



**City of Kenora
Committee of the Whole Agenda**

**Tuesday, July 9, 2024, 9:00 a.m.
City Hall Council Chambers**

	Pages
1. Public Information Notice	
- None	
2. Land Acknowledgement	
- Councillor Koch	
3. Declaration of Pecuniary Interest & General Nature Thereof	
3.1 On Today's Agenda	
3.2 From a Meeting at which a Member was not in Attendance.	
4. Confirmation of Previous Committee Minutes	
- June 13, 2024 Regular Committee of the Whole	
- June 19, 2024 Special Committee of the Whole	
5. Deputations/Presentations	
- None	
6. Reports:	
6.1 Corporate Services/Finance/Human Resources	
6.1.1 Council Committee Work	
6.1.2 Flag Protocol Policy # CC-11-1	3
6.1.3 2024 Insurance Renewal	10
6.2 Fire & Emergency Services	
6.2.1 Discharge of Fireworks	12
6.2.2 Discharge of Fireworks - Set Fines	31
6.2.3 Levels of Service	33
6.3 Engineering & Infrastructure	
- No Reports	
6.4 Recreation & Culture	
- No Reports	

6.5 Planning & Building Services

- No Reports

6.6 Economic Development & Tourism

6.6.1 Rural Community Immigration Pilot

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7. Other:

8. Motion- Adjourn to Closed Meeting

Pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization will be provided for Committee to move into a Closed Session to discuss items pertaining to the following:

Disposition of Land (1 matter-lease on municipal land)

Labour Relations (1 matter-bargaining update)

Educating & Training Members of Council (1 matter-Development update)

9. Adjournment



June 26, 2024

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services/City Clerk

Re: Flag Protocol Policy #CC-11-1

Recommendation:

That Council hereby amends the City of Kenora Flag Protocol Policy #CC-11-1 to reflect desirable changes to the policy; and further

That bylaw number 103-2016 be hereby repealed; and further

That three readings be given to a bylaw for this purpose.

Background:

The current Flag Protocol Policy was adopted in 2016 and has not been reviewed since that time. Upon review of current practice, and municipal trends with flag raising ceremonies and requests, the policy required updating.

The draft amending policy reflects language to address how flag raising ceremonies are managed, and current flags that traditionally flown at City Hall. It also specifies the types of groups that will not be considered for community flags.

Budget: N/A

Risk Analysis: There is low risk associated with this report and is administrative in nature

Communication Plan/Notice By-law Requirements: bylaw required

Strategic Plan or other Guiding Document:

Flag Protocol Policy



SECTION	DATE	Approved by By-law Number:	PAGE	OF
City Council	September 13, 2016	103-2016	1	5
SUBSECTION	Supersedes By-law Number:		POLICY NO.	
	N/A103-2016		CC 11-1	

Purpose

The purpose of this policy is to ensure that all flags at City Hall and other City operated municipal facilities are flown and displayed in a consistent manner and to provide direction to Administration on displaying flags on flag poles on City property.

This policy will further establish a framework to govern requests for flag raisings received from the community.

Policy

The City of Kenora recognizes the symbolic importance of flags to groups of people, communities and nations, in bestowing honour and respect, or expressing a collective sense of grief and respect through lowering flags to half-mast. While the Council reserves the right to determine which flags will be displayed on City property, Council will strive to accommodate and provide opportunities for community groups to display their flags.

As a matter of practice, the City of Kenora has used special flag raisings to enhance public awareness of activities such as national/independence days, multicultural events, fundraising drives, and historical commemorations important to residents. To celebrate together the strength of Kenora's diversity and inclusivity, the City offers the opportunity for communities to raise community flags on the designated Community Flag Pole located at City Hall enhancing awareness of special occasions and activities.

The City of Kenora has also flown flags at half-mast to mark periods of official mourning or commemorate solemn occasions important to the residents.

All flags at City facilities are flown, displayed and disposed of in a consistent and appropriate manner and are positioned in Order of Precedence in accordance with the National Flag of Canada etiquette.

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Definitions

"Clerk" means the City Clerk appointed by Council of the City of Kenora, or in the absence of the Clerk, the Deputy Clerk appointed by Council of the City of Kenora.

"Community Group" means a not-for-profit group, body, or organization established under an Ontario or Canadian statute or enactment, and that carries on activities benefitting the residents of the City of Kenora.

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"Flagpole" includes all flagpoles on City Property under the care or control of City staff.

"Flying a Flag at Half-mast" means the action of flying all flags, forming a single display of flags, at a position that is equal distance from the top and bottom of a flagpole, to mark periods of mourning or to commemorate solemn occasions.

"City Flag" means the flag adopted by Council of the City of Kenora as a symbol of the municipality.

"National Flag of Canada" means the flag approved by the Parliament of Canada as a national symbol of Canada.

"Provincial Flag of Ontario" means the flag approved by the Legislative Assembly of Ontario as a provincial symbol of Ontario.

Flags to be Flown

It shall be the policy of the City of Kenora that no flag, other than the National Flag of Canada, Provincial Flag of Ontario, ~~or~~ City flag, or any other flag approved by Council will be flown from a municipal-owned flagpole. In addition to these ~~three~~ official flags, recognition will be given to community flag raising flags so far as it meets the community flag raising criteria.

Community Flag Raising Criteria

The office of the Clerk will assess and approve community flag raising requests from charitable and non-profit organizations based on the following criteria:

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The City will fly flags on the City Hall Flag Pole:

- a) Of nations recognized by the Government of Canada to celebrate a country's national day or on the anniversary of a special occasion
- b) Of organizations that have a presence in the Kenora community, except those outlined in Section 11 below.

The criteria for approving or denying a request to have a community flag displayed will be:

- i. In honour of national or independence days important to the residents of Kenora
- ii. In support of fund-raising drives important to the residents of Kenora
- iii. To celebrate multi-cultural and civic events important to the residents of Kenora

The City will not approve requests for flag raisings on the City Hall Flag Pole requested by:

- a) Organizations or groups that are political or partisan in nature, including political parties or political organizations;
- b) Organizations that promote hatred, violence, racism, or discrimination of any kind;
- c) Religious organizations;
- d) Organizations that have already flown a Flag on the City Hall Flag Pole within the same calendar year; or
- e) Commercial entities

Community flag raisings will not be approved to fly flags for:

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iv.i. In support of groups, organizations, or events that promote beliefs contrary to any other City policy or pose a reputational risk to the City

The City Clerk will be responsible for providing advice, as necessary, on the applicability of any of the above criteria to any application received for a community flag raising.

The Mayor, in consultation with the City Clerk, may use discretion to approve or deny a request for a flag raising based on reputational risk to the City.

Application for a Community Flag Raising

All requests for use of the City Hall flagpole will be made in writing to the Clerk. Applications are to be submitted at least three (3) weeks prior to the day requested

for the raising of the flag. The Clerk will review all applications to determine consistency with this policy and will advise the group of the status of their request.

General Rules for the Flag Raising Ceremony

The general rules for the use of the City Hall flagpole and community flag raising ceremony are as follows:

- i. Approvals and use of the City Hall flagpole will be granted on a first come-first served basis
- ~~ii.~~ When more than one flag raising request occurs for the period, the application received first will be flown on the City Hall Flag Pole.
- ~~iii.~~ Flags will be flown for a maximum of one (1) month
- ~~iv.~~ Maximum number of community flags to be flown at any one time will be ~~one~~ one ~~(1).two (2)~~
- v. The Canadian flag and Ontario flag must be flown at all times. ~~In the event that two community flags are deemed appropriate for the same time period, the City of Kenora flag will be removed to accommodate both community flags.~~
- ~~vi.~~ When multiple flag raisings are requested by more than one community organization, the City will try to coordinate the requests and reserves the right to determine the lead organization.
- ~~v.~~ ~~In the event multiple community flag raising requests are received for the same time period, the first two applications received will be granted priority above additional requests.~~
- ~~vii.~~ viii. Individuals, groups or associations requesting flag raisings must contact any media that they wish to be present.
- ix. The City will make every effort to have the Mayor (or Deputy Mayor) along with a minimum of one (1) member of Council present for the flag raising ceremony, depending on availability of Council.
- ~~viii.~~ x. The City reserves the right to cancel a Flag raising in the case of an unforeseen circumstance.

