

Environment, Transportation & Public Safety
Standing Committee Meeting Agenda

Date: Wednesday, April 30, 2025

Time: 4:30 o'clock p.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Ward 2 – Councillor Fabio Costante (Chairperson)

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

ORDER OF BUSINESS

Item #	Item Description
---------------	-------------------------

1.	CALL TO ORDER
-----------	----------------------

READING OF LAND ACKNOWLEDGMENT

We [] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2.	DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
-----------	--

3.	ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE
-----------	---

- | | |
|------|---|
| 3.1. | Adoption of the Environment, Transportation, and Public Safety Standing Committee minutes of its meeting held March 26, 2025 (SCM 86/2025) |
|------|---|

4.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
-----------	--

5.	COMMUNICATIONS
-----------	-----------------------

6.	PRESENTATIONS AND DELEGATIONS
-----------	--------------------------------------

7.	COMMITTEE MATTERS
-----------	--------------------------

- | | |
|------|--|
| 7.1. | Minutes of the Transit Windsor Working Group of its meeting held March 26, 2025 (SCM 99/2025) |
|------|--|

8.	ADMINISTRATIVE ITEMS
-----------	-----------------------------

- 8.1. Passing of New By-Law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor - City Wide (CQ 17-2024) **(S 46/2025)**
- 8.2. South National St (Pilette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover - Ward 8 **(S 48/2025)**
- 8.3. Response to CQ 41-2024 - Lower Risk Encroachments - City Wide **(S 49/2025)**
- 8.4. Response to CQ 52-2024: Right-of-Way Digital Signage - City Wide **(S 50/2025)**
- 8.5. Sewer Master Plan Implementation and Disaster Mitigation Adaptation Fund Program (DMAF 1 & DMAF 4) Update - City Wide **(S 51/2025)**
- 8.6. Open Air Burning **(C 58/2025)**

9. TRANSIT BOARD ITEMS

10. ADOPTION OF TRANSIT BOARD MINUTES

11. QUESTION PERIOD

12. ADJOURNMENT



Committee Matters: SCM 86/2025

**Subject: Adoption of the Environment, Transportation, and Public Safety
Standing Committee minutes of its meeting held March 26, 2025**

Environment, Transportation & Public Safety Standing Committee Meeting

Date: Wednesday, March 26, 2025

Time: 4:30 PM

Members Present:

Councillors

Ward 3 - Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 8 - Councillor Gary Kaschak Participates Via Zoom

Ward 9 - Councillor Kieran McKenzie (Vice Chairperson)

Councillors Regrets

Ward 2 - Councillor Fabio Costante (Chairperson)

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

David Simpson, Commissioner, Infrastructure Services & City Engineer

Andrew Daher, Commissioner, Human & Health Services

Janice Guthrie, Commissioner, Finance & City Treasurer

Dana Paladino, Acting Senior Executive Director Corporate Services

Matthew Johnson, Executive Director, Economic Development

Phong Nguy, Acting Executive Director Operations/Deputy City Engineer

Stephan Habrun, Acting Executive Director Transit Windsor

Monika Grant, Director, Fleet & Facility Development

Natasha Gabbana, Senior Manager of Asset Planning

Ian Day, Senior Manager Traffic Operations/Parking

Craig Robertson, Manager of Licensing and Enforcement & Deputy Licence Commissioner

Mark Spizzirri, Manager, Performance Measurement & Business Case Development

Colleen Middaugh, Manager, Corporate Projects

Fahd Mikhael, Manager, Design

Minutes

Environment, Transportation & Public Safety Standing Committee Wednesday, March 26, 2025

Page 2 of 8

Sandra Bradt, Executive Initiatives Coordinator.
Michelle Moxleypeltier, Community Energy Plan Project Administrator
Tracey Beadow, Project Administrator
Bill Kralovensky, Coordinator, Parking Services
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Vice Chairperson calls the meeting of the Environment, Transportation & Public Safety Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. ADOPTION OF THE MINUTES OF THE ETPS STANDING COMMITTEE

3.1. Adoption of the Environment, Transportation, and Public Safety Standing Committee minutes of its meeting held January 29, 2025

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Renaldo Agostino

THAT the minutes of the Environment, Transportation & Public Safety Standing Committee meeting held January 29, 2025, **BE ADOPTED** as presented.
Carried.

Report Number: SCM 34/2025

4. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

8.1. Options for Licensing Hotels and Motels - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Renaldo Agostino

THAT the report of the Manager of Licensing and Enforcement & Deputy License Commissioner dated February 13, 2025, entitled "Options for Licensing Hotels and Motels - City Wide" **BE REFERRED** to the Community Safety & Wellbeing Committee to allow for review and comment surrounding the issue of illicit activity happening in some facilities across the community.
Carried.

Minutes

Environment, Transportation & Public Safety Standing Committee

Wednesday, March 26, 2025

Page 3 of 8

Report Number: S 21/2025

Clerk's File: ACL2025

5. COMMUNICATIONS

None presentd.

6. PRESENTATIONS AND DELEGATIONS

None presentd.

7. COMMITTEE MATTERS

7.1. Minutes of the Windsor Licensing Commission of its meeting held December 5, 2024

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Mark McKenzie

Decision Number: ETPS 1046

THAT the minutes of the Windsor Licensing Commission meeting held December 5, 2024, **BE RECEIVED.**

Carried.

Report Number: SCM 28/2025

7.2. Minutes of the Essex-Windsor Solid Waste Authority (EWSWA) Regular Board of its meeting held January 7, 2025

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: ETPS 1047

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) Regular Board meeting held January 7, 2025, **BE RECEIVED.**

Carried.

Report Number: SCM 69/2025

Minutes

Environment, Transportation & Public Safety Standing Committee

Wednesday, March 26, 2025

Page 4 of 8

7.3. Minutes of the Essex-Windsor Solid Waste Authority (EWSWA) Regular Board of its meeting held February 4, 2025

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Gary Kaschak

Decision Number: ETPS 1048

THAT the minutes of the Essex-Windsor Solid Waste Authority (EWSWA) Regular Board meeting held February 4, 2025, **BE RECEIVED**.

Carried.

Report Number: SCM 71/2025

8. ADMINISTRATIVE ITEMS

8.2. Proactive By-law Enforcement Strategies in Paved Alleys in Response to CQ 22-2023 - City Wide

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Mark McKenzie

Decision Number: ETPS 1049

THAT the report of the Manager of Licensing and Enforcement & Deputy Licence Commissioner dated February 21, 2025, entitled "Proactive By-law Enforcement Strategies in Paved Alleys in Response to CQ 22-2023" **BE RECEIVED** for information; and,

THAT City Council **SUPPORT** the proactive initiatives and deployment plan of By-law Enforcement resources to address issues in paved alleys and other areas in the City that may require a similar targeted approach.

Carried.

Report Number: S 23/2025

Clerk's File: SW2025

8.3. Pedestrian Generator Sidewalk on Garden Court Drive (East Side) from Sumach Crescent (North) to Edgar Street - Ward 6

Moved by: Councillor Renaldo Agostino

Seconded by: Councillor Gary Kaschak

Decision Number: ETPS 1050

Minutes

Environment, Transportation & Public Safety Standing Committee

Wednesday, March 26, 2025

Page 5 of 8

- I. THAT Council **APPROVE** the construction of a Pedestrian Generator Sidewalk on the east side of Garden Court Drive from Sumach Crescent (North) to Edgar Street as proposed in this report and outlined in Council Drawing C-3846 attached as Appendix B; and further,
- II. THAT costs related to the construction (estimated at \$56,400, excluding taxes) **BE CHARGED** to the Pedestrian Safety Improvements Project (Project No. 7045034); and further,
- III. THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary related to this project, provided that the procurement(s) are within the approved budget, pursuant to the Purchasing By-Law 93-2012 and amendments thereto satisfactory in legal content to the City Solicitor, in financial content to the City Treasurer and in technical content to the City Engineer; and further,
- IV. THAT Administration **BE AUTHORIZED** to take any other steps as may be required to bring effect to these resolutions, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any required documentation/agreement(s) for that purpose, satisfactory in legal content to the City Solicitor, in financial content to the City Treasurer and technical content to the City Engineer.
Carried.

Report Number: S 24/2025

Clerk's File: SW2025

8.4. Response to CQ 35-2024 – Removal of Underused Street Parking Meters

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Renaldo Agostino

Decision Number: ETPS 1051

THAT the report of the Coordinator, Parking Services dated March 5, 2025, entitled "CQ 35-2024 – Removal of Underused Street Parking Meters" **BE RECEIVED** for information.

Carried.

Report Number: S 29/2025

Clerk's File: SW2025

8.5. Windsor Deep Energy Efficiency Retrofit Program - City Wide

Councillor Renaldo Agostino inquires about the cost to the City. Janice Guthrie, Commissioner, Finance & City Treasurer appears before the Environment, Transportation & Public Safety Standing Committee regarding the Administrative report dated February 24, 2025, entitled "Windsor Deep Energy Efficiency Retrofit Program - City Wide" and indicates that it would be \$200M over a 10-year period that would be recuperated over time with a large portion of the funding being loans provided to homeowners to complete the renovations. The payback period could be 10-20 years after the loan is repaid. Ms. Guthrie adds that they can charge a low rate of interest, but that would be a significant draw on the existing working capital and would likely require a partnership with a financial institution.

Minutes

Environment, Transportation & Public Safety Standing Committee

Wednesday, March 26, 2025

Page 6 of 8

Under the accounting standards, that would be considered debt, which would put a strain on other capital projects moving forward.

Councillor Kieran McKenzie inquires whether a partnership with a financial institution would mitigate any cash flow issues. Ms. Guthrie indicates It would be difficult to find such a partnership, due to the nature of the repayment structure.

Councillor Kieran McKenzie inquires as to how many staff are currently available to take on this work. Jelena Payne, Commissioner, Economic Development appears before the Environment, Transportation & Public Safety Standing Committee regarding the Administrative report dated February 24, 2025, entitled "Windsor Deep Energy Efficiency Retrofit Program - City Wide" and indicates that there is currently one full-time employee in Environment & Climate Change that could kick-start the work. They would need to add nine additional full-time staff to bring this program to full fruition.

Councillor Kieran McKenzie inquires whether there has been an analysis of the benefits of implementing this program from an economic standpoint. Ms. Guthrie responds that the program has merits, however there are certain targets presented by upper levels of government without any ongoing supportive funding. The expectation is that the municipality would continue to fund this program with municipal dollars. Many grant programs through upper levels of government have been oversubscribed and cancelled. Homeowners do not need to use municipal funding to implement these upgrades to their homes. They can seek private funding.

Councillor Kieran McKenzie inquires about the estimated percentage of residents that would leverage the program. Administration indicates that 25% could potentially take part in the program. The remaining portion would be self-funded as part of the proposed plan.

Councillor Kieran McKenzie inquires should the financing option be removed, if we would we still hit our climate change targets. Ms. Payne responds that objective third-party input determined that even if all tools were implemented, we would still not meet the targets.

Councillor Renaldo Agostino inquires if there are any guarantees that there will not be any changes to the program. Ms. Payne responds that there is no guarantee. Targets can be changed, new programs could be introduced and other programs cancelled. There is no funding or extension of the program beyond 2026.

Councillor Gary Kaschak inquires whether they are premature with this decision due to the upcoming election. Ms. Payne responds that with support from this committee and of Council at this time, that does not prevent Administration from actively exploring other opportunities from upper levels of government. There are three issues with this program: cost, staffing, and reputational risk to the City.

Councillor Gary Kaschak inquires whether it would be prudent to delay this report to a future meeting. Ms. Payne responds that the deadline to apply for funding through FCM is May. Administration adds that the May 15th deadline is for meeting the current grant requirements for FCM which funded the

Minutes

Environment, Transportation & Public Safety Standing Committee

Wednesday, March 26, 2025

Page 7 of 8

portion of this. There is a requirement to receive for information so we can submit back in order to receive the funding.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Gary Kaschak

Decision Number: ETPS 1052

THAT City Council **RECEIVE FOR INFORMATION** the Residential Deep Energy Efficiency Retrofit Program Design Study, and the Residential Deep Energy Efficiency Retrofit Market Validation Study; and further,

THAT City Council **AUTHORIZE** Administration to **SUBMIT** the Residential Deep Energy Efficiency Retrofit (R-DEER) Design Study to the Federation of Canadian Municipalities' Green Municipal Fund in accordance with the grant criteria and to meet the deadline of May 15, 2025; and further,

THAT City Council **SUPPORT** the recommendation that the City of Windsor does not apply for the Community Efficiency Financing (CEF) "Capital Program: Loan or Credit Enhancement for Local Home-energy Upgrade Financing Program" for funding for the R-DEER program due to the requirements for municipal cost-sharing and ongoing expectation of municipal funding; and further,

THAT City Council **APPROVE** the transfer of any remaining monies in Deep Energy Efficiency Retrofit ("DEER") Business Plan Project ID # 7224001, once all expenses are paid, to the Climate Change Reserve Fund (#223); and further,

THAT the Mayor and City Council issue a letter to the federal Minister of Environment and Climate Change to **ADVOCATE** for long-term federal funding to support municipal actions to reduce greenhouse gas emissions and improve energy efficiency, without the requirement for municipal cost-sharing, and;

THAT Administration **BE DIRECTED** to continue to explore grant funding opportunities and to report back to Council when appropriate.

Carried.

Councillor Kieran McKenzie voting nay.

Report Number: S 100/2024

Clerk's File: EI/10822

9. TRANSIT BOARD ITEMS

None presented.

Minutes

Environment, Transportation & Public Safety Standing Committee Wednesday, March 26, 2025

Page 8 of 8

10. ADOPTION OF TRANSIT BOARD MINUTES

None presented.

11. QUESTION PERIOD

Councillor Renaldo Agostino inquires whether the City has an opportunity to implement security measures in hotels and Airbnb rentals to discourage people from negative behaviour. Dana Paladino, Senior Executive Director, Corporate Services appears before the Environment Transportation and Public Safety Standing Committee and indicates that regulating behaviour that is criminal in nature under the criminal code is beyond municipal jurisdiction.

12. ADJOURNMENT

There being no further business, the Environment, Transportation & Public Safety Standing Committee is adjourned at 5:01 o'clock p.m. The next meeting of the Environment, Transportation & Public Safety Standing Committee will be held April 30, 2025.

Carried.

Ward 9 – Councillor Kieran McKenzie
(Vice Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Committee Matters: SCM 99/2025

**Subject: Minutes of the Transit Windsor Working Group of its meeting held
March 26, 2025**

TRANSIT WINDSOR WORKING GROUP

Meeting held March 26, 2025

A meeting of the Transit Windsor Working Group is held this day commencing at 9:00 o'clock a.m. in Room 140, 350 City Hall Square West, there being present the following members:

Bernard Drouillard
Trevor Ramieri
Katie Stokes

Regrets received from:

Jaykumar Patel
Iain Sutcliffe

Also present are the following resource personnel:

Jelena Payne, Commissioner Economic Development
Stephan Habrun Acting Executive Director, Transit Windsor
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:02 o'clock a.m. and the Transit Windsor Working Group considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Acting Chair

It is generally agreed that Stephan Habrun will preside as Chair for the meeting.

3. Declaration of Conflict

None disclosed.

4. Minutes

Moved by Trevor Ramieri, seconded by Bernard Drouillard,
That the minutes of the Transit Windsor Working Group of its meeting held March 20, 2024 **BE ADOPTED** as presented.

Carried.

The Chair invites Jelena Payne, Commissioner Economic Development and the members of the Working Group to introduce themselves.

5. Investing in Canada Infrastructure Program (CIP)

5(a) Terminals Update

The Chair advises that the tender for both the east and west end terminals will potentially go out in May 2025. The west end terminal tentative completion date is the end of 2025. The east end terminal will tentatively be completed in June 2026.

5(b) Renovations to the Transit Garage

The Chair reports that this project will expand the garage storage capacity; extend the maintenance facility; replace aging equipment and adds that the design process is close to completion.

5(c) Concrete Pads/Shelters

The Chair indicates Transit Windsor is looking to ensure that the majority of the bus stops are accessible with accessible landing pads.

5(d) New Buses

The Chair advises they have received most of their 18 new hybrid buses. He adds that it takes approximately 18 to 24 months to order a bus. The amenities on the new buses includes a new blue floor, new plastic covered seats which are easier to clean, and USB chargers located on the stanchions and spread throughout the bus. He remarks it takes 6 to 8 weeks for the buses to be considered road worthy for transit, as installation of the following is required - GPS systems, cameras, passenger counters, onboard announcement system, and fare box.

6. Agreements

6(a) U-Pass Agreement

The Chair reports that in September 2024, a new 5-year U-Pass Agreement went into effect. The U-Pass is an 8-month pass.

6(b) Saints Pass

Recently, an agreement through a referendum with St. Clair College approved a new 3-year agreement and will go into effect in September 2025. The Chair states that the Saints Pass is a 12 month pass and adds that the ridership of the Saints students greatly exceeds the university students.

7. 2025 Service Plan

The 2025 Service Plan includes 15,000 service hours being introduced into the city service with that, 9 buses that were used exclusively at peak times daily with 4 school extras will be redeployed into the system. He provides an overview of the service improvements and information relating to several of the routes (which will be renamed).

7(a) School Extras

The Chair reports that the school extra buses have been eliminated in order to provide the 2025 Service Plan. The following comments are provided:

- For the last 30 plus years, Transit Windsor has been offering these school extra buses.
- Have not received any funding from the 2 French Boards and the 2 English Boards which has been capital expensive.
- Passenger counting was done (where the students got on and off the bus) over several days during the semester to determine the ridership counts.
- The City of London has not offered school extras for years.
- Jelena Payne reports that a Communication Plan will be provided for students, principals and families in May, June and August 2025.
- There are 2 problematic areas in the city – Holy Names and Massey High Schools as geographically, there is no easy way to get to those schools.
- Information will be provided on the City's website to direct parents on how to get to their respective schools. If there are questions on bussing, parents should call the school board as they are responsible. It is not within the city's purview.
- Discussion ensues regarding upcoming construction at Devonshire Mall over the next year and the possible effects on the bus service.

8. Tunnel Bus Elimination

The Chair advises that the elimination of the tunnel bus was approved as part of the City's 2025 budget which was upheld by the Mayor's veto. Jelena Payne remarks that the Environment, Transportation & Public Safety Committee at its meeting today will consider a report recommending that the tunnel bus daily service end on August 30, 2025, and are also recommending that the special events buses end on December 20, 2025.

In response to a question asked by Katie Stokes regarding if the tunnel bus daily service does not end on August 30, 2025, what would be the latest that it could possibly go, the Chair responds November 2025.

9. Twin Oaks/Route 250

The Chair reports that the Route 250 has been on hold as they are waiting for the completion of the parking lot. This route will service basically the industrial parks along Rhodes Drive north and south service and will go to Twin Oaks. This route will be one hour service and will connect the terminal points - Devonshire Mall and Tecumseh Mall. The plan is to implement this route as part of the 2025 service plan.

10. 2025 Meeting Schedule

It is generally agreed that the proposed five meetings be held on a Wednesday to accommodate all members of the Working Group. Suggested dates and times will be circulated to the Working Group.

11. Other Business

The Chair suggests creating more "How To Videos" that would educate the public about transit etiquette; how to ride the bus, service animals, how to put a bicycle on the bike rack, how to load a wheelchair and how to use the APPS. He proposes that a catalogue of videos be created and available for the public on the City of Windsor's website.

Moved by Bernard Drouillard, seconded by Trevor Ramieri,

That the updates provided by Stephan Habrun, Chair regarding the following **BE RECEIVED:**

- Investing in the Canada Infrastructure Program (CIP) – Terminals, Transit garage renovations, Concrete pads/shelters, New buses
- Agreements – U-Pass and Saints Pass
- 2025 Service Plan – School Extras
- Tunnel Bus Elimination
- Twin Oaks/Route 250
- 2025 Meeting Schedule

Carried.

12. Date of Next Meeting

The next meeting will be held at the call of the Chair.

13. Adjournment

There being no further business, the meeting is adjourned at 10:58 o'clock a.m.

Subject: Passing of New By-Law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor - City Wide (CQ 17-2024)

Reference:

Date to Council: April 30, 2025

Author: Roberto Vani

Senior Manager/Deputy Chief Building Official - Inspections

519-255-6267 x6834

rvani@citywindsor.ca

Planning & Building Services

Co-Author: Shannon O'Moore

Executive Initiatives Coordinator

somoore@citywindsor.ca

519-255-6100 x6658

Planning & Building Services

Report Date: 3/31/2025

Clerk's File #: SB2025

To: Mayor and Members of City Council

Recommendation:

THAT the By-law, "A By-law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor" attached as Appendix 'A' **BE PASSED** by Council.

Executive Summary:

N/A

Background:

At the May 6th, 2019 City Council meeting, Councillor Holt asked the following question: (CQ 13-2019)

That Administration report back to Council to determine whether the LED lights used in various Commercial Districts (around windows) should be evaluated under the same criteria as LED signs discussed in Report SCM 137/2019.

A report to Council prepared by the Planning Department was received at the October 7, 2019 Council meeting. The report identified that the Sign By-Law 250-2004 may not be the most effective way to regulate the use of LED lights in windows. It was also noted that only one other municipality (City of Mississauga) addressed these lights in a separate Nuisance Lighting Bylaw (By-law 262-12) to outright ban their use. Following delegations from the public and Council deliberations, Council directed administration to further research and prepare a report related to the creation of a Nuisance Lighting By-law for Council's consideration (CR506/2019 DHSC 93).

On May 4, 2020, Stefan Fediuk (Landscape Architect) brought forward a Council Report (S 30/2020) dated March 9, 2020, in a response update to CQ13-2019 Creation of a Nuisance Lighting By-law. A copy of Mr. Fediuk's Council Report is annexed hereto at Appendix B.

In the May 4, 2020, City Council Decision (Decision Number: CR216/2020), Council directed administration to amend the City's Property Standards By-law 9-2019 to prohibit property owners from maintaining or installing new lighting that does not comply with the full cut-off clause found in LISS CR228/2005 – Appendix D. A copy of the Council Decision is annexed hereto at Appendix C.

At the March 18, 2024, City Council Meeting, Council asked administration the following question (CQ 17-2024): prepare a report on feasibility of a residential "outdoor lighting by-law", similar to those in Muskoka, Tecumseh and Lakeshore.

This report will define nuisance indoor and outdoor illumination, recommend best practices based on the review of other municipalities, will examine current Windsor practices and evaluate enforcement options to effectively regulate nuisance indoor and outdoor illumination fairly and equitably throughout the municipality.

Sections 8, 9 and 10 of the Municipal Act, 2001 authorizes The Corporation of the City of Windsor to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 authorizes by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property.

Section 129 of the Municipal Act, 2001 provides municipalities with the authority to regulate outdoor illumination.

Noise, odour, dust, etc.

129 Without limiting sections 9, 10 and 11, a local municipality may,

(a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors

Recent lighting technology improvements related to the use of Light Emitting Diode lights (LED's) have contributed to lighting being much brighter and obtrusive, if not installed using a full cut off approach. In such situations where full cut off is not in place, some residents have complained about nuisance related to scattered or excessive

lighting on properties, including residential properties. If a complaint is received, the City's current by-laws do not address this concern.

Discussion:

Beginning in July 2024, City staff undertook extensive research on the matter of nuisance lighting, consulted with internal departments and spoke with representatives from other Ontario municipalities to develop a proposed regulatory by-law for nuisance indoor and outdoor illumination.

From this research, City staff identified that lighting technologies have advanced in recent years to provide consumers with more options for brightness, energy efficiency and pricing and that certain kinds of lights or residual lighting are or could become a nuisance.

Currently, the spread of light, type of light fixtures and its brightness are not regulated in a by-law within the City of Windsor. Except under By-law 9-2019 (existing parking lot lighting regulations) and for more recent lighting installations approved through a development process and lighting approval known as Site Plan Control.

Council has recently focused attention on addressing the perceptions of safety and security in the Downtown. To increase the number of businesses, attract new residents and visitors, and make significant improvements to the City's core, City Council adopted the Strengthen the Core – Downtown Windsor Revitalization Plan as part of the 2024 operating budget. This proposed by-law will implement some of the 'High Standards' objectives noted in the plan, specifically numbers 2.2 and 2.5 as noted below.

Strengthen the Core – 'High Standards' Objectives:

2.2 Engage all relevant City of Windsor departmental teams to create or modify existing by-laws, including the Interim Control By Law for building demolitions, to encourage through education and enforcement maintenance of vacant commercial, residential buildings and their surrounding lands.

2.5 Support enforcement of City by-laws relating to maintaining property standards. Ex. replacing broken windows, landscaping, or other property elements when there is non-compliance.

The proposed Nuisance Indoor and Outdoor Illumination By-law will set standards for appropriate light fixtures that control the intensity, direction and duration of lighting. Lighting standards will help satisfy objectives under the Strengthen the Core – Downtown.

Complaints received by the City's 311 Call Centre are currently difficult to resolve without a specific lighting by-law. The absence of a regulatory by-law to deal with nuisance indoor and outdoor illumination on private property requires a regulatory solution to more effectively address resident service requests.

In recent years, the number of lighting related complaints investigated by the Building Department has increased.

2022: 10 complaints

2023: 15 complaints

2024: 18 complaints

2025: 0 complaints (January to March 7)

Upon review of these complaints, inappropriate lighting fixtures and poorly situated and positioned fixtures were observed. Residents were contacted about the lighting issues to encourage voluntary repositioning or replacement of light fixtures to address neighbour to neighbour lighting concerns. However, without a regulatory by-law the City can only educate residents and help mediate a resolution with no powers to order corrections.

A review of other Ontario municipal light enforcement practices was conducted, and the following chart summarizes the results:

	Brantford	Lakeshore	LaSalle	Muskoka
Complaints received	6 (2023) 9 (2024)	0 (2023) 8 (2024)	5 (2022) 4 (2023) 5 (2024)	32 (2023) 29 (2024)
Orders written	0 (2023) 1 (2024)	0 (2023) 6 (2024)	0 (2022) 1 (2023) 0 (2024)	2 (2023) 0 (2024)
Additional staff required	No	No	No	No
Average, time to resolve complaint	1-3 months	2-2.5 months	1-3 weeks	1-2 months

The Town of Tecumseh was also consulted, and they are currently reviewing the matter and are planning to have a report on nuisance lighting return to Council.

