

# Managers' Reports

---

# Request for Recommendation Priorities Committee




Type of Decision									
Meeting Date	January 12 <sup>th</sup> , 2005				Report Date	January 5 <sup>th</sup> , 2005			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Endorsement of Proposed Lot Grading Policy, Design Guidelines and Requirements for Lot Grading Professionals

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input checked="" type="checkbox"/>	Background attached

Recommendation	
<p>THAT City Council endorse the proposed Lot Grading Policy, Design Guidelines and Requirements for Lot Grading Professionals as outlined in the report from the General Manager of Public Works dated January 5<sup>th</sup>, 2005.</p>	
<input type="checkbox"/>	Recommendation attached

Recommended by the General Manager
 Don Belisle General Manager of Public Works

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: January 5<sup>th</sup>, 2005

**Report Authored By**



R.G. (Greg) Clausen, P. Eng.  
Director of Engineering Services

**Division Review**

Background:

The issue of Lot Grading is one of the most important and contentious matters that the community, City Councillors, City staff, homeowners, home builders, developers and design professionals, have to deal with.

As Council can attest, lot grading problems consume an inordinate amount of both Councillors and staffs' time in retroactively trying to resolve lot grading problems and issues.

Inevitably an individual homeowner is often faced with, or left with, resolving lot grading problems caused by others. The solutions are often difficult to implement, require the cooperation / assistance of either adjacent or downstream property owners and generally are expensive. During the process, the affected property owners exhibit much frustration with the home builder, developer, and the municipality including municipal staff and Council.

In almost all situations, lot grading issues and concerns could have been prevented had proper lot grading planning and design been carried-out in advance of construction.

To resolve this issue, in 2002 City staff undertook to develop a Lot Grading Policy for the new City of Greater Sudbury. The new policy would consolidate the varying policies used by the former City and area municipalities prior to amalgamation. As part of the development of this Policy which had to be unique to Sudbury due to its varied topography and physical terrain, an extensive review of existing Lot Grading Policies from other municipalities from across the province were examined and considered. Also, the "best current engineering practises" in storm water management would be reviewed.

On March 7<sup>th</sup>, 2002, City staff requested the participation of the Development Liaison Advisory Committee (DLAC), in the development of a Lot Grading Policy for the new City.

The original DLAC Subcommittee consisted of volunteers from all sectors of the building industry including the Sudbury and District Home Builders Association, subdivision contractors / builders, developers, the professional community comprising land surveyors, architects and civil engineering companies. Also, City staff from the Legal, Planning, Building Controls and Technical Services Sections participated on the subcommittee.

The original subcommittee met numerous times during 2002 and 2003 and developed and reviewed several proposed draft Policies. In the fall of 2003, a smaller sub-subcommittee of representatives from key sectors was formed to finalize the proposed Lot Grading Policy and Design Guidelines.

The final proposed Lot Grading Policy including Design Guidelines and Requirements for Lot Grading Professionals, was presented and approved by DLAC on December 2<sup>nd</sup>, 2004. A copy of the full report submitted to DLAC and the minutes of the meeting including their resolution, is attached as Appendix I.

**Date: January 5<sup>th</sup>, 2005**

As reaffirmed at the DLAC Committee meeting, this Policy will be an on-going work in progress that will be fine tuned and improved over time. Great efforts have been taken to meet the requirements of both the City and to provide the flexibility essential to the home builders, developers and their design professionals.

Staff will develop a "How To" Lot Grading Guidelines document similar to other guidelines available through Building Controls to be available before this spring to assist home builders. Also, an extensive education program will be implemented to explain and educate the industry and public on the new Policy.

City Staff is confident that with proper introduction and implementation, the proposed Lot Grading Policy will have minimal impact on the building community. With the proposed policy, all home builders will be treated fairly and consistently. Most importantly, the vast majority of potential lot grading problems that are currently experienced will be prevented by proper engineering and design prior to construction.

