

ADDENDUM

REGULAR MEETING OF CITY COUNCIL

2011 09 26

4:30 P.M.

COUNCIL CHAMBERS

3. APPROVE AGENDA AS PRESENTED

Mover: Councillor P. Mick

Seconder: Councillor R. Niro

Resolved that the Addendum for the 2011 09 26 City Council meeting as presented be approved.

4. DELEGATIONS/PROCLAMATIONS

PART ONE – CONSENT AGENDA

5. COMMUNICATIONS AND ROUTINE REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

t) Request for Exemption from Fireworks By-law

A report of the City Solicitor is attached for the consideration of Council.

The relevant By-law 2011-165 is listed under Item 10 of the Agenda and will be read with all other by-laws listed under that item.

PART TWO – REGULAR AGENDA

6. REPORTS OF CITY DEPARTMENTS, BOARDS AND COMMITTEES

(6) PLANNING

a) Application No. A-18-11-Z – Antonio M. Ruscio

Additional correspondence is attached for the information of Council.

10. CONSIDERATION AND PASSING OF BY-LAWS

AGREEMENTS

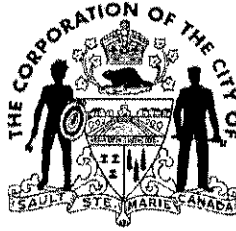
(a) 2011-167

A by-law to authorize the execution of an agreement between the City and Stewardship Ontario.

NUALA KENNY
CITY SOLICITOR

MELANIE BOROWICZ-SIBENIK
SOLICITOR / PROSECUTOR

LORIE BOTTOS
CORPORATE COUNSEL



LEGAL
DEPARTMENT

File No. R.1.2.6.

REPORT TO: Mayor Debbie Amaroso and Members of Council

REPORT FROM: Nuala Kenny, City Solicitor

DATE: 2011 09 26

Re: REQUEST FOR EXEMPTION FROM FIREWORKS BY-LAW

The City has received a request from Dattatray Kittur, a copy of which is attached. An Indian festival referred to as Diwali is being celebrated by all people of East Indian origin from October 24, 2011 to October 28, 2011.

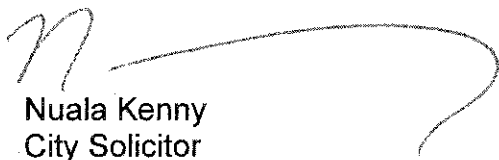
The main purpose of this festival is to promote family and culture through the illumination of lights and candles.

On October 26, 2011 the Diwali Festival would like to display family fire works at the property known civically as 55 Pelican Drive between 7:00 p.m. and 9:00 p.m. and are therefore asking to be exempted from Fireworks By-law 73-107 for this time.

I have circulated the following City departments for comments regarding this request: Fire Services, Police Services, Department of Public Works and Transportation, Planning Department and Algoma Public Health. Comments are attached to this report. Algoma Public Health submitted no comments.

The recommendation is that Diwali Festival be exempted from the fireworks by-law for this time frame. By-law 2011-165 appears elsewhere on the agenda this evening and is recommended for approval.

Respectfully Submitted,


Nuala Kenny
City Solicitor
NK/cf
Council Reports\2011\fireworks

Rachel Tyczinski

From: Dattatray.Kittur@essar.com
Sent: August 23, 2011 12:59 PM
To: Rachel Tyczinski; Malcolm White
Subject: Family Fire Works- Exemption from Bylaws

I have been staying in Sault Ste Marie for last 30 months. I am an Indian citizen, working here at Essar Steel under Work Permit.

A major Indian Festival called "Diwali" meaning festival of lights is forth coming and being celebrated by all the people of East Indian Origin from October 24 to October 28, 2011.

We illuminate our homes, lit up the candles, get together with friends and families during this period. Besides all this, one of the major events is display of family fireworks in the evening.

We have recently bought a new house at 55 Pelican Drive, and are planning to celebrate this festival in a big way this year.

As part of the celebration, I and my family along with friends would like to display the family fire works on the evening of October 26, 2011 on my above mentioned property. The fire works will be for approximately 30 minutes altogether.

As this date does not fall within the specified days as per our city By-Law 73-107, I request you table this at the appropriate meeting in order to consider exemption from By-Law 73-107 on October 26, 2011 (Between 7 PM to 9 PM)

The family fireworks if allowed will be displayed at my property at 55, Pelican Drive, Sault Ste Marie- P6B 3Z5. No big noise creating items like bombs and bangs will be set up. Also, I will not be setting up any Aerial projectiles. I will be setting up the following :

Sparklers

Fountains

Wheels

Glow products (up to 12 hr glow- Only light glow - non-toxic, non-flammable and Phthalate-free - Product of Rocket fireworks, Ontario).

The entire fireworks will be for approximately 30 minutes duration.

Dattatray (Dev) Kittur | Superintendent - Ironmaking Maintenance | Maintenance - Ironmaking | Essar Steel Algoma Inc. |
 105 West Street, Sault Ste. Marie, Ontario, Canada P6A 7B4 |
 T +1 - 705 - 945 3168 | F +1 - 705 - 945 2678 |
 E Dattatray.Kittur@essar.com | www.essarsteelalgoma.com |



Nuala Kenny

Subject: FW: Letter and attachment - Exemption from Fireworks By-law

From: Marcel Provenzano

Sent: September 21, 2011 2:40 PM

To: Nuala Kenny

Subject: RE: Letter and attachment - Exemption from Fireworks By-law

With respect to the permitting an exemption to facilitate a Family Fireworks Display, I would support this one time exemption provided that the following conditions are strictly adhered to;

1. The owner of the property continually monitors adverse weather conditions such as high winds which may create nuisances for neighbours and threats to nearby combustibles and reacts accordingly to reduce such potential nuisances and threats.
2. Adequate fire protection must be in place throughout the duration of the fireworks display.
3. All other terms and conditions under By-Law 73-107 are strictly adhered to.

