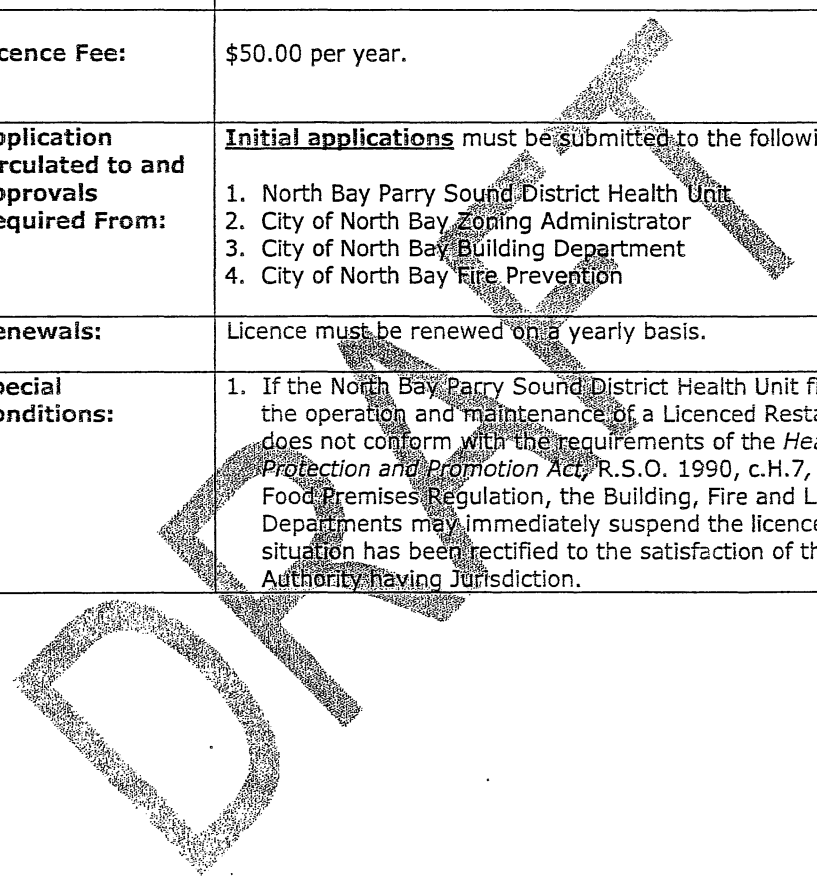
Engineering And Environmental Services

Food Vendor Lottery Draw
Downtown Locations

Drawn By	g.w.c.	Scale	N.T.S.	Drawing No.
Ch'd. By	K.M.	Date	June 14, 2011	Schedule "L-1"

RESTAURANTS

Applicable to:	Restaurants.
Definitions:	"Restaurant" shall mean any Premises in which Food is prepared and provided for sale for immediate consumption within the building or premises and includes an accessory take-out service, an ice cream establishment, dairy bar, tea room, sandwich shop, lunch counter, fish and chip shop but does not include any class of Refreshment Vehicles.
Exemptions:	Seasonal Restaurants
Licence Fee:	\$50.00 per year.
Application Circulated to and Approvals Required From:	<u>Initial applications</u> must be submitted to the following: 1. North Bay Parry Sound District Health Unit 2. City of North Bay Zoning Administrator 3. City of North Bay Building Department 4. City of North Bay Fire Prevention
Renewals:	Licence must be renewed on a yearly basis.
Special Conditions:	1. If the North Bay Parry Sound District Health Unit finds that the operation and maintenance of a Licenced Restaurant does not conform with the requirements of the <i>Health Protection and Promotion Act</i> , R.S.O. 1990, c.H.7, and the Food Premises Regulation, the Building, Fire and Licencing Departments may immediately suspend the licence until the situation has been rectified to the satisfaction of the Authority having Jurisdiction.



SEASONAL RESTAURANTS

Applicable to:	Seasonal Restaurants.
Definitions:	<p>"Seasonal Restaurant" shall mean:</p> <p>(i) a building, structure or part thereof where Food is prepared on or off the premises and is offered for sale to the public; and</p> <p>(ii) that is not operated for more than eight (8) months of any calendar year.</p>
Exemptions:	None
Licence Fee:	\$100.00
Application Circulated to and Approvals Required From:	<ol style="list-style-type: none"> 1. City of North Bay Building Department 2. City of North Bay Zoning Department 3. City of North Bay Fire Prevention 4. North Bay Parry Sound District Health Unit 5. Proof of Insurance (\$2,000,000.00) 6. Licensed Gas Fitter Inspection 7. City of North Bay By-Law Enforcement Officer <p>A Seasonal Restaurant must obtain and provide proof of the necessary inspections annually prior to their licence being issued.</p>
Renewals:	Licence must be renewed on a yearly basis.
Special Conditions:	<ol style="list-style-type: none"> 1. If the North Bay Parry Sound District Health Unit finds that the operation and maintenance of a Seasonal Restaurant does not conform with the requirements of the <i>Health Protection and Promotion Act</i>, R.S.O. 1990, c.H.7, and the Food Premises Regulation, the Building, Fire and Licencing Departments may immediately suspend the licence until the situation has been rectified to the satisfaction of the Authority having Jurisdiction. 2. The Seasonal Restaurant Licence that is issued is only valid at the municipal address specified on the Seasonal Restaurant Licence. 3. A Seasonal Restaurant Licence is non-refundable. 4. If the Owner/Operator decides at a later date that they wish to move their Seasonal Restaurant from location to location the cost of a Seasonal Restaurant Licence will not be applied towards a Refreshment Vehicle Licence. The full fee payable for a Refreshment Vehicle will be payable.

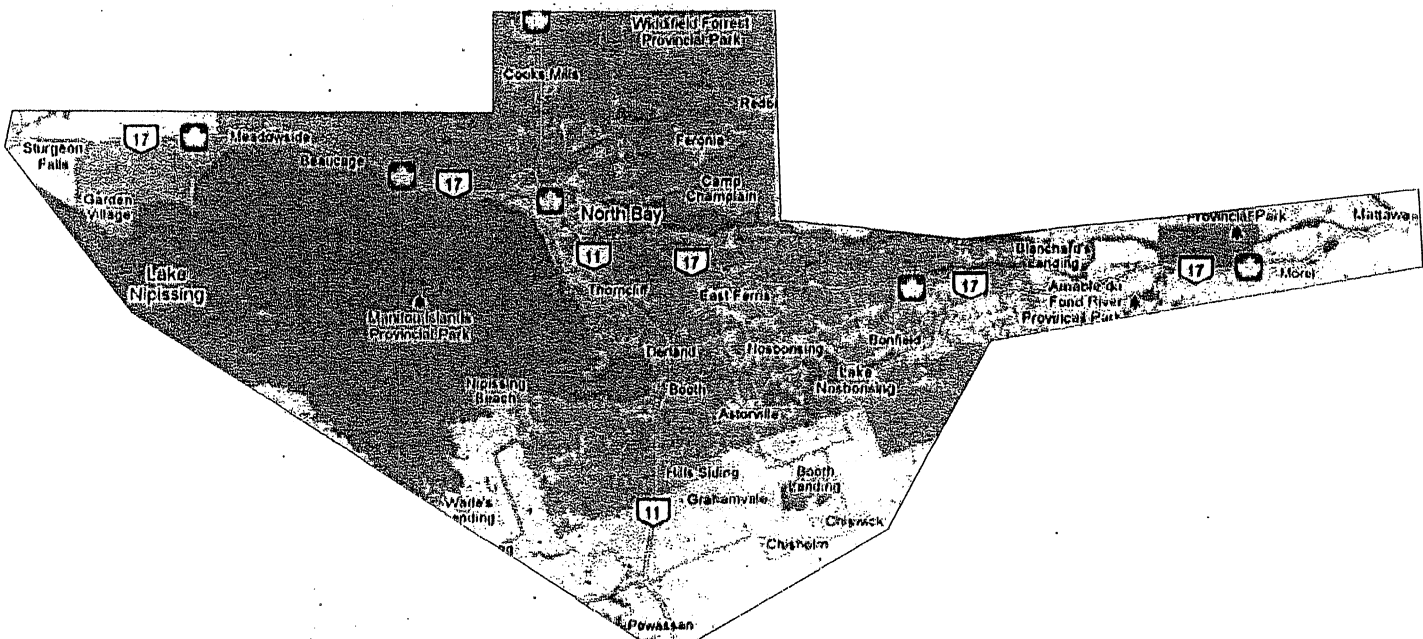
THIS IS SCHEDULE "O" TO BY-LAW 2012-<> OF THE CORPORATION OF THE CITY OF NORTH BAY