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The City will not fly the flag of a group or organization that are deemed inappropriate or offensive in nature or those supporting discrimination, prejudice, political or religious movements, violence or racism.

Flying Flags at Half-Mast

The half-masting of flags is an act of honour expressing a collective sense of sorrow shared by all citizens. It is in this context that the City of Kenora has developed the following guidelines that will determine the half-masting protocol and procedures to be adopted and implemented in a consistent and appropriate manner.

The City of Kenora will fly its flags at half-mast in the event of a death or to commemorate a solemn occasion. Flags will be flown at half-mast to mark the passing of any of the prominent public figures listed, for a period beginning when the City is notified of the individual's death until and including the date of the funeral or memorial service, to a maximum of one week:

- i. The Sovereign;
- ii. A member of the Canadian Royal Family;
- iii. The Governor General of Canada, or a former Governor General;
- iv. The Prime Minister of Canada, or a former Prime Minister;
- v. The Leader of Her Majesty's Loyal Opposition, Parliament of Canada
- vi. The Lieutenant Governor of Ontario;
- vii. The Premier of Ontario;
- viii. The Leader of Her Majesty's Loyal Opposition, Legislative Assembly of Ontario
- ix. A local Member of Parliament, or a local Member of the Legislative Assembly of Ontario;
- x. The Mayor or former Mayor;
- xi. A member of Council or a former Member of Council;
- xii. A current employee of the City of Kenora;
- xiii. A resident of the City of Kenora, who is a member of the Canadian Armed Forces, killed while deployed on operations;
- xiv. Recognition of Persons from the City of Kenora whose duties can be described as "protective services", including but not limited to police, fire, ambulance while in the line of duty;
- xv. As directed by the Mayor

The City Clerk will be responsible for coordinating the lowering of flags at City facilities. Flags are lowered/raised during regular businesses hours Monday-Friday, excluding statutory holidays.

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The commemoration of other periods of official mourning and solemn occasions, in keeping with the General Principles of this Policy, may be approved by the Mayor. Council will be advised of the circumstances surrounding the other solemn occasion. In the event the Mayor is not available, the Deputy Mayor will have the delegated authority to decide on circumstances not identified within this policy.

The City of Kenora reserves the right to choose which flags may or may not be flown at City owned properties.



June 28, 2024

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Roberta Marsh, Dir. Human Resources, Risk, & Insurance

RE: 2024/2025 Municipal Insurance

Recommendation:

That Council hereby accepts the premiums for the Corporation's insurance portfolio for 2024/2025 as:

- Intact Public Entities (IPE) - Comprehensive Municipal Program - \$783,934.00
- VFIS – Volunteer Firefighter Income Supplement - \$6,298.00
- CFC – Cyber Liability Insurance - \$49,781.00, plus all applicable taxes; and further

That Council hereby directs Administration to finalize the 2024 Municipal Insurance Programs for the Policy Term July 1, 2024, to July 1, 2025.

Background:

Westland Insurance successfully negotiated The Corporation's insurance portfolio renewals. The 2024/2025 Municipal Insurance Program represents an overall increase of 14% (\$97,740.00) from the 2023/2024 program.

The 2024/25 Insurance Policy contains the following changes:

1. Cyber Liability Insurance
2. Completion of Central Community Center - building \$963,000
3. Central Community Center - Rink and boards including lighting \$412,000
4. Bridge – Water damage deductible has been changed to \$50,000. The wording change is as follows:

"With regards to the bridge endorsement, wordings will be included with policy documents. Due to the unique construction and collapse concerns of bridges, IPE schedules these items separately for a specific limit of insurance and basis of settlement. As these items are scheduled separately, the limits for bridges do not form part of the blanket limit. This endorsement also contains an ice exclusion stipulating there is no coverage from ice, including the formation of, melting or breaking up of ice. The endorsement also removes coverage under the Extension Endorsement for Bridges and Culverts. These changes apply to all bridges including 'footbridges'. Should the City have any bridges or footbridges over 100 feet in length we would need to add them"

The following are Program Options that we will be working to review and determine if additional coverage or increased limits are required.

- 1) Crime options see page 47 and 48 of attached.
- 2) Property coverage – Income replacement –higher limits or optional coverages can be provided if needed.

- 3) Remotely Piloted Aircraft Systems coverage is listed, however our current policy and this quote includes this coverage.

Description	2023/24	2024/25
Buildings	\$202,238,700	\$204,048,200
Contents/Equipment	\$22,990,800	\$23,865,311
Fleet Value	\$7,794,500	\$8,669,211
Fleet Premiums	\$44,147	\$42,680

Budget:

The 2024 Operating Budget included \$712,298.00 to support the 2024 Insurance renewal, leaving a shortfall of \$71,636 to be applied to the 2025 Operating Budget.

Risk Analysis:

The 2024 Municipal Insurance Program supports the Corporations Enterprise Risk Management framework.

Communication Plan/Notice By-law Requirements:

Upon approval by Council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

2022-2027 City of Kenora Strategic Plan

Focus Area: Service Delivery and Organizational Capacity

Goal 4.3 Improve fiscal planning capacity of our administration

City of Kenora Enterprise Risk Management Strategy

Consultation:

Bruce Graham, Risk Management & Loss Prevention Officer



July 9, 2024

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Dave Pratt, Director of Fire & Emergency Services / Fire Chief

Re: Discharge Fireworks By-Law

Recommendation:

That Council hereby adopts a new Discharge of Fireworks By-law; and further

That amendments are hereby adopted to bylaw #71-2016, the Open-Air Burning Bylaw, #122-2021, Noise Bylaw, #34-2015, Parks Bylaw, to remove references to fireworks which are covered under the new regulating bylaw; and further

That three readings be given to four by-laws to regulate the discharge of fireworks and make amendments to the Open Air Burning, Noise and Parks bylaws be hereby approved for this purpose.

Background:

Council was provided a Fireworks By-law option report for consideration at the May 2024 Committee of the Whole meeting. The direction by Council was to provide fireworks retailers safety information regarding the storage and sale of consumer fireworks regulated under the *Explosives Act* and Explosives Regulations. Further, Council provided directions to bring forth a by-law addressing the discharge of fireworks in the municipality and to address the use of Theatrical Fireworks (Pyrotechnics).

In the City of Kenora, fireworks are governed by three by-laws:

1. Schedule 'A' of the Noise By-law 122-2021 states: "the detonation of fireworks".
 - o Prohibited AT ALL TIMES
 - o Except 7:00 pm to 11 pm on
 - o New Year's Day, Victoria Day, Canada Day, Labour Day, New Year's Eve, and the U.S. Independence Day.
2. Open-Air Burning By-law 71-2016 which states: "no person shall set a fire for outside burning of any kind whatsoever or discharge fireworks, during any period during which the City of Kenora has been designated a restricted fire zone."
3. Parks Bylaw 34-2015, Section 5.4 states: "While in a Park, no person shall ignite, discharge or set off any fireworks except fireworks displays authorized by the Council of the City of Kenora."

The last piece of legislation to examine is the Forest Fires Prevention Act (FFPA) which states "no person who discharges a firearm, a flare, fireworks or explosives in or within 300 metres of a forest area shall leave any residue from the discharge unextinguished."

