



## **AGENDA**

### **Strategic Priorities Committee**

May 18, 2021

9:00 am

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEl8OG-dOYKteFQ>

**Pages**

1. **CALL TO ORDER**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF THE AGENDA**

#### **RECOMMENDATION**

**THAT** the May 18, 2021 Strategic Priorities Committee agenda be accepted as presented.

4. **STRATEGIC PRIORITIES REVIEW**

- 4.1. **FD 07-2021 Fireworks By-law**

4

#### **RECOMMENDATION**

**THAT** FD 07-2021 Fireworks By-law report be received for discussion;  
and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council consider the revised draft by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks and pyrotechnics in the Town of St. Marys at a subsequent meeting for approval.

**4.2. ADMIN 17-2021 Animal Control Review**

31

**RECOMMENDATION**

**THAT** ADMIN 17-2021 Animal Control Review report be received; and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council enter into a 3-year agreement with the Human Society  
Kitchener Waterloo Stratford Perth for animal control services; and

**THAT** Council consider the Animal Control By-law at a subsequent  
meeting for approval.

**4.3. 2021 Priorities Review**

73

**RECOMMENDATION**

**THAT** the 2021 Priorities Review presentation be received for  
information.

**4.4. ADMIN 18-2021 Re-Allocation of 2019 Provincial One-Time  
Modernization Funding**

89

**RECOMMENDATION**

**THAT** ADMIN 18-2021 Re-allocation of 2019 Provincial One-Time  
Modernization Funds be received; and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council approves reallocating \$216,614 of 2019 One-Time  
Modernization funds to the following projects:

- Building/Development Department Property Files Digitization (if  
not funded by other sources)
- Corporate Services IT Strategy (if not funded by other sources)
- Human Resources Recruiting System
- PRC Capacitor Installation
- PRC Refrigeration Controls Replacement
- Childcare Centre Playground Astro Turf; and

**THAT** Council approves the use of the 2021 capital budget allocation for  
energy upgrades, as required, for the PRC Capacitor Installation and  
PRC Refrigeration Controls Replacement.

**5. CLOSED SESSION**

**RECOMMENDATION**

**THAT** the Strategic Priorities Committee moves into a session that is closed to the public at \_\_\_\_\_ am as authorized under the Municipal Act, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

**5.1. ADMIN 19-2021 CONFIDENTIAL Land Purchase Matter**

**6. RISE AND REPORT**

**RECOMMENDATION**

**THAT** the Strategic Priorities Committee rises from a closed session at \_\_\_\_\_ am.

**7. NEXT MEETING**

June 16, 2021 - 9:00 am, live streamed through Town's YouTube channel

Topics to be discussed:

- Financial Assessment and Rates – water, wastewater and waste management
- Long-term direction of the James Street South Water Booster Station

**8. ADJOURNMENT**

**RECOMMENDATION**

**THAT** this meeting of the Strategic Priorities Committee adjourns at \_\_\_\_\_ pm.



# FORMAL REPORT

<b>To:</b>	Chair Stratthdee and Members of Strategic Priorities Committee
<b>Prepared by:</b>	Richard Anderson, Director of Emergency Services / Fire Chief
<b>Date of Meeting:</b>	18 May 2021
<b>Subject:</b>	<b>FD 07-2021 Fireworks By-law</b>

## PURPOSE

To provide Council with a comprehensive understanding of how the current By-law to prohibit and regulate the sale of fireworks and the setting off of fireworks in the Town of St. Marys, By-law 61-2011, needs to be revised. This report will explain the limitations of By-law 61-2011 and go further to detail how the proposed By-law would significantly aid the enforcement of rules and regulations by the fire department.

## RECOMMENDATION

**THAT** FD 07-2021 Fireworks By-law report be received for discussion; and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council consider the revised draft by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks and pyrotechnics in the Town of St. Marys at a subsequent meeting for approval.

## BACKGROUND

It is the responsibility of municipal councils to be familiar with Section 121 of the *Municipal Act*, 2001, which provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks. Further, Council may enact a by-law to prohibit those activities unless a permit is obtained and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

## REPORT

The Town of St. Marys has enacted By-law 61-2011 to prohibit and regulate the sale of fireworks and the setting off of fireworks and pyrotechnics in the Town of St. Marys. Upon review, the Director of Emergency Services / Fire Chief is recommending that the existing by-law needs to be amended to reflect current legislation and best practices.