In order to adequately assess nuisance indoor and outdoor illumination, it is prudent to start by defining it. Several other Ontario municipalities were consulted, and the definition can best be described as *“any condition that is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.”* There is scientific evidence that the type of light LEDs emit also contributes to increased brightness at night. Typically, light from incandescent bulbs produces warmer yellow and amber tones, while LEDs give off harsher white and blue tones. With this significant amount of blue light, the concern is

that excessive use during evening hours can disrupt sleep patterns as it affects our bodies natural creation of melatonin, potentially leading to other serious health issues.

Nuisance illumination can also offset or nullify the public safety and security benefits routinely associated with properly designed and implemented lighting by creating glare that reduces overall visibility and thus, perceived feelings of safety and security.

Enforcing this new by-law may present challenges, as the City's building by-law officers current schedules do not include evening hours. Establishing clear requirements for complainants, would assist enforcement with initiating its investigation to reduce or eliminate the need to conduct after hour site visits. As noted above there are several municipalities in Ontario that regulate nuisance indoor and outdoor nuisance lighting, either through a stand-alone by-law or as part of a Property Standards By-law. Creating a stand-alone by-law is important to distinguish between lighting for safety, which may be an annoyance, versus a nuisance that can be corrected. Establishing this new by-law will address lighting nuisances to reduce excessive or intrusive light that affects residents' quality of life.

The Municipal Act allows municipalities to create by-laws to stop nuisance lighting. This authority enables the City to adopt a targeted lighting by-law, providing a clear framework to protect residents. The City's enforcement approach for similar by-laws, within the By-law enforcement areas, uses a combination of education, voluntary compliance, issuance of orders, and if necessary, prosecution. If voluntary compliance through education cannot be achieved, an Order to Comply describing the by-law violation is issued. The Order will define the specific by-law infraction and will outline clear steps on how to bring the lighting into compliance. By leveraging both education and enforcement, the City can demonstrate its commitment to maintaining a balanced approach to enforcement.

In addition to enforcement, public education would be a great tool to manage the number of complaints that are received. Administration will work with traditional and social media to get the word out and direct property owners to the City's website for more detailed information.

Administration will also work with respective associations such as BIA's, Chamber of Commerce and others to help direct people to the City's website for information on the changes.

Lastly, Administration suggests including a notice in the 2025 fall tax insert and will continue to find other channels to communicate this new Nuisance Indoor and Outdoor Illumination By-Law.

Using a combination of these strategies can ensure that the information reaches a broad audience and is understood by residents and business owners.

Risk Analysis:

The absence of a comprehensive and effective Nuisance Indoor and Outdoor Illumination By-law along with adequate resources for enforcement can present various risks, affecting the community, environment and quality of life. Potential risks associated with the absence of this by-law would include, but are not limited to, the following:

1. Health risks, including sleep disruption and negative impacts on mental health;
2. Environmental impacts, including energy waste and skyglow. Skyglow is the brightening of the night sky.
3. Increased neighbourly disputes due to no formal mechanism for resolving conflicts and the lack of resources to address their concerns;
4. Disturbing the natural habitat of wildlife in City parks and naturalized areas; and
5. Glare and visual impairments causing safety concerns that counter positive safety outcomes derived from properly applied lighting.

The May 4, 2020, Council Decision (CR216/2020) identifies an exemption date range for “*Holiday lights between November 15 and January 15*”, this time frame may not be favourable to residents and/or business owners (i.e. Halloween lighting) and Council may want to look at or amend the date range.

There will also be instances that will be disputed, but it is anticipated that prohibition through an effective Nuisance Indoor and Outdoor Illumination By-law would benefit the City. Moderate increases to operational risks would be encountered in the initial stages but this risk will become minimal as awareness increases that such use of nuisance lighting is prohibited.

Financial Matters:

Current resources within the By-law Department will be utilized in the enforcement of this particular by-law.

Currently, the City of Windsor’s User Fee Schedule does not include administrative fees for the issuance of orders under this by-law. Administration will review appropriate fees to administer enforcement of this by-law at the next budget cycle.

Consultations:

John Revell – Chief Building Official

Brandon Calleja – Deputy Chief Building Official – Permits

Kate Tracey – Senior Legal Counsel

Neil Robertson – City Planner

Hoda Kameli – Landscape Architect, Parks & Recreation

Barry Horrobin – Director of Planning & Physical Resources, Windsor Police Service

Conclusion:

Nuisance indoor and outdoor illumination trespass is not currently regulated through a by-law within the City of Windsor. Accordingly, administration has consulted with colleagues from several other Ontario municipalities to assess needs and concerns related to nuisance lighting. The by-law and enforcement strategy intends to mitigate the trespass of nuisance indoor and outdoor illumination. The goal is to mitigate the nuisance of these lights and the resulting negative neighbouring impact created by unshielded and poorly positioned lights.

This by-law must be read in its entirety, and some areas may not apply but we must be wholistic in how we do enforcement. The intent of this By-law is to ensure appropriate and nuisance free lighting and not discourage the use of lighting for neighbourhood safety purposes. Administration is recommending council adopt the new lighting by-law.

Planning Act Matters:

N/A

Approvals:

Name	Title
Roberto Vani	Senior Manager/Deputy Chief Building Official – Inspections
John Revell	Chief Building Official
Jelena Payne	Commissioner, Economic Development
Wira Vendrasco	City Solicitor
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

Appendices:

- 1 Appendix A – Proposed By-law, “A By-law to Regulate Nuisance Indoor and Outdoor Illumination in the City of Windsor”
- 2 Appendix B – Council Report: S 30/2020
- 3 Appendix C – Council Decision: CR216/2020

BY - LAW NUMBER XX-2024

A BY-LAW TO REGULATE NUISANCE
INDOOR AND OUTDOOR ILLUMINATION IN
THE CITY OF WINDSOR

Passed the XX day of XXXXXX 2024

WHEREAS the Council of The Corporation of the City of Windsor has, pursuant to Section 129 of the *Municipal Act, 2001*, S.O. 2011, c. 25, the authority to pass by-laws to prohibit and regulate with respect to outdoor illumination;

AND WHEREAS, it is in the public interest to regulate nuisance indoor and outdoor illumination in the City of Windsor by adopting a by-law to prohibiting and regulating nuisance lighting;

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

SECTION 1 TITLE

1.1 This By-law may be referred to as the “Nuisance Indoor and Outdoor Illumination By-law”.

SECTION 2 DEFINITIONS

In this By-law:

ARCHITECTURAL LIGHTING means an Outdoor Luminaire, Fixture or light that is attached to the exterior of any building, structure, boathouse, dock, post or any other thing which is used to illuminate any part of a building, structure, boathouse, dock, post or any part of a Property.

BUBBLER LIGHT means an Outdoor Luminaire, or other light that is used to warn people about the location of open water in the winter months, mainly used in conjunction with a dock and/or boathouse.

CHIEF BUILDING OFFICIAL means the Chief Building Official of the City or his/her designate duly appointed by the Council and having jurisdiction for the enforcement of the *Building Code Act, 1992*.

CITY means The Corporation of the City of Windsor.

COUNCIL means the Council of the City.

DOCK LIGHT FIXTURE means an Outdoor Luminaire, or light that is used for the purposes of illuminating a dock which are affixed flat to the surface of the dock and are usually powered by using solar power and have a maximum output of 10 Lumens.

DIRECT LIGHT or DIRECT LIGHTING means light emitted directly from the Lamp or off of the reflector or Luminaire.

FESTIVE LIGHTING means strings of holiday lights, or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.

FIXTURE means the assembly that houses the Lamp or Lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket.

FLOOD LIGHT or SPOTLIGHT means any Fixture or Lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FULL CUT OFF LIGHTING means a Fixture constructed in such a manner that all light emitted by the Fixture, either directly from the Lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal.

GLARE means light emitting from any Outdoor Luminaire or other light, or reflection with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

INDIRECT LIGHTING means light that has been reflected or has scattered off other surfaces.

INDOOR LUMINAIRE means a complete lighting system, including a Lamp or Lamps and a Fixture placed within any building or any other structure which shall include Laser Source Light.

INSTALL or INSTALLING means the wiring, connecting, plugging in, turning on, placing, mounting or attaching any Fixture or Outdoor Luminaire on a Property.

LANDSCAPE LIGHTING means an Outdoor Luminaire which illuminates trees, shrubs, rocks or other landscape features, of which the output is not more than 350 Lumens and does not include a Pathway Light Fixture.

LAMP or LIGHTBULB means the component of an Outdoor Luminaire, Indoor Luminaire or any other type of Luminaire that produces the actual light.

LASER SOURCE LIGHT means light amplification by stimulated emission of radiation which produces a high intensity narrow beam of light.

LED LIGHTING means an electrical current that passes through a microchip, which illuminates a tiny light source and produces a visible light.

LIGHT TRESPASS means the shining of light produced by an Outdoor Luminaire that shines beyond the boundaries of the Property on which it is located which shall include Reflected Light.

LIGHT POLLUTION means the shining of light upwards into the sky above the horizontal plane of the Fixture caused by any of the following: Light Trespass, Glare, Direct Light, Reflected Light, or light from Fixtures that are not a full cut off Fixture.

LIGHTING INTENSITY STANDARDS STUDY means the City's Lighting Intensity Standards Study approved by CR228/2005, as amended.

LUMEN is the photometric unit of light output and the unit of measure used to quantify the amount of light produced by a Lamp or emitted from any Luminaire (as distinct from 'Watt,' a measure of power consumption).

LUMINAIRE means a complete lighting system, including a Lamp or Lamps enclosed in a housing complete with reflectors or refractors, etc.

LUX means a unit of illumination equal to the direct illumination on a surface that is everywhere one meter from a uniform point source of one candle intensity or equal to one Lumen per square meter.

MOTION-SENSOR ACTIVATED LIGHTING means lighting products equipped with a sensor that upon detecting activity will switch on the Luminaire and then switch it off again after an interval of no activity detection.

NUISANCE means any condition that is injurious to health, offensive to the senses, or an obstruction to the free use of Property, so as to interfere with the comfortable enjoyment of life or Property.

OFFICER means a Building By-law Officer who has been assigned the responsibility of administering and enforcing by-laws passed under Section 15.1 of the *Building Code Act, 1992*.

ORDER means a written direction issued pursuant to this by-law requiring compliance with the standards prescribed by this By-law, and “Orders” shall have a corresponding meaning.

OUTDOOR LUMINAIRE means an outdoor illuminating device, outdoor lighting, reflective surface, Lamp or similar device, permanently installed or portable, used for illumination, decoration or advertisement. Such devices shall include, but not limited to, lights used for:

- (a) Architectural Lighting;
- (b) Recreational areas;
- (c) Parking lot lighting;
- (d) Landscape Lighting;
- (e) Signs (advertising or other);
- (f) Product display area lighting; and
- (g) Security lighting.

OWNER includes the registered owner, the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would receive the rent if such land and premises were let, or a lessee or occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property in accordance with the standards of this By-law.

PATHWAY LIGHT FIXTURE means a full cut off Fixture that is usually powered by solar power, battery power or wired, of which the output of each Fixture is not more than 20 Lumens and is no higher than 0.91 m (3 ft.) from current grade and for which the sole purpose is to illuminate an exterior pathway, walkway or stairway.

PERSON includes an individual, an Owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trustee, corporation, department, bureau or mortgagee.

PROPERTY means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, retaining walls, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant land.

REFLECTED LIGHT means light redirected back into the sky off of surfaces that are being illuminated and does not include surfaces covered by non-man-made materials such as snow, ice, and water.

SPECIAL EVENT includes festivals, carnivals, entertainment or advertising, which includes, but is not limited to that which may require City approval for specific event components.

SPORT COURT means an outdoor area of land or non-roofed structure that is purpose built, intended to be permanent, and is capable of being used for sports or recreational activities, and other similar uses and is located on private property.

STROBE LIGHT or **STROBOSCOPIC LAMP** is a device used to produce regular flashes of light.

WATT or WATTAGE is a derived unit of power. The unit, “W” is defined as joule per second and can be used to express the rate of energy conversion to light with respect to time.

SECTION 3 ENFORCEMENT

3.1 The Chief Building Official shall administer this By-law as amended.

3.2 This By-law shall be enforced by the Chief Building Official and any Officer so designated by the Chief Building Official.

SECTION 4 GENERAL REGULATIONS

- 4.1 Full Cut Off Lighting requirements approved under a site plan control agreement must be compliant with the Lighting Intensity Standards Study.
- 4.2 Every Person must remove any lighting that does not comply with the full cut-off clause found in the Lighting Intensity Standards Study and all existing lighting must be maintained;
- 4.3 Every Person Installing an Outdoor Luminaire and/or an Indoor Luminaire within the boundaries of the City shall comply with the requirements of this By-law. If conflicts arise regarding control and maintenance of outdoor and indoor lighting, this By-law shall be the governing document.
- 4.4 Every Person Installing an Outdoor Luminaire shall be required to use completely shielded full cut off Fixtures, as identified but not limited to the examples in Schedule "A" attached hereto and forming part of this By-law.

SECTION 5 REGULATIONS

- 5.1 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, an Outdoor Luminaire that is not a full cut off Fixture.
- 5.2 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, an Outdoor Luminaire that creates Light Pollution.
- 5.3 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, an Outdoor Luminaire that creates Light Trespass.
- 5.4 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, a Laser Source Light or any similar high intensity light outside.
- 5.5 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, a Strobe Light or Stroboscopic Lamp outside.
- 5.6 No Person shall Install or maintain on Property or permit to be Installed or maintained upon a Property, an Indoor Luminaire in a manner that, in the opinion of the Officer, could be a Nuisance to any Person or is positioned in a way that would purposefully impact adjoining properties.
- 5.7 No Person shall leave Architectural Lighting or Landscape Lighting on between 11:00 p.m. to sunrise of the next day with the exception of the following:
 - (a) Dock Light Fixtures and Pathway Light Fixtures;
 - (b) a maximum of three (3) Outdoor luminaires attached to the exterior of a boathouse; and
 - (c) any other Outdoor luminaires necessary for the purposes of traversing the Property and which all such luminaires are only on for a maximum period of one (1) hour.
- 5.8 No Person shall install or maintain on lands or permit to be installed or maintained upon a Property, an Outdoor Luminaire that creates Reflected Light.
- 5.9 No Person shall install or maintain on lands or permit to be installed or maintained upon a Property, any Festive Lighting in contravention of the requirements of this By-law;
- 5.10 No Person shall install or maintain on lands or permit to be installed or maintained upon a Property, any Bubbler Light in contravention of the requirements of this By-law;

- 5.11 No Person shall install or maintain on lands or permit to be installed or maintained upon a Property, an Outdoor Luminaire used for a Sport Court or outdoor recreational area that is not in compliance with the requirements of this By-law.

SECTION 6 NUISANCE

- 6.1 No Person shall cause a light Nuisance within the City without limiting the generality of the foregoing:
- (a) The use of Laser Source Light, signal beacons, Flood Light, Spotlights, flashing lights any other similar high intensity Luminaire that projects light onto adjacent private Property is prohibited; notwithstanding the exemptions set out in Section 7.
 - (b) The use of strobe, twinkling, static or chasing lights for private purposes and for advertising or entertainment purposes on private Property is prohibited notwithstanding the exemptions set out in Section 7.
 - (c) No Direct Lighting or Indirect Lighting shall be used so that an unusual quantity or type of light creates a Glare or Light Trespass upon the land of others so as to be or to cause a Nuisance to the public generally or to others residing or carrying on a business or trade in the vicinity.

SECTION 7 EXEMPTIONS

- 7.1 The City is exempt from the requirements of this By-law.
- 7.2 Every Person who installs Festive Lighting shall be exempt from sections 5.1, 5.2, 5.3 and 5.4 and shall comply with the following conditions:
- (a) all Lightbulbs shall be a maximum of either 10 Watts or 70 Lumens;
 - (b) all Festive Lighting is permitted to be operational between November 15 and January 15. Any other festive lighting will be at the discretion of the Chief Building Office or Deputy Chief Building Official; and
 - (c) Festive Lighting shall also be exempt from section 5.4 provided that all Laser Source Lighting is pointed directly onto a building of the Property in which the lights are located.
- 7.3 Every Person who installs or owns a Bubbler Light shall be exempt from sections 5.1, 5.2, 5.3 and 5.8 and shall comply with the following conditions:
- (a) the light shall be blue in colour;
 - (b) the light shall be a solid colour;
 - (c) the light shall not flash or be intermittent at any time;
 - (d) if using a fluorescent light, the maximum Wattage shall be 13 Watts;
 - (e) if using an incandescent light, the maximum Wattage shall be 60 Watts;
 - (f) if using a LED Lighting, the maximum Wattage shall be 10 Watts; and
 - (g) all Bubbler Lights that existed prior to the passing of this By-law and were either a solid red or amber in colour, shall be exempt from section 7.3 until such time that the Lightbulb requires maintenance or needs to be replaced.
- 7.4 Vehicular lights and all temporary emergency lighting needed by the Fire and Police departments, or other emergency services shall be exempt from the requirements of this By-law.

- 7.5 South West Detention Centre.
- 7.6 Nothing in this by-law shall apply to navigational lighting systems at lighthouses and airports, or to airport lighting systems marking runways or taxiways. All radio, communications and navigation towers that require lights shall have dual lighting capabilities. For daytime, white Strobe Lights may be used, and for night-time, only red lights shall be used.
- 7.7 Lighting required through by-law enforcement or emergency services personnel.
- 7.8 Traffic control signals and devices.
- 7.9 Lighting in-compliance with the City of Windsor's Lighting Intensity Standards Study.
- 7.10 Dock Light Fixtures shall be exempt from section 5.1 of this By-law.
- 7.11 Motion-Sensor Activated Lighting may be left unshielded provided it is located in such a manner as to prevent Direct Lighting and Glare onto the properties of others, or into a public right of way, and provided the light is set to only go on when activated and to go off within two (2) minutes after activation has ceased, and the light shall not be triggered by activity off the Property.
- 7.12 The provisions of this By-law do not apply to any theatrical, film or television production approved by the City.
- 7.13 A contractor's identification light, provided it is located on the Property where the work is being performed and only during the period of such work, is exempt from the requirements of this By-law.
- 7.14 The provisions of this By-law do not apply to any of the Special Events, Sports Fields or other activities approved by Council.

SECTION 8 LIGHTING OF OUTDOOR SIGNS

- 8.1 No Person shall Install or maintain an Outdoor Luminaire on an outdoor sign that is not in compliance with the requirements of this By-law and the City of Windsor's Sign By-law, as amended.

SECTION 9 SPORT COURTS AND OUTDOOR RECREATIONAL AREAS

- 9.1 All Outdoor luminaires permitted by this By-law may be used for lighting Sport Courts and other similar outdoor recreational areas, provided all of the following conditions are met:
 - (a) all Outdoor luminaires used for a Sport Court or outdoor recreational areas on private Property shall be a full cut off Fixture;
 - (b) all Outdoor luminaires and any other artificial lighting shall be turned off when the facility or area is not in use;
 - (c) all Outdoor luminaires shall be a maximum of 8 metres in height from grade; and
 - (d) the maximum brightness for a Sport Court or outdoor recreational area shall be no more than 250 Lux.

SECTION 10 ORDERS

- 10.1 An Officer who finds a contravention of this By-law or an unsafe condition may make an Order directing compliance with this By-law and may require the Order to be carried out within such time as is specified in the Order.

10.2 The Order may be served on the Person whom the Officer believes is contravening the By-law, by:

- (a) personal service;
- (b) prepaid mail to the Person's address shown on the last revised assessment roll and may also be sent to the last address known to the City of the Owner if it differs from that on the assessment roll. In which case the Order shall be deemed to have been served on the fifth day after mailing;
- (c) posting a copy of the Order on the Property; or
- (d) any combination of the above as the Officer deems necessary.

10.3 Every Order delivered, sent or posted shall identify the Property by street number and name, and/or legal description.

10.4 Power of Entry re: Inspections

Pursuant to section 436 of the *Municipal Act, 2001*, the Chief Building Official or an Officer may enter on Property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law; and
- b) an Order made under this By-law.

10.5 Inspection Powers

For the purposes of an inspection under this section, an Officer may:

- a) require information from any Person concerning a matter related to the inspection; and
- b) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

10.6 Inclusion

Every Order delivered, sent, posted or published shall specify that if the Owner defaults in doing the thing(s) required to be done under this By-law by the date specified in the Order, the Chief Building Official may take action to cause the City to do the thing(s) required to be done as specified in the Order and that the City may recover the costs of doing the thing(s) required to be done from the Owner and that the City may recover the costs by action or by adding the costs to the tax roll and collect them in the same manner as taxes.

10.7 Entry onto Property

Where the City proceeds with action under section 1112.1 of this By-law, the Chief Building Official or designate, or an agent appointed by the City may enter onto the Property accompanied by any Person(s) under his or her direction and with the appropriate equipment as required to bring the Property into compliance with this By-law.

SECTION 11 OFFENCES

11.1 Offence

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 and any other penalties as provided for in the *Municipal Act, 2001*, as amended.

- 11.2 Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

SECTION 12 NON-COMPLIANCE WITH ORDER

- 12.1 If an Owner or Person, as the case may be, fails to comply with an Order issued under section 10.1, the Chief Building Official may take action to do the thing(s) required to be done as specified in the Order at the expense of the Owner or Person directed or required to comply with the Order.

12.2 Recovery of Expense

If the City takes action to do the thing(s) required to be done as specified in the Order, the costs of such action may be added to the tax roll and collected in the same manner as property taxes.

- 12.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct;

- (a) any Officer in the performance of a duty under this By-law; or
- (b) employees or agents authorized to take action to do the thing(s) required to be done as specified in the Order.

SECTION 13 ADMINISTRATION FEES

- 13.1 Where an Order to Repair is issued pursuant to this by-law, a fee will be assessed to the Owners in accordance with the City of Windsor User Fee Schedule, as approved by Council.

SECTION 14 LIABILITY

- 14.1 Any Person installing or maintaining any Luminaire or illumination device on whose Property a Luminaire or illumination device is located, shall be liable for such light device. The City is hereby indemnified against all losses, damages, claims, actions, demands, suits, costs, and interest arising directly or indirectly from the erection, maintenance, removal or falling of such light device or part thereof and anything done in connection with the performance of, outside of, or contrary to this By-law and whether or not in accordance with the City's standards, inclusive of anything done on the public highway or other City or public Property.

SECTION 15 VALIDITY AND SEVERABILITY

- 15.1 In the event that any portion of this By-law shall be deemed to be invalid, illegal or unenforceable, it shall not affect the validity, legality or enforceability of any other portion of this by-law.

SECTION 16 EFFECTIVE DATE

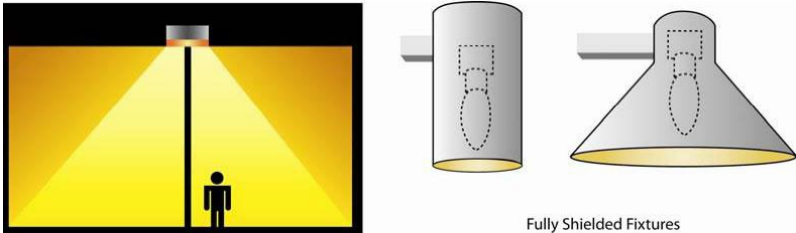
- 16.1 This By-law shall come into force and take effect on the day of the final passing thereof.