Changes to the existing process with this by-law include:

- allowing discharge of consumer fireworks three (3) days before the recognized holidays
- allowing discharge of consumer fireworks outside the recognized holidays with a permit
- permit process for the discharge of display fireworks
- permit process for the discharge of special effect pyrotechnics
- development of set fines under Part 1 of the Provincial Offences Act

Creating a by-law specifically to regulate the discharge of fireworks provides for the following:

- Administration and enforcement of the discharge of fireworks
- General requirements and prohibitions
- Created an application and permit process for the discharge of fireworks outside the current five (5) recognized holidays
- Mandates safety requirements and duty of care in the discharge of Consumer Fireworks
- Develops a permit process for the discharge of Exhibition Fireworks
- Develops safety requirements and duty of care in the discharge of Exhibition Fireworks
- Defines an application and process for the use of Theatrical Fireworks (Pyrotechnics)
- Defines prohibition, insurance requirements, and indemnification for the City.

By adopting this new bylaw, we would repeal the sections in the Noise bylaw, Parks bylaw and the Open-Air Buring bylaw to ensure that consistency exists under one regulating bylaw for fireworks.

Budget:

There is potential revenue for the Fire Department to charge a fee for the issuance of consumer fireworks permits outside the recognized dates, a fee for review and issuance of display fireworks permits and a fee for review and issuance of special effect pyrotechnics. The by-law can set fines under Part 1 of the Provincial Offenses Act for non-compliance.

Risk Analysis:

The risk associated with this report is high. The report allows Council to provide direction to address the risks associated with the discharge of fireworks and the use of special effect pyrotechnics in the municipality.

Impact x Likelihood = Risk Level

Likelihood	Impact				
	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5)	M	H	H	C	C
Likely (4)	L	M	H	C	C
Possible (3)	L	M	M	H	H
Unlikely (2)	L	L	M	M	H

Communication Plan/Notice By-law Requirements: Full communication plan to provide notice to the public of the new requirements and the bylaw

Strategic Plan or another Guiding Document:

Strategic Plan

Goal 3.2(b) Enhance emergency management, protective services, and social services provided by City partners.

Goal 4.4 Enhance City communications to the community on municipal services, developments, and affairs

Fire Protection and Prevention Act, 1997

Fire chief, municipalities

6 (1) If a fire department is established the council of the municipality ... shall appoint a fire chief for the fire department.

Responsibility to council

6 (3) A fire chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services.

The Corporation of the City of Kenora

By-Law Number 2024-XXX

A by-law to regulate the discharge of fireworks within the City of Kenora

Whereas Section 10(2), paragraph 6, of the Municipal Act, 2001, authorizes a municipality to pass by-laws for the health, safety, and well-being of persons,

And Whereas Section 121 of the Municipal Act, 2001, 5.0. 2001 c.25 as amended provides that a local municipality may prohibit and regulate the discharge of fireworks and to prohibit such activities unless a permit is obtained from the municipality for those activities and may impose conditions;

And Whereas Section 130 of the Municipal Act, 2001, 5.0. 2001 c.25 as amended provides that a municipality may regulate matters for purposes related to the health, safety, and well-being of the inhabitants of the municipality;

And Whereas Council deems it necessary to regulate by By-law the discharge of fireworks within the City of Kenora for the protection of persons and property in accordance with the authority set out in subsection 10(2)8. of the Municipal Act, 2001, S.O. 2001, c. 25;

And Whereas Subsection 7.1(4) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted under this section are being complied with;

And Whereas Subsection 7.1(5) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that the exercise of powers by an officer appointed under this section shall be conducted in accordance with Part XIV of the Municipal Act, 2001, S.O. 2001, c. 25 as amended (“Act”) other than clause 431 (a) of that Act;

And Whereas in accordance with Section 425 of the Act, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

And Whereas in accordance with Section 429 of the Act, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act.

And Whereas Section 444 of the Act states if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas Section 426(1) of the Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under this Act, or a by-law passed under this Act and that any person who contravenes subsection (1) is guilty of an offence;

And Whereas Section 426(4) of the Act states that any person who contravenes subsection (1) is guilty of an offence;

And Whereas Section 446(1) of the Act states that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

And Whereas Section 446(3) of the Act states that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Now Therefore the Council of The Corporation of The City of Kenora enacts as follows:

1 Definitions

- 1.1 "act" shall mean the Explosives Act, R.S.C. 1985, c.E-17 as amended and all Regulations thereto;
- 1.2 "Chief Fire Official" means the City's Fire Chief, or their designate;
- 1.3 "City" means The Corporation of the City of Kenora;
- 1.4 "consumer fireworks" means an outdoor, low hazard, recreational firework for which a permit is not required that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Explosives Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers.
- 1.5 "competent adult" means any person (18 years of age or older) who can exercise the required judgement and is capable of performing the necessary actions to control and prevent its unwanted spread.
- 1.6 "discharge" when used in relation to fireworks, prohibited fireworks and firecrackers, includes firing, igniting, exploding, and setting of such articles or causing the setting off such articles.
- 1.7 "dusk" means the period of the evening, one half-hour before the astronomical sunset time determined for that date and geographic location and elevation, until darkness begins.
- 1.8 "duty of care" - everyone who has an explosive substance in his or her possession or under his or her care and control is under a legal duty to use reasonable care to prevent bodily harm and death to persons or damage to property by that explosive device;
- 1.9 "display fireworks" means an outdoor high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Explosives Act, for which a permit shall be required and includes

rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include consumer fireworks.

- 1.10 "Explosives Act" means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Explosives Regulation, 2013, SOR/2013-211, enacted thereunder as amended from time to time.
- 1.11 "firecrackers" means a small, fused cylinder filled with explosive fireworks composition and designed to produce a sound effect when ignited and that do not create a subsequent visual display.
- 1.12 "Firefighter" means any person, or any rank of person employed in, or appointed to the City of Kenora Fire & Emergency Services and assigned to undertake fire protection or fire prevention services.
- 1.13 "fireworks" means any and all fireworks including consumer fireworks, display fireworks, and firecrackers.
- 1.14 "Fireworks Supervisor" means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (Display Supervisor) issued pursuant to the Explosives Act;
- 1.15 "flying lanterns" also known as sky lanterns is a lantern with a paper shell and wire frame that holds a heat or fuel source at the base of the lantern that is ignited. Once released, there is no control over where the lanterns travel or where they land.
- 1.16 "Officer" means the *Chief Fire Official*, *Deputy Chief Fire Official*, *Fire Prevention Officer*, *Enforcement Officer*, or such other law enforcement officer By-law appointed by the City of Kenora.
- 1.17 "owner" means the registered owner or any person, firm or corporation having control over, or possession, of any portion of the building or property under consideration.
- 1.18 "permit" means a permit issued by the *Chief Fire Official* under this By-law to discharge fireworks for a specified location, date, and period of time.
- 1.19 "person" means an individual, business, a partnership, or a corporation.
- 1.20 "prohibited fireworks" means any fireworks not listed on the List of Authorized Explosives published by Natural Resources Canada.
- 1.21 "special effect pyrotechnics" means explosives that are classified under Class 7, Subdivision 5 of Division 2 of the Explosives Regulations and any authorized explosive of a class set out in Section 6 of the Explosive Regulations that is made, manufactured or used to produce a pyrotechnic special effect in connection with a motion picture, theater or television production, or as a performance, before a live audience.

2 Administration and Enforcement

- 2.1 The *Chief Fire Official* shall be responsible for the administration of this By-law.
- 2.2 Enforcement of this By-law is the responsibility of the *Chief Fire Official*, or designate, any By-law Enforcement Officer for the City of Kenora, Ontario Provincial Police, or such other law enforcement *officer* appointed by The Corporation of the City of Kenora.
- 2.3 The *Chief Fire Official* may refuse to issue a *permit*, revoke any or all issued *permits* or attach any such conditions or requirements to the *permit* as may be deemed necessary.
- 2.4 Any *Officer* or *Firefighter* may always enter and inspect any property or premises to ascertain whether the provisions of this By-law are complied with and to enforce or carry into effect the By-law.
- 2.5 Any person who fails to comply with the provisions of this By-law or fails to cease *discharge* of *fireworks* once notification to do so has been given to him by an *Officer* or a *Firefighter* shall, in addition to any penalty provided herein, be liable to the City for all expenses incurred for the purposes of responding to an call for service caused by them *discharge* of *fireworks* and such expenses may be recovered by court action or in a like manner as municipal taxes.