With the implementation of the new policy, the developers' responsibility for lot grading will be complete when the as-built lot grading plan is approved.

Similarly, the home builders and City's responsibility will be complete when the final as-built lot grading plan is received from the individual property owner. Future lot grading concerns will be up to the property owners to resolve.

The City will act as a facilitator between affected property owners to find a resolution.

The development of the Lot Grading Policy and associated documentation has required the extensive efforts of all sectors of the residential building industry as well as many City staff. A sincere thank you is expressed to all that have participated in the development of this policy and to those who will continue on with the implementation phase.

Correspondingly, the proposed Lot Grading Policy, Design Guidelines and Requirements for Lot Grading Professionals is being submitted to Council for their endorsement.

**FIFTIETH MEETING OF THE  
DEVELOPMENT LIAISON ADVISORY COMMITTEE**

Thursday, December 2, 2004  
12:00 - 2:00 p.m.  
Council Chambers, Tom Davies Square

**Present:** Bill Lautenbach, Chair  
Don Belisle  
Guido Mazza  
Rhéal Pitre  
Gisele Martin  
Art Potvin  
Greg Clausen  
Robert Webb  
Valerie Klotz, Recording Secretary  
Denise Lafond, Sudbury & District Home Builders Association  
Celia Teale, Sudbury & District Home Builders Association & Dalron  
Ron Martin, Sudbury Construction Association  
Armand Therrien, Dennis Consultants  
Alex Sorensen, Dennis Consultants  
Richard Diotte, Barne Construction  
Karen Trudel, Union Gas  
J. P. Max, Sudbury & District Home Builders & J.P. Max Construction  
Al Harrigan, Harrigan Builders  
Steve Wicklander, Wicklander Associates  
Dennis Lenzi, Nickel District Conservation Authority  
Ken O'Malley, Ken Corp  
Nancy Tifton, Sudbury Construction Association  
Michael Luciw, Nicholls Yallowega Belanger Architects  
Denise Wilton, Lifestyle Homes

<b>Regrets:</b>	Hal Love	Arnie Gallo
	Allan Bonnis	Councillor Reynolds
	Ron Norton	Doug Nadorozny
	J. P. Max	Tony Cecutti
	Dario Zulich	Dave Dorland

**1. REVIEW OF MINUTES OF OCTOBER 21, 2004 MEETING**

The minutes of October 21, 2004 were accepted as presented.

**Business Arising from the Minutes**

**Special Planning Committee Meeting of May 11, 2004**

Bill Lautenbach attended the October 27, 2004 Priorities Committee meeting and gave the same presentation that he made at the May 11<sup>th</sup> Special Planning meeting which was well received and positive comments were made about DLAC.

## **2. REPORT OF LOT GRADING SUBCOMMITTEE**

Report to DLAC dated November 23, 2004, regarding the proposed Lot Grading Policy was received by the Committee. It was noted that the date that the subcommittee was formed is March 7, 2002, not 2004 as stated in the report. Letter dated November 8, 2004, to Denise Lafond, Sudbury & District Home Builders, regarding the draft lot grading policy was received by the Committee. Greg Clausen gave an electronic presentation entitled "Proposed Lot Grading Policy, Design Guidelines and Requirements for Lot Grading Professionals".

Greg's presentation outlined the history, goals and successes of the subcommittee. He anticipates that the proposed policy will be presented to City Council in December, 2004, or early January, 2005. Greg did not circulate copies of the presentation at the meeting in the interest of saving paper, however suggested that anyone contact him if they want a copy.

Basically, the City will require that all new lots created by either severance or subdivision have a lot grading plan registered on title. The onus will be on the property owner to maintain the integrity of lot drainage as detailed on the registered lot grading plan. The policy provides general requirements for lot grading for new lots created by subdivision or severance process and general requirements for an as-built lot grading plan with certification for all lots as a condition of obtaining a building permit for a new home. The lot grading plan requirements will form part of the City's Building By-law as part of the required documentation for a building permit file. Building Permit applicants have 9 months to provide a lot grading plan. Although delay in provision of the plan will not hold up occupancy, if none is provided, then the City can enforce compliance under the Building By-law as a legal issue between the City, the homeowner and the contractor. Public Works' Technical Services Section will be maintaining a registry of lot grading professionals and ensuring compliance with the lot grading plan and policy.