**DREW DILKENS,
MAYOR**

CITY CLERK

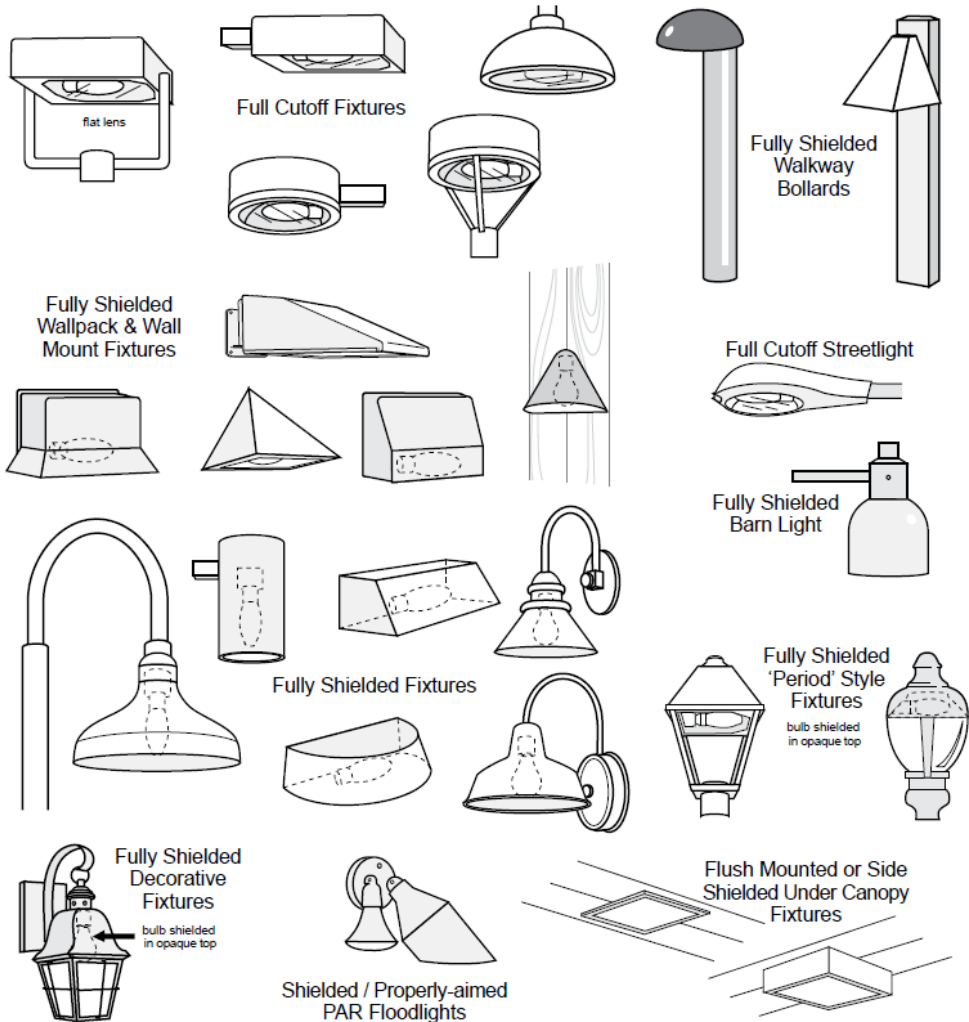
Schedule "A"

Examples of Full-Cut Off Fixtures



ACCEPTABLE

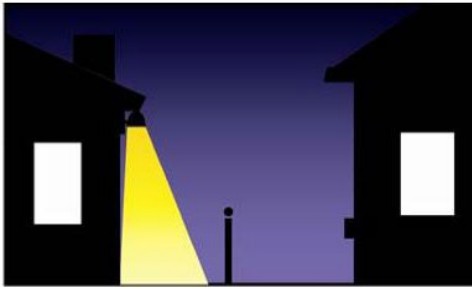
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



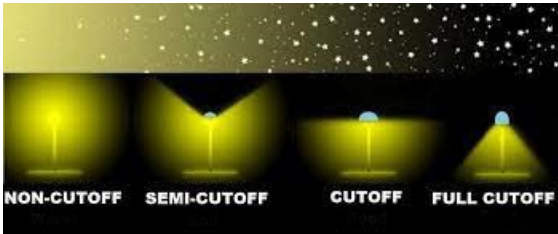
Rendered for the Town of East Hampton, NY by Bob Crelin ©2/05



Flat lens cobra head Fixture (permitted) vs. Drop lens cobra head Fixture (prohibited)



Full Cut Off Fixture (permitted) vs. Outdoor Luminaire that creates Light Trespass (prohibited)



Subject: Response update to CQ 13-2019 Creation of a Nuisance Lighting By-law

Reference:

Date to Council: March 9, 2020
Author: Stefan Fediuk
Landscape Architect OALA CSLA
350 City Hall Square West | Suite 320 | Windsor, ON | N9A 6S1
519-255-6543 ext.6025
Planning & Building Services
Report Date: 2/7/2020
Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

- I. THAT this response to CQ13-2019 **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At the May 6th, 2019 City Council meeting, Councillor Holt asked the following question: (CQ 13-2019)

That Administration report back to Council to determine whether the LED lights used in various Commercial Districts (around windows) should be evaluated under the same criteria as LED signs discussed in Report SCM 137/2019.

A report to Council prepared by the Planning Department was received at the October 7, 2019 Council meeting. The report identified that the Sign By-Law 250-2004 may not be the most effective way to regulate the use of LED lights in windows. It was also noted that only one other municipality (City of Mississauga) addressed these lights in a separate Nuisance Lighting Bylaw (By-law 262-12) to outright ban their use. Following delegations from the public and Council deliberations, Council directed administration to further research and prepare a report related to the creation of a Nuisance Lighting By-law for Council's consideration (CR506/2019 DHSC 93).

Discussion:

Following Council's direction, the Planning Department undertook a more detailed review of other municipalities across Canada to determine how the issue of Nuisance Lighting is handled. The results of that search are summarized as follows:

Municipality	Separate Nuisance Lighting / Outdoor Lighting Bylaw	Included in Property Standards/ Maintenance By-law*	Included in Zoning or LandUse By-law	Best Practices (similar to LISS)
Hamilton, Ontario				Downtown ROW and Public Spaces Study
Huntsville, Ontario	•			•
Mississauga, Ontario	•			
Ottawa, Ontario		•		
Toronto, Ontario		•		•
Vaughn , Ontario		•		
Airdrie, Alberta			•	
Calgary, Alberta		•		
Winnipeg, Manitoba			•	Provincial Policy Statement
Moosejaw, Saskatchewan		•		Provincial Policy Statement
North Vancouver, BC	•			
Vancouver, BC		•		
Totals	3	6	2	5

NOTE: * Property Standards By-laws generally have restricted enforcement to the impact on residential properties.

While there was no definitive consistency on how municipalities handle the issue of nuisance lighting, it can be concluded that any by-law or best practices with vocabulary pertaining to controlling the issue, concur that any measures were to provide a **“no negative impact on an adjacent property.”** While both Mississauga and North Vancouver have Nuisance By-laws, only Mississauga's By-law (see Appendix A) addresses light trespass from real property to real property other than a residential property.

Planning Department staff conducted a physical review of the areas that are experiencing the most impact of nuisance lights identified in the Council Report of May 6, 2019. (see Appendix B) The review identified that the problem is citywide; however, there are concentrated areas where the issue is more prevalent.

Site visits conducted by Planning Department staff, throughout various times of the day, identified that exterior signs with these lights remain on 24/7 and add only a slight visible attraction in the daylight hours; moderate legibility during twilight; and render exterior signage illegible in the dark. Where lights have been installed around windows, illumination of interior signage is somewhat improved when the lights face the interior signage. In both sign and window installations where the positioning of the LED lights would be classified as non-Full Cut-Off, the lamp source is directed outward towards the viewer; resulting in intense glare that causes the viewer to not be able to read the signage or anything around the lights. (see Appendix C)

With the exception of Crawford between Tecumseh Rd West and Wyandotte Street West, many of the locations appear to be concentrated around local BIA areas. Consultation with BIA representatives indicated a consensus dislike from an aesthetic and health and safety perspective for the type of LED lights being installed but cited there is no mechanism to discourage them.

Business owners that have supported and installed these lights, some of which are coloured, flashing and excessively bright LEDs, identified that the main intentions for using these fixtures are to a) attract customers to their business, b) provide a more legible sign through this lighting, and c) create a safer environment around the business. The research and previous complaints presented at Council in October has identified that the very opposite is happening (See Appendix C).

Police Services provided a review of the lights placed around windows from a **Crime Prevention Through Environmental Design** (CPTED) perspective (see Appendix E). While the main perceived drawback of the existence of lighting in and around the perimeter of building windows may very well be reduced aesthetical value, there is also a discernible impact on public safety. Specifically such lights, when individual bulbs are assembled close together around a window and in higher wattages, create a situation of excessive glare as the light reflects off the adjacent window surface. When this occurs, the ability to see through the window into the building's interior space can become greatly diminished. The result is an inability for patrolling police, or other witnesses, to be able to easily observe potentially suspicious activity within the affected commercial spaces where a crime may be occurring.

The glare created also presents a situation of general observation loss of the property during nighttime conditions. The problem becomes exacerbated if lights are larger, spaced closer together, and have higher intensity (wattage) output. The general purpose of a window in any building is to permit both two-way visibility and light passage through it but the placement of these types of perimeter lights around windows can greatly inhibit this. Thus, the net loss of ongoing natural surveillance capacity reduces the overall safety of the space by limiting observability and witnessing potential accordingly.

As identified in the previous report to Council (S 119/2019), Section 129 of the *Municipal Act*, 2001 provides municipalities with authority to *"prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors."*

In 2005 Council approved the Lighting Intensity Standards Study (LISS) CR228/2005 as Guiding Principles for development of private lands subject to Site Plan Control. (see Appendix D) The Council Resolution (CR225-2008) also made recommendation for the information found in this report to be incorporated into lighting policies for the Official Plan, Sign By-Law (250-2004), Property Standards By-law and City rights-of-way. LISS identified that Non Cut-Off lighting produces distracting glare, which not only contributes to light pollution but also creates hazards, health and safety issues and contravenes CPTED (Crime Prevention Through Environmental Design) principles.

Schedule A of the City of Windsor Property Standards Bylaw 9-2019 addresses Lighting in various Sections:

- Part 1 - Standards for all Properties
 - 1.31 Lighting & Walkways-Multiple Dwellings and Non-Residential A-16
 - (a) In yards of multiple dwellings and non-residential properties, sufficient lighting of exterior property areas shall be provided to minimize any danger to persons using walkways.
 - (b) Artificial lighting standards and fixtures shall be kept in a safe condition, in working order and in good visual condition.
 - 1.35 Parking Areas
 - (d) provided with sufficient lighting in such a way as to deflect away from nearby properties;

As found in other municipalities, additional clauses have been added to their Property Standards By-laws to address nuisance lighting as it affects residential properties. However, as a stand-alone Bylaw, the Mississauga Nuisance Lighting By-law 262-12 is enforced through the rights of City employees who enforce the municipalities Property Standards By-law, for the purpose of:

- (a) to promote reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce while preserving the ambiance of the night;
- (b) to reduce glare from exterior luminaries and interior luminaries;
- (c) to control light pollution by minimizing non-target light and by requiring light reduction through adaptive lighting techniques under site plan control;
- (d) to reduce unwanted light trespass and spill; and
- (e) to prohibit and regulate light nuisances.

The Planning Department of the City of Windsor through consultation with other civic divisions and external partners identify three options for Council to consider.

Option #1: Do Nothing

This approach would not impose any new regulation to address the situation. This option had been presented with the previous report, however it would not address the issues and risks presented to Council. Council direction to administration (CR506/2019 DHSC 93) implies a desire for some regulation to be implemented.

Option #2: Regulation

Regulations would need to apply to existing as well as new installations; thus allowing existing installations to remain. Compliance to the regulations for light intensity, glare and full cut-off requirements as found in LISS would form the basis of a separate Nuisance Lighting By-law. This would partly satisfy the Council direction (CR506/2019 DHSC 93) as it leaves compliance open to interpretation where lights are installed internally, how the light levels are assessed for intensity and whether the modifications are appropriate. Regulation would require that the City of Windsor prove that illumination levels and glare exist. This would require additional inspections by Building By-law Enforcement into evening hours, with specialized and properly calibrated equipment, resulting in additional staff responsibilities. As well, property owners would

also need to be present at the time of inspection; most often after business hours. As these installations are not associated with building construction, inspections would often be complaint driven, or through compliance with a requirement for construction permits to install these lights per the Site Plan Approval Process. In addition, staffing to regulate, permit and inspect lights after regular hours would further increase operational burdens on the City.

To ensure effective and successful enforcement of a Nuisance Lighting By-law, enforcement staff will require specialized training and equipment to efficiently complete inspections and issue any corrective orders. Given the numerous variables involved in determining illumination levels, securing convictions through the courts may be difficult under strong defense challenges. Council may also consider the establishment of an exterior lighting permit process to help facilitate a process to regulate this By-law; however, administration does not support a separate permit process, as it would add another level of bureaucratic approvals and additional fees for property owners.

Option #3: Prohibition

Similar in wording to the Mississauga Nuisance Lighting By-law, this option would consist of an amendment to the Property Standards By-law 9-2019 to have property owners remove any lighting that does not comply with the full cut-off clause found in LISS CR228/2005. In addition, a moratorium on the installation of any new non-compliant lights in the City would also be required. As non full cut-off lighting of this nature are easily identified during regular working hours, By-law Enforcement Officers would only need to inspect properties during regular working hours.

Recognizing that there are situations where wording found in a Nuisance Lighting Bylaw may conflict with everyday safety controls by a municipality and that some events use temporary lighting that create a public attraction, prohibitions would NOT apply to the following:

- City approved street lighting provided by a designated BIA;
- Lighting required through by-law enforcement or emergency services personnel;
- Traffic control signals and devices;
- Vehicle lights;
- Lighting in-compliance with the Lighting Intensity Standards Study (LISS) CR228/2005;
- Outdoor Lights used to illuminate public parks and playing fields;
- Temporary lighting associated with:
 - Permitted events such as but not limited to; Pridefest, Street Food Fair, Veg Fest, Night Parades, Busker Fest, etc.;
 - Festival Plaza events, concerts and carnivals;
 - Theatrical, film or television productions; and
 - Holiday lights between November 15 and January 15.

If council decides to regulate this matter, then this option is recommended by administration, as it would satisfy the Council direction without a separate Nuisance Lighting By-law, and would have the least exposure to risks for the City and property owners.

Risk Analysis:

Option #1: Do Nothing

Though insignificant in value as there would be no operational increases, the likelihood of a reputational risk to the City is more probable by weakening the best practices for lighting found in LISS as passed by Council (CR228/2005). This would impact the ability to require Full Cut-Off lighting through planning applications such as Site Plan Control. The distraction of the lights will continue through the glare they create resulting in the possible health and safety risk by people and drivers being distracted and/or temporarily blinded by the intense lights being shone directly into their eyes. Even though the perceived intent is to reduce health and safety risks, these lights create a risk to pedestrians caused by the light sources being directed into people's eyes reducing their ability to discern details of any criminal activity, or their vulnerability.

Option #2: Regulation

Through regulation of nuisance lighting, there is a greater probability and diversity of risk to be incurred by the City and the public. Instances where property owners will push the envelope will result in legal disputes based on the type of lights that are being used. Additionally, the City could inadvertently be drawn into neighbour-to-neighbour disputes between two property owners.

Consequences would include minor to moderate financial risks to the corporation as result of complaint driven routine evening inspections by Enforcement staff, requiring overtime staffing costs. Additional monitoring would effectively create a moderate operational risk through routine increases in enforcement staff hours and ongoing specialized training to ensure that recommendations for mitigated measures are appropriate.

Business owners who have installed light fixtures already will not necessarily be required to remove them; however, they will be required to bring those into compliance, which will add financial burdens upon them. Any regulation will also be regarded as bureaucracy and additional costs to business owners, creating a minor reputational risk to the corporation. Conversely, this would help address comments from BIAs that the City is willing to work with them to achieve a mutual agreement.

Public health and safety consequence will remain as demonstrated in photos that even with shielding some existing lights can create glare issues and coloured lighting does not allow clear visibility for Police and CPTED.

Option #3: Prohibition

This option provides the least risk to the City however there will be instances that will be disputed, but it is anticipated that prohibition through a By-law would benefit the city.

Consequences to the City would also be minimal financially, as this is a prohibition and as identified in the Financial Section of this report would involve the least impact on operational budgets. Permits for temporary uses as identified in the exemption clauses could also facilitate offsets to any financial costs that may be incurred for training staff.

Moderate increases to operational risks would be encountered in the initial stages with the number of infractions noted on the map in Appendix B. This will become less as awareness increases that such use of lights is prohibited.

Reputational risks would also be moderate as seen with comments from BIAs that feel that the City is overreaching its authority. The City must also endeavour to comply to this prohibition as well.

Financial Matters:

Option #1: Do Nothing

There are no immediate financial implications from the 'do nothing' approach to this issue. However as identified in the Risk Analysis Section, as this has been addressed through Council, a do nothing approach may open the City up to litigation should it be cited that the glare from a nuisance light caused a severe health and safety issue.

Option #2: Regulation

There will be additional enforcement operating costs with the adoption of a by-law to merely regulate nuisance lighting. Increases in staff costs, particularly overtime costs associated with having to enforce the regulations at night, would become routine. Specialized equipment will be necessary to conduct inspections in the field. Such equipment will require on going specialized training for current and new staff to ensure; appropriate calibration, use of the equipment, as well as an informed understanding of how to interpret and apply the data collected.

Option #3: Prohibition

There will be some additional operational demands associated with enforcement of a nuisance lighting by-law that prohibits the use of non-full cut-off lighting. However, in comparison to regulation, these would be minor as there would be no need for specialized equipment or training. For the most part, the types of lights being prohibited are not full cut-off and are readily discernable in daylight hours. Inspections would be conducted primarily within the daylight hours as supplemental to regular Property Standards By-law investigations.

Whether Council endorses regulated or prohibited approaches, additional operational costs for enforcement may be necessary.

Consultations:

Adam Coates – Sr. Urban Designer

Barry Horrobin – Director of Planning & Physical Resources, Windsor Police Service

Rob Vani – Manager of Inspections (Building Inspections Enforcement)

Pam LeButte – Manager Community Development

BIAs - *Debi Croucher (DWBIA), Filip Rocca (Via Italia – Erie Street BIA), Shane Potvin (Ford City BIA), Greg Hanaka (Olde Sandwich Town BIA), Etorre Bonato (Ottawa Street BIA), Bridget Scheuerman (Pillette, & Riverside BIAs), Wade Griffith (WTC), Lisa Malec & Jake Rondot (Walkerville BIA)*

Conclusion:

Many municipalities have begun to address the issue of nuisance lighting. While some have maintained a conservative approach and provided additional vocabulary in their Property Standards By-laws, other municipalities are recognizing the long-term impact of nuisance lighting on the environment, and public health and safety. The Lighting Intensity Standards Study (LISS) has been a successful instrument for control of nuisance lighting at the time of development through planning application such as Site Plan Control. Consultations with the local BIA's indicates a consensus that some form of regulation is necessary to continue post-construction to ensure that Windsor remains a healthy and livable community. The best practices found within LISS, along with the updates from other municipalities such as Mississauga, can form the basis for an amendment to the City of Windsor's Property Standards By-law to prohibit and regulate nuisance lighting on non-residential properties.

Planning Act Matters:

N/A

Approvals:

Name	Title
Don Nantais	Financial Planning Administrator
Neil Robertson	Manager Urban Design
John Revell	Chief Building Officer
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Debi Croucher	Downtown Windsor BIA 419 Pelissier Street Windsor, ON N9A 4L2	debi@downtownwindsor.ca
Greg Hanaka	Old Sandwich BIA	ghanaka@aol.com
Filip Rocca	Via Italia – Erie Str. BIA Mezzo Restaurant 804 Erie Street E. Windsor, ON N9A 3Y4	filip@mezzo.ca
Ettore Bonato	Ottawa Street BIA	ettore@bellnet.ca
Wade Griffith	Wyandotte Towne Centre BIA	wadegriffith@thepatiolounge.ca
Shane Potvin	Ford City BIA	shane@spotvin.com
Bridget Schuereman	Pillette Village BIA & Old Riverside BIA	bscheuerman@cogeco.ca
Lisa Malec Jake Rondot	Walkerville BIA	chair.wbia@gmail.com jaker@hkcanada.com
Shane Mitchell	Walkerville Residence Association	williamsmitchell@gmail.com

Appendices:

- 1 APPENDIX 'A' - Mississauga Nuisance Lighting By-law
- 2 APPENDIX 'B' – Map of Nuisance Lighting in Windsor
- 3 APPENDIX 'C' – Examples of Nuisance Lighting in Windsor
- 4 APPENDIX 'D' – Lighting Intensity Standard Study (LISS)
- 5 APPENDIX 'E' - Best Practices for Effective Lighting

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

**City Council
Decision
Monday, May 4, 2020**

Moved by: Councillor Sleiman
Seconded by: Councillor Kaschak

Decision Number: CR216/2020

That City Council approve Option #3: Prohibition as follows:

That an amendment to the Property Standards By-law 9-2019 to have property owners remove any lighting that does not comply with the full cut-off clause found in LISS CR228/2005—Appendix D **BE APPROVED**; and,

That a moratorium on the installation of any new non-compliant lights in the City **BE APPROVED**; and,

That recognizing that there are situations where wording found in a Nuisance Lighting Bylaw may conflict with everyday safety controls by a municipality and that some events use temporary lighting that create a public attraction, That prohibitions **WOULD NOT APPLY** to the following:

- City approved street lighting provided by a designated BIA;
- Lighting required through by-law enforcement or emergency services personnel;
- Traffic control signals and devices;
- Vehicle lights;
- Lighting in-compliance with the Lighting Intensity Standards Study (LISS) CR228/2005;
- Outdoor Lights used to illuminate public parks and playing fields;
- Temporary lighting associated with:
 - Permitted events such as but not limited to; Pridefest, Street Food Fair, Veg Fest, Night Parades, Busker Fest, etc.;
 - Festival Plaza events, concerts and carnivals;
 - Theatrical, film or television productions; and
 - Holiday lights between November 15 and January 15.

Carried.

Report Number: SCM 114/2020 & S 30/2020
Clerk's File: ST2020 8.39

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services

March 31, 2025

Department Distribution

Stefan Fediuk	Landscape Architect
Don Nantais	Financial Planning Administrator
Neil Robertson	Manager Urban Design
John Revell	Chief Building Officer
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer
Onorio Colucci	Chief Administrative Officer

External Distribution

Debi Croucher	Downtown Windsor BIA 419 Pelissier Street Windsor, ON N9A 4L2	debi@downtownwindsor.ca
Greg Hanaka	Old Sandwich BIA	ghanaka@aol.com
Filip Rocca	Via Italia – Erie Str. BIA Mezzo Restaurant 804 Erie Street E. Windsor, ON N9A 3Y4	filip@mezzo.ca
Ettore Bonato	Ottawa Street BIA	ettore@bellnet.ca
Wade Griffith	Wyandotte Towne Centre BIA	wadegriffith@thepatiolounge.ca
Shane Potvin	Ford City BIA	shane@spotvin.com
Bridget Schuereman	Pillette Village BIA & Old Riverside BIA	bscheuerman@cogeco.ca
Lisa Malec Jake Rondot	Walkerville BIA	chair.wbia@gmail.com jaker@hkcanada.com
Shane Mitchell	Walkerville Residence Association	williamsmitchell@gmail.com

Subject: South National St (Pillette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover - Ward 8

Reference:

Date to Council: April 30, 2025
Author: Clare Amicarelli
Road Safety Coordinator
519-255-6100 ext. 6463
camicarelli@citywindsor.ca

Public Works - Operations
Report Date: 4/8/2025
Clerk's File #: ST/13863

To: Mayor and Members of City Council

Recommendation:

THAT Report of the Road Safety Coordinator, dated April 8, 2025, entitled, "South National St (Pillette Rd to Jefferson Blvd) Traffic Calming/Multiuse Path Upgrades, Cyclist Crossing and Railway Pedestrian Crossover" **BE RECEIVED** for information and;

That Council **APPROVE** the installation of permanent traffic calming and multiuse path upgrades on South National St. funded 50% from the Road Safety Counter Measures Project ID 7151012 and 50% from the Bikeway Development Project ID 7111031, at a total cost of \$120,000 (excluding HST).

Executive Summary:

N/A

Background:

As a part of the decision made at the City Council Meeting on March 29, 2023, the following direction was given through CR176/2023 ETPS 941:

That Administration BE DIRECTED to report back to Council with costs, and feasibility of adding traffic calming measures including physical separators with barriers along South National St., enhancing the cyclist crossing at South National St. and Balfour Ave. and explore a pedestrian crossover at Westminster Ave. and South National St. into the Riverside area.

This report is provided in response to CR176/2023 ETPS 941.

Discussion:

South National St. is a 1.62km Class 1 Collector Road in Ward 8, that runs east/west from Pillette Rd. to Jefferson Blvd. with a speed limit of 50km/hr. Presently there is a 4.0m asphalt multiuse path (MUP) on the north side of the road with raised curbs installed for approximately 50m west of Jefferson Blvd., and 260m east of Pillette Rd. The remainder of the MUP is separated from the north travel lane with a 0.3m transverse rumble strip.

Enhanced Cyclist Crossing on South National St. at Balfour Blvd.

The design shown on South National St. at Balfour Blvd. as per Report S 27/2023 included an uncontrolled cyclist crossing where cyclists and pedestrians do not have the right-of-way to cross. To potentially improve cyclist safety across South National St. at Balfour Blvd., a Level 2 Type D Pedestrian Crossover (PXO) could be implemented to create a controlled crossing where pedestrians and dismounted cyclists have the right-of-way (refer to Detail A of Appendix A) to access the existing MUP along South National St. The PXO could be installed with a speed table, as this will have the additional benefit of calming traffic. The raised PXO is estimated to cost approximately \$93,700.

Although the raised PXO would add a traffic calming benefit at this intersection, additional speed tables would need to be installed along the rest of South National St. to effectively provide traffic calming for the entire street. It is also noted that vertical deflection measures such as speed tables significantly affect emergency response times. Per consultation with Fire, emergency response vehicles have shown increased response times, losing as much as ten seconds of time per vertical deflection measure.

Although a PXO can address the uncontrolled cyclist crossing concern, Administration does not recommend a PXO here since this location does not further interconnect the South National St. MUP to any other existing or planned primary or secondary cycling network. Equally, the proposed PXO could connect pedestrians on the south side of South National St. to the existing MUP on the north side of South National St. However, there are no pedestrian generators of significance near this location where a PXO would benefit a high volume of pedestrians nor is this location part of an existing pedestrian desire line pathway. Further, a PXO at this location is also not recommended due to its close proximity to the at-grade road/rail crossing at Jefferson Blvd. where pedestrians/cyclists can cross over onto the South National St. MUP.

Traffic Calming Along South National St.

Temporary Traffic Calming:

As part of the approved Ward 8 2024 expedited temporary traffic calming plans, temporary centerline flex posts and radar speed feedback signs have been installed. Three centerline flex posts were installed on South National St. in June 2024, and two radar speed feedback signs were installed between March and April of 2024 (refer to Appendix B).

The centerline flex posts were removed on November 1, 2024, to accommodate the winter control season, which ends March 31, 2025. The approved Ward 8 2025 temporary traffic calming plans include the reinstallation of the three original centerline flex posts and two additional centerline flex posts (refer to Appendix B). Currently, both radar speed feedback signs remain in these locations as per Councillor direction.

Permanent Traffic Calming:

Permanent traffic calming measures along South National St. can be achieved by installing curbs with reflective bollards between the roadway and the MUP (refer to Appendix A). The curbs will be spaced as per Ontario Traffic Manual (OTM) guidelines and placed within a 0.7m painted buffer zone immediately adjacent to the existing 0.3m transverse rumble strips. Placing the curbs with bollards within the buffer zone creates a physical barrier between vehicles and MUP users. The painted buffer zone with the curbs and bollards will serve as a visual for narrowing of the roadway, which creates a traffic calming effect. However, it is important to note there is a risk that the traffic calming curbs may become dislodged if hit by a vehicle, presenting a safety hazard to road and MUP users.