3 Application of By-Law

- 3.1 This by-law applies to all lands and premises within the City.
- 3.2 This by-law does not apply to the following low hazard *fireworks* having a practical use: highway safety flares, fuse and other small distress signals classes as Class 7, Division 3, Subdivision 4 of the *Act*.
- 3.3 This by-law does not apply to explosives or explosive materials and/or detonation, and/or explosions:
 - a) created at quarries or construction sites for the purposes of creating aggregate stone, construction materials or the removal or repositioning of said materials;
 - b) made by the Ontario Provincial Police, Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency;

4 General Requirements and Prohibitions

- 4.1 Except where exempt, no *person* shall *discharge* or cause to be *discharge* *fireworks* without first having obtained a *permit* from the *Chief Fire Official*.

- 4.2 No *person* shall *discharge* or cause to be *discharge fireworks*:
- a) that are *prohibited fireworks*;
 - b) that are display *fireworks* without holding a valid display supervisor certification;
 - c) that are *special effect pyrotechnics* without holding a valid *fireworks operators certificate* (pyrotechnician) certification;
 - d) that are *firecrackers*;
 - e) during times prohibited by this By-law;
 - f) contrary to any condition attached to a *permit* issued under this By-law;
 - g) for a period during which an air quality health index value forecasted or reported by Environment Canada for the Kenora District is greater than seven (7);
 - h) for a period during which a municipal burn ban has been issued by the *Chief Fire Official*;
 - i) that are not supervised continuously by a *competent adult*;
 - j) that are within four (4) metres of a structure, fence, or property line;
 - k) that are located on any public highway or on any property owned or maintained by the City without specific written permission;
 - l) without adequate tools and/or water immediately available to contain or extinguish a fire caused by the *fireworks* or *fireworks debris*;
 - m) in a manner to create a danger or nuisance to any person or property;
 - n) after being ordered to cease *discharge fireworks* by an *Officer* or *Firefighter*;
 - o) where the *fireworks* pose a hazard, at the sole discretion of the *Chief Fire Official*;
 - p) at any location when wind or other conditions are such that they would likely cause,
 - i) a decrease in visibility on any highway; or
 - ii) a fire in adjacent brush, grassed area, structure or other combustible materials.
- 4.3 No *person*, other than a competent *person*, shall be in possession of *fireworks*.
- 4.4 No *person* shall release *flying lanterns* (sky lanterns) within the City.

- 4.5 No *person* shall display, offer for sale, or sell *flying lanterns* within the City.

5 Permit to Discharge Consumer Fireworks

- 5.1 A *permit* shall not be required for the *discharge* of *consumer fireworks* in the City, on the following designated dates or holidays:
- a) 3 days before and on the third Monday of May, being Victoria Day
 - b) 3 days before and including July 1, being Canada Day, and 3 days after July 1 inclusive of July 4, being Independence Day (U.S.A.)
 - c) 3 days before and on the first Monday of August, being Civic Holiday
 - d) 3 days before and on the first Monday of September, being Labour Day
 - e) December 31, being New Year's Eve;
- 5.2 Except as described in section 5.1, no *person* shall *discharge consumer fireworks* unless the *person* has obtained a *permit to discharge consumer fireworks* from the *Chief Fire Official*.
- 5.3 A *permit to discharge consumer fireworks* shall not be issued to a *person* under the age of eighteen (18) years.
- 5.4 Every *person* who wishes to *discharge consumer fireworks* in the City shall:
- a) submit an application for a *permit to discharge consumer fireworks* to the *Chief Fire Official* at least seven days before said date, on such prescribed application form as may be issued by the *Chief Fire Official*. Said application form shall include:
 - i) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;
 - ii) the date and time of the proposed *discharge of consumer fireworks*.
 - iii) a description of the site on the property where the *discharge of consumer fireworks* is proposed;
 - iv) a list of the type and kind of *consumer fireworks* to be *discharged*;
 - v) proof of the written authorization of the lawful *owner* or occupier of the property that *consumer fireworks* may be *discharged* on his or her property, if applicable;
 - vi) such other information or documentation as the *Chief Fire Official* may require.

- b) pay the applicable, non-refundable fee for a *permit to discharge consumer fireworks*, pursuant to the *City's Tariff of Fees & Charges By-law*, as amended from time to time;

6 Discharge of Consumer Fireworks

- 6.1 *Consumer fireworks* are governed by Part 16 of the Explosives Regulation, 2013 (SOR/2013-211) which authorizes the acquisition, storage and sale of *consumer fireworks* and regulates their use.
- 6.2 No *person* shall *discharge consumer fireworks* except, on the following designated dates or holidays:
 - a) 3 days before and on the third Monday of May, being Victoria Day
 - b) 3 days before and including July 1, being Canada Day, and 3 days after July 1 inclusive of July 4, being Independence Day (U.S.A.)
 - c) 3 days before and on the first Monday of August, being Civic Holiday
 - d) 3 days before and on the first Monday of September, being Labour Day
 - e) December 31, being New Year's Eve;
 - f) or any other day for which a *permit* has been issued by the *Chief Fire Official*, and only then on that day.
- 6.3 Notwithstanding section 6.2 of this By-law, if weather conditions such as rain, fog, smog, or wind on the date specified on the *consumer fireworks discharge permit* does not allow the *discharge of consumer fireworks*, the *consumer fireworks* may be *discharged* on a mutually agreeable date.
- 6.4 No *person* shall discharge *consumer fireworks* at any time except between *dusk* and 11:00 p.m. on the designated days as prescribed in this By-Law, and between *dusk* on New Year's Eve and 12:30 a.m. the following day.
- 6.5 No *person* shall *discharge consumer fireworks*:
 - a) in any place or manner as to create a danger or nuisance to any *person* or property or to do or cause or allow any unsafe act or omission at the time and place of the *discharging* of any *consumer fireworks*;
 - b) in a building or automobile.
- 6.6 Every *person* who *discharges consumer fireworks* shall be mindful of their *duty of care* to individuals and property, and shall provide the following for set-up:

- a) an open area away from buildings, vehicles, overhead obstructions, and dry brush/grass;
- b) a minimum clear area of 30m by 30m for aerial *consumer fireworks* such as roman candles, and a minimum clear area of 20m by 20m for fountains and other ground-based *consumer fireworks*;
- c) fully operational fire extinguishing equipment (minimum of 2A10BC extinguisher, 10 litre pressurized water unit or a fully charged garden hose) ready and accessible at all times when *consumer fireworks* are being *discharged* and for a reasonable period thereafter, at the *consumer fireworks discharge* site;
- d) a hard, flat, and level surface for ground-based *consumer fireworks* to ensure stability of the item;
- e) a means to bury aerial *consumer fireworks* to half their length in the ground or in a large bucket or box filled with earth or sand;
- f) a means to keep all spectators at least 20m away.

6.7 Every *person* who *discharges consumer fireworks* shall:

- a) read the instructions, cautions and warnings on each *consumer fireworks* item;
- b) light only one (1) *consumer firework* at a time;
- c) wear proper eye protection and wear proper clothing;
- d) keep children away from *consumer fireworks*;
- e) use care when handling and firing *consumer fireworks*;
- f) clean up the area after the display.

6.8 Every *person* or organization that conducts a *consumer fireworks* display shall ensure that all *consumer fireworks* that failed to fire or were not *discharged* are immediately disposed of in a safe manner, having regard to the particular type of *fireworks* involved.