With respect to education of the policy, a residential guide will be prepared and available early in 2005, and education sessions will be held prior to the spring construction season. Public Works also intends to have information disseminated to the public through the Sudbury & District Home Builders Association at the City's booth at upcoming Sudbury & District Homebuilders' Home Shows.

The intent is to have the subcommittee continue its review of the policy on a regular basis to ensure the objectives and needs of the development industry are being met and report back to DLAC on a bi-annual basis with their findings. The policy itself will be reviewed and updated approximately every 5 years and revised as deemed necessary by the City and the development industry.

The policy requires that the Lot Grading Professional (LGP) will have to certify at the as-built state that positive drainage has been provided for the lot and that there will be no negative impact/adverse affect on either adjacent or downstream properties. If overland flow is required to traverse either adjacent or downstream property owners, the owner/applicant and/or LGP will have to provide acceptance letters from the impacted property owners as part of the final certification package.

According to the policy, a LGP may either be a professional civil engineer, architect, land surveyor or landscape architect and/or company providing these services, experienced in lot grading design. The LGP must also have a valid Certificate of Authorization to practice in their profession and valid professional liability, ie. errors and omissions insurance. Others meeting the criteria will also be eligible to be a LGP.

An extensive discussion regarding the draft policy ensued.

Some committee members felt the draft policy makes it impossible for a builder to build a house in the City of Greater Sudbury without hiring a design professional as builders are not qualified to create lot grading plans. Having to hire a professional engineer to do a lot grading plan will add to their costs. It was felt that the standards for qualification are too high.

Greg's response was that if the builder could provide the City with documentation that the lot grading plan constructed in the field meets the objectives of the City's policy and the builder is prepared to sign off on it and has the proper liability insurance coverage (errors or omissions insurance) that will address any possible future drainage problems, then the City may accept the builder as a lot grading professional by their definition of a "professional". The intent of the policy is to ensure that submitted lot grading plans conform to the City's requirements. At the end of the day, the person certifying the lot grading plan has to be someone who can be held accountable should future problems occur.

Some members noted that errors and omissions insurance is almost impossible to obtain at a reasonable cost thereby eliminating smaller builders who cannot afford it.

A concern was expressed that if the City is requiring a lot grading professional at this time, the City may require an engineer to design a home in the future. It was noted that the policy is a work in progress which can be fine tuned a bit more. A lot grading professional doesn't necessarily have to be a professional engineer. The bottom line is that the City doesn't want lot grading plans prepared by someone who doesn't know what they are doing.

A concern was expressed with the statement in Appendix II regarding Qualifications for Lot Grading Professionals (LPG's), "LPG's must maintain good standing with regards to the quality of their work to the satisfaction of the General Manager of Public Works". It was questioned if this means that the City could take names off the list if they weren't providing good quality work. It was felt that this is stepping in the bounds of the existing Professional Engineers Act and Architects Act which have ultimate responsibility of enforcing quality of their members' work.

Greg responded that as long as the person who is on the list submits reports, drawings or plans that are technically competent they will stay on the list. If certified plans are submitted which will obviously not work, the name will be taken off the list. Very rarely has he had to report someone to a professional association for poor quality work.

A concern was expressed that the policy absolves the City from any responsibility for drainage problems, particularly those that have been in existence for some time. Greg's response was that for in filling a lot where an existing drainage problem that for example has been occurring for the last 20 years, if the problem has been caused by the City, then the City would be responsible for rectifying it. If the problem was caused by neighbours, the dispute would be between the property owners involved. The City's role would be that of facilitator.