SPECIAL EVENTS

Applicable to:	Craft Shows, Trade Shows and Antique/Collectible Shows
Definitions:	<p>Class A: Craft Shows – means the exhibiting or offering for sale by crafts people, on a temporary basis, goods, wares or merchandise that they themselves have produced.</p> <p>Class B: Trade Shows – means a Business or a Person which coordinates a show or similar exhibition of three or more vendors or businesses exhibiting, offering for sale, selling or otherwise displaying for delivery at a later date, goods, wares, merchandise, items and where the vendors or businesses will be organized at a specific location for a period not to exceed fourteen (14) consecutive days.</p> <p>Class C: Antique/Collectible Shows – means the offering for sale, on a temporary basis, goods, wares or merchandise that have not been recently produced or manufactured.</p> <p>Special Event Organizer – means the Person who organizes any type of Craft Show, Trade Show or Antique/Collectible Show (collectively referred to as the "Show"), whether for profit or not. The Special Events Organizer shall make application to the Licensing Officer at least two (2) weeks before the Show.</p>
Exemptions:	<p>Class A: Any Person who resides permanently within the area outlined in Schedule "O1" attached to this By-Law is exempt from purchasing a licence for a Craft Show. Proof of permanent residency to the satisfaction of the City Clerk will be required.</p>
Licence Fee:	<p>Licence Fees are only applicable to Non-Residents of the City.</p> <p>Class A: \$10.00 per day</p> <p>Class B: \$25.00 per day</p> <p>Class C: \$25.00 per day</p>
Application Circulated to and Approvals Required From:	<p>1. City of North Bay Zoning Administrator</p>
Special Conditions:	<p>1. It is the sole responsibility of the Special Events Organizer to:</p> <ul style="list-style-type: none"> (i) ensure that all required Licences, approvals, notifications, permits and certificates are in place for all vendors at the Show, and (ii) provide to the Licensing Officer a list which includes all the names, addresses, telephone numbers and the products being sold at the Show and shall collect the fees associated with the licence and provide the same to the Licensing Officer at least two (2) days in advance of the Show. <p>2. All Signs promoting any Special Event shall be in accordance with City of North Bay By-Law No. 2006-143, and any amendments thereto, being a By-Law to Restrict and Regulate Signs and Other Advertising Devices, Including Posting of Notices on Public Property within the City of North Bay.</p>

TATTOO AND BODY PIERCING PARLOURS

Applicable to:	Any Business or Premise operating a Tattoo and Body Piercing Parlour.
Definitions:	Tattoo and Body Piercing Parlour shall mean Business or Premise where the skin of an individual is marked by puncturing it and inserting a pigment or pigments to make permanent marks and/or designs and where parts of a body are punctured by a sharp-pointed instrument for the purpose of making a hole or opening through which an item may be attached to the body but shall not include a Business or Premise which is operated solely for the purpose of piercing earlobes.
Exemptions:	None
Annual Licence Fee:	\$100.00 per year
Application Circulated to and Approvals Required From:	<ol style="list-style-type: none"> 1. North Bay Parry Sound District Health Unit 2. City of North Bay Zoning Department 3. City of North Bay Fire Department 4. City of North Bay Building Department
Special Conditions:	<p>Every Licensee shall ensure that:</p> <ol style="list-style-type: none"> 1. All services provided in the Tattoo and Body Piercing Parlour comply with all regulations, guidelines or protocols published or recommended by Health Canada or the Ontario Ministry of Health and Long Term Care. 2. If a person is carrying on a Tattoo and Body Piercing Parlour in their residence the services may not take place in any room that is used as living, eating, food preparing, bathing or sleeping quarters. 3. The use of the premises for the purpose of a Tattoo and Body Piercing Parlour is permitted or conforms to the use permitted under the applicable Zoning By-Law. 4. No Person shall dispose of any needle or other similar instrument, item or tool in an unsafe manner. Biomedical waste is required to be disposed of in accordance with Provincial guidelines and regulations. 5. The Applicant shall provide to the Issuer of Licences at the time of application, proof of liability insurance in the minimum amount of \$2,000,000.00. 6. The Applicant shall provide a current criminal record check for all owners, operators and employees who are eighteen (18) years of age or over, which shall be obtained by them at their own expense from the North Bay Police Service or the local Police Service where they reside. 7. The initial Criminal Record Check must be dated within the last sixty (60) days of the initial Application for a Tattoo and Body Piercing Parlour. All subsequent renewals for a Tattoo and Body Piercing Parlour must include a Criminal Record Check that is current within the last two (2) years. 8. The Applicant shall provide to the Issuer of Licences a Certificate of Inspection prepared by the North Bay Parry Sound District Health Unit.



CITY OF NORTH BAY

Engineering And Environmental Services

Special Events (Craft Shows - Class A)

Exemption Area

Drawn By	G.W.C.	Scale	N.T.S.	Drawing No.
Ch'g. By	K.M.	Date	June 8, 2011	Schedule "O-1"

**CIGAR, CIGARETTE AND TOBACCO
TOBACCO SALES**

Applicable to:	Every Person who is engaged in a Business that includes the sale of tobacco and/or tobacco products.
Definitions:	Tobacco shall mean a product composed in whole or in part of tobacco, including tobacco leaves, and any extract of tobacco leaves. It includes cigarette papers, tubes, filters and snuff but does not include any food, drug or device that contains nicotine to which the <i>Food and Drugs Act</i> applies.
Exemptions:	NONE
Licence Fee:	\$50.00 per year
Application Circulated to and Approvals Required From:	1. North Bay Parry Sound District Health Unit
Special Conditions:	1. The operation of every Business which sells tobacco and/or tobacco products shall conform with the provisions of the <i>Tobacco Act</i> , S.C. 1997, c.13 and the <i>Tobacco Tax Act</i> , R.S.O. 1990, c. 10, and any amendments thereto, regarding the sale and supply of tobacco and/or tobacco products.