The sections of South National St. near Jefferson Blvd. and Pillette Rd. with a raised curb will have a continued 4m wide MUP including an existing 0.15m wide raised curb and a proposed 0.85m white painted buffer zone immediately adjacent to the raised curb. The MUP currently narrows down into a sidewalk near Jefferson Blvd. The sidewalk would need to be widened to 4m to create a consistent width. The existing concrete bus pad will need to be removed since a bus stop no longer exists at that location.

As per OTM guidelines, the entrances of the MUP at Jefferson Blvd. and Pillette Rd. will have a yellow solid paint line and bicycle, pedestrian, and arrow markings (refer to Appendix A). The centreline at the MUP entrances alerts users to the presence of two-directional travel and advises all users to keep to the right.

These permanent traffic calming and MUP upgrades are estimated to cost approximately \$120,000.

Railway Pedestrian Crossover - Westminster Ave. / South National St. Intersection

There are three railway crossing types that may be considered for the area over the railway tracks just north of the South National St. and Westminster Blvd. intersection (Appendix A), which include a pedestrian overpass, an underpass, or at-grade crossings. Each of these crossing types would require agreements, permits and approval by VIA Rail. Pedestrian crossings must accommodate all persons as required by Accessibility for Ontarians with Disabilities Act (AODA) and can also accommodate cyclists. This report discusses the high-level project descriptions and cost estimates for each type of crossing based on consultation with VIA Rail.

Overpass Crossing:

An overpass crossing provides physical separation between the pedestrians and train traffic, which provides increased safety for the pedestrians, as there is no conflict point from the crossing and tracks intersecting. For an overpass crossing, AODA would require the construction of accessible ramps. The ramping required to accommodate wheelchairs and bicyclists will require long crossing distances.

The overpass crossing is VIA Rail's preferred crossing as it is less complex in terms of constructability in a right-of-way while maintaining railway operations.

Based on a preliminary evaluation of the site and right-of-way width available, the space required for the accessibility ramping does not seem feasible. From a value-for-money, perspective, this concept would be cost prohibitive based on preliminary cost estimation (\$2,800,000 - \$6,500,000).

Underpass Crossing:

Like an overpass crossing, an underpass crossing provides increased safety for pedestrians due to the physical separation between pedestrians and train traffic. In addition, AODA would require the construction of accessible ramps. The ramping required to accommodate wheelchairs will also accommodate bicyclists.

An underpass crossing is VIA Rail's alternative method since it is expected to be more complex and costly than an overpass crossing. This is due to the complexity of the work and the challenges presented in the construction phase as the railway operations are required to be maintained during construction.

Based on a preliminary evaluation of the site and right-of-way width available, the space required for the ramping does not seem feasible. From a value-for-money perspective, this concept would be cost prohibitive based on preliminary cost estimation (\$2,800,000 - \$6,500,000).

At-Grade Crossings:

An at-grade MUP/rail or road/rail crossing would involve extending the existing MUP across the rail tracks, installing a warning system, streetlight upgrades and increased OTM signage, and for particularly the road/rail crossing, would also involve extending Westminster Ave. across the rail tracks, and removing the cul-de-sac on the north side. Rail Authority review and approval would be required to consider the at-grade crossing, and the at-grade crossing option is currently VIA's least preferred method.

The at-grade crossing would be in an anti-whistling area where there are higher standards for at-grade crossings. The City and Rail Authority would be required to fulfill requirements set out in the Railway Safety Act, Grade Crossing Regulations and Grade Crossing Standards. In addition, the City would be required to execute agreements with necessary parties to provide for liability, insurance and indemnification related to whistle cessation at the regional crossing. A safety assessment would be required to identify safety enhancements, which may include flashers, pedestrian gates, pedestrian waiting areas, railings, warning signs and pavement markings.

An at-grade road/rail crossing is not recommended, as the road extension will result in additional traffic volumes and cut-through traffic to the surrounding north and south neighbourhoods.

From a value-for-money perspective, the at-grade crossing concept would be cost prohibitive based on preliminary cost estimation of \$1,000,000 - \$2,000,000 for an MUP/rail crossing and \$2,000,000 - \$3,000,000 for a road/rail crossing.

Overall, any of the railway crossing types described above are not recommended at this location. Administration feels it is not required as there are no pedestrian generators near this location where a railway crossing would benefit a high volume of pedestrians and cyclists. There is currently no cycling facility on Westminster Blvd. on the north side of the railway tracks to connect cyclists. There are two existing at-grade road/rail crossings available at South National St. and Jefferson Blvd. intersection and South National St. and Pillette Rd. intersection in which pedestrians may utilize, including an east/west PXO at Pillette Rd. as per the proposed City-Wide Primary Cycling Network.

Risk Analysis:

The permanent traffic calming/MUP upgrades would provide a safety benefit to road and MUP users. If these recommended additions are not implemented, these likely benefits will not be realized.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

Table 1 below illustrates the cost estimate for the proposed permanent traffic calming/MUP upgrades as per the plan provided in Appendix A.

Table 1: Permanent Traffic Calming/MUP Upgrades Cost Estimate

Design Component	Design Item	Cost (excluding HST)
Permanent Traffic Calming / MUP Upgrades	Paint Markings	\$5,000
	Bollards (110)	\$29,000
	Traffic Calming Curbs (110)	\$66,000
Contingency (20%)		\$20,000
Total Cost Estimate		\$120,000

There are sufficient uncommitted funds remaining in the Road Safety Counter Measures Project ID 7151012 (\$60,000) and Bikeway Development Project ID 7111031 (\$60,000) to fund the proposed recommended permanent traffic calming/MUP upgrades work.

If Council wishes to proceed with the additional work discussed (railway crossing and raised table PXO) but not recommended, a funding source will be required as there are insufficient funds within the existing Transportation Planning capital funding to implement beyond the proposed and recommended permanent traffic calming measures/MUP upgrades.

In addition, if Council directs Administration to proceed with any pedestrian crossing options at the railway, an external consultant will be required to conduct a feasibility study. The consultant would need to determine feasible railway crossing options, determine a recommended railway crossing option, and develop a detailed design for the crossing and refined cost estimate. The consulting study is expected to cost approximately \$150,000 – \$200,000. Should Council wish to proceed with a study of this nature, a funding source will be required as there are currently insufficient funds within the existing Transportation capital funding for this type of study.

Annual maintenance costs for painting and damage repairs for the permanent traffic calming/MUP upgrades are estimated to be approximately \$3,200. Should an annual maintenance budget be required to maintain safety upgrades, those will be addressed in the context of overall program needs with increased funding for the program being brought forward as necessary and appropriate

Consultations:

Kathy Quenneville, Schools and Sustainable Mobility Coordinator
Ray Sayyadi, Transportation Planning Engineer
Jason Scott, Manager of Transit Planning
Jim Leether, Manager of Environmental Services
Roberta Harrison, Maintenance Coordinator
Mark Keeler, Diversity and Accessibility Officer
James Waffle, Fire Chief
Chris Werstein, Executive Office Inspector
Cindy Becker, Financial Planning Administrator – Public Works
Mike Dennis, Manager of Strategic Capital Budget Development and Control

Conclusion:

Several expedited temporary traffic calming measures identified within this report were installed during 2024. The 2025 expedited temporary traffic calming measures identified within this report have been approved by the ward Councillor to be installed during 2025.

The proposed recommendation presents permanent traffic calming and MUP upgrades that would provide a safety benefit for road and MUP users along South National St.

Planning Act Matters:

N/A

Approvals:

Name	Title
Mark Spizzirri	Manager of Performance Measurement and Business Case Development Financial Planning
Ian Day	Senior Manager Transportation
Phong Nguy	(Acting) Executive Director of Operations and Deputy City Engineer
David Simpson	Commissioner of Infrastructure Services and City Engineer
Janice Guthrie	Commissioner of Finance and City Treasurer
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

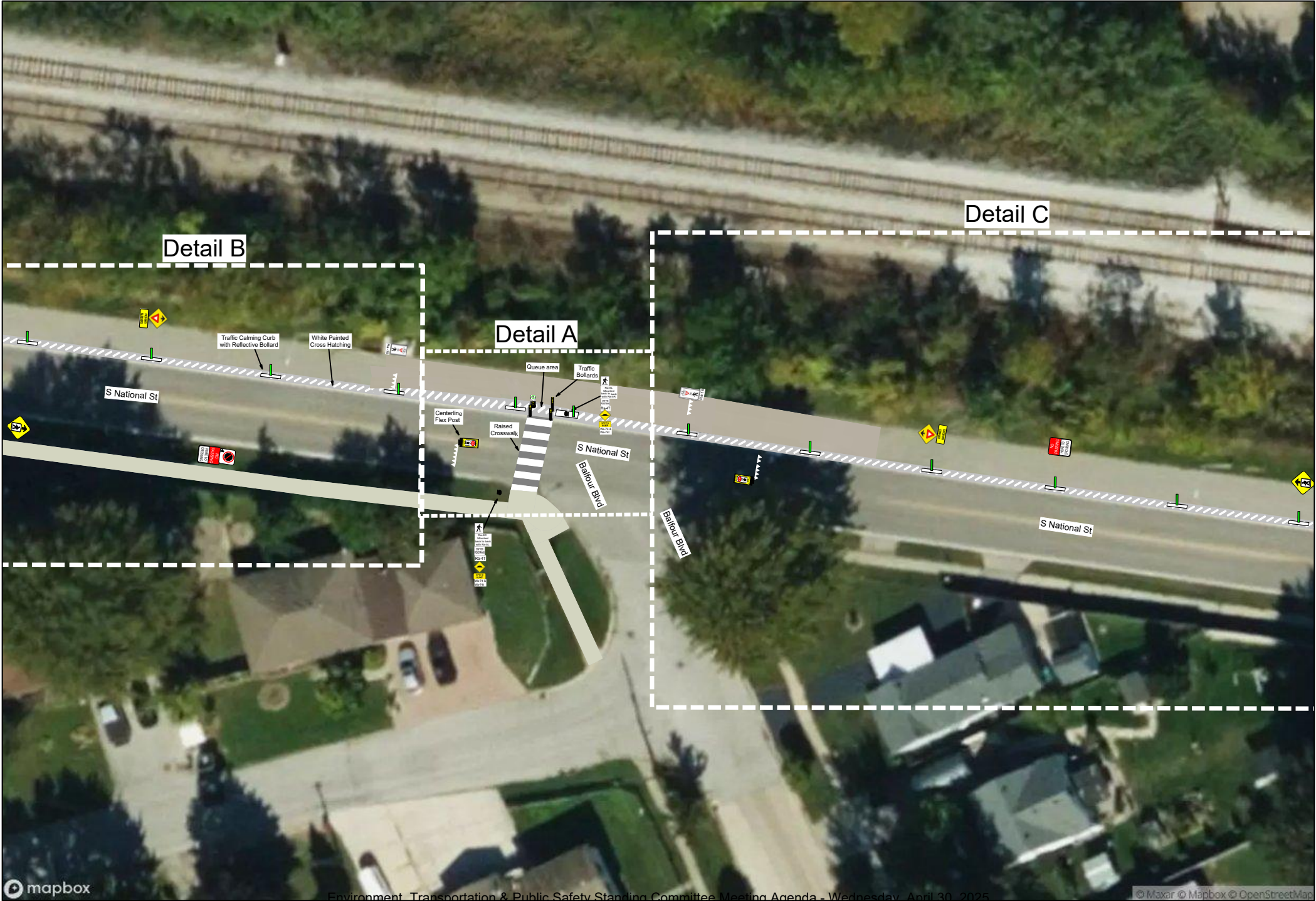
Notifications:

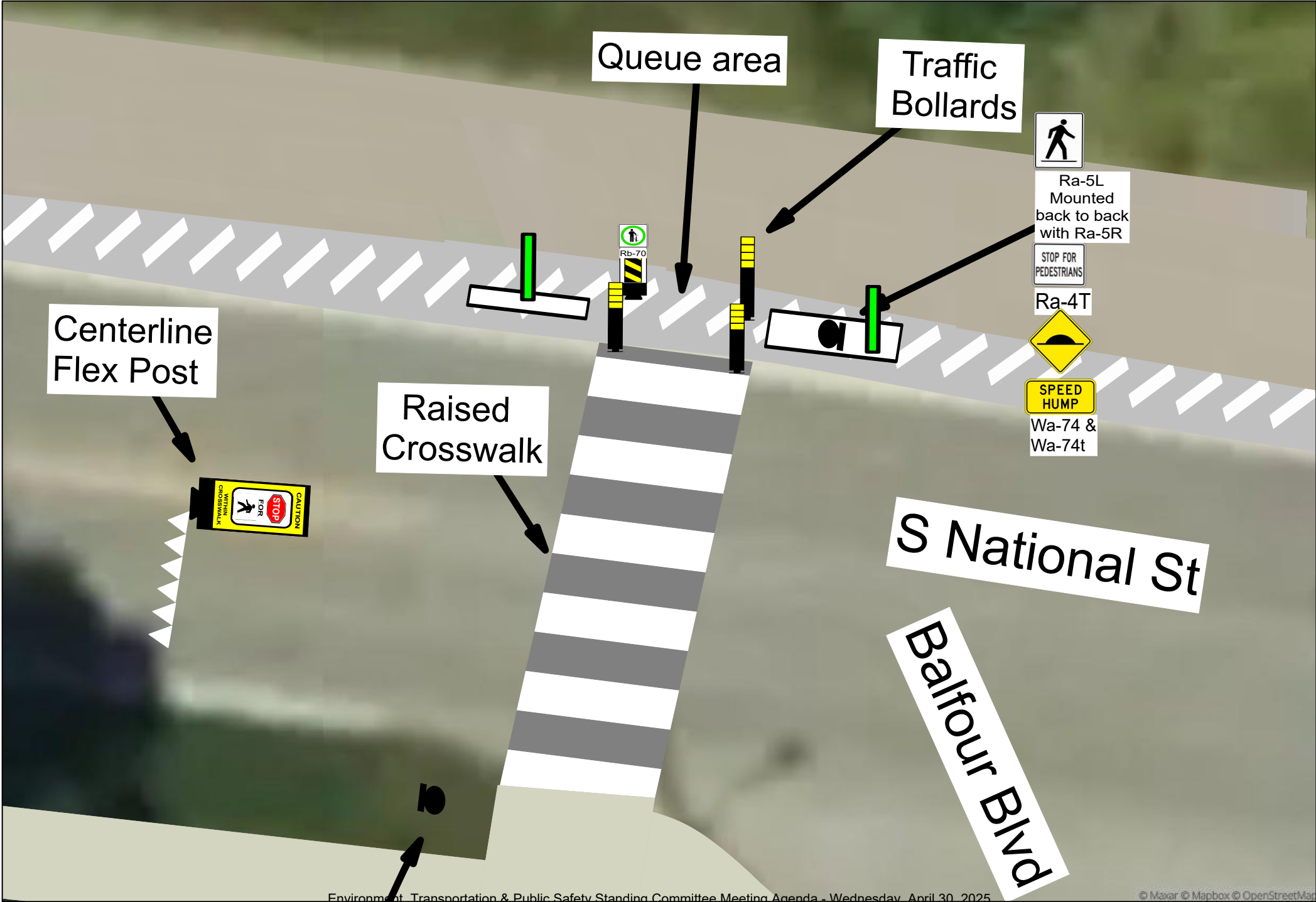
Name	Address	Email
Councillor Kaschak		

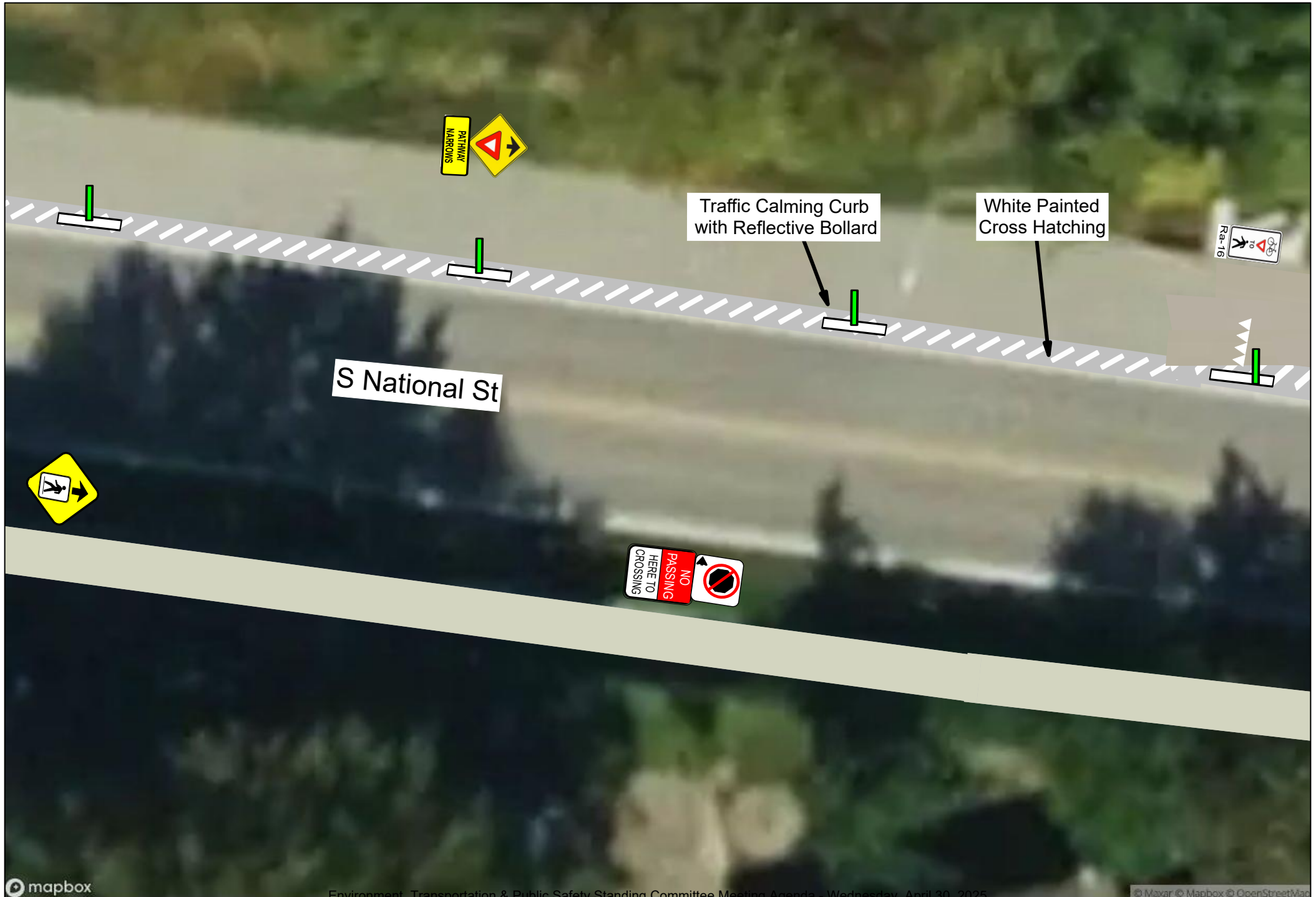
Appendices:

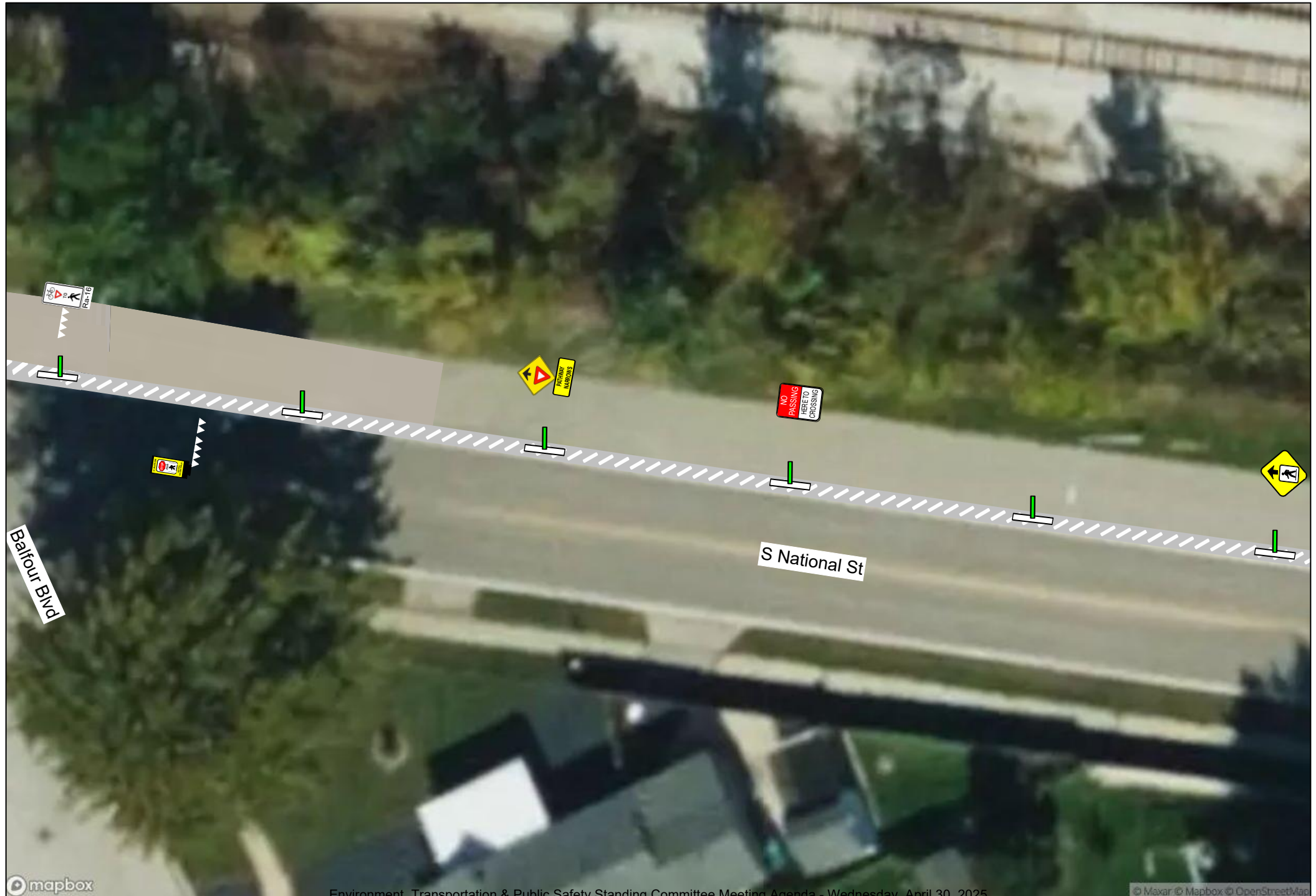
Appendix A – 2025 South National St. Permanent Traffic Calming/MUP Upgrades and Crossing Options Concept Plan

Appendix B – 2024/2025 South National St. Expedited Temporary Traffic Calming











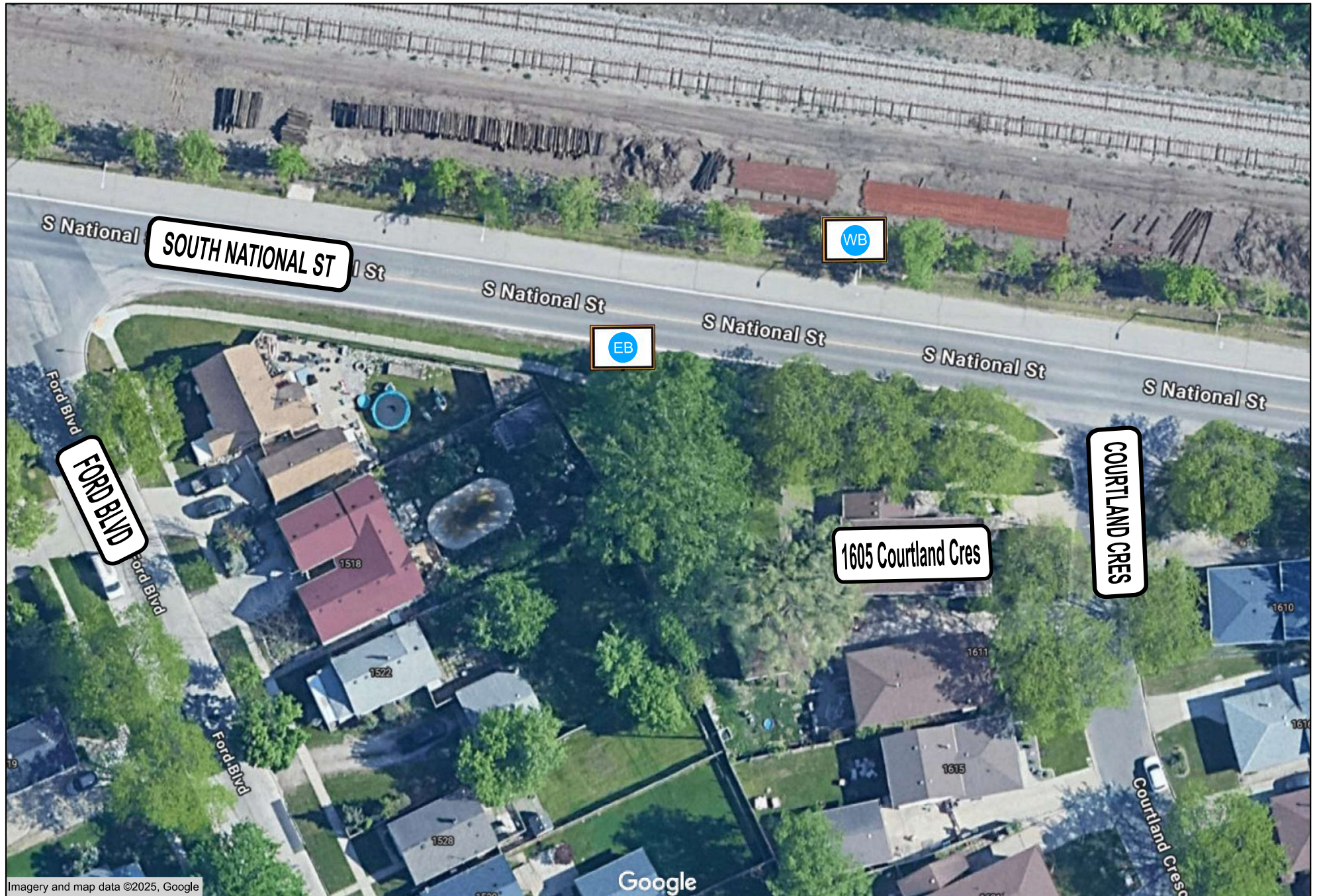


Railway Crossing Location - South National St at Westminster Blvd



Ward 8 - Place WB sign on streetlight pole facing WB traffic and EB on new stanchion facing EB traffic (both adjacent to 1605 Courtland Cres).