7 Permit for Discharge of Display Fireworks

7.1 No *person* shall *discharge display fireworks* unless the *person* has obtained a *permit to discharge display fireworks* from the *Chief Fire Official*;

7.2 Every *person* who wishes to *discharge display fireworks* in the *City* shall:

- a) submit an application for a *permit to discharge display fireworks* to the *Chief Fire Official* at least seven days before said date, on such prescribed application form as may be issued by the *Chief Fire Official*. Said application form shall include:
 - i) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;

- ii) the date and time of the proposed *discharge of display fireworks* and, in the event of inclement weather, a mutually agreeable date for the *discharge of display fireworks*.
 - iii) a site plan of the property where the *discharge of display fireworks* is proposed, including separation distances and access to be provided for fire and emergency vehicles;
 - iv) a list of the type and kind of *display fireworks* to be *discharged*;
 - v) the number of *persons* authorized to handle and *discharge display fireworks*;
 - vi) proof of written authorization from the lawful *owner* or occupier of the property that *display fireworks* may be *discharged* on that property, if applicable;
 - vii) proof of Commercial General Liability insurance subject to the limit of not less than five million dollars (\$5,000,000) inclusive per occurrence for bodily injury, death, and damage to property, including loss thereof. Such insurance shall be in the name of the applicant and shall name the *City* as an additional insured thereunder;
 - viii) such other information or documentation as the *Chief Fire Official* may require.
- b) pay the applicable, non-refundable fee for a *permit to discharge display fireworks*, pursuant to the *City's* User Fee By-law, as amended from time to time;
- 7.3 The *Chief Fire Official* shall inspect the site where the *discharge of display fireworks* is to be held.
- 7.4 An application for a *permit for a display fireworks display* must be received by the *Chief Fire Official* at least thirty (30) days prior to the event.

8 Discharge of Display Fireworks

- 8.1 *Display fireworks* are governed by Part 18 of the Explosives Regulation, 2013 (SOR/2013-211) authorizes the acquisition, storage and sale of *display fireworks* and their accessories and regulates their use.
- 8.2 No *person* shall set off *display fireworks* without first applying and obtaining authorization from the *City's Chief Fire Official*.
- 8.3 No *person* shall fire or set off any *display fireworks* within the *City* without first successfully completing a fireworks display supervisor's course and holding a valid *Fireworks Supervisor Card*.
- 8.4 The *fireworks* supervisor must ensure that the event is conducted safely, and that the supervision of a display event are followed including; plan,

approval, *fireworks* to be attended, danger zone, fire prevention and first aid, firing procedures, firing unit disconnected, and record of use.

- 8.5 Every *person* that wishes to hold an event where *display fireworks* are to be used, shall fully complete the require application and/or submit any required information and pay the prescribed user fee before the application is considered.
- 8.6 Every applicant for use of *display fireworks* display shall provide any additional information to the satisfaction of the *Chief Fire Official* to allow proper consideration of the application, including proof of required certifications required under the *Explosives Act* and knowledge of the pyrotechnics special effects manual.
- 8.7 The *Chief Fire Official*, considering the contents of the application along with any additional information requested or obtained, may issue a *permit* on such terms & conditions as is deemed appropriate to the proposed display, taking all known factors into consideration.
- 8.8 The *Chief Fire Official* may refuse to grant the *permit* request and such decision and reasons for the refusal, will be in writing and shall be final and not subject to appeal.
- 8.9 Property damage or injury because of *display fireworks* shall be the responsibility of the *person discharge the fireworks*.

9 Permit for Discharge of Special Effect Pyrotechnics

- 9.1 No *person* shall *discharge* special effect *fireworks* (pyrotechnics) unless the *person* has obtained a *permit* to *discharge display fireworks* from the *Chief Fire Official*;
- 9.2 Every *person* who wishes to *discharge* special effect *fireworks* (pyrotechnics) in the *City* shall:
- a) submit an application for a *permit* to *discharge* special effect *fireworks* (pyrotechnics) to the *Chief Fire Official* at least seven days before said date, on such prescribed application form as may be issued by the *Chief Fire Official*. Said application form shall include:
 - i) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;
 - ii) the date and time of the proposed *discharge* of special effect *fireworks* (pyrotechnics) and, in the event of inclement weather, a mutually agreeable date for the *discharge* of special effect *fireworks* (pyrotechnics).
 - iii) a site plan of the property where the *discharge* of special effect *fireworks* (pyrotechnics) is proposed, including separation distances and access to be provided for fire and

- emergency vehicles;
- iv) a list of the type and kind of special effect *fireworks* (pyrotechnics) to be *discharged*;
 - v) the number of *persons* authorized to handle and *discharge* special effect *fireworks* (pyrotechnics);
 - vi) proof of written authorization from the lawful *owner* or occupier of the property that *display fireworks* may be *discharged* on that property, if applicable;
 - vii) proof of Commercial General Liability insurance subject to the limit of not less than five million dollars (\$5,000,000) inclusive per occurrence for bodily injury, death, and damage to property, including loss thereof. Such insurance shall be in the name of the applicant and shall name the *City* as an additional insured thereunder;
 - viii) such other information or documentation as the *Chief Fire Official* may require.
- b) pay the applicable, non-refundable fee for a *permit to discharge display fireworks*, pursuant to the *City's User Fee By-law*, as amended from time to time;
- 9.3 The *Chief Fire Official* shall inspect the site where the *discharge* of special effect *fireworks* (pyrotechnics) is to be held.
- 9.4 An application for a *permit* for a special effect *fireworks* (pyrotechnics) *display* must be received by the *Chief Fire Official* at least thirty (30) days prior to the event.

10 Discharge of Special Effect Pyrotechnics

- 10.1 *Special effect pyrotechnics* are governed by Part 17 of the Explosives Regulation, 2013 (SOR/2013-211) which authorizes the acquisition, storage and sale of *special effect pyrotechnics* and regulates their use.
- 10.2 No *person* shall set off *special effect fireworks* (pyrotechnics) without first applying and obtaining written authorization from the *City's Chief Fire Official*.
- 10.3 No *person* shall fire or set off any special effect *fireworks* (pyrotechnics) within the *City* without first successfully completing a *fireworks operators certificate* (pyrotechnician) for the use of *special effect pyrotechnics* and holding a *fireworks operators certificate* (pyrotechnician) card.
- 10.4 The pyrotechnician must ensure that the event is conducted safely, and that the supervision of a pyrotechnic event are followed including; plan, approval, safety meetings, danger zone, fire prevention and first aid, instructions, firing and disconnect and logbook of events.

- 10.5 Every *person* that wishes to hold an event or special effect production, where special effect *fireworks* are to be used, shall fully complete the require application and/or submit any required information and pay the prescribed user fee before the application is considered.
- 10.6 Every applicant for use of special effect fireworks display shall provide any additional information to the satisfaction of the *Chief Fire Official* to allow proper consideration of the application, including proof of required pyrotechnic certifications required under the *Explosives Act* and knowledge of the pyrotechnics special effects manual.
- 10.7 The *Chief Fire Official*, considering the contents of the application along with any additional information requested or obtained, may issue a *permit* on such terms & conditions as is deemed appropriate to the proposed display, taking all known factors into consideration.
- 10.8 The *Chief Fire Official* may refuse to grant the *permit* request and such decision and reasons for the refusal will be in writing and shall be final and not subject to appeal.
- 10.9 Property damage or injury because of special effect *fireworks* shall be the responsibility of the *person discharge the fireworks*.

11 Revocation of Permits

- 11.1 All *permits* granted by the *Chief Fire Official* may be revoked whenever, in the *Chief Fire Official's* opinion, the holder of such *permit* is in non-compliance with this By-law's conditions or requirements, or the *Chief Fire Official* has concerns for public safety.