DRAFT

**City of North Bay
Report to Council**

Report No: CORP 2012-101

Date: August 1, 2012

Originator: Jennifer McDonald

Subject: Capital Projects Status Report – June 2012

RECOMMENDATIONS:

- 1) That the Capital Projects Status Report – June 2012 Report No. CORP 2012-101 from the Chief Financial Officer be received; and,
 - 2) That the 19 projects listed on **Appendix ‘A’** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$559,414** be transferred as follows: **\$624,629** to the Completed Capital Works Reserve Fund and **(\$65,215)** from the Water and Sanitary Sewer Reserve Fund as at June 30, 2012; and,
 - 3) That the 2 projects listed on **Appendix ‘B’** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$163,838** be transferred to other open capital projects as noted on Appendix ‘B’ as at June 30, 2012.
-

BACKGROUND:

On February 24, 2010, City Council passed Resolution No. 2010-121 amending Resolution No. 2001-532, authorizing the Capital Projects Status Reports to be filed on a semi-annual basis as at June 30th and December 31st of each year. Attached is the semi-annual Capital Projects Status Report as at June 30, 2012. Each project has been reviewed in detail with the Site Authority and any comments are reflected at the bottom of each Capital Project Status Sheet.

The Capital Works Reserve Fund balance, estimated to grow from **\$3,307,443** (as at December 31, 2011) to **\$3,866,857** by the end of this reporting period, is allocated as follows:

- Completed Capital Works Reserve Fund (#99537R), with a balance of **\$1,924,067**
 - Water & Sanitary Sewers Reserve Fund (#99522R), with a balance of **\$1,942,790**
-

ANALYSIS:

The Summary of 'Capital Projects Status Report' to June 30, 2012 is attached. The 122 'open' projects are summarized as follows:

Funding completed to June 2012 - Column 'A'	\$ 52,126,226
Outstanding funding Pre 2012 - Column 'D'	8,259,360
Outstanding funding 2012 Approvals - Column 'E'	26,736,589
Future funding - Column 'F'	28,887,809
Other outstanding funding sources - Column 'G'	<u>21,358,161</u>
Total projected funding - Column 'H'	<u>\$137,368,145</u>
Expenditures incurred to June 2012 - Column 'B'	\$ 45,666,441
Projected future expenditures	<u>91,701,704</u>
Total projected expenditures - Column 'I'	<u>\$137,368,145</u>
Projected Surplus / (Deficit) - Column 'J'	<u>\$ 0</u>

Column 'J' summarizes the projected final surplus or (deficit) for all open projects. Most open projects are expected to be completed on budget or with surplus funds available. The total current projected surplus for the 122 open projects is estimated to be \$0. Upon completion of the projects, a request will be made for the actual surplus or (deficit) to be transferred to or (from) the capital project reserve.

Appendix 'A' summarizes 19 projects that are now complete and can now be closed as at June 30, 2012. In total, these projects are over funded or under spent by an estimated \$559,414 and the recommendation is to transfer this projected balance as follows:

- \$624,629 to the Completed Capital Works Reserve Fund
- (\$65,215) from the Water and Sanitary Sewer Reserve Fund

Appendix 'B' summarizes 2 projects that are recommended to be closed with balances transferred to other open projects as at June 30, 2012. These transfers represent authorizations for the same or similar on-going projects. Funds have accumulated from projects being either over funded or under spent, totaling an estimated \$163,838.

The closure and transfer of the above noted projects is in accordance with the policy established and with Council Resolution #2001-532 and will simplify daily management of the growing number of open projects, for both the site authorities and the Financial Services Department.

OPTIONS:

Option #1

- 1) That the Capital Projects Status Report – June 2012 Report No. CORP 2012-101 from the Chief Financial Officer be received; and,
- 2) That the 19 projects listed on **Appendix 'A'** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$559,414** be transferred as follows: **\$624,629** to the Completed Capital Works Reserve Fund and **(\$65,215)** from the Water and Sanitary Sewer Reserve Fund as at June 30, 2012; and,
- 3) That the 2 projects listed on **Appendix 'B'** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$163,838** be transferred to other open capital projects as noted on Appendix 'B' as at June 30, 2012.

Option #2

- 1) That the Capital Projects Status Report – June 2012 Report No. CORP 2012-101 from the Chief Financial Officer be received; and,
- 2) That the 19 projects listed on **Appendix 'A'** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$559,414** be used to fund similar 2012 capital projects at the discretion of the Chief Financial Officer; and,
- 3) That the 2 projects listed on **Appendix 'B'** attached to Report No. CORP 2012-101 be closed and the balance of **\$163,838** be used to fund similar 2012 capital projects at the discretion of the Chief Financial Officer.

RECOMMENDATIONS / FINANCIAL IMPLICATIONS:

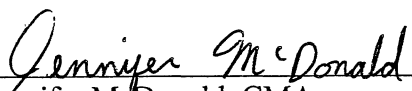
In summary we are recommending that **Option #1** be accepted as follows:

- 1) That the Capital Projects Status Report – June 2012 Report No. CORP 2012-101 from the Chief Financial Officer be received; and,
- 2) That the 19 projects listed on **Appendix 'A'** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$559,414** be transferred as follows: **\$624,629** to the Completed Capital Works Reserve Fund and **(\$65,215)** from the Water and Sanitary Sewer Reserve Fund as at June 30, 2012; and,
- 3) That the 2 projects listed on **Appendix 'B'** attached to Report No. CORP 2012-101 be closed and that the estimated surplus balance of **\$163,838** be transferred to other open capital projects as noted on Appendix 'B' as at June 30, 2012.

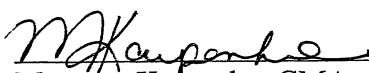
Following the adoption in 2001 of the current capital project reporting requirements and expenditure controls, the majority of capital projects have been completed on or under budget and reserve funds with projected balances totaling \$3,866,857 are estimated to be created by the end of this reporting period. Subject to possible reallocations, final account adjustments and/or transfers out of the reserves to other capital projects via Council approval, the aforementioned transfers are expected to result in reserve balances of \$1,924,067 in the Completed Capital Project Reserve Fund and \$1,942,790 in the Water & Sanitary Sewer Reserve Fund. The total in these two reserve funds is deemed low but does allow the City some flexibility should additional funds be required for existing or emergency capital projects. In the past, these requirements have been deferred or funded by deferring other planned capital projects.


The goal in the Reserve Fund Policy is to have reserves balances directly related to capital concerns, equal to 40% of the annual Capital Funding Policy Expenditure Limit. As of June 30, 2012, the balance of total reserves dollars directly related to capital concerns is approximately 26% of the 2012 Capital Funding Policy Expenditure Limit.

Respectfully submitted,


Jennifer McDonald, CMA
Financial Reports Coordinator

I concur with this report and recommendations.


Margaret Karpenko, CMA
Chief Financial Officer


Jerry Knox
Chief Administrative Officer

Personnel designated for continuance: Financial Reports Coordinator

Attachments: Summary of Capital Project Status Reports, Appendix A, Appendix B.