www.invarion.com



2025

WARD 8 - SOUTH NATIONAL ST - LOCATION 1

In between Olive Rd and Norman Rd

Place flexible post sign approximately 50 meters East of Olive Road

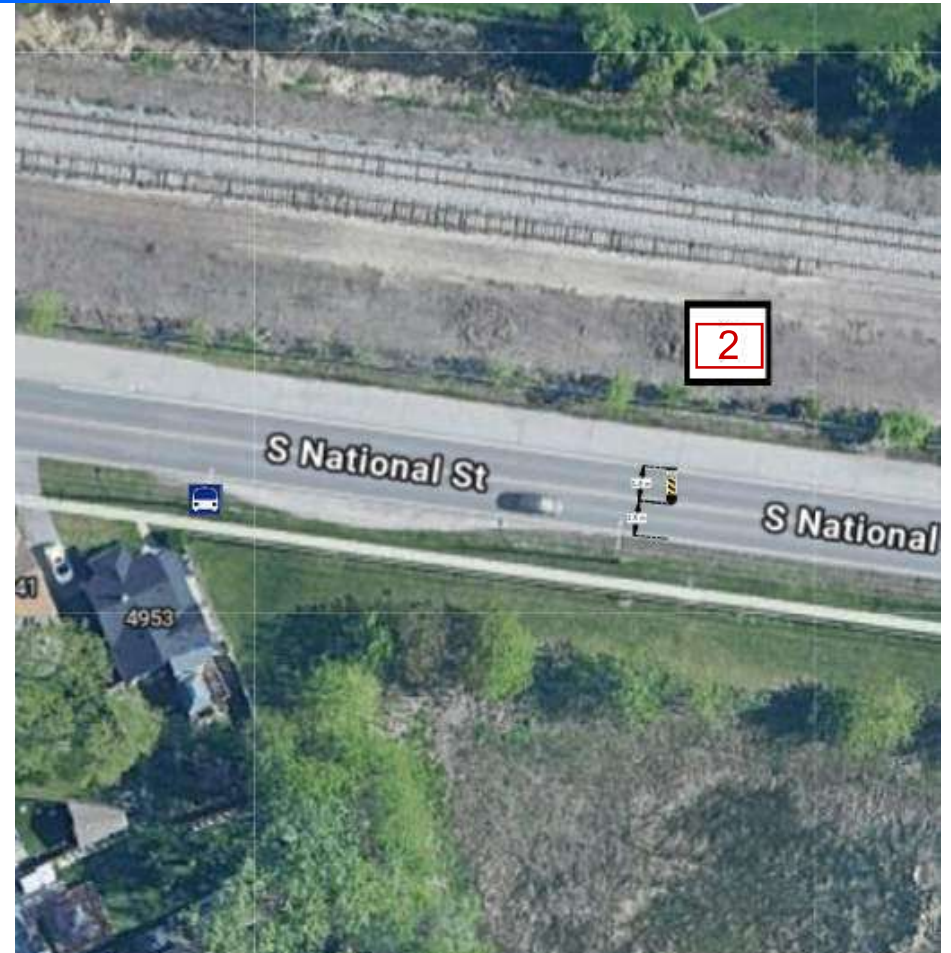
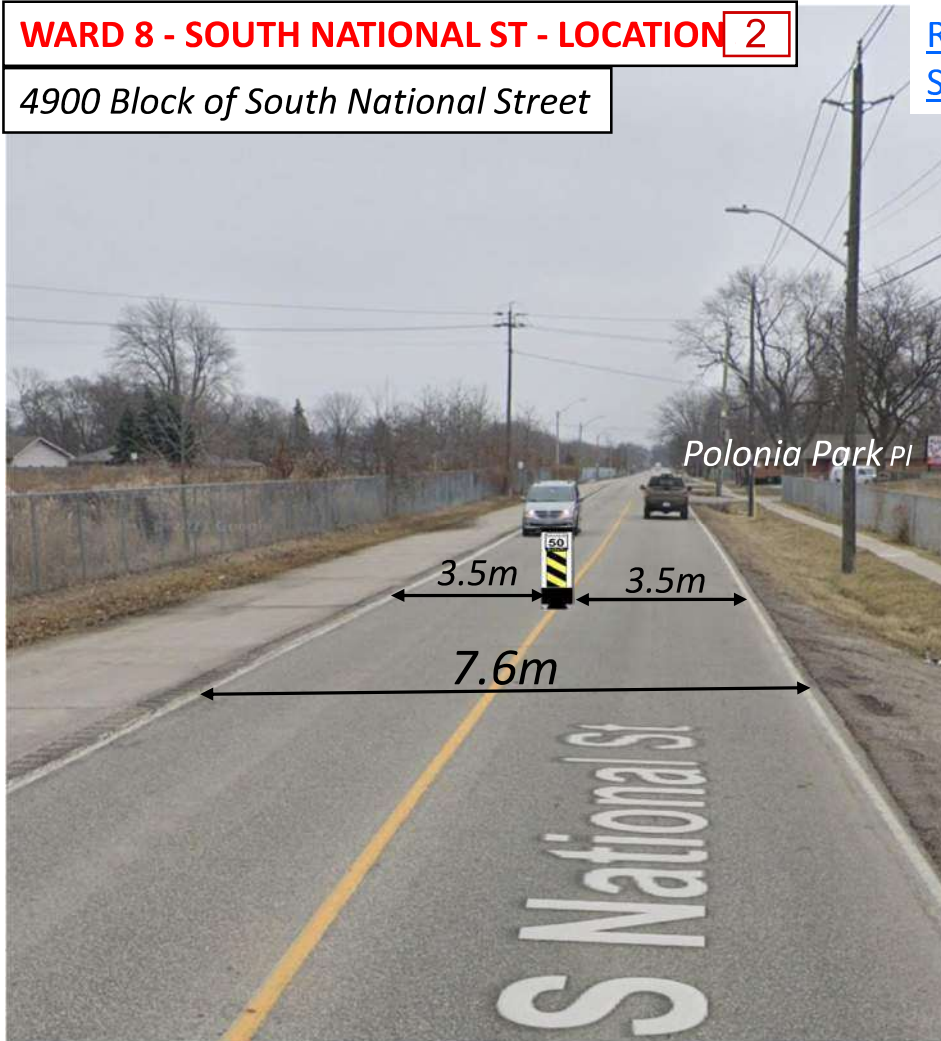


2024

WARD 8 - SOUTH NATIONAL ST - LOCATION 2

4900 Block of South National Street

[Re-install flexible post sign at least 19 meters away from Bus Stop on South National](#)



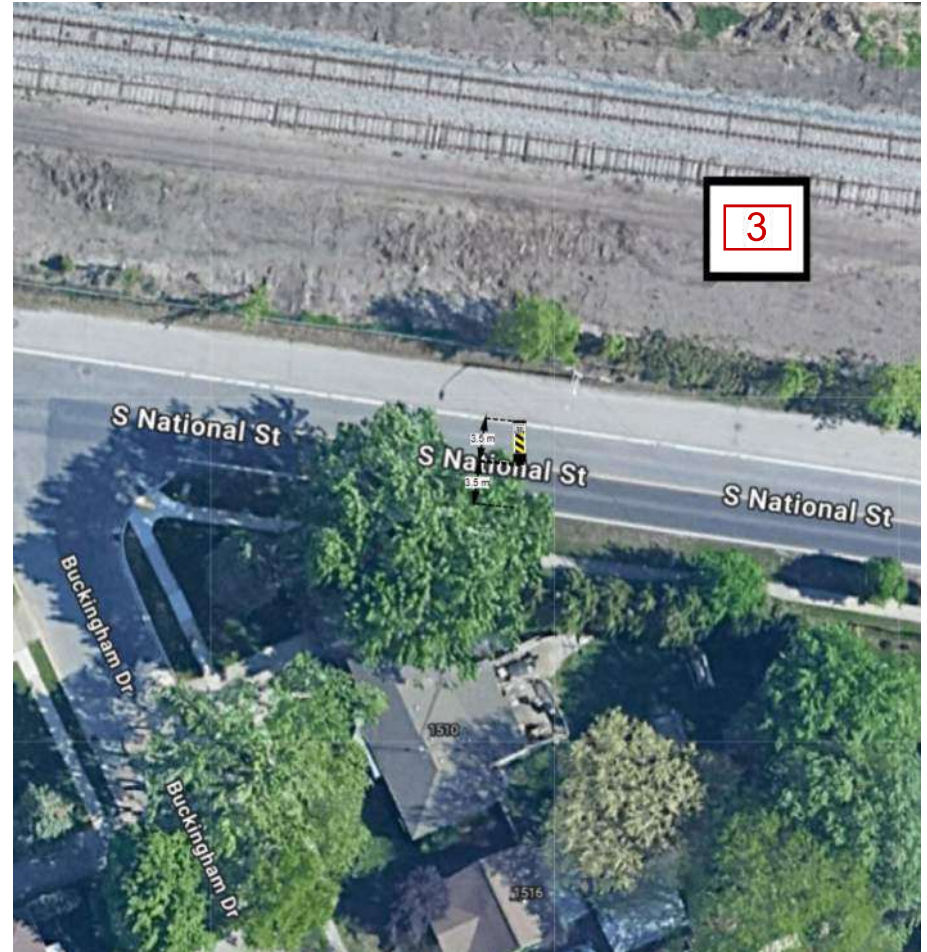
2024

WARD 8 - SOUTH NATIONAL ST - LOCATION 3

South National Street near Buckingham Dr



Re-install flexible post at least 10 meters East of Buckingham Dr

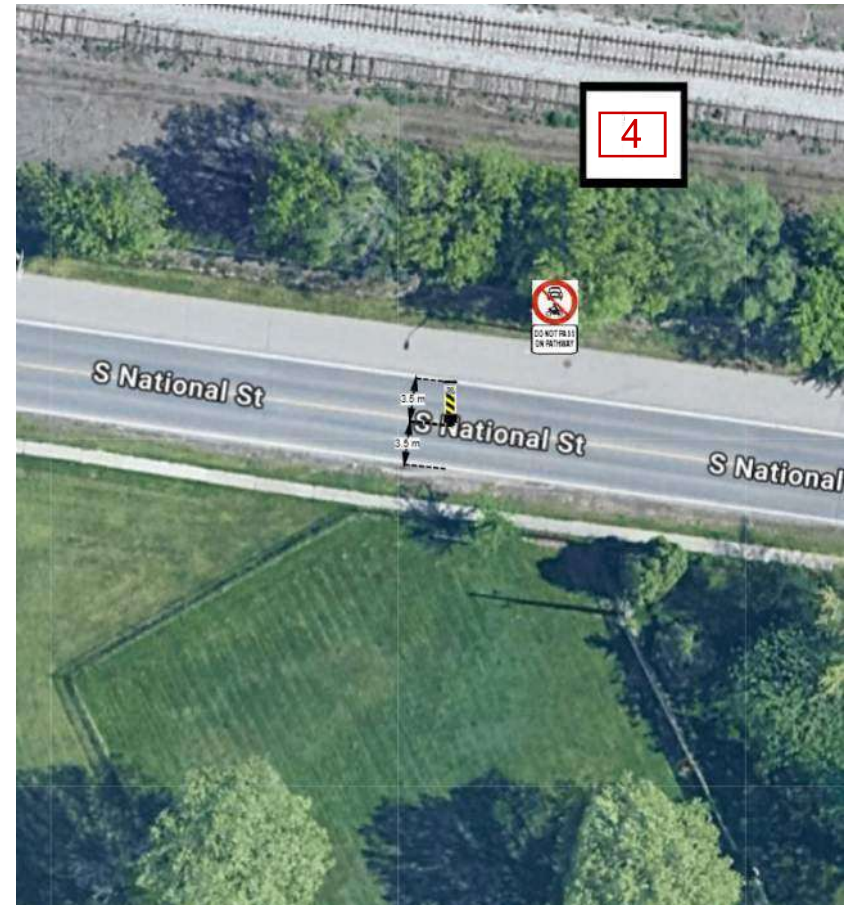


2024

WARD 8 - SOUTH NATIONAL ST - LOCATION 4

South National Street between Courtland and Ferndale

Re-install flexible post sign approximately 45 meters East of Courtland Cr (E). Place new “Do not Pass on Pathway” sign on streetlight pole approximately 50 East of Courtland Cr.



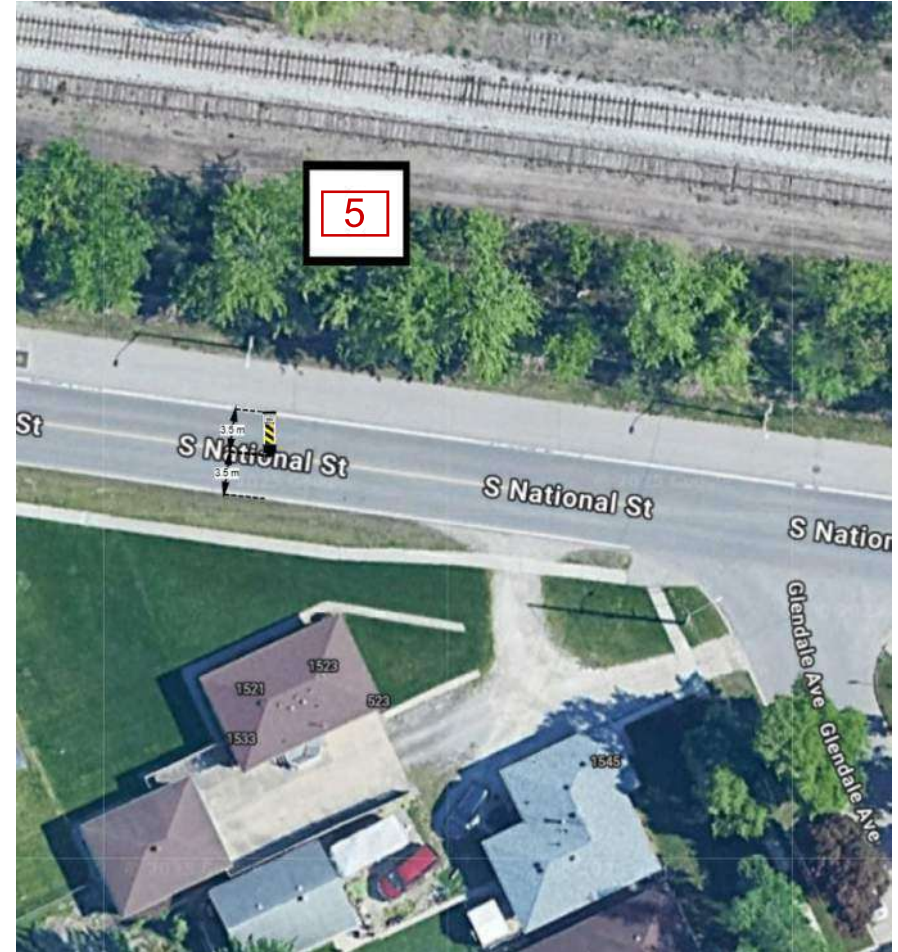
2025

WARD 8 - SOUTH NATIONAL ST – LOCATION 5

South National Street West of Glendale Ave



Place flexible post sign at least 3 meters West of driveway 1523 Glendale Ave



Subject: Response to CQ 41-2024 - Lower Risk Encroachments - City Wide

Reference:

Date to Council: April 30, 2025

Author: Amy Olsen

Supervisor, Right-of-Way

(519) 255-6257 Ext. 6562

aolsen@citywindsor.ca

Right-of-Way – Engineering

Report Date: 4/10/2025

Clerk's File #: SW2025

To: Mayor and Members of City Council

Recommendation:

- I. THAT Council **RECEIVE** the response to CQ 41-2024 for information.

Background:

On February 12, 2024 Councillor Renaldo Agostino asked the following Council Question:

CQ41-2024 -

Asks that Administration review the current encroachment policy, landscaping best practice, and if needed, By-law 25 to provide options to property owners with lower risk encroachments.

This report is in response to CQ 41-2024.

Discussion:

In 1985, approval was given to create two encroachment categories under CR899/85:

1. **Category "A" – Major Encroachment** – These encroachments involve the structural integrity of a building, and include items such as the building itself, footings, porches, eave overhangs, etc., and required the following:
 - a. Approval by Council;
 - b. A legal metes and bounds description prepared by an O.L.S. and in the case of an underground encroachment, a Plan of Survey prepared by an O.L.S.; and
 - c. Registration on Title.

2. **Category “B” – Minor Encroachment** – These encroachments are incidental in nature such as signs and awnings, which do not affect the structural integrity of the building. The application for such encroachments is to be handled by Administration as follows:

- a. Approval may be granted by the Chief Administrative Officer on the recommendation of the Chief Building Official and the City Engineer;
- b. In the case of denial, the applicant has the right to an appeal to City Council; and
- c. Minor encroachments do not require a survey or a legal description and are not to be registered on Title; and in addition, all applications for encroachments must be accompanied by a minimum \$100.00 non-refundable application fee.

In recent years, the Encroachment Policy, as well as other supporting documents have been amended several times to aid in streamlining the process and remove significant roadblocks. Today, all encroachment applications (categorized as A & B above) follow a less tedious process than what was previously required. Specifically, encroachments no longer require a legal survey or registration of the agreement on title.

Below is a timeline of recent changes pertaining to the handling of encroachments and landscaping in the right-of-way:

2004 – Authorization of Encroachment Agreement Signing

- Removed the requirement to bring Category ‘A’ encroachment agreements to Council for approval and authorized the Chief Administrative Officer and City Clerk to execute.

2012 – Creation of Landscape Best Practice BP3.2.2

- Identified landscape requirements within the right-of-way.

2015 – Incorporation of the Encroachment Policy (M67-2015)

- Outlined a clear encroachment application and approval process.

2016 – Landscape Best Practice Amendment

- Inclusion of artificial turf as an alternative to grass.

2016 – Encroachment Renewal Process – Approved under SE2016 (CAO3648)

- Streamlined encroachment renewals to a less onerous re-application process.

2022 – Landscape Best Practice Amendment

- After consultation with several internal departments and comparison against other comparable municipalities, Administration advised against allowing mulch in the right-of-way without a permit due to concerns with maintenance and liability as the mulch migrates onto roadways, driveways and sidewalks.
- Amendment to include low growing ground cover as an alternative to grass and artificial turf.

2023 – Encroachment Policy Amendments - Approved under CR 230/2023

- Authorized the approval of encroachment agreements to the Commissioner of Infrastructure Services, from the Chief Administrative Officer.
- Incorporation of Heritage Features to the Encroachment Policy.
- Updated the Land Value Fees as they had not been updated in 8 years.

311 Calls

Many of the above Council Reports were generated as a result of a 311 call blitz where an individual resident called in several (20-70+) complaints (sometimes anonymously) on neighbouring properties that were in contravention with the Encroachment Policy or Landscape Best Practice. Upon site inspections, many properties were issued 'Orders to Comply', requiring removal or legalization of items identified in the right-of-way. Consequently, increased calls to their associated Councillors initiated Council questions to reduce or amend encroachment and landscaping requirements.

Administration from 311 have confirmed that a cap cannot be placed on the number of complaints a citizen submits; however, reports can be generated to demonstrate trends and statistics from participants and specific addresses with higher call volumes, then sent to the affected department for further review. This will allow the Right-of-Way Division to determine the validity of these calls and act accordingly. While the 311 Customer Contact Centre requests that callers submit valid contact information, if they choose to remain anonymous, the contact representative is still required to record their request. When contact information is not provided at time of interaction, they are not privy to any follow-up information and are made aware of this at time of interaction.

Municipalities with Minor Encroachments

As shown in Appendix A, Administration has reviewed several comparable cities to understand how municipalities address minor encroachments within their encroachment policies.

While there are examples of cities allowing personal items to be placed in the right-of-way without an encroachment agreement, many require a permit or consent letter to be issued in its' place complete with fees, insurance and drawing requirements.

Insurance

A common issue residents experience when entering into an encroachment agreement with the City is satisfying standard City insurance requirements as many insurance companies will not add the City as an additional insured to residential policies. This is understandably frustrating for property owners; however, the condition is in place to protect the City against any claims that may arise due to placement of these personal items and cannot be waived. Insurance is critical for the City, as municipal infrastructure is typically located within the municipal right-of-way which could be damaged as a result of the encroachments.

Indemnification

In addition to insurance, the property owner is also required to indemnify the City for all claims or losses that it may suffer due to each encroachment.

Option to allow Minor Encroachments under a Permit

Administration has provided an option to allow pre-determined minor encroachments to be handled under a Right-of-Way permit, as opposed to an agreement. While this option would reduce the fees paid by the owner, insurance and the indemnity would remain a requirement under this permit option. High level guidelines are outlined below:

1. Applicable to residential (2-unit maximum) properties only;
2. Insurance and indemnification satisfactory to the Risk Management department is required;
3. Right-of-Way Permit fees applicable as per current User Fee Schedule:
 - a. \$283.00 – Permit Fee (2025);
 - b. \$1,000.00 – Indemnity Fee (returned upon final inspection).

Amendments

Should Council elect to allow minor encroachments under a permit, the following amendments are required. Administration would accordingly report back at a later date with the proposed amendments for Council approval:

1. Amend the Landscape Best Practice BP3.2.2 to define and include the treatment of pre-determined minor encroachments.
2. Amend the Encroachment Policy to define and include minor encroachments under a permit process.
3. Create a “blended” process required to address properties having both major and minor encroachments.
4. Initiate a process to address previously executed encroachments and paid fees:
 - a. Existing agreements will continue as per the timelines agreed upon in the agreement.
 - b. Administration recommends only fees paid in 2025 be reimbursed to residential property owners with less than two units. All fees paid prior to 2025 would remain in place.

Risk Analysis:

S.44 of the Municipal Act places the responsibility for the state of the repair of the public highway on the municipality. This has been supplemented by extensive case law. This results in the municipality being liable for injuries and/or damage sustained as a result of the condition of the highway. For that reason it is important to limit the City's liability through the requirement for insurance and indemnification.

Liability risks are standard with any item placed in the right-of-way and are mitigated by transferring the risk to the property owner through agreements, permits, insurance requirements and indemnifications. In lieu of an encroachment agreement, all conditions related to the occupancy of the public right-of-way could be managed in accordance with a Right-of-Way Permit, including insurance and indemnification.

There is a risk that property owners with minor encroachments that have paid fees prior to 2025 will submit complaints alleging unfair treatment. As with many policy changes, it is common practice to set a date by which the new policy takes effect and apply the changes on a go forward basis. It is not realistic and would pose a significant financial and resource risk to retroactively amend all encroachment agreements in place.

Climate Change Risks:

Climate Change Mitigation

N/A

Climate Change Adaptation

N/A

Financial Matters:

Amending the Encroachment Policy to allow minor encroachments under a permit has financial implications on both the Legal Department and Infrastructure Services. The fees built into an encroachment agreement cover the costs associated with Administration's time to properly administer the application. This includes a thorough review across several departments and leads to the creation and execution of the agreement. Right-of-Way permit fees apply to all permits obtained through the ROW department, covering multiple types of permits.

The following chart compares the current encroachment policy fees for these "minor items", compared to allowing them under a permit. The loss of revenue per application would be \$692.21 plus the cost of the one time fee, which varies with each application.

Comparison of Process Fees (based on the current User Fee Schedule)		
Fee	Encroachment Policy	Permit
Application Fee	\$ 285.00	N/A
Agreement Fee	\$ 407.21	N/A
One-time Encroachment Fee	Varies based on area (refer to Appendix B)	N/A

Permit Fee	\$ 283.00	\$ 283.00
Indemnity	\$ 1,000.00	\$ 1,000.00
TOTAL (excluding refundable indemnity)	\$ 2,008.21	\$ 283.00
Loss of Revenue per Application (one-time encroachment fee varies per application and is not included for this reason)		\$ 692.21 + One-time Encroachment Fee

It would be difficult to increase permit fees in general to the point where they would completely cover lost revenues. The time necessary to complete a fulsome review for a permit for a minor encroachment would be similar to the time spent on the current process of encroachment applications and therefore savings in administrative time would be minimal.

Consultations:

Kate Tracey, Senior Legal Counsel, Legal and Real Estate
Jamelah Hersh, Senior Legal Counsel, Legal and Real Estate
Rosemary Menna, Claims Administrator, Purchasing and Risk Management
Meghan Matthews, Legal Assistant, Legal and Real Estate
Kathy Buis, Financial Planning Administrator, Financial Planning
Allison Charko, Project Manager, Communications and Customer Services
Michelle Moxley-Peltier, CEP Project Administrator, Environmental Sustainability and Climate Change

Conclusion:

It is Administration's position that regardless of the item encroaching into the right-of-way, the current requirements listed under the Encroachment Policy are required to manage risk to the City and adequately protect the City's infrastructure.