It was noted that these are guidelines only which allow flexibility and that Public Works will be willing to look at unique circumstances as they arise.

Greg concluded that concerns expressed have been noted and they will reviewed. If any changes are required, they will be discussed and examined at the subcommittee level.

The following recommendation was presented:

## **DLAC 2004-05**

Moved by: Michael Luciw  
Seconded by: J. P. Max

*THAT DLAC support the proposed Lot Grading Policy including Lot Grading Design Guidelines and Requirements for Lot Grading Professionals as contained in the report from the Director of Engineering Services on Lot Grading dated November 23, 2004; and*

*THAT the proposed Policy Design Guidelines and Requirements for Lot Grading Professionals be forwarded to City Council for their approval and implementation before the spring of 2005.*

### **CARRIED**

#### **3. DRAFT PLAN EXTENSIONS**

A list of active subdivisions was received by the Committee. This matter was brought forward at the last meeting by Celia Teale regarding draft approved subdivisions. Some draft approvals that may have already received MOE approval may be scheduled to lapse, so developers pay fees to have the draft plan extended. When the extension goes through the process, a whole new set of conditions (e.g. sidewalks) other than the standard conditions may be added that make the development no longer financially feasible for the developer. This is creating frustration for developers as there is no means for them to challenge these new conditions.

Art noted that the only way for developers to avoid this would be to register the subdivision. Bill Lautenbach noted that there are not many instances where this has occurred and that Planning staff will be sensitive to this issue. An option to approach the Planning Committee will also be provided when non-standard conditions are requested.

#### **4. ROAD GRADES REQUEST**

Planning Committee report dated November 12, 2004 re: J. Corsi Developments Inc. was received for the information of the Committee.

Celia Teale brought this matter to the Committee because she had been receiving a lot of calls and correspondence from developers. A request to amend the conditions of Draft Approval of Subdivision by J. Corsi Developments Inc. in order to allow road grades of 10% was recently approved by the Planning Committee. She questioned why the City had arbitrarily changed road grades from 10% to 8% with no discussion at DLAC. She also felt that Planning Committee was not the proper forum to deal with road grade issues. Celia provided 3 letters from concerned developers to Bill Lautenbach.

It was noted that in fact, Corsi didn't have approval for the next subdivision stage at 10% road grade.



Don Belisle addressed the Committee and stated that he didn't think DLAC would want to review every standard specification Public Works has. With respect to moving to 8% road grade, 10% road grade was the standard for the former City of Sudbury only. The Public Works Department has set 8% road grade for the City of Greater Sudbury however an appeal procedure exists. In the case of Corsi, the engineering at 8% was completed but was not approved. Don suggested that if a developer wants to discuss road grades, they should approach the Public Works Department, not the Planning Committee. Unfortunately there no longer is an Engineering Committee that in the past dealt with this type of issue.

Celia requested that Public Works provide the development industry with an explanation of why there has been a shift in road grade standards from 10% to 8%. Don Belisle committed to write a letter dealing with this item to the development community for information.

## **5. OTHER BUSINESS**

### **Work Program - Bill 124 Staffing Levels**

A work program for the Subcommittee established to review staffing levels as a result of the implementation of Bill 124 was circulated at the meeting. The subcommittee consists of Guido Mazza, Bill Lautenbach, and a couple of members of the Sudbury Construction Association (names to be provided by Ron Martin). It was noted that the date of the second meeting in April (April 27, 2005) is not 2004 as noted on the handout. As well the Implementation Target date is July 1, 2005, not 2004.

## **NEXT MEETING**

The next meeting will be held on Thursday, February 3, 2005, at noon in Council Chambers, Tom Davies Square.

## **ADJOURNMENT**

The meeting adjourned at 2:05 p.m..