Copy for: Senior Management Team

**CITY OF NORTH BAY
SUMMARY OF CAPITAL PROJECT STATUS REPORTS, As At June 30, 2012**

Proj#	Description	Current Activity			Future Funding Sources				Projected Overview		
		Completed Funding	Completed Expenditures	Current Balance	Approved Funding Pre-2012	Approved Funding 2012	Future Funding Authority	Other Funding Sources	Projected Total Funding	Projected Total Expenditures	Projected Surplus/ (Deficit)
To Completed Capital Works Reserve Fund - Appendix A:											
2891ST	Francis Street Storm Outfall	\$1,135,000	(\$1,130,327)	\$4,673					\$1,135,000	(\$1,130,325)	(\$4,235)
2891TR	Transit - One Time Funding	\$807,356	(\$793,979)	\$13,377					\$807,356	(\$807,356)	\$0
2978RR	Parks Trail & Supporting Hard Services Rehab Program (On-going)	\$150,000	(\$139,571)	\$10,429					\$150,000	(\$141,673)	\$8,327
9039RF	Facilities - Park Building Rehabilitation (On-going)	\$250,000	(\$249,970)	\$30					\$250,000	(\$249,970)	\$30
3049RR	Parks - Long Term Needs Study (Cultural Plan)	\$81,144	(\$82,047)	\$19,097					\$81,144	(\$82,047)	\$19,097
3107RD	Trout Lake Road (Connaught to Groux)	\$571,310	(\$24,529)	\$546,781					\$571,310	(\$50,000)	\$521,310
3113GG	City Hall - First Floor Renovations	\$290,000	(\$288,391)	\$1,609					\$290,000	(\$290,000)	\$0
3220TR	Transit Retrofit	\$129,539	(\$125,474)	\$4,065					\$129,539	(\$125,474)	\$4,065
6025PR	City Hall Grounds Rehab Program (On-going)	\$0	(\$88,216)	(\$88,216)	\$88,000				\$88,000	(\$88,216)	(\$216)
6033TR	Transit Coach Replacement Program (On-going)	\$462,000	(\$901,955)	(\$439,955)	\$490,788				\$952,788	(\$901,955)	\$50,833
6036OC	Capitol Centre (On-going)	\$200,000	(\$201,930)	(\$1,930)					\$200,000	(\$201,930)	(\$1,930)
6052RD	Asphalt Sealing Program 2012 (On-going)	\$0	\$0	\$0			\$106,000		\$106,000	(\$19,221)	(\$13,221)
6072RR	Parks - Waterfront Rehab Program (On-going)	\$0	(\$255)	(\$255)		\$96,000			\$96,000	(\$92,406)	\$3,594
6082TR	Transit Coach Replacement Program (On-going)	\$0	\$0	\$0		\$420,390		\$462,000	\$882,390	(\$835,822)	\$46,568
6086CA	North Bay Mattawa Conservation Authority (On-going)	\$0	(\$473,703)	(\$473,703)		\$469,000			\$469,000	(\$473,393)	(\$9,393)
Total Surplus to Completed Capital Works Reserve Fund (Reserve #99537R):										\$624,629	

To Water & Sanitary Sewer Capital Works Reserve Fund - Appendix A:

9071WS	Sanitary Sewer - Bulk Water / Septage Disposal	\$300,000	(\$342,359)	(\$42,359)					\$300,000	(\$342,359)	(\$42,359)
9107WS	Trout Lake Road (Connaught to Groux)	\$0	\$0	\$0					\$0	\$0	\$0
9118SS	Sanitary Sewer Upgrades - South Block (Dun/McGaughey)	\$0	\$0	\$0					\$0	\$0	\$0
6096WS	Water Main Looping Program (On-going)	\$0	(\$126,856)	(\$126,856)		\$106,000			\$106,000	(\$126,856)	(\$22,856)
Total Surplus to Water & Sewer Completed Capital Works Reserve Fund (Reserve #99522R):										(\$65,215)	

Projects to be Closed and Transferred to Other Open Projects - Appendix B:

6015FD	Fire Vehicle & Equipment Replacement Program (On-going)	\$546,000	(\$464,870)	\$81,130					\$546,000	(\$464,870)	\$81,130
6038RD	North Bay Police Services Board (On-going)	\$422,833	(\$340,125)	\$82,708					\$422,833	(\$340,125)	\$82,708
Total Surplus to other Capital Projects:										\$163,838	

Open On-Going Projects - Appendix C:

2616RD	Street Reconstruction - McKeown Ave. Gormanville to Algonquin	\$6,314,064	(\$6,097,248)	\$216,816					\$6,314,064	(\$6,314,064)	\$0
2699GG	Administrative & Overhead Charges	\$2,060,021	(\$2,079,126)	(\$19,105)			\$367,321		\$2,427,342	(\$2,427,342)	\$0
2702WS	Airport Hill/CFB Reservoir Water System Upgrade & Expansion	\$8,400,000	(\$7,867,380)	\$532,620					\$8,400,000	(\$8,400,000)	\$0
2802RD	Bridge Reconstruction - Trout Lake Road (ONR overpass)	\$82,000	(\$62,433)	\$19,567			\$1,950,000		\$2,032,000	(\$2,032,000)	\$0
2803SS-WS	Cedar Heights Standpipe	\$900,000	(\$497,753)	\$402,247	\$1,200,000		\$1,831,500	\$3,668,500	\$7,600,000	(\$7,600,000)	\$0
2814WS	Water Meter Strategy Implementation	\$2,501,371	(\$237,788)	\$2,263,583			\$4,640,966		\$7,142,337	(\$7,142,337)	\$0
2825SL-RD-ST	Traffic Signals/Intersection (Pearce/Airport to Francis)	\$805,587	(\$597,053)	\$208,534	\$94,413		\$100,000		\$1,000,000	(\$1,000,000)	\$0
2825SS-WS	Intersection (Pearce/Airport to Francis) Improvements	\$750,000	(\$425,533)	\$324,467					\$750,000	(\$750,000)	\$0
2916GD	Landfill Site (Merrick) - Leachate Management - Cell 6 & Wells	\$1,600,000	(\$1,495,197)	\$104,803	\$200,000				\$1,800,000	(\$1,800,000)	\$0
2919RD-ST	Street Reconstruction - Pearce (Francis to Greenhill)	\$120,500	(\$77,887)	\$42,613			\$1,579,500		\$1,700,000	(\$1,700,000)	\$0
2919SS-WS	Street Reconstruction - Pearce (Francis to Greenhill)	\$200,000	(\$43,707)	\$156,293			\$1,100,000		\$1,300,000	(\$1,300,000)	\$0
2930RD	Traffic Signalized Pedestrian Crossings	\$200,000	(\$157,449)	\$42,551					\$200,000	(\$200,000)	\$0
2934ST	Chippewa Creek / Airport Heights Stormwater Retention	\$100,000	(\$109,043)	(\$9,043)			\$500,000		\$600,000	(\$600,000)	\$0
2937SS-WS	Asset Management Program / Infrastructure Sustainability	\$750,000	(\$431,728)	\$318,272					\$750,000	(\$750,000)	\$0
2960GG	Systems Technology Program (on-going)	\$795,278	(\$774,447)	\$20,831	\$135,254				\$930,532	(\$930,532)	\$0
2961PK	Parking - Lot Maintenance and Improvement Program	\$239,864	(\$22,689)	\$217,175					\$239,864	(\$239,864)	\$0
2970RF	Arenas - Palangio/West Ferris Rehab Program (on-going)	\$550,000	(\$495,231)	\$54,769					\$550,000	(\$550,000)	\$0
3001RD	Lakeshore Dr. Bridge Reconstruction/Rehab over Lavase River- Study	\$100,000	(\$79,837)	\$20,163		\$166,667	\$1,000,000	\$2,333,333	\$3,600,000	(\$3,600,000)	\$0
3002RD	Hammond & Stanley St. Bridges - EA and Removal	\$50,000	(\$35,072)	\$14,928			\$200,000		\$250,000	(\$250,000)	\$0
3004RD-ST	Street Reconstruction - Main St. / Seymour St. / Ski Club	\$300,000	(\$296,168)	\$3,832				\$136,203	\$436,203	(\$436,203)	\$0
3005RD-ST	Street Reconstruction - Jane St. (Murray to Timmins) (Design)	\$180,000	(\$115,507)	\$64,493					\$180,000	(\$180,000)	\$0
3005SS-WS	Street Reconstruction - Jane St. (Murray to Timmins) (Design)	\$180,000	(\$85,781)	\$94,219					\$180,000	(\$180,000)	\$0
3008PK-RD-ST	Heritage North Bay Parkland - Environmental Protection, Grading & Street Lighting Upgrades	\$6,149,085	(\$6,802,139)	(\$653,054)				\$1,250,915	\$7,400,000	(\$7,400,000)	\$0
3013SL	Street Lighting Upgrades	\$1,315,573	(\$1,286,199)	\$29,374	\$1,085,667				\$2,401,240	(\$2,401,240)	\$0
3014SS-WS	Design Work - Next Year's Projects (On-going)	\$763,175	(\$512,609)	\$250,566					\$763,175	(\$763,175)	\$0
3015SS-WS	City Share of New Development Costs (Ongoing)	\$338,539	(\$283,830)	\$54,709					\$338,539	(\$338,539)	\$0
3027GG	System Technology Program (On-going)	\$371,934	(\$385,396)	(\$13,462)	\$191,000				\$562,934	(\$562,934)	\$0
3027SS-WS	Systems Technology Program (on-going)	\$90,000	(\$900)	\$89,100					\$90,000	(\$90,000)	\$0
3028PK	Parking - Vehicle & Equipment Replacement (on-going)	\$105,272	(\$77,496)	\$27,776					\$105,272	(\$105,272)	\$0
3061SS	Sanitary Sewer Upsize - Main St. (Gormanville Rd. to Memorial Dr.)	\$100,000	(\$8,227)	\$91,773			\$5,000,000		\$5,100,000	(\$5,100,000)	\$0
3063SS-WS	Street Reconstruction - Ski Club Road (Lakeside Dr. to Johnston)	\$888,827	(\$243,550)	\$645,277	\$1,611,173	\$1,800,000			\$4,300,000	(\$4,300,000)	\$0
3064WS	Water Main - Lakeshore (Phase I - Marshall to Jessops Creek)	\$200,000	(\$112,883)	\$87,117					\$200,000	(\$200,000)	\$0