Planning Act Matters:

N/A

Approvals:

Name	Title
Mark Spizzirri	Manager of Performance Measurement and Business Case Development, Financial Planning
Adam Pillon	Manager of Right-of-Way
Stacey McGuire	Executive Director, Engineering/Deputy City Engineer
David Simpson	Commissioner, Infrastructure Services/City Engineer

Name	Title
Wira Vendrasco	City Solicitor
Jelena Payne	Commissioner, Economic Development
Janice Guthrie	Commissioner, Finance and City Treasurer
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address

Appendices:

- 1 Appendix A - Comparison of Municipalities
- 2 Appendix B - Encroachment Fees & Exemptions

Appendix 'A'

COMPARISON OF MUNICIPALITIES				
CITY	ENCROACHMENT REQUIREMENTS	MINOR ENCROACHMENTS	MINOR ENCROACHMENT REQUIREMENTS	CITY OF WINDSOR COMPARISON
LONDON	2.6 Encroachment - means any type of vegetation or natural object placed by a property owner, or man-made feature or object or item of personal property of a person which exists wholly or partly upon, or extends from a property owner's premises onto streets or road allowances and shall include any aerial, surface or subsurface encroachments;	4.2.3. Minor Encroachments that do not comply with City Standards. Encroachments that do not comply with City Standards that otherwise do not create a significant risk to the public or City or utility companies will not be considered for an encroachment agreement but may remain temporarily at the City's sole and absolute discretion, it being understood that the property owner is fully responsible for the encroachment and that neither the City nor utility companies will be responsible for damage caused thereto or for the complete loss of the encroachment no matter how caused. Examples of minor encroachments include irrigation systems, hedges, shrubbery and simple landscaping at grade.	No permit required for these minor encroachments	All Minor Encroachments listed in the City of London currently fall under Best Practice BP3.2.2 and do not require an encroachment agreement
GUELPH	Application for Encroachment 4. Any person who wishes to erect, install, maintain, or carry on an encroachment on, or encroach upon, City-owned Lands shall be required to submit an application to the City seeking permission to do so, together with drawings or plans sufficient to describe the encroachment, to the City's satisfaction, and payment of the applicable non-refundable encroachment application fee as set by City by-law from time to time. 5. The form, content, and information requirements of the application and of all applicable fees, including annual fees, shall be as prescribed by the City from time to time. Encroachment agreements may include encroachment agreement annual fees and which will be established at the commencement of a term of an encroachment agreement.	Not Offered	N/A	N/A
MISSISSAUGA	(f) "encroachment agreement" means a document prepared by the City allowing an encroachment on public lands and shall take either of the following three forms: (0108-2011, 0139-2016) (i) a permit for all minor encroachments on public highway lands not consisting of boulevard garden encroachments; and (ii) a permit for boulevard garden encroachments located on the non-travelled portion of a public highway in accordance with the Schedule "A" to this by-law, each of which shall be approved and signed by Director of Works Operations & Maintenance of the Transportation & Works Department or his/her authorized delegate; and (iii) an agreement for all other types of encroachments, each of which shall be signed by the applicable Commissioner or his/her authorized delegate;	(j) "minor encroachment" (Permit required) means an encroachment on a public highway deemed by the Commissioner to be of minor size and significance; (0108-2011) Examples include Long-term outdoor patios, seasonal outdoor retail sales and displays, seasonal outdoor patios	Permit required with the municipality of Mississauga	The City of Windsor currently requires a Right-of-Way Permit for these items and are not considered an encroachment Insurance Requirements: \$5,000,000 for residential encroachments \$10,000,000 commercial encroachments
HAMILTON	Website An encroachment agreement is a legal and binding agreement between the City and a property owner whose property abuts the municipal property which permits the property owner to have an encroachment on City property. An encroachment is an improvement made to City property that is located entirely or partly in, on, under or above the City's property. Examples of encroachments: Awnings (except retractable or that require a Building permit), landscaping, porches, steps, portion of existing building, signs (freestanding, that project more than 6 inches), where not otherwise prohibited, wheelchair ramps and other accessibility features. Examples of encroachments that will not be considered: Fences, refreshment vehicles, signs (temporary or ush-mounted), fruit and vegetable stands, soft drink and ice machines, small scale lighting features, temporary seating - see temporary Outdoor Patio Program, Parking spaces - contact parking@hamilton.ca	Not Offered	N/A	N/A
OTTAWA	Section 6 - Procedure for application (1) Applications for a permanent encroachment permit shall be made by the owner or a representative of the owner as prescribed by the General Manager and shall be accompanied by, (a) a sketch showing the location and dimensions of the encroachment; (b) information as to the materials out of which the encroachment has been or will be constructed; and (c) the method and extent of its illumination, if any. (2) If the encroachment is acceptable to the General Manager, the applicant or a representative of the applicant shall then file with the General Manager, (a) three copies of a plan certified by an Ontario Land Surveyor showing the location and dimensions of the encroachment and of the adjacent part of the premises to which it is or will be appurtenant, and the location of the lot line, except in the case of a permanent canopy that does not require a building permit and is deemed by the General Manager not to constitute a material alteration to the structure; (b) a registerable description of the premises to which the encroachment is or will be appurtenant; and (c) the non-refundable fee as provided for in Schedule "A" of this by-law.	Section 2 - Exemptions (1) The provisions of this by-law do not apply to: (a) lawns and private entrance walkways or private approaches placed or constructed in accordance with the City's by-laws; (b) flags and flag-poles located at a height of two and one-half metres (2.5 m) or more above the elevation of the centreline of the roadway immediately facing the ag or ag-pole that are not used for advertising purposes; (c) existing footings that, (i) do not encroach on a highway by more than three hundred millimetres (300 mm), (ii) are at least two and one-half metres (2.5 m) below the highway surface, and (iii) do not interfere with any public utility; (d) existing permanent aerial encroachments that encroach by not more than three hundred millimetres (300 mm); (e) signs authorized by any City by-law; (f) works, equipment, assets and infrastructure of the City or of an agency of the City or a public utility; (f) works and equipment of any person performing construction or maintenance operations on a City highway, to the extent that such works are lawfully authorized by any agreement with, or a by-law of, the City; or (g) individual buildings, structures, sites or related appurtenances designated as properties of cultural heritage value under Part IV or Part V of the Ontario Heritage Act, R.S.O. 1990, Chap. O.18, as amended. (h) snow plow driveway marker (2018-9).	No permit required for these minor encroachments	Many of the items listed as an exemption under the Ottawa Encroachment Policy follow similar City of Windsor exemptions as noted on Appendix 'B' - Encroachment Exemptions

TORONTO	Provided that the proposed encroachments satisfies technical criteria, staff are delegated to issue encroachment agreements for the range of permitted encroachments described in Toronto Municipal Code Chapter 743. (http://www.toronto.ca/legdocs/municode/1184_743.pdf) Article IV.	Provided that they comply with the requirements of Article IV, the following encroachments do not require an encroachment agreement: 1. Fences and retaining walls less than 0.90m in height, measured from the travelled surface of the road; 2. 'Soft' landscaping, such as gardens, shrubs and hedges; 3. Driveway curbs and precast concrete curb stones; 4. Stairs; Walkways less than 1.5m wide. With the exception of soft landscaping, a street work permit is required before you can install a permitted encroachment. Contact your District office to book a site inspection by a Bylaw Officer before you start your work.	Permit required with the Municipality of Toronto	While the items listed as exempt do not require an encroachment agreement, a Street Work permit is necessary to complete this work, which has several conditions including fees, proof of indemnification and drawing requirements.
TOWNSHIP OF WAINFLEET	3.07 “Encroachment, Minor” means an encroachment that is minor in nature and may include, but is not limited to the following: 1. Projections from buildings (including eaves, cantilevers, etc.) 2. sheds 10m ² or smaller 3. Shrubs, trees or other natural landscape materials 4. Hard landscaping (including asphalt, concrete, brick sidewalks and walkways, curbs, parking pads, aprons or driveways). 3.08 “Encroachment, Major” means an encroachment that is large in scale, difficult to move, secured by a footing and may include, but is not limited to the following: 1. Buildings (including dwellings, garages, sheds larger than 10m ²); 2. Structures (including retaining walls, decks, stairs and patios); 3. Fences	“Consent Letter” means the Township's standard form of letter, as amended from time to time, for situations in which the Manager of Operations determines, at his/her sole discretion, whether an encroachment is minor of nature such that an Encroachment Agreement is not required. 10.0 LETTER OF CONSENT 10.01 A consent letter shall be required for all permitted minor encroachments. 10.02 A consent letter formally recognizes the encroachment by both the Township and the Owner, and clearly establishes the terms and conditions specific to the permission being granted, including but not limited to the provisions that permission for the encroachment is being granted until such a time as it is required to be removed by the Township, in its sole discretion. 10.03 A drawing shall be provided by the Owner, in a form satisfactory to the Manager of Operations, clearly identifying the extent of the encroachment, and serves to assist in eliminating subsequent enlargements of the encroachment without permission. 10.04 The Owner shall submit the appropriate fee for a consent letter, as outlined in Schedule “A”. 10.05 The Owner shall submit maintain a liability insurance policy for the encroachment in the amount of one million dollars naming the Township as third party insured. 10.06 The Owner shall provide proof of the insurance policy to the Township on an annual basis.	Permit required with the Township of Wainfleet	While the items listed as exempt do not require an encroachment agreement, a Letter of Consent is necessary to complete this work, which has several conditions including fees, proof of indemnification and drawing requirements.
WHITBY	1.1.9. “encroachment agreement” means a document prepared by the Town allowing an encroachment on public lands and shall take either of the following two forms: 1.1.9.1 a permit for all minor encroachments on highway or boulevard land, and 1.1.9.2 an agreement for all other types of encroachments, each of which shall be signed by the applicable Commissioner or their designate;	1.1.8.3 “minor encroachment” means an encroachment on public lands including a highway deemed by the Commissioner to be of minor size and significance, 1.1.9. “encroachment agreement” means a document prepared by the Town allowing an encroachment on public lands and shall take either of the following two forms: 1.1.9.1 a permit for all minor encroachments on highway or boulevard land, and 1.1.9.2 an agreement for all other types of encroachments, each of which shall be signed by the applicable Commissioner or their designate;	Permit required with the Municipality of Whitby	While the Minor Encroaching items do not require an encroachment agreement, a permit is necessary to complete this work, which has several conditions including fees, proof of indemnification and drawing requirements.
VAUGHAN	The following requires an encroachment permit: 1. Any object, other than vegetation, that projects over public lands at a height of 30 cm or more; 2. Any encroachment that extends more than 20 cm below the ground; or 3. Other objects that the City deems to be a significant encroachment, such as, but not limited to, below-ground hydro installations, heated driveways, and encroachments related to commercial Private Property.	Minor Encroachments are not Offered. What types of encroachments are not allowed? Encroachments are not allowed if they are: located on or extends onto any public lands other than the boulevard; create an unsafe condition or a hazard; interfere with City operations; modify or interfere with public infrastructure; not maintained in a state of good repair; or contravene this or any other City or Region by-laws. Enforcement and penalties: Non-compliance may result in an administrative monetary penalty of \$500 or higher fine amount under provincial regulation. All unauthorized encroachments may be removed by the City at the owner's expense. The City does not investigate or enforce encroachments on private property as they are civil matters.	N/A	N/A
TOWN OF CALEDON	Part 2 – Application 2.1 This By-law does not apply to the following: (1) signs erected on behalf of the Town or any other sign as authorized by the Sign By-law 2017-54, as amended, or its successor by-law; (2) receptacles or waste items set out on the boulevard for collection services in compliance with the standards as set out in the Region's Waste Collection By-law 35-2015, or its successor by-law; (3) rural and Canada Post community mailboxes erected on the boulevard and maintained in compliance with the requirements of the Mail Receptacles Regulations under the Canada Post Corporation Act; (4) an encroachment permitted as a result of a written agreement with the Town, other than an encroachment permit; (5) roadside memorials in accordance with the following: (a) does not create a public safety hazard; (b) does not inhibit or obstruct Town operations; (c) does not inhibit or obstruct access to fire hydrants, post office boxes, or any installations belonging to the Town, Region or utility provider; or (6) utility infrastructure.	Part 4 – Minor Encroachments Soft Landscaping 4.1 Every owner shall be permitted to plant a boulevard garden in accordance with the following: (1) shall not be planted in, or overhang a shoulder, sidewalk or roadway; (2) shall be maintained so as to not exceed one hundred (100) centimetres (approximately thirty-nine (39) inches) in height; (3) shall be at grade with any adjacent sidewalk; and (4) shall not be planted within thirty (30) centimetres (approximately twelve (12) inches) of a sidewalk. 4.2 Every owner shall be permitted to place sod, seed or otherwise grow grass on an adjacent boulevard in accordance with the following: (1) shall not be grown on the shoulder or sidewalk; and (2) shall not exceed twenty (20) centimetres (approximately eight (8) inches) in height. 4.3 Every owner shall be permitted to place wood chips around the base of a boulevard tree and the wood chips shall not exceed ten (10) centimetres (approximately four (4) inches) in height. (2) shall have a minimum radius of sixty (60) centimetres (approximately twenty-four (24) inches) from the base of the tree; (3) shall have a minimum setback of thirty (30) centimetres (approximately twelve (12) inches) from a sidewalk; (4) shall be kept in good repair; and (5) shall be modular and not rely on a fixed foundation for its support. Tree Rings 4.4 Every owner shall be permitted to erect tree rings around the base of a boulevard tree in accordance with the following: (1) shall not exceed fifteen (15) centimetres (approximately six (6) inches) in height;(2) shall have a minimum radius of sixty (60) centimetres (approximately twenty-four (24) inches) from the base of the tree; (3) shall have a minimum setback of thirty (30) centimetres (approximately twelve (12) inches) from a sidewalk; (4) shall be kept in good repair; and (5) shall be modular and not rely on a fixed foundation for its support.	No permit required for these minor encroachments	Many of these Minor Encroachments listed under the Town of Caledon currently fall under Best Practice BP3.2.2 and do not require an encroachment agreement

Appendix 'B'

Encroachment Fees & Exemptions

Residential & Partially Exempt Encroachment Formula

Land Value x Area of Encroachment x Residential & Non Profit Factor x Risk Factor = Fee

Non Residential Encroachment Formula

Land Value x Area of Encroachment x Non Residential Factor x Risk Factor = Fee

Parking Encroachment Formula

Area of Parking Encroachment x \$1.75 = Fee (One Time or Annual Fee based on Zoning)

LAND VALUES

Residential (R1 & R2 only)	\$12.00/ft ²
Commercial (and >=R3)	\$15.00/ft ²
Industrial	\$7.00/ft ²
Institutional	\$5.00/ft ²
Downtown	\$36.00/ft ²

PARKING SPACE VALUE

\$350.00/200ft² parking space (\$1.75/ft²)

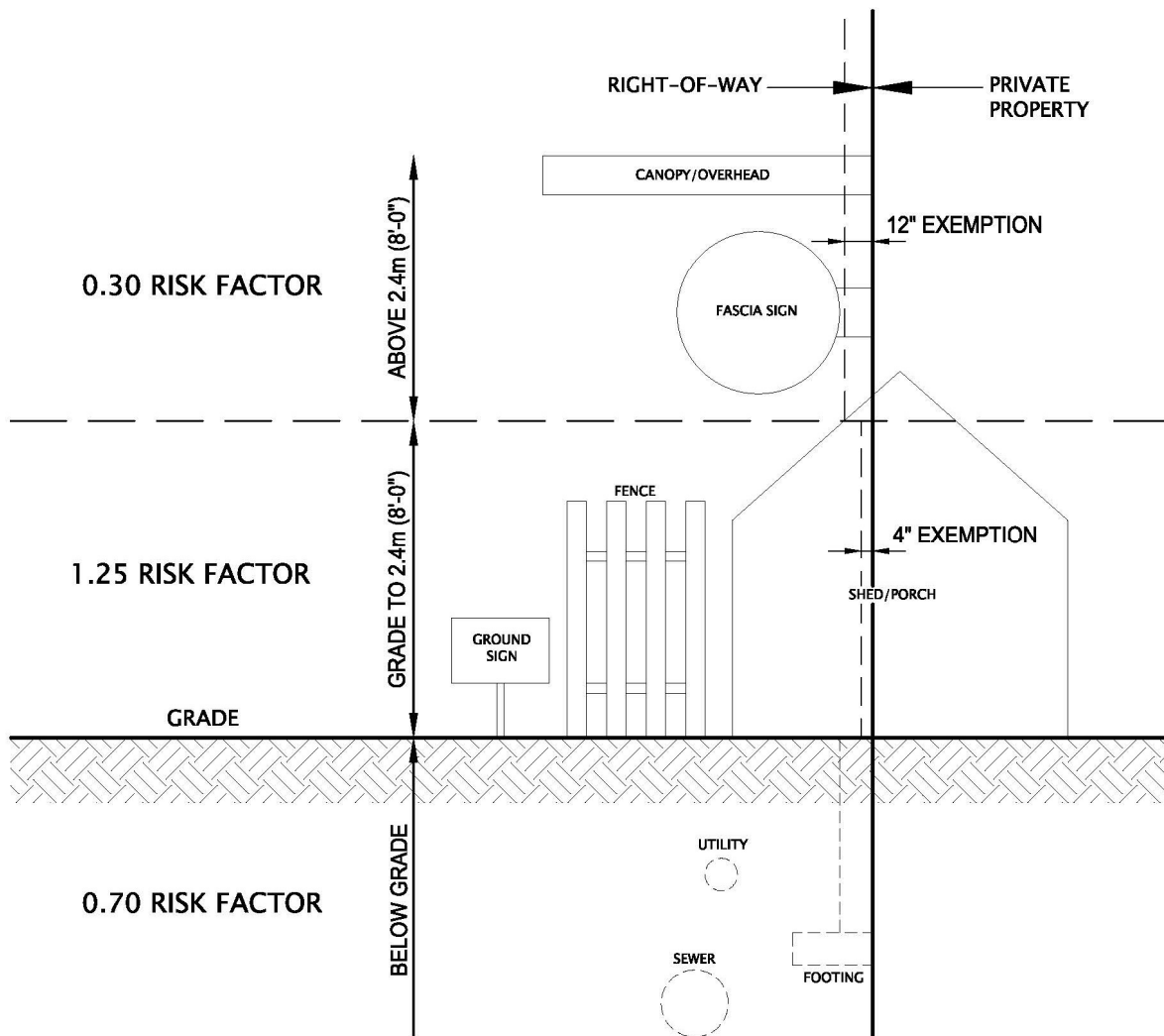
RISK FACTOR

Below Grade	0.70 Risk Factor
Grade to 2.4m (8'-0")	1.25 Risk Factor
Above 2.4m (8'-0")	0.30 Risk Factor

ZONING FACTOR

Residential & Partially Exempt Factor = 0.5

Non Residential Factor = 0.05



Council Report: S 50/2025

Subject: Response to CQ 52-2024: Right-of-Way Digital Signage - City Wide

Reference:

Date to Council: April 30, 2025

Author: Thomas Huynh

Technologist I

(519) 255-6257 Ext. 6335

thuynh@citywindsor.ca

Right-of-Way – Engineering

Report Date: 4/10/2025

Clerk's File #: SB2025

To: Mayor and Members of City Council

Recommendation:

- I. THAT Report S 50/2025, "Response to CQ 52-2024: Right-of-Way Digital Signage" **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

On December 9, 2024, Councillor Renaldo Agostino asked the following Council Question:

CQ52-2024 -

Asks Administration propose a process for permitting digital billboard signs in the Right-of-Way, including the RFP process and any necessary amendments to the sign by-law.

This report is in response to CQ 52-2024.

Discussion:

A Digital Sign is a type of Billboard Sign with opportunities for advertising as defined in By-Law 250-2004. These signs come with challenges regarding safety, aesthetics, liability, and compliance with existing regulations. As outlined in Section 8 of the Sign

By-Law (refer to excerpt in Appendix A), digital signs are prohibited in the right-of-way, unless they comply with the regulations set forth in Section 8.0.

Section 6.3.2 of the Sign By-Law sets out the only currently permitted locations for Billboard Signs within certain portions of the municipal right-of-way (the “Permitted Locations”), an excerpt of which is attached hereto as Appendix “C”.

Administration completed a review of municipalities within Canada and found that cities such as Toronto, Vancouver, Montreal, and Calgary have successfully implemented Digital Signs in the right-of-way, albeit with various restrictions. These include specific location criteria, designated zones, adherence to safety standards, and compliance with zoning bylaws and sign regulations.

Should Council elect to allow Digital Signs in the right-of-way, Administration suggests a process similar to the current outdoor street furniture advertising agreement (approved through RFP No. 71-14) wherein the City solicits a vendor through a request for proposals (RFP) process to supply and maintain all such signage approved throughout the City. This reduces the number of vendors and types of signage throughout the city and allows for better management of these assets. The RFP would evaluate the vendor’s experience, qualifications and set the conditions/guidelines for the agreement. This process would further allow for consistency in the appearance and quality of the digital signs, ensure transparency and fairness, manage risk and allow for better control over safety and standards.

The following would be required should council direct this approach:

1. Amendments to the Sign By-Law
2. Issuance of an RFP – Appendix B attached hereto provides a sample list of minimum requirements to be evaluated as part of an RFP
3. Advertising Agreement - the successful proponent would enter into a formal agreement with the City for a specified term
4. Permitting: - the successful proponent would be required to apply for and obtain a right-of-way permit prior to placement of any Digital Signs within the right-of-way.

Prior to awarding the RFP and entering into the agreement with the successful proponent, Administration would report the results of the RFP and supporting financial information for Council direction.

Risk Analysis:

There are significant safety risks should Council choose to allow Digital Signs within the right-of-way. There is a moderate risk that their bright lights may distract drivers or impede the view of traffic conditions where pedestrians are navigating the crosswalks.

These concerns would be mitigated through the requirements of the permitting process, including the completion of a thorough review of the proposed locations and a sightline assessment to ensure the proper placement of such Digital Signs. While liability risks are standard with any item placed in the right-of-way, they are further addressed by transferring the risk to the permit holder through insurance and indemnification requirements.

Climate Change Risks:

Climate Change Mitigation

Digital signage requires electricity to illuminate the message. Minimal increases to community wide Greenhouse (GHG) emissions may be expected as additional digital signs are installed and commissioned

Climate Change Adaption

The proposed digital signs may increase light pollution, particularly in the overnight hours as they will emit light 24/7. Artificial light at night can disrupt natural ecosystems, impacting animals, insects, birds, and trees, by mimicking natural daytime light levels. Many organisms depend on darkness to fulfill their natural day/night rhythms, to forage/hunt, to reproduce, and to move around.

Light pollution negatively impacts migrating birds. Most birds migrate at night using the stars as navigation. Excessive brightness obscures their migratory pathway and can cause birds to navigate towards lights often to their demise, either from exhaustion (flying in circles in a light source or colliding into buildings or other objects).

Financial Matters:

Administration is of the opinion that there is an opportunity to create revenue by allowing Digital Signs within the right-of-way. Any revenue generated from advertising would be credited to the Engineering – Right-of-Way division Operating Budget and be subject to the annual budget process. Administration would recommend that maintenance of the signage be at the cost of the vendor which maximize the value and mitigate any impacts to the department's Operating Budget.

Consultations:

Keving Alexander - Planner III Special Projects

Walid Hawilo - Building Engineer

Conner O'Rourke - Zoning Coordinator

Dawn Lamontagne - Purchasing Manager (A)

Nicole Anderson (Sleiman) - Senior Economic Development Officer

Kathy Buis - Financial Planning Administrator

Conclusion:

Digital Signs within the right-of-way may expand opportunities for dynamic advertising, provide an opportunity for revenue not currently captured and provide a further opportunity for corporate messaging. Any updates to the Sign By-Law and permitting requirements for billboard signage in the right-of-way must ensure they contribute a modern and safe urban landscape for the public interests while adhering to the guidelines outlined in this report.

Administration has set forth next steps in order for the City to permit Digital Signs within the right-of-way should Council so direct. Further approvals from Council would be required to implement such direction.

Planning Act Matters:

N/A

Approvals:

Name	Title
Mark Spizzirri	Manager, Performance Management & Business Case Development
Adam Pillon	Manager, Right-of-Way
Phong Nguy	Executive Director of Operations / Deputy City Engineer (A)
Stacey McGuire	Executive Director of Engineering / Deputy City Engineer
David Simpson	Commissioner, Infrastructure Services and City Engineer
Wira Vendrasco	City Solicitor
Janice Guthrie	Commissioner, Finance and City Treasurer
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
------	---------	-------

Name	Address	Email

Appendices:

- 1 Appendix A - Sign By-Law 250-2004 Section 8
- 2 Appendix B - RFP Requirements
- 3 Appendix C - Permitted Locations for Billboards
- 4 Appendix D - Example of Digital Billboard Signs

Appendix A – By-Law 250-2004 Section 8

SECTION 8.0 REGULATIONS FOR SIGNS ON PUBLIC PROPERTY

8.1 SIGNS Prohibited On PUBLIC PROPERTY

8.1.1 Unless specifically provided by this By-law or authorized by COUNCIL, no PERSON shall ERECT, cause to be ERECTED, DISPLAY or cause to DISPLAY anywhere within the limits of the CITY, a SIGN, SIGN STRUCTURE or ADVERTISING DEVICE located on or overhanging any PUBLIC PROPERTY managed and controlled by the CITY, PUBLIC utility or other PUBLIC AUTHORITY, unless it complies with the regulations in Section 8.0 hereof.

8.2 SIGNS Permitted on PUBLIC PROPERTY which are ERECTED or DISPLAYED by the CITY or a PUBLIC AUTHORITY

8.2.1 SIGNS may be ERECTED or DISPLAYED, or cause to be ERECTED or DISPLAYED, by the CITY or a PUBLIC AUTHORITY on or overhanging PUBLIC PROPERTY without a permit.