# Request for Recommendation Priorities Committee



Type of Decision										
Meeting Date	January 12, 2005				Report Date	December 29, 2004				
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No		Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only					Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Curfew By-laws

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
N/A	
<input checked="" type="checkbox"/>	Background attached

Recommendation	
<p>THAT the Priorities Committee recommend to Council that the existing Curfew By-laws from the former Municipalities be repealed and not replaced.</p>	
<input checked="" type="checkbox"/>	Recommendation attached

Recommended by the Department Head
 Caroline Hallsworth Executive Director Administrative Support Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

**Report Authored By**



Ron Swiddle  
Director of Legal Services / City Solicitor

**Division Review**



Ron Swiddle  
Director of Legal Services / City Solicitor

INTRODUCTION

At the present time there are six Curfew By-laws in effect in various portions of the City. These are inconsistent and archaic and it is the recommendation of staff that they be repealed.

BACKGROUND

As part of the on-going project to review outstanding By-laws and agreements of the former municipalities, the subject of Curfew By-laws has come forward. Although most administrative matters are brought forward in a single By-law for Council to repeal, this item is clearly a policy issue for Council to consider.

This report outlines the existing six By-laws. Council may wish to consider drafting a new By-law, but this is not recommended.

Existing By-laws:

By-law 319 of the former Township of Hanmer was passed in 1953. It provides that no children under the age of 16 "shall play, roam or loiter the streets, roads or public places" after 9 p.m. unless accompanied by parents or a guardian. A \$5.00 fine is imposed upon the parents or guardian for violating the By-law.

Under By-law 68-30 of the former Township of Rayside no child under 16 "shall loiter in any public place, streets or roads, between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning, except Fridays, Saturdays and Sundays from the 1<sup>st</sup> day of May to the 1<sup>st</sup> day of summer school vacation which hours will be from 9:30 in the afternoon and 6 o'clock in the morning of the following day and during summer holidays from 10 o'clock in the afternoon to 6 o'clock in the morning the following day". This By-law provides for a \$25.00 fine on a parent whose child violates the By-law.

There are three Chelmsford By-laws.

Chelmsford passed a By-law numbered 316 in 1939. This appoints a constable to see that children are off the streets at 8:30 p.m. from the 15<sup>th</sup> day of May to the 15<sup>th</sup> day of September, at 7:30 during the rest of the year and to ring the curfew bell.

By-law 458 of the former Town of Chelmsford was passed in 1943. It requires the Chief Constable to ring the curfew bell at certain hours as may be described from time to time by the Council. It also requires the Constable to supervise pool and billiards rooms and see that no underage person frequents these.

A subsequent By-law of the former Town of Chelmsford, By-law 66-39, was passed in 1966. This imposes a curfew on children 16 years of age and younger for 10 o'clock p.m. from July 1<sup>st</sup> to September 5<sup>th</sup>, and also imposes a curfew for the remainder of the year but does not specify what that curfew hour is.

By-law 2835 was passed by the former City of Sudbury in 1947. This restricts children under the age of 16 from loitering in a public place after 9 p.m. and 10 p.m. during the summer months. It does not define what the summer months are to include. This prohibits loitering in public places or being in any place of public resort or entertainment unless accompanied by a parent or guardian or an adult appointed by the parent or guardian. The By-law continues to authorize constables, probation officers or officers of the Children's Aid Society to warn the child, and, failing other action, to take the child to his or her home or to the Children's Shelter. The By-law provides for a fine of \$1.00 for a first offence, \$2.00 for a second offence and \$5.00 for subsequent offences against any parent or guardian.

The heading of this By-law also calls for the ringing of the curfew bell, although the text does not contain this provision.

### PROVINCIAL LEGISLATION

The *Child and Family Services Act*, R.S.O. 1990, c. C. 11 deals with this topic. It provides:

- 79.(5) No parent of a child less than sixteen years of age shall permit the child to,
- (a) loiter in a public place between the hours of midnight and 6 a.m.; or
  - (b) be in a place of public entertainment between the hours of midnight and 6 a.m., unless the parent accompanies the child or authorizes a specified individual eighteen years of age or older to accompany the child.
- (6) Where a child who is actually or apparently less than sixteen years of age is in a place to which the public has access between the hours of midnight and 6 a.m. and is not accompanied by a person described in clause (5) (b), a peace officer may apprehend the child without a warrant and proceed as if the child had been apprehended under subsection 42 (1).