**CITY OF NORTH BAY
SUMMARY OF CAPITAL PROJECT STATUS REPORTS, As At June 30, 2012**

Pro#	Description	Current Activity			Future Funding Sources				Projected Overview		
		Completed Funding	Completed Expenditures	Current Balance	Approved Funding Pre-2012	Approved Funding 2012	Future Funding Authority	Other Funding Sources	Projected Total Funding	Projected Total Expenditures	Projected Surplus/ (Deficit)
3069WS	Drinking Water Quality Management Maintenance System (HANSEN)	\$582,854	(\$407,755)	\$175,099					\$582,854	(\$582,854)	\$0
3070SS	Sanitary Sewer-Inflow/Infiltration Reduction/Flow Monitoring	\$600,000	(\$438,326)	\$161,674					\$600,000	(\$600,000)	\$0
3102RD	Facilities Management - Roads	\$0	(\$16,301)	(\$16,301)		\$100,000	\$200,000		\$300,000	(\$300,000)	\$0
3103RD	Public Works Admin Building Roof Repairs	\$250,000	(\$138,218)	\$111,782					\$250,000	(\$250,000)	\$0
3104RD-ST	Street Reconstruction - Ferguson St. (McIntyre to Chippewa)	\$0	(\$87,945)	(\$87,945)	\$300,000	\$1,500,000	\$5,100,000		\$6,900,000	(\$6,900,000)	\$0
3104SS-WS	Street Reconstruction - Ferguson St. (McIntyre to Chippewa)	\$0	(\$6,243)	(\$6,243)		\$1,700,000	\$1,700,000		\$3,400,000	(\$3,400,000)	\$0
3105RD-ST	Street Reconstruction - Main St (Sherbrooke St to Overpass)	\$1,200,000	(\$2,170,590)	(\$970,590)		\$500,000		\$1,000,000	\$2,700,000	(\$2,700,000)	\$0
3105SS-WS	Street Reconstruction - Main St (Sherbrooke to Overpass)	\$1,745,580	(\$765,543)	\$980,037		\$400,000			\$2,145,580	(\$2,145,580)	\$0
3108GD	Landfill Site (Merrick) - Leachate Treatment	\$52,147	(\$466,444)	(\$414,297)	\$247,853	\$1,700,000	\$3,000,000		\$5,000,000	(\$5,000,000)	\$0
3111FD	Fire Department Replacement of Emergency Generator	\$0	(\$14,325)	(\$14,325)	\$120,000				\$120,000	(\$120,000)	\$0
3113GG	City Wide Radio System Replacement	\$50,000	(\$44,872)	\$5,128	\$745,000				\$795,000	(\$795,000)	\$0
3114PR	Arenas - Multi-Use Recreational Feasibility Study	\$86,735	(\$46,473)	\$40,262				\$33,085	\$119,820	(\$119,820)	\$0
3116SS	Premier Rd Sewer Extension (Jessop's Creek to Birchs Rd.)	\$1,000,000	(\$1,598,379)	(\$598,379)	\$100,000		\$1,000,000		\$2,100,000	(\$2,100,000)	\$0
3117SS	Sanitary Sewer - Rehab Program	\$600,000	(\$132,070)	\$467,930					\$600,000	(\$600,000)	\$0
3119WS	Watermain - Cathodic Protection Program	\$200,000	(\$2,446)	\$197,554					\$200,000	(\$200,000)	\$0
3201RD-ST	Airport Industrial Land Servicing	\$408,631	(\$1,198,489)	(\$789,858)		\$1,000,000		\$1,591,369	\$3,000,000	(\$3,000,000)	\$0
3201SS-WS	Airport Industrial Land Servicing	\$794,137	(\$1,939,686)	(\$1,145,549)	\$1,000,000			\$1,205,863	\$3,000,000	(\$3,000,000)	\$0
3203RD	Traffic Signalized Pedestrian Crossings	\$0	\$0	\$0		\$100,000			\$100,000	(\$100,000)	\$0
3204PR	Skateboard Park Development & Rehab	\$0	\$0	\$0			\$100,000	\$100,000	\$200,000	(\$200,000)	\$0
3208WS	Watermain Replacement - Lakeshore Drive	\$0	(\$4,311)	(\$4,311)		\$200,000			\$200,000	(\$200,000)	\$0
3211SS-WS	Water/Sewer Building Roof Repairs	\$0	\$0	\$0		\$100,000			\$100,000	(\$100,000)	\$0
3215GG	Corporate Security Study	\$0	\$0	\$0		\$50,000			\$50,000	(\$50,000)	\$0
3221RD	Asset Management Program/ Infrastructure Sustainability 2012	\$0	(\$42,430)	(\$42,430)		\$200,000			\$200,000	(\$200,000)	\$0
3300RD	Bridge Reconstruction - John Street Bridge & Creek Rehab	\$565,000	(\$331,777)	\$233,223			\$4,000,000		\$4,565,000	(\$4,565,000)	\$0
3304SS	Extension of Sanitary Sewer to Pinewood Drive Area	\$0	(\$14,105)	(\$14,105)		\$866,667		\$4,133,333	\$5,000,000	(\$5,000,000)	\$0
3402RD	Airport Road Resurfacing Program - O'Brien to Carmichael	\$0	\$0	\$0		\$926,191	\$573,809		\$1,500,000	(\$1,500,000)	\$0
3602RD	College Drive - New Climbing Lane, Widening & Pathway	\$0	\$0	\$0		\$133,333		\$266,667	\$400,000	(\$400,000)	\$0
6012RD	Downtown Roads Maintenance (On-going)	\$77,000	(\$3,533)	\$73,467					\$77,000	(\$77,000)	\$0