8.3 SIGNS Permitted on PUBLIC PROPERTY which are ERECTED or DISPLAYED by a PERSON

8.3.1 Notwithstanding Section 8.1, but in accordance with all other applicable provisions of this By-law, the following PERMANENT SIGNS may be ERECTED with a SIGN PERMIT overhanging the PUBLIC ROAD ALLOWANCE and shall be subject to and conform to an ENCROACHMENT AGREEMENT, as set out in Section 4.8:

- (a) A PERMANENT DIRECTIONAL SIGN for institutions, public facilities, major shopping areas and recreational facilities.
- (b) A PERMANENT SIGN projecting more than 0.3 m over PUBLIC PROPERTY; including the following:
 - (i) PERMANENT AWNING SIGN
 - (ii) PERMANENT CANOPY SIGN
 - (iii) PERMANENT GROUND SIGN
 - (iv) PERMANENT PROJECTING WALL SIGN

8.3.2 Notwithstanding Section 8.1, but in accordance with all other applicable provisions of this By-law, the following TEMPORARY SIGNS may be ERECTED with an annual SIGN PERMIT on the PUBLIC ROAD ALLOWANCE:

(a) A TEMPORARY REAL ESTATE OPEN HOUSE DIRECTIONAL GROUND SIGN that has a MAXIMUM SIGN FACE AREA of 0.28 m²

(approx. 18" x 24") per SIGN FACE, DISPLAYED only during the hours of 8 a.m. to 8 p.m. on the days of the open house to which the SIGN relates, and not DISPLAYED within a SCENIC DRIVE or CONTROLLED ACCESS HIGHWAY SPECIAL DISTRICT

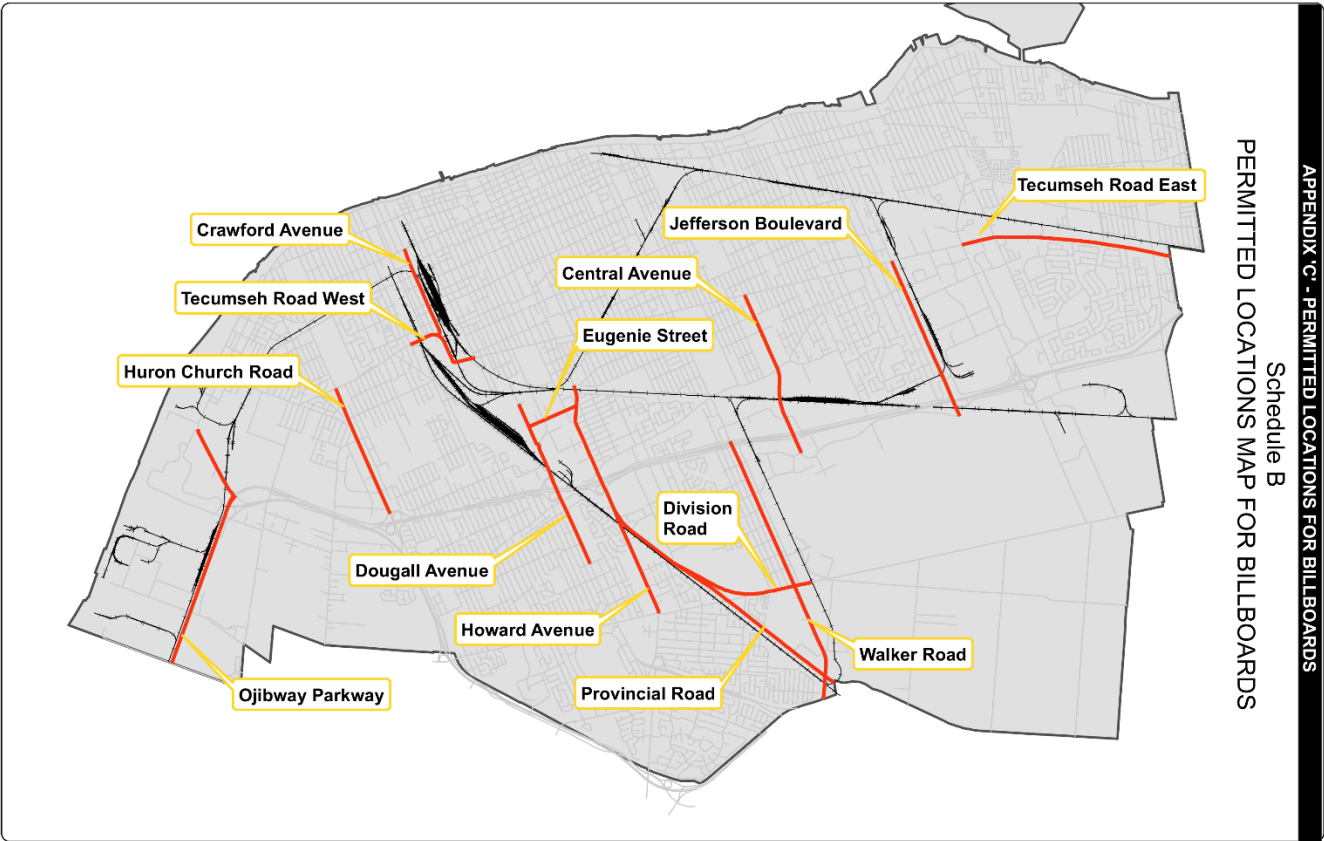
Appendix B – Proposed RFP Requirements

The following requirements are recommended by Administration to be included in an RFP at a minimum. Further requirements may be included in the RFP as deemed necessary by Administration.:

1. Proposed implementation plan, including a list of proposed locations and specifications for the proposed signage, while considering durability, consistency and modularity. The style of digital sign chosen for any Business Improvement Areas (BIA) would be subject to consultation with the appropriate BIA.
2. Specific Vendor Responsibilities.
3. A Maintenance Plan to ensure all signage is kept in a state of good repair, which includes keeping the signage clean and free of graffiti. Plan to include scheduled site visits, semi-annual pressure washing, snow and graffiti removal and an emergency action plan
4. Maintenance and data collection system for proof of performance, GIS location and email alert notifications or similar.
5. Evaluation of the service provided and quality of the signage and of the revenue and cost savings to the City of Windsor
6. Minimum percentage of advertising to be dedicated to not-for-profit organizations or City of Windsor advertising.
7. Interactive website for programming of any digital signage, accessible to City Staff.
8. Commitment for an appropriate term length to ensure consistent revenue stream and changing market conditions.
9. Compliance with any and all City of Windsor standards for construction within the public right-of-way, including the Accessibility for Ontarians with Disabilities Act (AODA). Digital billboards must be designed and installed in a way that does not obstruct or impede sightlines or pose a safety concern to users of the right-of-way (e.g. maintaining minimum clearances from driveways and sidewalks) or interfere with accessible pathways, ramps, or other accessibility features.
10. The vendor must properly restore all areas affected by the installation of the signage to their original condition or better.
11. Provide power for signage, including coordination with Enwin to ensure connections are safe and permitted.
12. Proof of liability insurance and indemnification of the City for any and all damages incurred through the placement and operation of the signage.
13. Maintenance and/or performance securities.
14. Vender to demonstrate how the Goals and Objective of the Official Plan are adhered to including references to policies identified in :
 - Chapter 6 (Land Use),
 - Chapter 7 (Infrastructure),
 - Chapter 8 (Urban Design), Especially how billboards address the policies related to Civic Image such as Civic Way's, Theme Streets (Mainstreets), and Scenic Drive
 - Chapter 9 (Heritage Conservation); and

- associated Schedules of the Official Plan (Schedules B:, D:, E:, F:, G:, X:,)
 - The Goals and Objectives of Community Improvement Plans (CIPs) and Urban Design Guidelines, Heritage Conservation Districts (HCD) should be addressed
15. Vendor to demonstrate how the Goals and Objectives of Community Improvement Plans (CIPs) and Urban Design Guidelines, Heritage Conservation Districts (HCD) have been addressed
16. Comply with the City's Streetscape Standards Manuals and the City's Intensification Design Guidelines

Appendix C - Permitted Locations for Billboards



6.3.2	Permitted Locations	<p>Unless specifically provided in this By-law, a BILLBOARD GROUND or WALL SIGN shall be permitted <u>only</u> on a LOT within a Manufacturing District or a Commercial District, provided that such lot abuts one of the following STREETS and the proposed BILLBOARD is oriented to be primarily visible from traffic on that street:</p> <ol style="list-style-type: none">Central Avenue, south of Tecumseh Road;Crawford Avenue, between Wyandotte Street West and Tecumseh Road West;Division Road;Dougall Avenue, south of the Essex Terminal Railway and north of Liberty Street;Eugenie Street, between Howard Avenue and Dougall Road;Howard Avenue, between the Canadian Pacific Railway Underpass and Cabana Road East;Huron Church Road, between Tecumseh Road West and E.C. Row Expressway;Jefferson Boulevard, south of Tecumseh Road;Provincial Road;Tecumseh Road East, between Lauzon Pkway and the eastern City Boundary;Tecumseh Road West, between McKay Avenue and Janette Avenue;Walker Road South of E.C. Row; orOjibway Pkway.
-------	---------------------	---

Appendix D – Example of Digital Billboard

City of Toronto



City of Montreal



City of Vancouver



City of Calgary



**Subject: Sewer Master Plan Implementation and Disaster Mitigation
Adaptation Fund Program (DMAF 1 & DMAF 4) Update - City Wide**

Reference:

Date to Council: April 30, 2025

Author: Ian Wilson

Water & Wastewater Engineer

(519) 255-6100 Ext. 6369

iwilson@citywindsor.ca

Development – Engineering

Co-Author: Bernadette Andary

Executive Initiatives Coordinator

(519) 255-6100 Ext. 6549

bandary@citywindsor.ca

Corporate Projects – Engineering

Report Date: 4/10/2025

Clerk's File #: SW/12983

To: Mayor and Members of City Council

Recommendation:

- I. THAT City Council **RECEIVE** for information this report as an annual update on the advancements made on the Sewer Master Plan Implementation Program and the Disaster Mitigation and Adaptation Fund (DMAF 1 and DMAF 4) programs.

Executive Summary:

N/A

Background:

On July 27, 2020, Council endorsed the recommendations set out within the Sewer and Coastal Flood Protection Master Plan (SMP), which included a long-term then \$5 billion implementation strategy over 50+ years (CR379/2020). The approved strategy outlined a number of immediate priority projects, including those under the Disaster Mitigation and Adaptation Fund (DMAF 1) Grant Funding Program (CR380/2018), the West Windsor Retention Treatment Basin (RTB) (DMAF 4 Program), and various other City programs and initiatives with similar targets to reduce basement and surface flooding.

In accordance with the recommended SMP strategy, priority projects are identified as part of the Capital Budget process and reviewed annually, with new priorities recommended as necessary, for Council approval (as per February 22, 2021 Capital Budget meeting - C5/2021, B13/2021). For the purpose of reporting to Council, existing projects are separated into priorities based on the criteria below.

- **Priority 1 projects** are projects currently underway or projects that are partially or fully funded within the capital budget in the 5-year funding timeframe.
- **Priority 2 projects** are projects of high priority, either not currently funded or noted as planned commitments within a 5-10 year timeframe.

Administration has committed to providing status updates to Council annually on the progress of the SMP Implementation Program (SMPIP), including any new priorities in a given year. Annual reports were received by Council on December 13, 2021(B32/2021), April 3, 2023 (B11/2023), and March 18, 2024 (CR114/2024).

A status update for the DMAF 1 and 4 Programs was provided to Council on March 18, 2024 (CR126/2024).

Discussion:

Annually, the SMPIP Executive Committee reassesses project priorities based on the identification of immediate and long-term needs, funding opportunities and changes to the system (e.g. intensification due to development; impacts of rehabilitation efforts; phasing integration with other capital works).

The priority review assesses all projects based on the original SMP classification of high, medium, and low priority flood mitigation solutions. The SMPIP continues to play a key role in decision-making for annual budget planning, updating municipal policies, reviewing potential subsidy programs, and exploring opportunities for future public and private partnerships.

A summary of the SMP Projects, Studies and Pilot Projects, including their priority classification is provided in Appendices *Schedule A* to *C*.

2024 Project Summary Update

In 2024, the City progressed with its Priority 1 projects, including all Council approved pilot programs. Efforts were made throughout the year to identify government grants to financially support the City's ongoing projects as well as to accelerate other SMP Projects aligned with the SMPIP. Provided below are notable updates on ongoing projects in 2024, including the DMAF 1 and 4 Programs:

1. Sanitary Maintenance Hole Cover Sealing:

This project was given Council approval in 2020 (CR379/2020) and entails the installation of rain catchers (maintenance hole seals) under sanitary maintenance hole covers to reduce the volume of rainwater entering the sanitary sewer system. The SMP identified this measure as an immediate, practical and cost-effective solution to reduce undesired inflow and infiltration entering the sanitary sewer system and to reduce the risk of basement flooding. Further, it was estimated under extreme rainfall events that low lying sanitary sewer covers contribute between 2% and 5% of the total inflow and infiltration.

The SMP recommended sealing all sanitary sewer covers as a standard part of future rehabilitation projects and identified approximately 1,300 existing priority locations for sealing. The initial priority locations were sealed in 2 phases, where all practical seals were installed by Q1, 2025 with over 1,100 covers being improved.

With the remaining budget in this project's fund, a Phase 3 was initiated which identified 1,000 additional priority covers to be sealed in low lying and higher risk areas. In October 2024, funding support from the Ministry of the Environment, Conservation and Parks (MECP) Great Lakes Program was awarded to the City, estimated to cover up to 70% of the total costs for this phase. Phase 3 is planned to be completed through 2025 and 2026.

The City sewer design standards (drawing AS-314) are planned to be updated later this year to require sanitary maintenance hole cover sealing for most new construction and rehabilitation projects.

2. Backflow Prevention Measures at Flood Protection Landform Crossings:

The Backflow Prevention Measures at Flood Protection Landform Crossings project was given Council approval in 2021 per resolution B13/2021 (Report C 5/2021) and was identified as a high priority coastal flood protection project in the SMP. This project included the implementation of backflow prevention measures for the locations identified in the East Riverside Flood Risk Assessment (Sept 3, 2019).

This project aimed to reduce coastal flood risk impacts from high water levels in Lake St. Clair and Detroit River for low lying in-land properties generally in the Riverside and East Riverside areas. Backflow prevention measures were successfully installed in 2024 in storm sewers that cross the existing flood protection landform barrier along Riverside Drive East from St. Rose Avenue to the eastern municipal limits.

3. SMP Education and Outreach Initiative:

As detailed in the 2023 SMP update to Council (C36/2023), a Home Flood Protection Pilot Program (HFPP) was approved to financially incentivize up to 100 homeowners to evaluate flood protection options for their properties.

In 2023 and 2024, the program was promoted through the distribution of approximately 3,000 door hanger flyers, two media releases, information published on the City's website and "buck slip" mailers included with City tax bills.

To date, the third-party company conducting the HFPP assessments have received 96 inquiries throughout the City, completed 30 home inspections, and issued 8 security deposit releases. A \$200 refundable security deposit was applied to each household, given the inspection costs (up to \$1,000) and to encourage homeowner action. The deposit's release follows implementation of some of the recommended works outlined in the inspection report.

The pilot project will remain in the evaluation phase until the end of 2025, allowing homeowners to qualify for the security deposit release. Following this, a report will be brought to Council summarizing details of the pilot project's outcome and recommendations for next steps.

4. InfoWorks Model Update and Future Development Sewer Capacity Assessment:

In 2024 a new InfoWorks Model Update and Future Development Sewer Capacity Assessment project was approved by the SMPIP Executive Committee.

The InfoWorks ICM sewer model files and software are the same as used in the original SMP to assess flooding risks and compare risk reduction options. The SMP recommends updating the model every 5 to 10 years. The current model is based on 2018 data.

The outcome of this project will improve the City's understanding of basement and surface flooding risks with an update to the City-wide InfoWorks ICM sewer computer model. This model update will include adding new sewers, stormwater management facilities, pumping stations and the addition of key open drains and ditches that have been constructed or modified since the model was first developed.

This project is multi-phased, where phase 1 will update the baseline model and future phases will review the risks and opportunities future development may create on sewer capacity and flooding. The project's aim is to improve and update our current understanding of flooding risks and to support future drainage systems planning and design to reduce those risks.

5. Prince Road Storm Sewer Trunk Outlet:

The SMP included an analysis of the recommendations from the Prince Road Sewer Study (2001) and identified the Prince Road Storm Sewer Trunk Outlet project as an immediate priority. Detailed design was completed in 2024 and construction started later the same year. Commissioning of the new infrastructure is planned for late 2025.

The Prince Road Storm Sewer Trunk Outlet project includes new infrastructure extending an existing storm sewer with 2700 mm diameter concrete pipe, concrete chamber structure with backflow preventers, a dewatering pump, a low flow water quality treatment unit, concrete box culvert outlet from the chamber and a dispersion channel draining to the McKee Creek.

The Prince Road Storm Sewer Trunk Outlet project is part of a larger multi-phase, multi-year Prince Road Trunk Storm Sewer Project and will extend the current

Prince Road trunk westerly along Chappell Avenue, crossing the Essex Terminal Railway (ETR) and continuing through the southern part of 3800 Russell Street to a new outlet at McKee Creek, ultimately draining to the Detroit River.

When complete, this project will result in significant critical storm and sewer infrastructure upgrades to relieve local street and basement flooding for a service area of 390 hectares, benefiting approximately 3,500 residential and business properties.

6. Disaster Mitigation and Adaptation Fund Intake 1 (DMAF 1) Program Update:

The DMAF 1 Program involves a series of projects, including: studies, environmental assessment studies, road works, sewer works, stormwater management works, and pumping station works to address areas in the City prone to flooding, drainage complications and overall storm sewer capacity issues. The initial agreement with Housing, Infrastructure and Communities Canada (HICC) was executed February 28, 2020. After the update provided in report C28/2024, the reduced scope amendment was fully executed July 15, 2024.

To date, all projects are meeting the anticipated DMAF 1 Program schedule projections which was revised following the reduced scope amendment (refer to Report C28/2024). Overall, based on the expenditures as of February 28th, 2025 the DMAF 1 Program is approximately 24% complete. The full DMAF 1 Program of projects must be completed prior to December 31, 2032.

7. Disaster Mitigation and Adaptation Fund Intake 4 (DMAF 4) Program Update:

The SMP identified the proposed West Windsor Retention Treatment Basin (RTB) as an immediate priority. The DMAF 4 Program aims to implement these measures and includes design and construction for upgrades of existing interceptor chambers coupled with the following new infrastructure: interceptor sewer, pumping station, RTB structure, outfall sewer, and valved interconnection to the LRWRP. The outcome of this project is anticipated to reduce the risk of basement flooding caused by sanitary sewer surcharge for nearly one-third (1/3) of the City of Windsor.

Through Report C28/2024, Council approved Administration to enter into a contribution Agreement with HICC for the implementation of the RTB. Following the agreement execution on October 1, 2024, the Climate Lens Greenhouse Gas Mitigation Assessment for DMAF 4 was completed in February 2025. An Archaeological Assessment is currently underway and will continue once the weather becomes more favourable. Procurement for detailed design & contract administration has also commenced.

To date, the project is meeting the anticipated DMAF 4 Program schedule projections.

The full DMAF 4 Program of projects must be completed prior to March 31, 2033.

Risk Analysis:

No significant or critical risks are associated with this update to Council.

Overall risks to the SMPIP and DMAF Programs are primarily financial and economic in nature. This includes the following:

- Increased cost for future labour and materials beyond typical annual inflation due to disruptions in supply chains, labour market tightening and tariffs.
- Short-term fiscal and long-term economic impacts due to potential shortages of material and labour, delay in design and construction schedules, decline of City revenue, and expenditures resulting from future unforeseen circumstances such as another global pandemic or impacts to international trade (i.e. tariffs).
- Limited financial grant funding support for future priority projects and overall delay of SMP solutions.

Financial Matters:

The City of Windsor has made significant infrastructure investments to reduce the risk of basement and surface flooding, both within the SMPIP, through the DMAF projects and beyond. Adhering to the SMP Project Charter, project priorities are reviewed annually, taking into account current and future needs and available government funding for both immediate and high-priority projects.

The SMP recommendations as endorsed by Council (CR379/2020) included a long-term nearly \$5 billion, 50+ year, implementation strategy, which identified numerous future projects to address the City's flood risk reduction needs, and were categorized as immediate, high, medium, or low priority. The estimated costs related to projects identified in the SMP are shown in Figure 1 outlining estimates for each SMP priority.

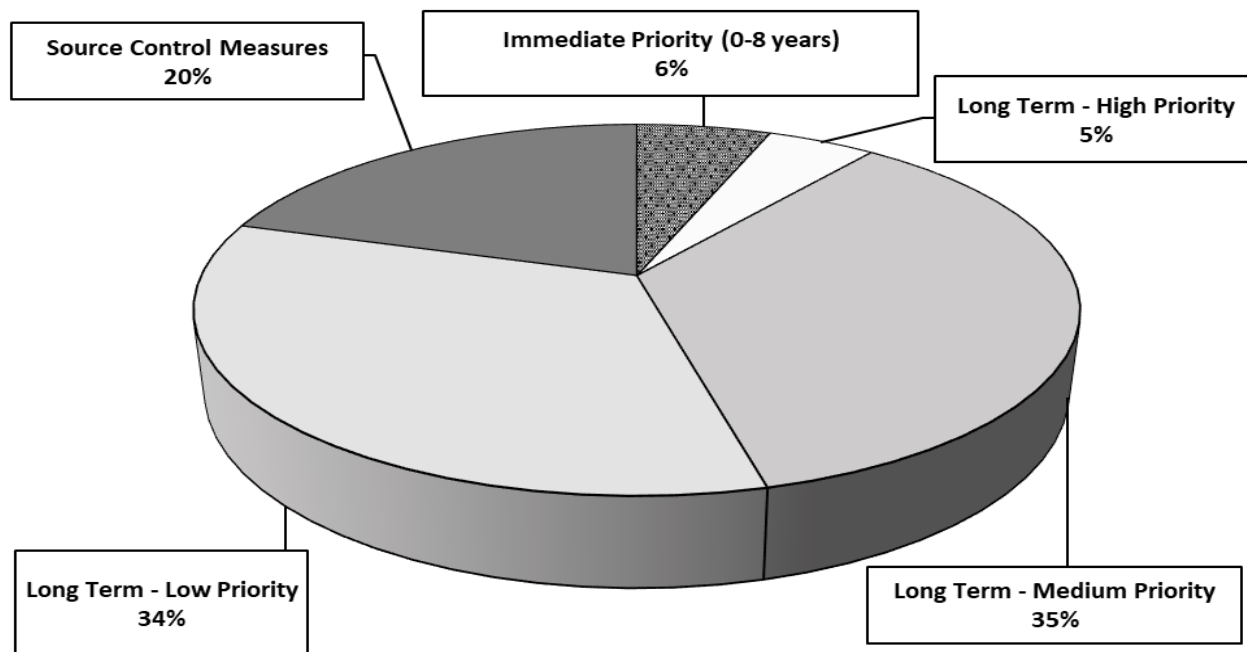
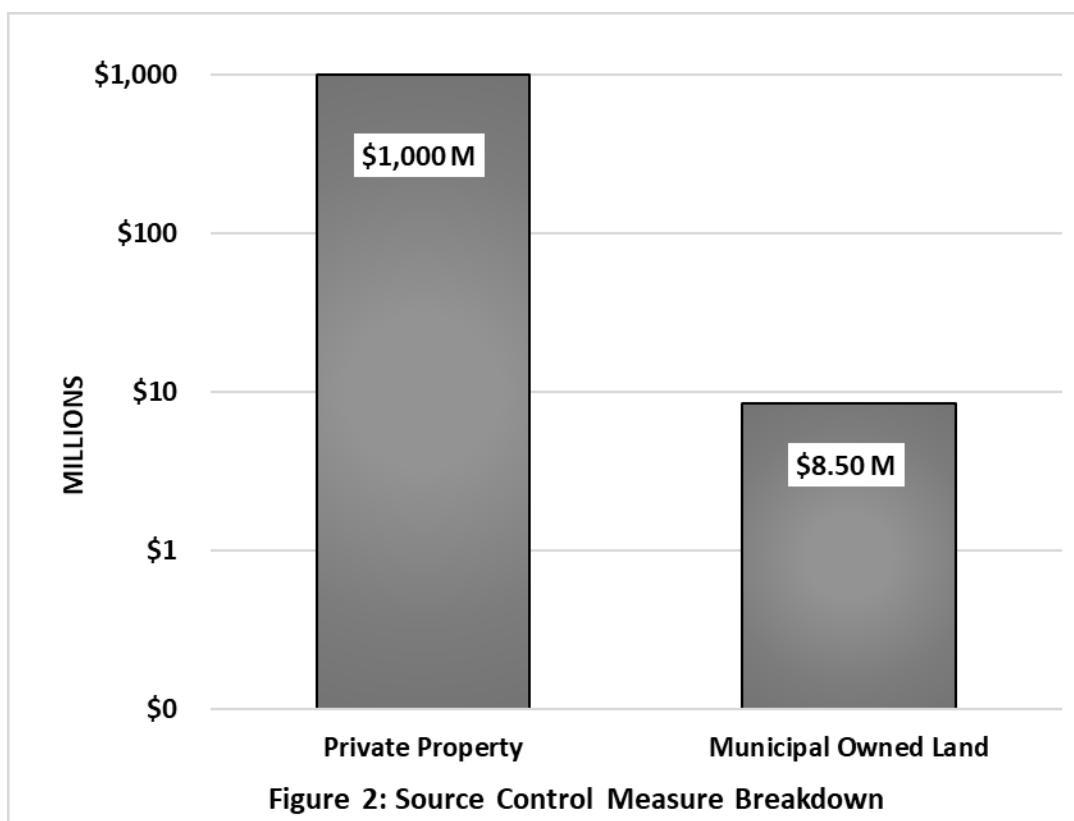


Figure 1: Sewer Master Plan Solutions Financial Cost Breakdown

Priority projects are broken down into the following:

- Immediate priority solutions expected to be completed within 0 – 8 years.
- Solutions beyond immediate priority were ranked into Long Term High Priority, Medium Priority and Low Priority. Rankings evaluated solutions on the below criteria:
 - Level of Basement Flooding Risk
 - Reduction of wet weather flow to the Treatment Plant
 - Emergency Access for Vulnerable Areas
 - Emergency Access for Major Roadways
 - Average Condition of combined sewers; and
 - Cost Effectiveness.

In addition, source control measures, which reduce the amount of rainwater entering the sewer systems, are estimated to represent approximately 20% of the total SMP costs. Source control measures can be completed on both private property and public property (City's right-of-way). A more specific breakdown of the estimated source control expenses are included for both private and public source control measures as shown in Figure 2, which highlights the importance of private property participation in source control flood mitigation programs.



To date, approximately \$419M in funding is available for immediate use. This budget amount includes the DMAF 1 and 4 Programs and other grant sources. This represents about 8.6% of the approximate \$5B in works identified in the SMP. As of February 28, 2025, approximately \$97.5M of this funding has been spent, including for Major Capital Projects within the SMP flooding solution priority list and the DMAF Programs.