12 Prohibition

- 12.1 No *person* shall *discharge fireworks* within the *City* in any manner contrary to the Criminal Code, R.S., 1985, C-46, as amended, the *Act*, the Fire Protection and Prevention Act, 1997 or any other applicable laws. If any provision of this By-law conflicts with the *Act*, the more stringent requirements will prevail.
- 12.2 No *person* shall *discharge any fireworks* on City owned lands, including public streets and roadways, at any time, without the written permission of the Chief Administrative Officer. Only *display fireworks* shall be considered in designated community parks meeting the display site requirements. Said permission may be denied by the Chief Administrative Officer in his or her complete discretion and which permission may be subject to terms and conditions, including but not limited to, the provision of insurance on such terms and in such amount as set out in section 12 of this by-law.

13 Insurance Requirements

13.1 The applicant for a *permit* to hold a *fireworks display* on *City* property shall provide and maintain Commercial General Liability insurance subject to limits or not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the *City* as an additional insured thereunder. Such insurance shall include coverage for displays of *fireworks*. Such insurance policy shall contain an endorsement to provide the *City* within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the *City* prior to the issuance of a *permit* to hold a *fireworks display*.

14 Indemnification

14.1 The applicant for a *permit* as required under this By-law shall indemnify and save harmless the *City* from any and all claims, demands, causes of action, loss, costs or damages that the *City* may suffer, incur or be liable for resulting from the performance of the applicant as set out in this By-law, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

15 Severability

15.1 If a court or any tribunal of competent authority declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court or tribunal makes an order to the contrary.

16 Short Title

16.1 The short title of this by-law shall be **Kenora Fireworks By-Law**.

17 Effective Date

17.1 This by-law shall come into full force and take effect on the **XXth** day of **XXX**, 2024.

18 Repeal

18.1 NEED TO ADDRESS NOISE BY-LAW AND OPEN AIR BURNING BY-LAW AND PARKS BY-LAW?

Read a first, second, third time and finally passed this **XXth** day of **XXX**, 2024.

Andrew Pourier, Mayor

Heather Pihulak, Clerk

Schedule 'A'

By-Law XX-2024

A by-law to regulate the discharge of fireworks within the City of Kenora.

The Corporation of the City of Kenora Fire Services Equipment and Personnel Rates

Emergency Services Rendered:

- a) Ontario Ministry of Transportation rates for highway response charged per hour per apparatus attending

No Emergency Response:

- a) Ontario Ministry of Transportation rate for highway response charged per hour per apparatus attending

Schedule 'B'**By-Law XX-2024**

A by-law to regulate the discharge of fireworks within the City of Kenora.

Set Fines under Part I – Provincial Offences Act

Item	Short Form Wording	Offence Creating Provision or Defining Offence	Set Fine
Consumer Fireworks			
1.	Discharge without a permit	4.1	\$300
2.	Discharge prohibited fireworks	4.2.(a)	\$500
3.	Discharge firecrackers	4.2 (d)	\$500
4.	Discharge when prohibited (days / times)	4.2 (e)	\$300
5.	Discharge during an air quality event	4.2 (g)	\$300
6.	Discharge during a municipal burn ban	4.2 (h)	\$500
7.	Discharge not supervised	4.2 (i)	\$300
8.	Discharge within four (4) meters of a structure, fence or property line	4.2 (j)	\$300
9.	Discharge on municipal property without written permission	4.2 (k)	\$300
10.	Discharge without adequate tools or water to contain or extinguish a fire caused by fireworks	4.2 (l)	Full cost recovery
11.	Discharge in a manner to create a danger or nuisance	4.2 (m)	\$300
12.	Fail to comply with a notice or order	4.2 (n)	\$300
13.	Discharge to decrease visibility on a highway	4.2 (o)	\$300
14.	Discharge flying lantern (sky lantern)	4.4	\$500
15.	Discharge without a permit when required	5.2	\$300
16.	Discharge during prohibited days	6.2	\$300
17.	Discharge during prohibited times	6.4	\$300
Display Fireworks			
18.	Discharge without a display supervisor certificate	4.2 (b)	\$300
19.	Display without a permit	7.1	\$300
20.	Display without proper insurance	13.1	\$500
Special Effect Pyrotechnics			
21.	Discharge without a fireworks operators certificate	4.2 (c)	\$300
22.	Display without written authorization	9.1	\$300
23.	Display without proper insurance	13.1	\$500

July 9, 2024

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Dave Pratt, Director of Fire & Emergency Services / Fire Chief

Re: Discharge Fireworks Set Fines

Recommendation:

That Council authorizes an application to the Regional Senior Justice, Ontario Court of Justice, Northwest Region, for an Order approving the set fines for the offences attached as Schedule "B" to this motion which establishes set fines for the Discharge of Fireworks in the City of Kenora.

Background:

Further to the details included in the Discharge of Fireworks bylaw, Part I set fines establish several sections under Part I of the Provincial Offences Act which enables charges to be laid under the bylaw in these areas. A separate resolution is required for the Part I set fines for the purposes of the application to the Regional Senior Justice for approval of these set fines under the new Discharge of Fireworks bylaw.

A Part I is a Provincial Offences Notice which must be served to a person and includes their personal information and has an immediate set fine plus a Victim Witness Surcharge which is a legislated amount added to every Part I offence.

Schedule 'B'

A by-law to regulate the discharge of fireworks within the City of Kenora. Set Fines under Part I – Provincial Offences Act

Item	Short Form Wording	Offence Creating Provision or Defining Offence	Set Fine
Consumer Fireworks			
1.	Discharge without a permit	4.1	\$300
2.	Discharge prohibited fireworks	4.2.(a)	\$500
3.	Discharge firecrackers	4.2 (d)	\$500
4.	Discharge when prohibited (days / times)	4.2 (e)	\$300
5.	Discharge during an air quality event	4.2 (g)	\$300
6.	Discharge during a municipal burn ban	4.2 (h)	\$500
7.	Discharge not supervised	4.2 (i)	\$300
8.	Discharge within four (4) meters of a structure, fence or property line	4.2 (j)	\$300
9.	Discharge on municipal property without written permission	4.2 (k)	\$300
10.	Discharge without adequate tools or water to contain or extinguish a fire caused by fireworks	4.2 (l)	Full cost recovery
11.	Discharge in a manner to create a fire	4.2 (m)	\$300

	nuisance		
12.	Fail to comply with a notice or order	4.2 (n)	\$300
13.	Discharge to decrease visibility on a highway	4.2 (o)	\$300
14.	Discharge flying lantern (sky lantern)	4.4	\$500
15.	Discharge without a permit when required	5.2	\$300
16.	Discharge during prohibited days	6.2	\$300
17.	Discharge during prohibited times	6.4	\$300
Display Fireworks			
18.	Discharge without a display supervisor certificate	4.2 (b)	\$300
19.	Display without a permit	7.1	\$300
20.	Display without proper insurance	13.1	\$500
Special Effect Pyrotechnics			
21.	Discharge without a fireworks operators certificate	4.2 (c)	\$300
22.	Display without written authorization	9.1	\$300
23.	Display without proper insurance	13.1	\$500

Budget: Any Part I fines issued will result in additional revenue to the 2024 budget

Risk Analysis: There is low risk associated with this report as it is administrative in nature.

Communication Plan/Notice By-law Requirements: Regional Senior Justice, Ontario Court of Justice, Northwest Region and Ministry of Attorney General

Strategic Plan or Another Guiding Document: administrative only

July 9, 2024

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Dave Pratt, Director of Fire & Emergency Services / Fire Chief

Re: Kenora Fire Levels of Service

Recommendation:

That Council hereby receives a report entitled 'Levels of Service of Kenora Fire' for information and consideration; and further

That Council directs the Fire Chief to implement all service level changes prior to the Government of Ontario's mandatory compliance date of July 1, 2026, and July 1, 2028, as applicable; and further

That the Fire Chief presents an updated Establishing and Regulating By-law for Kenora Fire Service for consideration and approval by Council no later than the fourth quarter of 2024.