6014FD	Fire Department - Facilities Management Program (On-going)	\$90,000	(\$60,213)	\$29,787					\$90,000	(\$90,000)	\$0
6016RF	Arenas - Memorial Gardens Rehab Program (On-going)	\$200,000	(\$314,626)	(\$114,626)	\$145,000				\$345,000	(\$345,000)	\$0
6017RF	Arenas - Pete Palangio / West Ferris Rehab Program (On-going)	\$400,000	(\$355,431)	\$44,569					\$400,000	(\$400,000)	\$0
6018MR	Parks - Kings Landing & Marina Rehab Program (On-going)	\$250,000	(\$261,159)	(\$11,159)					\$250,000	(\$250,000)	\$0
6019PR	Facilities - Parks Building Rehab (On-going)	\$750,000	(\$282,473)	\$467,527					\$750,000	(\$750,000)	\$0
6020RF	Facilities - Recreation Facilities Rehab & Development (On-going)	\$275,000	(\$256,429)	\$18,571					\$275,000	(\$275,000)	\$0
6022PR	Parks - Park & Playground Rehab Program (On-going)	\$211,000	(\$33,648)	\$177,352					\$211,000	(\$211,000)	\$0
6023PR	Parks - Waterfront Rehab Program (On-going)	\$93,000	(\$77,748)	\$15,252					\$93,000	(\$93,000)	\$0
6027PR	Parks - Trail & Supporting Hard Surfaces Rehab Program (On-going)	\$165,000	(\$4,115)	\$160,885					\$165,000	(\$165,000)	\$0
6028PR	Parks - Park Vehicle & Equipment Replacement Program (On-going)	\$350,000	(\$289,481)	\$60,519					\$350,000	(\$350,000)	\$0
6029PR	Parks - Aquatic Centre Rehab Program (On-going)	\$274,600	(\$221,266)	\$53,334	\$20,000			\$24,422	\$319,022	(\$319,022)	\$0
6030PK	Parking - Lot Maintenance & Improvement Program	\$160,000	(\$73,481)	\$86,519	\$140,000				\$300,000	(\$300,000)	\$0
6031AT	North Bay Jack Garland Airport	\$284,083	(\$268,554)	\$15,529					\$284,083	(\$284,083)	\$0
6034GG	City Hall Building Rehab (On-going)	\$43,580	(\$33,366)	\$10,214	\$82,000				\$125,580	(\$125,580)	\$0
6035GG	System Technology Program (On-going)	\$0	(\$165,022)	(\$165,022)	\$567,000				\$567,000	(\$567,000)	\$0
6048OC	Capital Centre - Matched Trillium Funding	\$0	\$0	\$0	\$275,000				\$275,000	(\$275,000)	\$0
6049RD	City Share of New Development Costs (On-going)	\$0	(\$2,270)	(\$2,270)		\$195,000			\$195,000	(\$195,000)	\$0
6049WS	City Share of New Development Costs (On-going)	\$0	(\$14)	(\$14)		\$140,000			\$140,000	(\$140,000)	\$0
6050FL	Public Works Vehicle & Equipment Replacement Program	\$254,478	(\$5,638)	\$248,840		\$1,200,000			\$1,454,478	(\$1,454,478)	\$0
6050SS-WS	Public Works Vehicle & Equipment Replacement Program	\$617,338	(\$285,313)	\$332,025		\$800,000			\$1,417,338	(\$1,417,338)	\$0
6051RD	Asphalt Resurfacing Program 2012 (On-going)	\$379,792	(\$23,525)	\$356,267		\$2,300,000			\$2,679,792	(\$2,679,792)	\$0
6051SS-WS	Asphalt Resurfacing Program 2012 (On-going)	\$203,587	(\$35,865)	\$167,722		\$212,000			\$415,587	(\$415,587)	\$0
6063RD-ST	Residential Street Rehabilitation 2012 (On-going)	\$49,610	(\$90,841)	(\$41,231)		\$200,000			\$249,610	(\$249,610)	\$0
6053SS-WS	Residential Street Rehabilitation (On-going)	\$0	(\$142)	(\$142)		\$266,000			\$266,000	(\$266,000)	\$0
6054RD	Pedestrian Safety Program 2012 (On-going)	\$0	(\$5,269)	(\$5,269)		\$106,000			\$106,000	(\$106,000)	\$0
6055RD	Road Culver Replacement & Rehabilitation 2012 (On-going)	\$0	(\$26,704)	(\$26,704)		\$160,000			\$160,000	(\$160,000)	\$0
6056RD	Rural Roadways Rehabilitation 2012 (On-going)	\$0	\$0	\$0		\$520,567		\$194,433	\$715,000	(\$715,000)	\$0
6057SL	Traffic Control Signal Upgrade 2012 (On-going)	\$72,509	(\$12,212)	\$60,297		\$360,000			\$432,509	(\$432,509)	\$0
6058RD	Sidewalk Replacement Program 2012 (On-going)	\$0	\$0	\$0		\$160,000			\$160,000	(\$160,000)	\$0
6059RD	Bridge Rehabilitation Program 2012 (on-going)	\$54,183	(\$14,802)	\$39,381		\$106,000			\$160,183	(\$160,183)	\$0
6063FD	Fire Vehicle & Equipment Replacement Program (On-going)	\$0	(\$5,411)	(\$5,411)		\$570,000		\$86,762	\$656,762	(\$656,762)	\$0
6065RF	Arenas - Memorial Gardens Rehab Program (On-going)	\$0	(\$3,015)	(\$3,015)		\$300,000			\$300,000	(\$300,000)	\$0