In addition to the SMP/IP and the DMAF programs, since 2018, approximately \$25.9M has been invested through the Basement Flooding Abatement Program to help residents safeguard against flooding. Approximately \$13.9M of this amount was allocated to the Basement Flooding Protection Subsidy Program. Through CR743/2024 (stormwater finance incentive) funding for the Basement Flooding Protection Subsidy Program was increased to a \$3,500 maximum amount (from \$2,800), and the Sanitary Sewer Private Drain Connection (PDC) Replacement Program was increased to \$4,000 (from \$2,000) for qualifying connections. These incentive programs encourage voluntary actions by residents to enhance their property by managing runoff and building flood resiliency.

A summary of the 2024 financial tracking for approved projects under the SMP/IP and DMAF 1 and 4 Programs (as of February 28, 2025) is provided in Table 1. This summary compares the current approved capital budget to the actual budget spent.

Table 1: Financial Status Update for SMP Projects

SMP Project Category	Total Approved Capital Budget (\$M)	Expenditures to Date (\$M)	Current Budget Remaining (\$M)
Implementation Priority Projects	\$68.2	\$25.1	\$43.1
DMAF 1 & 4 Program*	\$309.4	\$39.7	\$269.7
Major Capital Projects and Studies	\$41.3	\$32.7	\$8.6
TOTALS	\$418.9	\$97.5	\$321.4

*Notes:

- DMAF 1 Budget includes \$25.1M of funding outside of the Grant Program to support Riverside Vista Project.
- HICC contribution is \$32.1M for DMAF 1 and \$32.7M for DMAF 4.

The funding approved for the Basement Flooding Abatement Program, City Wide Sewer Rehabilitation, and Local Improvement projects will be further utilized to support additional initiatives under the SMP/IP through 2025.

Consultations:

Jake Renaud – Executive Director of Pollution Control
 Ed Valdez – Manager Process Engineering and Maintenance
 Fahd Mikhael – Manager of Design
 Natasha Gabbana – Senior Manager of Asset Planning
 John Aquino – Asset Coordinator
 JP Lovecky – Financial Planning Administrator
 Kathy Buis – Financial Planning Administrator
 Michael Dennis – Manager Strategic Capital Budget Development and Control
 Adam Pillon – Manager of Right-of-Way

Conclusion:

The projects that make up the SMP/IP and DMAF Programs aim to implement recommended flood mitigation measures to decrease the likelihood of future basement and surface flooding in the City of Windsor. To date, the DMAF Programs and the SMP/IP are meeting the anticipated schedule timelines.

Administration will continue to provide annual program updates, with the focus on prioritizing projects in alignment with the approved SMP Project Charter. Administration recommends that this report be noted and filed.

Approvals:

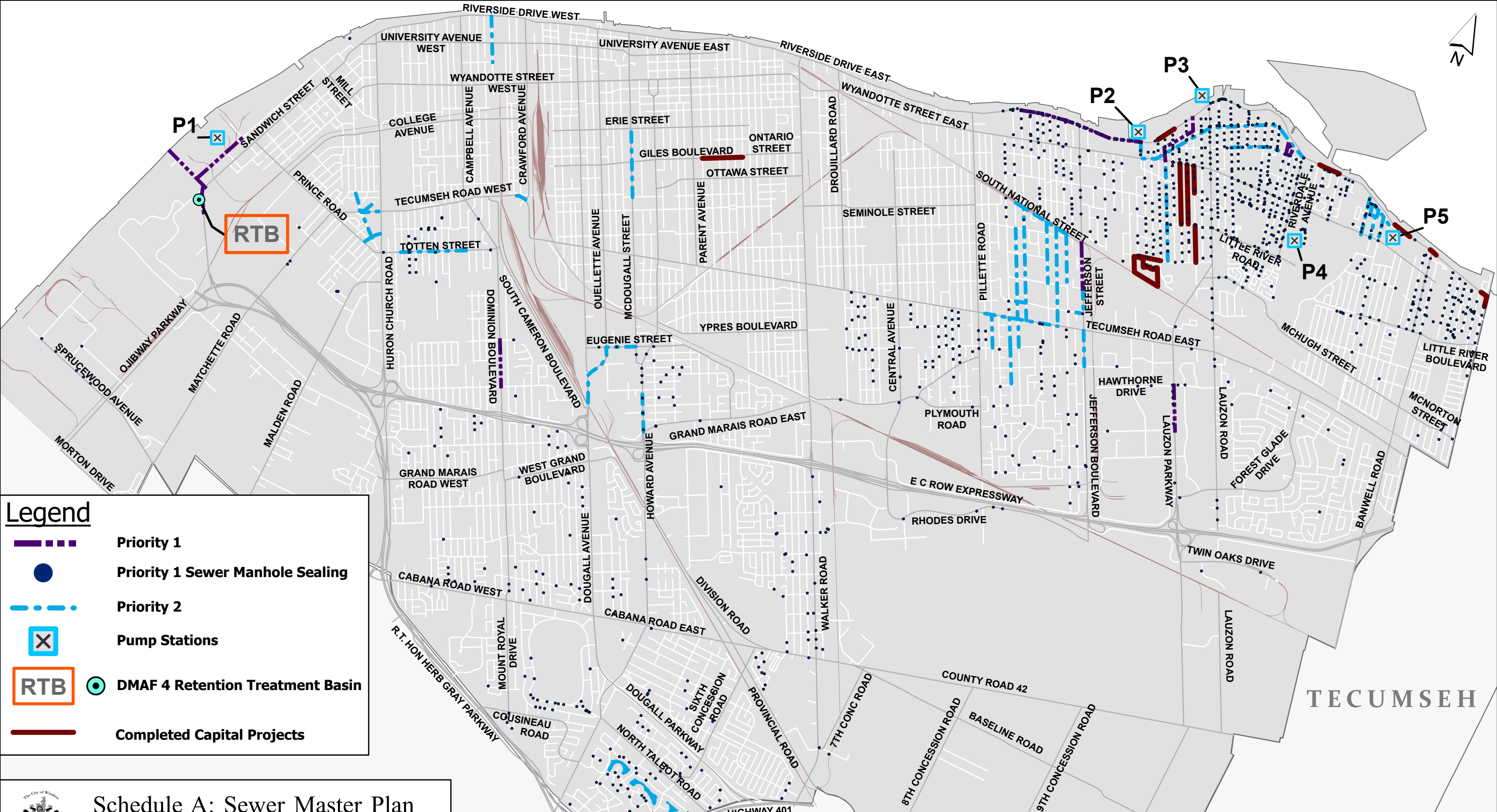
Name	Title
Mark Spizzirri	Manager of Performance Measurement and Business Case Development
Patrick Winters	Manager of Development
Colleen Middaugh	Manager of Corporate Projects
Stacey McGuire	Executive Director of Engineering / Deputy City Engineer
David Simpson	Commissioner, Infrastructure Services and City Engineer
Janice Guthrie	Commissioner, Finance and City Treasurer
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address

Appendices:

- 1 Schedule A - SMP Capital Project Map
- 2 Schedule B - SMP Pilot Project and Study Map
- 3 Schedule C - SMP and DMAFT Program Status Update Table



Legend

Priority 1

Priority 1 Sewer Manhole Sealing


Priority 2

Pump Stations



RTB

DMAF 4 Retention Treatment Basin

Completed Capital Projects



Schedule A: Sewer Master Plan Implementation Priority Projects



Prepared by Engineering - Geomatics

February 2025

E410A

PUMP STATION NAME		PUMP STATION ID	STATUS
Prince Road PS		P1	Under construction (Commission end of 2025)
St. Rose PS		P2	Under construction (Commission end of 2026)
St. Paul PS		P3	Under construction (Commission end of 2026)
Pontiac PS		P4	In design
East Marsh PS		P5	To be tendered in 2025

Schedule C – Sewer Master Plan and DMAF Program Status Update

#	Project Name	Year Approved	Approved Project Type	Planned Project Period (including maintenance)	March 2025 Project Status
1.	Greenhouse Gas Mitigation Assessment & Climate Change Study – DMAF-1	2018	Study	2019	Complete
2.	Matthew Brady, Phase 2 (Edgar to Tranby) – DMAF-1	2018	Design and Construction	2020	Complete
3.	Belle Isle View, Phase 1 (Wyandotte to St Rose) – DMAF-1	2018/2019	Design and Construction	2021	Complete
4.	Tranby Avenue Reconstruction (Parkview to Isabelle) and Tranby Park SWM – DMAF-1	2019	Design and Construction	2022	Complete
5.	Belle Isle View, Phase 2 (St Rose to Edgar) – DMAF-1	2018/2019	Design and Construction	2021	Complete
6.	West Windsor Flood Risk Assessment	2020	Study	2023	Complete
7.	St. Paul Pump Station Environmental Assessment Study	2020	Schedule B Environmental Assessment	2021	Completed under SMP project
8.	East Marsh Pump Station Environmental Assessment Study	2020	Schedule B Environmental Assessment	2021	Completed under SMP project
9.	Eastlawn Avenue (Wyandotte to Edgar) – DMAF-1	2019	Design and Construction	2023	Complete
10.	Matthew Brady, Phase 3 (Wyandotte to St Rose) – DMAF-1	2018	Design and Construction	2024	Complete
11.	Parent-McDougall Storm Relief Sewer Works – Giles Blvd. Storm Relief Sewer (Langlois to Gladstone)	2021	Design and Construction	2024	Completed construction on Giles Blvd. Additional relief sewer upgrades to be designed in the future
12.	Dominion Boulevard Phase 2 (Northwood to Ojibway)	2021	Design and Construction	2025	Complete, under maintenance period
13.	Backflow Prevention Measures at Flood Protection Landform Barrier Crossings	2021	Design and Construction	2025	Complete, under maintenance period
14.	* Jefferson Drainage Area Improvements and Sewer Separation Project	2021	Study, Design and Construction	2021 – 2026	Phase 1 Construction ongoing (Jefferson - South National to Coronation)
15.	Seal Maintenance Hole Covers	2020	Design and Construction	2020 - 2026 (multi-phased)	Phase 1 & 2 Complete. Phase 3 in planning
16.	Low Impact Development Flow Monitoring Program – DMAF-1	2019	Monitoring and Reporting	2020 - 2025	Monitoring completed. Reporting in progress
17.	Mandatory Downspout Disconnection Pilot Program	2020	Study and Pilot Implementation	2020 - 2025	Monitoring completed. Reporting and recommendations in 2025
18.	Sewer Master Plan Education Program	2020	Program	2020 - Ongoing	Ongoing
19.	Foundation Drain Disconnection Pilot Program	2021	Study and Pilot Implementation	2021 - 2030	Pre-design, area investigation

Schedule C – Sewer Master Plan and DMAF Program Status Update

#	Project Name	Year Approved	Approved Project Type	Planned Project Period (including maintenance)	March 2025 Project Status
20.	Riverside Drive Vista & Barrier Landform, Phase 2A (Ford to St Rose)	2017	Design and Construction	2018 - 2028 (incl. advanced relocation)	Design/Advance utility relocation
21.	East Marsh Pumping Station Improvements – DMAF-1	2018	Design and Construction	2021 - 2027	Retendering
22.	St. Paul Pumping Station Expansion – DMAF-1	2020	Design and Construction	2020 - 2027	Construction
23.	Belleperche Storm Trunk Sewer – DMAF-1 Phase 1: St. Paul PS through Kiwanis Park to Clairview. Phase 2A: Clairview Corridor (Ganatchio trail), Belleperche to Wyandotte.	2018	Design and Construction	2021 - 2028 (multi-phased)	**Construction Schedule: Phase 1: 2026 Phase 2A: 2027
24.	Lauzon Parkway Sewer & Road Rehabilitation (Hawthorne to Cantelon)	2020	Design and Construction	2021 - 2026	Construction
25.	Prince Rd. Storm Relief System Outlet to Detroit River	2021	Schedule C Environmental Assessment, Design & Construction	2021 - 2026	Construction
26.	St. Rose Pumping Station	2021	Schedule C Environmental Assessment, Design & Construction	2023 - 2026	Construction
27.	Pontiac Pumping Station Upgrades – DMAF-1	2019	Schedule C Environmental Assessment, Design & Construction	2024- 2028	Design
28.	Brumpton Park Stormwater Storage – DMAF-1	2019	Design and Construction	2024 - 2027	Design
29.	Tecumseh/Dorchester Rd. Sewer Separation	2021	Design and Construction	2029+	Pre-design
30.	Felix/Marlborough Sewer Separation	2021	Design and Construction	2029+	Pre-design

Schedule C – Sewer Master Plan and DMAF Program Status Update

#	Project Name	Year Approved	Approved Project Type	Planned Project Period (including maintenance)	March 2025 Project Status
31.	Collaborative LID Pilot Project	2021	Study and Pilot Implementation	2022+	University Collaborative Research Study to commence Spring 2025
32.	Trunk Sewer Flow Monitoring	2021	Study	2022 - 2028	Data collection ongoing
33.	Inflow & Infiltration Reduction Workplan	2021	Study and Pilot Implementation	2022 - 2027+	Workplan in development
34.	Rain Guage Network	2020	Monitoring	Ongoing	Data collection ongoing
35.	InfoWorks Model Update and Future Development Sanitary Sewer Capacity Assessment	2024	Study	2025-2028	Pre-design
36.	Capital Improvements to East Riverside Flood Protection Landform Barrier	2020	Design and Construction	2029+	Pre-design
37.	Southwood Lakes Pond Flood Resiliency Enhancement	2022	Design and Construction	2023-2025	Study Complete – Pending funding for construction
38.	West Windsor Retention Treatment Basin (RTB) – DMAF-4	2024	Design and Construction	2024-2035	Pre-design including archaeological assessment

Note: * Funds for Design and Construction beyond Phase 1 NOT included in approved Budget.
 **Schedule tentative based on anticipated progress of St. Paul Pumping Station Expansion.

Council Report: C 58/2025

Subject: Open Air Burning

Reference:

Date to Council: April 30, 2025

Author: James Waffle

Fire Chief

jwaffle@citywindsor.ca

519-253-3016 ext 3753

Fire and Rescue Services

Report Date: 4/15/2025

Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

THAT the report of the Fire Chief dated April 30, 2025, regarding Open Air Burning **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

On August 8, 2023, Council received Council Report C 107/2023 from the Fire Chief entitled "Open Air Burning By-law – City Wide." Council, through CR316/2023 authorized a By-law to regulate open air burning. On September 5, 2023, By-law 113-2023, the "Open Air Burning By-law" came into force and took effect.

CR316/2023 also directed administration to "report back with statistics related to open air burning."

Discussion:

In Ontario, some municipalities regulate open air burning through the Ontario Fire Code and generally prohibit burning. In this case, approval for open-air burning is granted by the Chief Fire Official.

The Ontario Fire Code section 2.4.4.4 establishes:

Open-air burning

***2.4.4.4. (1) Open-air burning shall not take place unless
(a) it has been **approved**, or***

- (b) the open-air burning consists of a small, confined fire that is
 - (i) used to cook food on a grill, barbecue or spit,*
 - (ii) commensurate with the type and quantity of food being cooked, and*
 - (iii) supervised at all times.**
- (2) Sentence (1) does not apply to the use of an **appliance** that
 - (a) meets the requirements of the **Technical Standards and Safety Act, 2000**,*
 - (b) is for outdoor use,*
 - (c) if assembled, has been assembled in accordance with the manufacturer's instructions, and*
 - (d) if installed, has been installed in accordance with the manufacturer's instructions.**

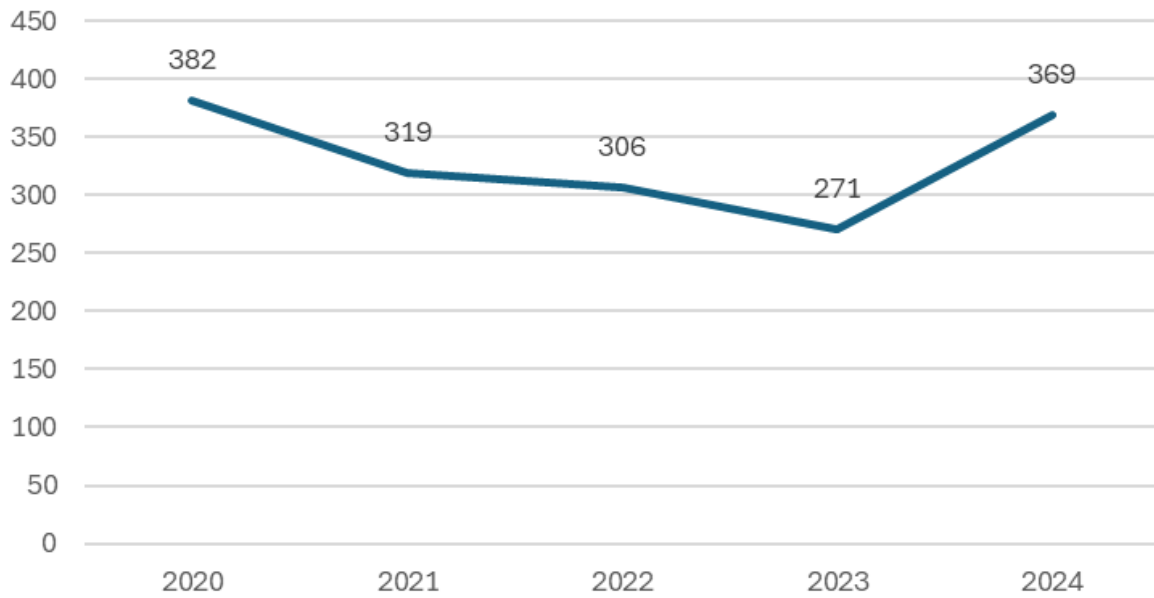
Alternatively, municipal councils may choose to regulate open air fires by implementing a By-law. Section 7.1(1) (b) of The Fire Protection and Prevention Act ("FPPA"), establishes:

A council of a municipality may pass by-laws, regulating the setting of open air fires, including establishing the times during which open air fires may be set;

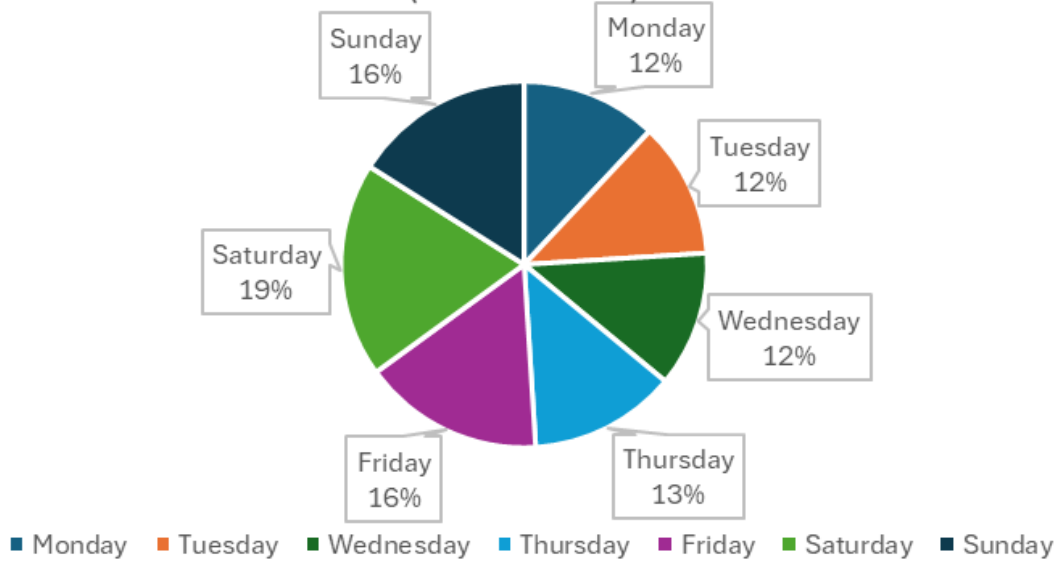
The Open Air Burning By-law approved by Council sets the conditions required for open air burning within the City. A permit process has been established for property owners and residents to follow and seek approval to burn, which is approved when all conditions are met.

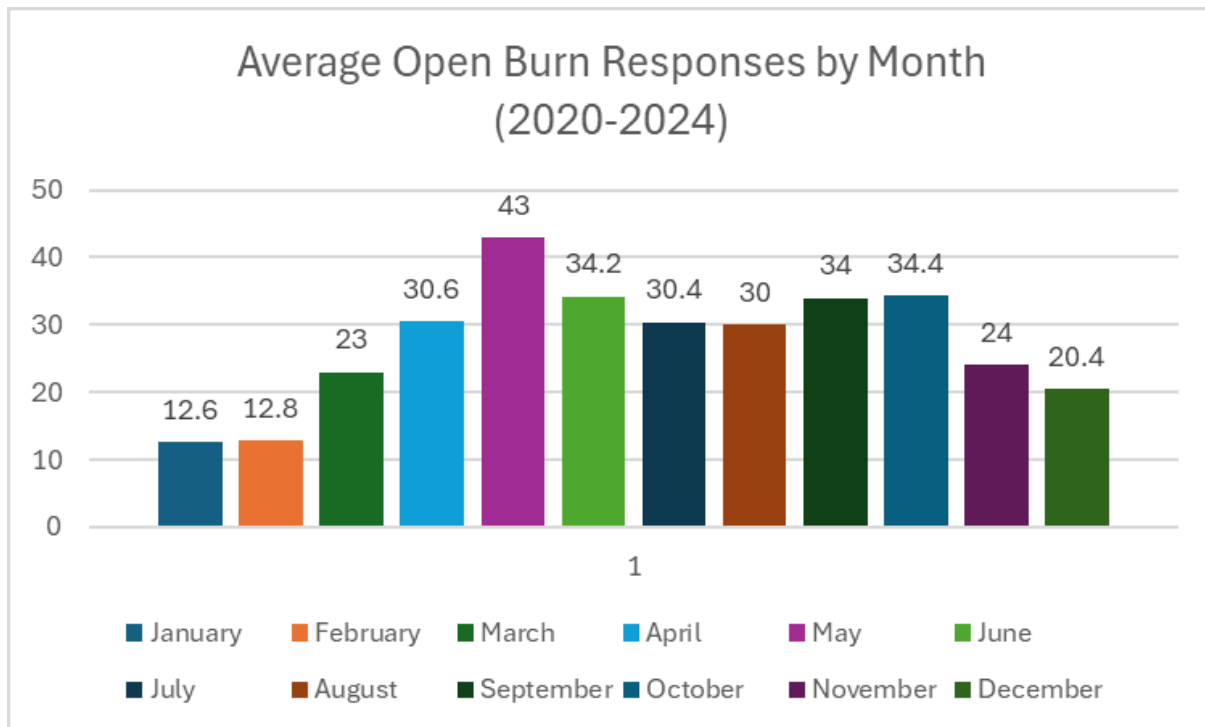
WFRS established a User fee for Open Air Burning permit in 2024 but still had hundreds of unapproved open burns which required fire crews' response. It is evident that Windsor residents need awareness of the process. WFRS attempts to educate the community regarding open air burning through education and media releases. Since the Open Air Burning By-law went into effect, WFRS has received 11 Open Air Burning Applications and approved two. The following tables illustrate open air burning activity within the City since 2020.

Open Burn Responses by Year (2020-2024)



Percent of Open Burns by Day of Week (2020-2024)





Open air burning continues to occur in the City. On average, the department responds to just under one open air burning call per day.

Although open air burning accounts for a small percentage of the department's annual call volume, responses to these incidents cause wear and tear on the emergency response vehicles and more importantly tie up a response crew and vehicle making them unavailable to respond to an emergency while they are dealing with the open air burn.

Initially the department contemplated sending a Fire Prevention Officer after the fact to an address where unapproved open air burning occurred. This method of enforcement has proven inefficient as the follow up visit is delayed far too long due to heavy workload in the Fire Prevention Division. During the 2025 operating budget process Council approved changes to the department's user fee schedule.

Beginning in 2025, WFRS is invoicing persons who fail to obtain an Open Air Burning permit the cost of the response when they are found to be in violation of the Open Air Burning By-law. The Failure to Obtain Open Air Burning Permit fee is set at \$570.50 per hour per apparatus (at MTO response rate) as per the approved 2025 Operating budget process (B3/2025).

Risk Analysis:

There is minimal risk associated with this report.

Climate Change Risks

Climate Change Mitigation:

There is no increased climate change risk associated with this initiative. Large unauthorized fires, especially fires where inappropriate fuels/material are burned, increase local air pollution levels. The effect on the environment associated with these types of fires, particularly during hot humid days, can be immediately noticed. Residents with respiratory conditions such as asthma would likely feel the greatest impacts from increased air pollution due to smoke. Reducing the amount of local air pollution to any degree creates a better quality of life for residents.

Climate Change Adaptation:

No climate change adaptation risk.

Financial Matters:

WFRS established a User fee for Open Air Burning permit in 2024 but has generated minimal revenues. The new Failure to Obtain Open Air Burning Permit fee was approved through the 2025 Operating budget process (B3/2025) and set at \$570.50 per hour per apparatus (MTO response rate). WFRS hopes that community and education efforts will discourage resident from violating the Open Air Burning By-Law. Any revenues generated in 2025 will be reported through the quarterly and year end operating variance reports.

Consultations:

Monika Schneider, Financial Planning Administrator

Ryerson Fitzpatrick, Assistant Deputy Fire Chief – Support Services

Michael Coste, Chief Fire Prevention Officer

Wira Vendrasco, City Solicitor

Conclusion:

This report is brought to Council for information. On average, WFRS responds to approximately one open air burning call per day and extinguishes all unauthorized fires. WFRS continues its education and enforcement efforts regarding open air burning to reduce these incidents to the lowest level possible.

Planning Act Matters:

N/A

Approvals:

Name	Title
Emilie Dunnigan	Manager, Development Revenue &

Name	Title
	Financial Administration
James Waffle	Fire Chief
Michael Chantler	Senior Executive Director, Community Services (A)
Ray Mensour	Commissioner, Community and Corporate Services/Deputy CAO
Janice Guthrie	Commissioner, Finance & City Treasurer
Ray Mensour acting for Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

N/A