The *Municipal Act 2001* does not specifically allow municipalities to pass By-laws dealing with curfews. If a municipality is to do so, it must rely on the General Health and Safety Provisions contained in the act. It is possible that a By-law passed under the General Health and Safety Provisions could be challenged as being beyond municipal authority.

### SUMMARY

The City of Greater Sudbury has inherited several inconsistent Curfew By-laws that are not being enforced, and are generally unknown to the public. The *Child and Family Services Act* deals with a large part of the time that the existing Curfew By-laws cover.

If Council wishes to provide for the continuation of curfew provisions, they should be made consistent over the entire City of Greater Sudbury, and advertising and enforcement should become an issue. The current provisions relate only to certain sections of the City. An argument could well be made that the 1947 City of Sudbury By-law only applies to the City as it then was, and not to any subsequent areas annexed into it. Detailed legal research would be necessary on this point.

It is a recommendation of staff that these archaic By-laws and should be repealed entirely and not replaced.

# Request for Recommendation Priorities Committee





Type of Decision									
Meeting Date	January 12, 2005				Report Date	January 5, 2005			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only		<input type="checkbox"/>		Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Firearms Discharge By-Law

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<input type="checkbox"/>	Background attached

Recommendation	
<p>That the new Firearms Discharge By-Law 2005-11 be passed by the City of Greater Sudbury to replace the existing Firearms Discharge By-Laws.</p>	
<input type="checkbox"/>	Recommendation attached

Recommended by the Department Head
 Caroline Hallsworth Executive Director Administrative Support Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: January 5, 2005

**Report Authored By**



Ronald M. Swiddle  
Director of Solicitor and Clerks / City Solicitor

**Division Review**



Ronald M. Swiddle  
Director of Solicitor and Clerks / City Solicitor

The City of Greater Sudbury is governed by no fewer than twenty different inconsistent by-laws relating to Firearms Discharge. These relate to different areas within the City, and some date back as far as the 1950s. These by-laws are archaic and should be made consistent over the entire area of the City of Greater Sudbury. Staff has been working with the Police Service since the City of Greater Sudbury came into existence in order to draft a new Firearms Discharge By-Law. The Greater Sudbury Police Services Board has reviewed the draft by-law and has passed a resolution recommending to Council that the by-law be passed in the form provided.

The By-law provides that no discharge of firearms shall occur within 1.6 kilometres (1 mile) of a dwelling house or premise used for commercial or industrial purposes. The definition of dwelling house excludes hunt camps. This distance is a balance between some of the more restrictive by-laws and some of the less restrictive by-laws currently in effect and was chosen for safety reasons.

It is the opinion of City staff and of the Police that the draft by-law leads to improved community safety and will allow enforcement of its current provisions, as compared to the previous inconsistent by-laws.

It is recommended that the Priorities Committee recommend to Council the passage of the attached Firearms Discharge By-Law.

**BY-LAW 2005-11**

**A BY-LAW OF THE CITY OF GREATER SUDBURY  
TO REGULATE THE DISCHARGE OF FIREARMS AND OTHER  
WEAPONS IN THE CITY OF GREATER SUDBURY**

**WHEREAS** Section 119 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, allows municipalities to pass By-laws for public safety prohibiting or regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long bows or any other weapon;

**AND WHEREAS** the Council of the City of Greater Sudbury deems it advisable to enact such a by-law;

**NOW THEREFORE THE CITY OF GREATER SUDBURY HEREBY ENACTS  
AS FOLLOWS:**

1. In this By-law:

“bow” means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile and that is capable of causing bodily injury or death to a person and includes cross-bows, long-bows, re-curved bows and compound bows or any class or type thereof;

“City” means the City of Greater Sudbury;

“dwelling house” means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence and includes a building that is connected to it by a doorway or by a covered and enclosed passageway but does not include a building intended for use as a hunt camp; and



“firearm” means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm and includes air guns, spring-guns or any class or type thereof.