Background:

Council was provided two reports as a summary of the fire department's levels of service as they relate to "emergency response" as per the current Establishing and Regulating (E&R) By-law #148-2001:

- 1) Levels of Service – Emergency Response;
- 2) Levels of Service – Fire Prevention and Public Safety Education and Training and Education

The report updated Council on the impact of O. Reg. 343/22: Firefighter Certification, under the Fire Protection and Prevention Act, 1997 and provide Council information to gain consensus of the fire department's levels of service moving forward with the compliance deadline of July 1, 2026, and July 1, 2028, respectfully.

The goal of the report was for Council to provide direction to desired levels of service which would be incorporated into a new E&R By-law to be presented to Council no later than the fourth quarter of 2024.

In establishing the service level, Council must consider the training requirements, risk level, equipment, and the financial implications (capital and operating expenses) provided for each service/response outlined.

Determination of Level of Service Response

Where applicable, Levels of Response can be quantified into the following three levels.

"Awareness level" means that Fire Department personnel will recognize risks and hazards, adopt a defensive position, secure the area, and call for specialized assistance.

"Operations level" means that Fire Department personnel will take action to contain and control the incident and seek assistance from outside agencies equipped to mitigate the incident if required.

"Technician level" means that Responders may initiate a combination of actions to bring the incident under control and to an end.

Emergency Response: Quantification of Risk

Where applicable all of the services provided by the fire department must be in accordance with the National Fire Protection Association (NFPA) level of training, operational guidelines, Occupational Health and Safety Guidance Notes, and industry best practices. With a composite fire service this is not always possible, so it is recommended to include the following in the E&R By-law.

Limited Services - In consideration of the reliance by the Fire Department on the response of Paid per Call Firefighters, whose deployment to emergencies in sufficient numbers cannot in all instances be guaranteed, limited water supply, adverse climate conditions, topographical and geographical configuration, unposted municipal addresses, concurrent or multiple calls, failure of owners to maintain driveways or other accesses, delays or unavailability of specialized equipment required by the Fire Department, or other extraordinary circumstances which may impede the delivery of fire protection services, any approved service set out in by Council may, from time to time, be provided as a Limited Service as defined, as determined by the Fire Chief, his or her designate, or the highest ranking Officer in charge of a response.

With "limited services" in mind, Council determined the level of response and the human, equipment, and financial resources required to achieve the desired service for the following:

Request for Decision Service Level Response – Emergency Response

- Service Level Response: Exterior Fire Suppression (Defensive Operations) is conducted from outside of a burning structure/vehicle. No interior rescue can be conducted at this level.

Recommended Option: to continue to provide this level of service, in compliance with O. Reg. 343/22 Firefighter Certification (July 1st, 2026), staff training to NFPA 1001 Level 1.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Interior Search and Rescue and Interior Fire Suppression (Offensive Operations) requires entry into the building for fire suppression and rescue.

Recommended Option: to continue to provide this level of service, limited services when appropriate, in compliance with O. Reg. 343/22 Firefighter Certification (July 1st, 2026), staff training to NFPA 1001 Level 2.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Vehicle Firefighting Service is conducted from a safe distance suppressing the fire.

Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22 Firefighter Certification (July 1st, 2026), staff training to NFPA 1001 Level 1.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Grass, Brush, and Wild-land Firefighting taking action to contain and control the incident and seek assistance from outside agencies (MNRF) equipped to mitigate the incident if required.

Recommended Option: to continue to provide this level of service, with staff trained to SP103 'Wild-land Firefighting Training' in conjunction with the MNRF as per the Municipal Fire Protection Agreement.

Impact: There is no change to the operating or capital budget to continue this level of service. The City has entered into a 5-year agreement (2024-2028) with the MNRF at \$5,445.66 annually.

- Service Level Response: Emergency Pre-Hospital Medical Care as per the Tiered Response Agreement approved by Council.

Recommended Option: to continue to provide this level of service.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Hazardous Material Response taking action to contain and control the incident and seek assistance from outside agencies equipped to mitigate the incident if required.

Recommended Option: Operations Mission Specific Level in compliance with O. Reg. 343/22 Firefighter Certification (July 1st, 2026), staff training to NFPA 1072 'Standard for Hazardous Material / Weapons of Mass Destruction Emergency Response' Chapter 5 'General Skills Requirement' and Chapter 6 'Operations Mission Specific' Article 6.2 'Personal Protective Equipment' and Article 6.6 'Product Control'.

Impact: The impact to the operating budget is \$55,373 (total staff costing) and \$10,000 to the capital budget (equipment).

- Service Level Response: Vehicle Accidents, Extrication, and Response Protocols for Common Passenger Vehicles by creating access and egress openings for a passenger vehicle that has been involved in a collision.

Recommendation option: Technician Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 8 'Common Passenger Vehicle Operations' as it relates to Common Passenger Vehicle response.

Impact: The impact to the operating budget is \$55,373 (total staff costing) and \$10,000 to the capital budget (equipment).

- Service Level Response: Vehicle Accidents, Extrication, and Response Protocols for Heavy Vehicles by creating access and egress openings for rescue from a heavy vehicle that has come to rest in a configuration or environment where multiple concurrent hazards must be managed to access or remove the occupants where a passenger vehicle that has been involved in a collision.

Recommendation option: Technician Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 9 'Heavy Vehicle Rescue' as it relates to Heavy Vehicle response.

Impact: The impact to the operating budget is \$55,373 (total staff costing) and \$10,000 to the capital budget (equipment).

- Service Level Response: Surface Water Rescue by entering the hazard area using appropriate rescue equipment/techniques retrieving a victim who is afloat on the surface of a body of water.

Recommendation option: Technician Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 17 'Surface Water Rescue' as it relates to water rescue response.

The impact to the operating budget is \$55,373 (total staff costing) and \$60,000 to the capital budget (response boat and equipment).

- Service Level Response: Ice Rescue by entering the hazard area using appropriate rescue equipment/techniques retrieving a victim who is immersed in a cold water ice environment.

Recommendation option: Technician Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 20 'Ice Rescue' as it relates to ice rescue response.

The impact to the operating budget is \$55,373 (total staff costing) and \$10,000 to the capital budget (equipment).

- Service Level Response: Steep Slope, Low Angle Rope Rescue by recognizing risks and hazards, adopt a defensive position, secure the area, and call for specialized assistance.

Recommendation option: Awareness Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 5 'Rope Rescue' as it relates to rope rescue response.

The impact to the operating budget is \$3,000 (total staff costing) and no cost to the capital budget.

- Service Level Response: Confined Space by recognizing risks and hazards, adopt a defensive position, secure the area, and call for specialized assistance.

Recommendation option: Awareness Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 7 'Confined Space Rescue' as it relates to confined space response.

The impact to the operating budget is \$3,000 (total staff costing) and no cost to the capital budget

- Service Level Response: Trench Rescue by recognizing risks and hazards, adopt a defensive position, secure the area, and call for specialized assistance.
Recommendation option: Awareness Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1006 Chapter 12 'Trench Rescue' as it relates to trench response.

The impact to the operating budget is \$3,000 (total staff costing) and no cost to the capital budget.

- Service Level Response: Island Firefighting to provide Exterior Fire Suppression (Defensive Operations) or Interior Search and Rescue and Interior Fire Suppression (Offensive Operations) as appropriate to the circumstance.
Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22 Firefighter Certification (July 1st, 2026), staff training to NFPA 1001 Level 1 and 2.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Marine Firefighting by recognizing risks and hazards, adopting a defensive position, secure the area, and call for specialized assistance.
Recommended Option: Awareness Level in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2028), staff training to NFPA 1005 'Standard for Professional Qualifications for Marine Fire Fighting for Land-based Fire Fighters' as it relates to marine firefighting response.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: Mutual Aid, Emergency Plan Activation, Other Emergency Responses and Requests for Assistance.
Recommended Option: to continue to provide these levels of service.

Impact: There is no change to the operating or capital budget to continue this level of service.