CITY OF NORTH BAY
SUMMARY OF CAPITAL PROJECT STATUS REPORTS, As At June 30, 2012

Proj#	Description	Current Activity			Future Funding Sources				Projected Overview		
		Completed Funding	Completed Expenditures	Current Balance	Approved Funding Pre-2012	Approved Funding 2012	Future Funding Authority	Other Funding Sources	Projected Total Funding	Projected Total Expenditures	Projected Surplus/ (Deficit)
6066RF	Arenas - Pete Palangio / West Ferris Rehab Program (On-going)	\$0	\$0	\$0		\$400,000			\$400,000	(\$400,000)	\$0
6067MR	Parks - Kings Landing & Marina Rehab Program (On-going)	\$0	(\$78,531)	(\$78,531)		\$250,000			\$250,000	(\$250,000)	\$0
6068PR	Facilities - Parks Building Rehab (On-going)	\$0	(\$6,614)	(\$6,614)		\$1,300,000			\$1,300,000	(\$1,300,000)	\$0
6069RF	Facilities - Recreation Facilities Rehab & Development (On-going)	\$0	(\$29,738)	(\$29,738)		\$300,000			\$300,000	(\$300,000)	\$0
6070PR	Sportsfield Complex Rehab & Development (On-going)	\$0	(\$40,671)	(\$40,671)		\$150,000			\$150,000	(\$150,000)	\$0
6071PR	Parks - Park & Playground Rehab Program (On-going)	\$0	(\$3,720)	(\$3,720)		\$217,000			\$217,000	(\$217,000)	\$0
6073PR	Downtown Sidewalk Rehabilitation Program 2012 (On-going)	\$0	(\$1,117)	(\$1,117)		\$95,000			\$95,000	(\$95,000)	\$0
6074PR	City Hall Grounds Rehab Program (On-going)	\$0	(\$63,548)	(\$63,548)		\$91,000			\$91,000	(\$91,000)	\$0
6076PR	Parks - Trail & Supporting Hard Surfaces Rehab Program	\$0	\$27,151	\$27,151		\$170,000		\$27,151	\$197,151	(\$197,151)	\$0
6077PR	Parks - Park Vehicle & Equipment Replacement Program (On-going)	\$0	(\$4,602)	(\$4,602)		\$284,000			\$284,000	(\$284,000)	\$0
6078PR	Parks - Aquatic Centre Rehab Program (On-going)	\$0	(\$52,942)	(\$52,942)		\$60,000			\$60,000	(\$60,000)	\$0
6079PK	Parking - Lot Maintenance & Improvement Program	\$0	(\$156)	(\$156)		\$800,000			\$800,000	(\$800,000)	\$0
6080AT	North Bay Jack Garland Airport	\$0	(\$12,625)	(\$12,625)		\$300,000			\$300,000	(\$300,000)	\$0
6081TR	Transit Capital Program (On-going)	\$0	(\$3,306)	(\$3,306)		\$26,250			\$26,250	(\$26,250)	\$0
6083GG	City Hall Building Rehab (On-going)	\$0	\$0	\$0		\$145,476			\$145,476	(\$145,476)	\$0
6084GG	System Technology Program (On-going)	\$0	(\$47,525)	(\$47,525)		\$503,000			\$503,000	(\$503,000)	\$0
6084WS	Systems Technology Program (on-going)	\$0	\$0	\$0		\$96,000			\$96,000	(\$96,000)	\$0
6085OC	Capitol Centre (On-going)	\$0	(\$199)	(\$199)		\$200,000			\$200,000	(\$200,000)	\$0
6087PD	North Bay Police Services Board (On-going)	\$0	(\$103,691)	(\$103,691)		\$417,438		\$82,708	\$500,146	(\$500,146)	\$0
6088LB	North Bay Public Library (On-going)	\$11,254	(\$46,900)	(\$35,646)		\$450,000			\$461,254	(\$461,254)	\$0
6089SS	Digester Cleaning & Grit Removal 2012 (On-going)	\$282,442	(\$2,885)	\$279,557		\$79,000			\$361,442	(\$361,442)	\$0
6090SS	Sewage Plant & Pump Station Improvement Program (On-going)	\$164,395	(\$97,403)	\$66,992		\$318,000		\$115,130	\$597,525	(\$597,525)	\$0
6091WS	Hydrant & Water Valve Rehab Program (On-going)	\$95,683	(\$32,038)	\$63,645		\$160,000			\$255,683	(\$255,683)	\$0
6092SS-WS	Water & Sewer Rehabilitation Program (On-going)	\$0	(\$55,529)	(\$55,529)		\$53,000	\$53,000		\$106,000	(\$106,000)	\$0
6093WS	Unidirectional Flushing of City Watermains (On-going)	\$61,180	(\$50,209)	\$10,971		\$212,000			\$273,180	(\$273,180)	\$0
6094WS	Water Treatment Plant and Facilities Maintenance Program (On-going)	\$472,625	(\$68,614)	\$404,011		\$266,000			\$738,625	(\$738,625)	\$0
6095WS	Water Main Replacement, Reaming or Relining Program (On-going)	\$40,923	\$0	\$40,923		\$160,000			\$200,923	(\$200,923)	\$0
6097RD-ST	Design Work - Next Year's Projects (On-going)	\$17,181	(\$15,449)	\$1,732		\$54,000			\$71,181	(\$71,181)	\$0
6097SS-WS	Design Work - Next Year's Projects (On-going)	\$89,609	\$0	\$89,609		\$106,000			\$195,609	(\$195,609)	\$0
6098PR	Tourist Information Centre & Dionne Home Rehab (On-going)	\$0	\$0	\$0		\$35,000			\$35,000	(\$35,000)	\$0
Open Project Totals		\$52,126,226	(\$45,666,441)	\$6,459,785	\$8,259,360	\$26,736,589	\$28,887,809	\$21,358,161	\$137,368,145	(\$137,368,145)	\$0
TOTAL OF ALL PROJECTS		\$57,471,408	(\$51,420,527)	\$6,050,881	\$8,838,148	\$27,827,979	\$28,887,809	\$21,926,161	\$144,951,505	(\$144,228,253)	\$723,252
		A	B	C	D	E	F	G	H	I	J

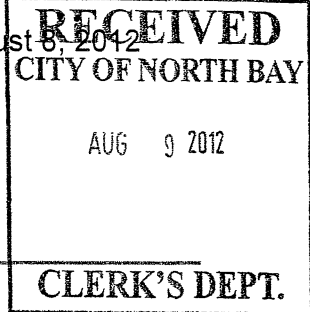
Total Unfunded Commitments **\$36,666,127**

City of North Bay

Report to Council

Report No.: CSBU 2012 - 61

Date: August 6, 2012



Originator: Peter Carello – Senior Policy Planner

Subject: Community Infrastructure Improvement Fund Applications

RECOMMENDATIONS

That Council authorizes staff to prepare and submit applications to the Community Infrastructure Improvement Fund by the August 24th, 2012 deadline for the following projects (ordered by community priority):

1. Lee Park Building
2. Lakeshore Drive Entranceway Bridge Project
3. Kate Pace Way Extension
4. Fire Department Radio Equipment
5. Memorial Gardens Maintenance Program
6. Park Facilities Maintenance Program
7. Public Works Building Renovations

BACKGROUND

On July 5, 2012, the Federal Government announced the launch of the Community Infrastructure Improvement Fund (CIIF).

The CIIF is primarily focused on the improvement and small expansion of existing municipal infrastructure assets. The program identifies eight categories of projects that are eligible for funding. Seven of these categories would be classified as cultural or recreational in nature (community centre, docks, athletic facilities, etc.); the eighth category is more traditional infrastructure (roads, water, airports, etc.). The categories of projects that are eligible are somewhat unusual, as there are relatively few programs that fund recreational facilities.

The CIIF is a national program, with approximately \$150M allocated nationwide. Of that, approximately \$49M is allotted to Ontario. Accordingly, the financial scope of the projects that will be funded through the CIIF might be somewhat limited.

The deadline for applications is August 24th, which provides very little time to develop proposals. The program has the anticipation that approved applications would immediately go to tender. Based on these expectations, proposed projects would need to be in the capital budget and in an advanced stage of readiness. Staff met on July 23rd, 2012 to discuss which City projects are slated to occur in the next year or two that may be eligible for CIIF funding. City staff also discussed the ranking that each project should have, relative to the other potential applications.

The City of North Bay is currently preparing a series of applications to be submitted to the CIIF for consideration. As part of the application process, the City must submit a resolution from City Council authorizing the applications.

The following is a short description of the projects that are in the Capital Budget and have been identified as being a good fit with the CIIF program, as prioritized by staff:

1. Lee Park Building: the City's maintenance building at Lee Park provides a "home base" for all park maintenance activities throughout the City. Based on life cycle analysis and the projected cost of repairing this building, it has been identified that it needs to be reconstructed. This \$1.5M project will construct a new building.
2. Lakeshore Drive Entranceway Bridge Project: the City of North Bay is in the process of reconstructing the Lakeshore Drive entranceway into the City, including service extensions and a variety of road repairs. This project is specific to the costs associated with the Lavase River Bridge. Total cost of this project is estimated at \$2.5M.
3. Kate Pace Way Extension: this project will extend the Kate Pace Way north-westerly from Memorial Drive to Timmins Street. This project will also include the southerly extension of the trails from Nipissing University to Gormanville Road. A future phase of this project (outside of the scope of this application) will join these two trails, eventually resulting in a multi-use trail that extends from Nipissing University and Canadore College Campus to Callander.
4. Fire Department Radio Equipment: the Fire Department's radio communication equipment requires upgrading in order to provide the reliability and the service needed to respond to emergency situations. Included as part of this project is equipment associated with the traffic signal pre-emption technology, which allows designated vehicles to arrive at the scene of emergencies in a timelier manner, reducing response time.
5. Memorial Gardens Maintenance Program: the 2005 Building Condition Report identified a maintenance plan for community arenas. This project represents the next phase of repairs at Memorial Gardens, including dressing room upgrades and parking lot improvements to meet today's standards.
6. Parks Facilities Maintenance Program: this project is part of the ongoing rehabilitation measures of outdoor sports facilities. Parks slated to benefit from this application would be Centennial field and Veterans field. There will also be ongoing improvements to outdoor rink facilities.
7. Public Works Building Renovations: renovations to the Public Works building will include the addition of a second exit from the Second Floor, as well as other upgrades that will bring the building into closer conformity with the Ontario Building Code.