Marcel Provenzano

Fire Chief, Sault Ste Marie Fire Services

District of Algoma Fire Coordinator

72 Tancred Street P6A-2W1

Sault Ste Marie, Ontario

Phone-705-949-3335

Phone-705-949-3349

Fax -705-949-2341

Cathy Fabiano

From: Larry Girardi
Sent: September 19, 2011 2:48 PM
To: Cathy Fabiano
Subject: RE: Letter and attachment - Exemption from Fireworks By-law

Cathy - PWT doesn't have any concerns with this request.
LG

From: Cathy Fabiano
Sent: September 19, 2011 2:20 PM
To: Larry Girardi; 'jholmes@algotmapublichealth.com'
Subject: FW: Letter and attachment - Exemption from Fireworks By-law

Good day. Further to our email and attachment of August 30, 2011, kindly provide your comments at your earliest convenience.

Thank you.

Cathy Fabiano
Legal Department

From: Cathy Fabiano
Sent: August 30, 2011 3:44 PM
To: Marcel Provenzano; 'r.davies@ssmps.org'; Larry Girardi; Don McConnell; 'JHolmes@algotmapublichealth.ca'
Subject: Letter and attachment - Exemption from Fireworks By-law

Good day Gentlemen. Attached is a letter and enclosure from Nuala Kenny, City Solicitor.

Thank you.

Cathy Fabiano
Receptionist/Secretary to Solicitors
Legal Department
City of Sault Ste. Marie

Cathy Fabiano

From: Don McConnell
Sent: September 19, 2011 9:44 AM
To: Cathy Fabiano; Marcel Provenzano; 'r.davies@ssmps.org'; Larry Girardi;
'JHolmes@algonmapublichealth.ca'
Subject: RE: Letter and attachment - Exemption from Fireworks By-law

Cathy - I have no concerns with this. Don

From: Cathy Fabiano
Sent: August 30, 2011 3:44 PM
To: Marcel Provenzano; 'r.davies@ssmps.org'; Larry Girardi; Don McConnell; 'JHolmes@algonmapublichealth.ca'
Subject: Letter and attachment - Exemption from Fireworks By-law

Good day Gentlemen. Attached is a letter and enclosure from Nuala Kenny, City Solicitor.

Thank you.

Cathy Fabiano
Receptionist/Secretary to Solicitors
Legal Department
City of Sault Ste. Marie

Cathy Fabiano

From: Orsalina Naccarato
Sent: August 31, 2011 10:54 AM
To: Cathy Fabiano
Subject: FW: Request for Exemption to Fireworks By Law
Attachments: image001.png

Cathy: Here is the response from Police. Please print it out and put with the rest of the material. Thank you. Orsalina

Orsalina Naccarato
 Administrative Assistant to the City Solicitor
 Legal Department
 The Corporation of the City of Sault Ste. Marie
 99 Foster Drive, Fourth Floor
 Sault Ste. Marie, ON P6A 5X6
 TEL: 705-759-5401 FAX: 705-759-5405
 EMAIL: o.naccarato@cityssm.on.ca

From: Nuala Kenny
Sent: August 31, 2011 10:52 AM
To: Orsalina Naccarato
Subject: FW: Request for Exemption to Fireworks By Law

From: Pluss, A. [mailto:a.pluss@ssmps.org]
Sent: August 31, 2011 10:20 AM
To: Nuala Kenny
Cc: Davies, R.
Subject: Request for Exemption to Fireworks By Law

Nuala: in follow up to my meeting with Chief Davies and the request of him, out of your office, regarding a family fireworks display to take place October 26 at 55 Pelican Drive to advise that if conducted in the manner detailed by Mr. Kittur we (the Police) have no concern.

A unique cultural experience for our city that has our support!

If you could let me know if it gets council approval only to allow us to respond appropriately to any calls that we might get that evening.

Thanks

Art



Inspector Art Pluss
 Sault Ste. Marie Police Service
 580 Second Line East
 Sault Ste. Marie ON P6B 4K1
 Ph: 705-949-6300 Ext. 344
 Fax: 705-949-3440
 Email: a.pluss@ssmps.org

08/31/11

6(6)(a)

Malcolm White

From: Bob Paciocco <paciocco@lpslawyers.com>
Sent: September 24, 2011 9:54 AM
To: Malcolm White
Cc: Don McConnell
Subject: Application No. A-18-11-Z Antonio Ruscio

Good Morning Malcolm – This e-mail will serve to confirm the applicant's consent to the deferral requested in the Planning staff report. I trust our attendance will not be required. Thank you. Bob

[illegible]

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2011-167

AGREEMENT: (E.3.4.6.) A by-law to authorize the execution of an agreement between the City and Stewardship Ontario.

THE COUNCIL of the Corporation of the City of Sault Ste. Marie, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENTS**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to an agreement in the form of Schedule "A" attached hereto dated the 1st day of July, 2011 between the City and Stewardship Ontario. This agreement is to establish funding from Stewardship Ontario for a portion of the City's Municipal Hazardous Waste Program.

2. **SCHEDULE "A"**

Schedule "A" hereto forms a part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

PASSED in open Council this 26th day of September, 2011.

MAYOR – DEBBIE AMAROSO

CITY CLERK – MALCOLM WHITE