Request for Decision Service Level Response - Fire Prevention and Public Safety Education and Training and Education

- Service Level Response: selected staff to conduct proactive routine inspections enforcing code compliance.
Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2026) certifying to the NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiners Level I.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: selected staff to conduct complex inspections enforcing code compliance.

Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2026) certifying to the NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiners Level II.

Impact: The impact to the operating budget is \$9,665 (cost per student) and no impact to the capital budget.

- Service Level Response: **all** staff to provide fire and life safety public education throughout the community.

Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2026) certifying to the NFPA 1035, Standard for Professional Qualifications for Fire and Life Safety Educator, Public Information Officer, and Juvenile Fire setter Intervention Specialist.

Impact: The impact to the operating budget is \$725 (cost per student) and no impact to the capital budget.

- Service Level Response: selected staff to provide training and education to other fire personnel.

Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2026) to NFPA 1041 Fire and Emergency Services Instructor I.

Impact: The impact to the operating budget is \$1,0889 (cost per student) and no impact to the capital budget.

- Service Level Response: provide training and education to other fire personnel including lead instructor roles at live fire and above or below grade technical rescue practical training.

Recommended Option: to continue to provide this level of service in compliance with O. Reg. 343/22: Firefighter Certification (July 1st, 2026) to NFPA 1041 Fire and Emergency Services Instructor II.

Impact: The impact to the operating budget is \$3,452 (cost per student) and no impact to the capital budget.

Request for Decision Service Level Response – Other

- Service Level Response: provide fire protection services as per Council approved Fire Service Agreements.

Recommended Option: to continue to provide this level of service.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: provide fire protection services, as per MTO Agreement claims process, for emergency response on provincial highways at the approved fee for service, within the municipal boundaries of the City.

Recommended Option: to continue to provide this level of service.

Impact: There is no change to the operating or capital budget to continue this level of service.

- Service Level Response: provide fire protection services, as per MTO Agreement claims process, for emergency response on provincial highways at the approved fee for service, outside the municipal boundaries of the City.

Recommended Option: to continue to provide this level of service.

Impact: There is no change to the operating or capital budget to continue this level of service.

This report summarizes for Council the direction to the Chief on service level response for the Kenora Fire department.

Budget:

It is recognized that there are two dates of compliance associated with the Firefighter Certification: July 1, 2026 (Basic Firefighting & Supervisory Level) and July 1, 2028 (NFPA 1006 Technical Rescue standards) providing a four and six-year compliance timeline based on the desired level of fire protection. With these timelines in mind, and the impact to staff time and the logistics of training, it is the department’s strategy to facilitate staggered implementation over four years (2025-2028).

The budget impact associated with this report and the impact of O. Reg. 343/22: Firefighter Certification, under the Fire Protection and Prevention Act, 1997 is \$559,291. To minimize the budget impact, the following two options are provided for Council’s consideration:

Option #1 – Net Tax Levy is raised in year 1 to fund the new training requirements. Training is staggered evenly over the next 4 years with matching funding. 2025 will require an increase of \$156,473.					
Option#1	2025	2026	2027	2028	Total
Cost	\$156,473	\$157,531	\$117,605	\$127,680	\$559,289
Net Tax Levy	\$156,473	\$157,531	\$117,605	\$127,680	\$559,289
Option #2 – Net Tax Levy is raised incrementally in year 1 & 2 to fund the new training requirements. Training is planned to match the incremental funding over the next 4 years. 2025 will require an increase of \$78,501 and 2026 will have an additional increase of \$78,501.					
Option#2	2025	2026	2027	2028	Total
Cost	\$78,501	\$157,002	\$157,530	\$166,256	\$559,289
Net Tax Levy	\$78,501	\$157,002	\$157,530	\$166,256	\$559,289

Risk Analysis:

Identifying CKEFS Levels of Service for Emergency Response will treat the following risks:

- Critical risk to the development of implementation strategies for the FSMP recommendations related to implementing a revised Establishing and Regulating By-law,
- Critical risk to the development of implementation strategies for the FSMP recommendations related to implementing Levels of Service for Emergency Response, and
- Critical risk to the implementation of mandatory certification of firefighters O. Reg 343/22.

Impact x Likelihood = Risk Level

Likelihood	Impact				
	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5)	M	H	H	C	C
Likely (4)	L	M	H	C	C
Possible (3)	L	M	M	H	H
Unlikely (2)	L	L	M	M	H

Strategic Plan or Other Guiding Document:

By-law #148-2001 - A By-Law To Establish And Regulate The City Of Kenora Fire And Emergency Services

Charting Our Course 2027 – Strategic Plan

3.2(B) Enhance emergency management, protective services, and social services provided by City partners

4.2 Maximize human capacity and capability

Fire Protection and Prevention Act, 1997

Kenora Fire & Emergency Services Fire Services Master Fire Plan – 2023



July 2, 2024

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Stace Gander, Director of Economic Development and Tourism

Re: Application to the Rural Community Immigration Pilot

Recommendation:

Whereas the Government of Canada recently announced the Rural Community Immigration Pilot and the Francophone Community Immigration Pilot to address labour shortages and provide to pathways to permanent residence for newcomers who can assist to address these shortages in rural communities;

Therefore Be It Resolved That Council supports the regional application by the Lake of the Woods Business Incentive Corporation to the Rural Community Immigration Pilot.

Background:

The Rural Community Immigration Pilot (RCIP) and Francophone Community Immigration Pilot (FCIP) build on the success of the Rural and Northern Immigration Pilot (RNIP) in connecting businesses and employers in remote communities with skilled newcomers needed to address critical labour shortages.

The City of Kenora had previously supported an application to the RNIP in 2019. Ultimately, the City of Kenora was not successful in being selected a host community in Northern Ontario, however, had advocated to senior levels of government to expand the pilot beyond the current communities of Thunder Bay, Sudbury, North Bay, Sault Ste. Marie and Timmins.

The Government of Canada announced a geographic expansion of the catchment area for the Thunder Bay pilot in August 2022. The expanded catchment area included multiple communities in the Kenora and Rainy Districts administered through the Thunder Bay pilot.

While other communities in the Kenora and Rainy River Districts were included, the City of Kenora was omitted in this geographic expansion. Council passed a resolution at its October 3, 2022, meeting to petition the Government of Canada and Thunder Bay Community Economic Development Commission to include the City of Kenora in the Thunder Bay catchment area. Understanding that the RNIP was due to sunset in 2024, these efforts were not successful. Staff have continued to support employers in the attraction and retention of newcomers to assist in alleviating the labour shortage in the community wherever possible.

With the RNIP closing, the RCIP and FCIP are the next phase of the Government of Canada's process to create a permanent rural immigration program and present a new opportunity for the City of Kenora to participate. Together, these pilots will allow Immigration, Refugees and Citizenship Canada (IRCC) to process up to 5,500 permanent

resident applications per year. The IRCC will select up to 15 communities from across Canada to participate in the two pilots.

Economic Development staff have been working alongside regional partners in the Kenora and Rainy River Districts to position a program application that will be led by the Lake of the Woods Business Incentive Corporation. Municipalities, Community Futures Development Corporations, employers, and cultural organizations have been working together to gather letters, data and information in support of the RCIP application.

Successful application to the pilot would provide additional supports for employers in the City of Kenora to address local labour challenges and assist in filling critical job shortages.

Budget: There are no budget implications at the time of this report. Consideration to contributing to program administration costs may be contemplated during the Municipal Accommodation Tax planning process should the RCIP application be approved.

Risk Analysis: There is a low risk associated with this report and is administrative in nature.

Communication Plan/Notice By-law Requirements: Circulation to Lake of the Woods Business Incentive Corporation.

Strategic Plan or another Guiding Document:

2022-2027 Strategic Plan

Goal 2.2 – Support entrepreneurship and business development

Five Year Tourism and Economic Development Strategy

Objective 2.2 – Support the growth and retention of local businesses and emerging sectors.