The first two projects were prioritized based on their overall cost and the fact that approval of either of these projects would have the greatest overall benefit to the City. The Kate Pace Way and Fire Department projects were next on the priority list, as they seem to have the closest fit with the project's overall criteria and represent an improvement in service.

ANALYSIS/OPTIONS

Option #1: Council authorizes staff to prepare and submit applications to the Community Infrastructure Improvement Fund by the August 24th, 2012 deadline for the following projects (ordered by community priority):

1. Lee Park Building
2. Lakeshore Drive Entranceway Bridge Project
3. Kate Pace Way Extension
4. Fire Department Radio Equipment
5. Memorial Gardens Maintenance Program
6. Park Facilities Maintenance Program
7. Public Works Building Renovations

Option #2: Council not support the proposed list of applications. This option is not recommended, as it would result in the City missing out on the opportunity to apply for funding.

RECOMMENDED OPTION/FINANCIAL IMPLICATION

Option #1 is recommended. That Council authorizes staff to prepare and submit applications to the Community Infrastructure Improvement Fund by the August 24th, 2012 deadline for the following projects (ordered by community priority):

1. Lee Park Building
2. Lakeshore Drive Entranceway Bridge Project
3. Kate Pace Way Extension
4. Fire Department Radio Equipment
5. Memorial Gardens Maintenance Program
6. Park Facilities Maintenance Program
7. Public Works Building Renovations

Respectfully submitted,



Peter Carello
Senior Policy Planner

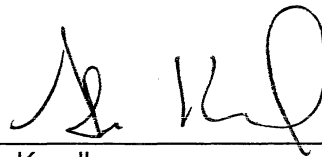
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We concur with this report and recommendations.



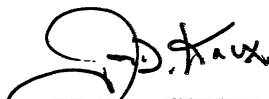
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Managing Director - Engineering
Engineering and Environmental Services



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Managing Director, Community Services

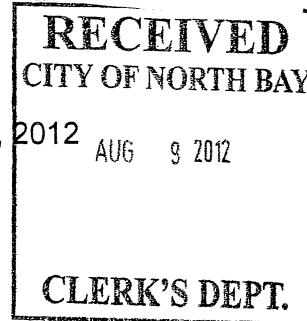


Jerry D. Knox
Chief Administrative Officer

#5

City of North Bay

Report to Council



Report No.: CSBU 2012 – 060

Date: August 7, 2012

Originator: Peter Carello – Senior Policy Planner

Subject: Preparation of a new Zoning By-law

RECOMMENDATIONS

1. That Council authorize Planning Staff to commence the preparation of a new Zoning By-law for Council's consideration;
2. That Council reallocate the remaining funds of \$26,570.24 from project 2435PZ capital established for the preparation of a new Official Plan to the preparation of the new Zoning By-law; and
3. That staff be directed to provide annual updates to Council regarding the status of the new Zoning By-law.

BACKGROUND

Zoning is the system of land use regulations that divides the City into geographic "zones".

A zoning by-law provides very detailed regulations on the type of development that may be permitted in a zone. A zoning by-law also provides direction on the manner that the development may occur. Examples of these types of development requirements include specifying setbacks from property lines, providing minimum amounts of parking and regulating lot sizes. Included as part of a zoning by-law are mapping schedules that assign zones to individual properties.

The current zoning regulations in the City of North Bay were put in place by By-law No. 28-80. Passed by City Council in 1980, the Zoning By-law creates development regulations that govern the orderly development of the community. This includes the geographic demarcation of zones and their associated permitted uses, minimum standards for parking, and lot development regulations such as setbacks and coverage maximums.

On January 5, 2012, the appeal period for the City of North Bay's new Official Plan expired with no objections having been received. As of this date, the new Official Plan became in effect. Subsection 26(9) of the Planning Act directs Council to prepare a new Zoning By-law within three years of the passing of a new Official Plan. Beyond this regulatory requirement, there are many other compelling reasons for the City of North Bay to implement a new Zoning By-law. Some examples:

- Implement the Official Plan: the new Official Plan established some new designations and policies that can be implemented by passing a new Zoning By-law, such as the new Arterial Commercial designation (located on Fisher Street, Lakeshore Drive, Highway 11/17 and Pinewood Park Drive).

-
- Improved Technology: there have been significant technological advancements in mapping technology since the Zoning By-law was initially passed in 1980, including Geographic Information System (GIS) technology which North Bay has. The new technology is significantly more accurate and clear than current technology. Passing a new Zoning By-law would enable the City to convert its zoning schedules to more current technology.

The following schedule for the preparation of the new Zoning By-law is proposed:

- Staff prepare a draft of new Zoning By-law
- 1st Draft of new Zoning By-law for public commentary (including presentation at City Council)
- Draft of new Zoning By-law revised
- Final Draft of new Zoning By-law presented to Council

It is expected that public consultation for the new Zoning By-law will be extensive. Specific formats for consultation have not yet been identified. However, based on previous experiences, it is anticipated that it will include neighbourhood specific open houses, direct consultations with property owners and community stakeholders, public meetings at the Planning Advisory Committee and use of online tools.

The preparation of the new Zoning By-law will be led by Planning Department staff. Other City departments will play a key role in the process. For example, the Information Systems department will provide the tools needed to update mapping and public consultation. The Economic Development, Building, Engineering and Legal departments will all review and comment on the new Zoning By-law throughout the process to ensure the by-law is relevant, reflective of private and public sector requirements and enforceable.

It is anticipated that completion of this initiative will result in the City incurring mailing costs as part of the consultation process, advertising fees, printing costs and potentially technical expertise.

A balance of \$26,570.24 remains in Capital Project number 2435PZ (preparation of a new Official Plan). It is recommended that the remaining funds be used to complete the new Zoning By-law.

ANALYSIS/OPTIONS

Option #1

1. That Council authorize Planning Staff to commence the preparation of a new Zoning By-law for Council's consideration;
2. That Council reallocate the remaining funds of \$26,570.24 from the capital account established for the preparation of a new Official Plan to the preparation of the new Zoning By-law; and
3. That staff be directed to provide annual updates to Council regarding the status of the new Zoning By-law.

Option #2

That Council not authorize Planning staff to prepare a new Zoning By-law. As the City of North Bay has an obligation under the Planning Act to prepare a new Zoning By-law, this option is not recommended.

RECOMMENDED OPTION/FINANCIAL IMPLICATION

Option #1 is recommended

Respectfully submitted,




Peter Carello
Senior Policy Planner

PC/cb

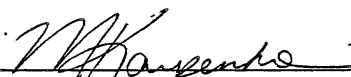
Attachments

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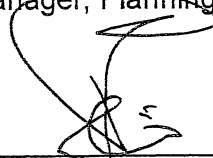
We concur with this report and recommendations.



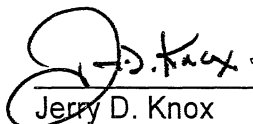
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