2. No person shall discharge a firearm or bow of any class or type thereof in the City within 1.6 kilometre of any dwelling house or any premises used for any commercial or industrial purpose as defined in the zoning by-law affecting the area in which the discharge occurs.

3. Section 2 shall not operate to prohibit the discharge:

- (a) of a bow if it is for the purposes of a course of instruction in archery or other related purpose;
- (b) of a bow or firearm for the destruction of diseased, nuisance or sick animals, or for the slaughter of animals by the owner, occupier or authorized agent of the owner or occupier of any land designated for agricultural uses in the Official Plan for the City;
- (c) of a firearm by persons licensed or authorized by the appropriate Authority, for the purpose of target practice at a shooting range which has been duly approved pursuant to the *Firearms Act*, S.C. 1995, c. 39 and regulations thereunder;
- (d) of a bow or firearm by a person who holds an authorization other than a hunting licence, issued pursuant to the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41 and Regulations thereunder and who discharges the bow or firearm in accordance with the terms and conditions of such authorization;

- (e) of a firearm as lawfully permitted pursuant to the *Criminal Code*, R.S.C. 1985, c. C-46; or
- (f) of a firearm by a peace officer as defined in the *Criminal Code* or by security personnel duly authorized to carry a firearm, in the course of his or her duty.

4. Nothing herein shall authorize any person to discharge a bow or firearm or any class or type thereof where prohibited by any federal or provincial statute or regulation thereunder or limit any obligations with respect to a bow or firearm imposed by any federal or provincial statute or regulation.

5. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended.

6. This By-law shall be known as the Firearms Discharge By-law.

7. The following by-laws are hereby repealed:

- (a) By-law 75-76 and chapter 756 of the Municipal Code of the former City of Sudbury;
- (b) By-law 73-71 of the former Town of Capreol;
- (c) By-law 84-17 of the former Town of Nickel Centre;
- (d) By-law 90-26 and 92-21 of the former Town of Onaping Falls;
- (e) By-law 74-6 of the former Town of Rayside-Balfour;
- (f) By-law 86-19 of the former Town of Valley East;
- (g) By-law 71-20 of the former United Townships of Drury, Denison and

Graham;

- (h) By-laws 905 and 59-100 of the former Town of McKim;
- (i) By-law 217 of the former Town of Coniston;

- (j) By-laws 58-39 and 58-42 of the former Township of Falconbridge;
- (k) By-law 99 of the former Town of Levack;
- (l) By-law 56-45 of the former Improvement District of Onaping;
- (m) By-law 58-35 and 69-35 of the former Township of Rayside;
- (n) By-law 321 of the former Town of Capreol;
- (o) By-law 65-39 of the former Township of Blezard; and
- (p) By-law 50 of the former Town of Lively.

**8.** Where a by-law of a former local municipality is repealed by this By-law the repeal does not:

- (a) affect the previous operation of any by-law so repealed;
  - (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed;
  - (c) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or
  - (d) affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.
- obligation, liability, penalty, forfeiture or punishment.

**9.** The repeal of a By-law under Section 7 hereof shall be deemed not to be or involve a declaration that the by-law was considered by the Council of the City of Greater Sudbury to have been previously in force.

**10.** The repeal of a By-law under Section 7 hereof shall be deemed not to be or to involve any declaration as to the previous state of the law.

**11.** This By-law shall come into effect and take force immediately upon final passage.

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL** this 13th day of January, 2005.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk

**READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL** this 13th day of January, 2005.

\_\_\_\_\_ Mayor

\_\_\_\_\_ Clerk