Since the time By-law 61-2011 was enacted, there have been significant issues that require the existing By-law to be renewed. An amended by-law is attached to this report and key changes include:

By-law includes Definition updates:

- “Authorized Persons” means, as the context requires, a) in the case of Display Fireworks those persons working under the direct supervision of the Fireworks Supervisor, and b) in the case of Special Effects Pyrotechnics, those persons working under the direct supervision of the Pyrotechnician;

- “Discharge” means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;
- “Pyrotechnician” means a person who is ‘pyrotechnician in charge’ under the Act;
- “Special Effect Pyrotechnics” means explosives used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as type F.3 in the Act; Fireworks accessories which may be classified as type F.4 in the Act; black powder and hazard category PE 1 black powder substitutes; smokeless black powder and hazard category PE 3 black powder substitutes; initiation systems classified as type I under the Act such as blasting accessories; and detonating cord classified as type E.1 under the Act;

By-law updated to include the “Discharge of Consumer Fireworks” updates:

- Change of times and the number of days proceeding and following Victoria Day and Canada Day to:
  - No person shall Discharge Consumer Fireworks in the Town except:
    - between dusk and 11:00 p.m. on Victoria Day or two days preceding or following Victoria Day;
      - This was formally 12:00 p.m. and 11:00 p.m. on Victoria Day or three days preceding or following Victoria Day;
    - between dusk and 11:00 pm on Canada Day or two days day preceding or following Canada Day;
      - This was formally 12:00 p.m. and 11:00 p.m. on Canada Day or three days preceding or following Canada Day;

By-law updated to include “Discharge of Display Fireworks” updates to require a permit. “Display Fireworks” means high hazard fireworks that is classed as F.2 under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers. The new permit requirements are:

- No person shall hold or discharge Display Fireworks in the Town without first having obtained a permit to do so issued by the Fire Chief.
- Every application for a permit shall be submitted to the Fire Chief a minimum of thirty (30) calendar days prior to the event when the proposed Discharge of the Display Fireworks is to occur.
- Every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
  - the name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable;
  - the date and time of the proposed discharge of Display Fireworks;
  - the type and kind of Display Fireworks that may be discharged;
  - the Discharge techniques to be used;
  - the manner and means of restraining unauthorized persons from attending too near the discharge site;
  - the manner in which unused Fireworks are to be disposed of;

- the number of Authorized Persons on site during the event to handle and discharge the Display Fireworks;
- a site plan providing a description of the Discharge site to be used for the Discharging of the Display Fireworks;
- a description of the fire emergency procedures;
- proof of certification of the applicant as a Fireworks Supervisor;
- proof of consent of the owner of the property to the Discharge of Display Fireworks in writing;
- proof of insurance and indemnification in accordance with Sections 7.0 and 8.0; and

General updates to the by-law include:

- By-law now better lays out clear prohibitions. This supports the enforcement and penalties component of a municipal by-law and articulates a clear expectation that the public is to follow.
- The By-law includes ability to enforce through issuance of fines once approved by the Attorney General and Regional Senior Justice
- Creation of short form wording that by-law enforcement including the Fire Chief and Fire Prevention Officer may lay fines in connection to.
- Addition of an Application to Sell Fireworks to support annual tracking of the process and to ensure compliance on the part of the vendor.
- Addition of Schedule A - penalties of Infractions

## **FINANCIAL IMPLICATIONS**

There is no immediate financial impact with respect to this report.

## **SUMMARY**

Staff suggests that upon the Strategic Priorities Committee's preliminary approval, the draft by-law will be forwarded to Council for approval, pending necessary edits, at a predetermined meeting of Council. At that time the proposed by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks and pyrotechnics in the Town of St. Marys, repealing By-law 61-2011, will be considered for approved.

## **STRATEGIC PLAN**

☒ Not applicable to this report.

## **OTHERS CONSULTED**

Jenna McCartney – Clerk

André Morin – Director of Corporate Services / Treasurer

## **ATTACHMENTS**

Proposed By-law XX-2021

By-law 61-2011

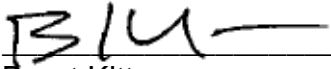
## **REVIEWED BY**

### **Recommended by the Department**



Richard Anderson  
Director of Emergency Services / Fire Chief

### **Recommended by the CAO**



Brent Kittmer  
Chief Administrative Officer

## **BY-LAW XX-2021**

### **THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to prohibit and regulate the sale of fireworks and the setting off of fireworks and pyrotechnics in the Town of St. Marys.**

- WHEREAS:** The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may,
- a) prohibit and regulate the manufacture of explosives in the municipality;
  - b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
  - c) regulate the keeping and transportation of explosives and dangerous substances in the municipality;
- and further that a by-law may prohibit the manufacture or storage of explosives unless a permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the permit, including requiring the submission of plans;
- AND WHEREAS:** Section 121 of the *Municipal Act, 2001*, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks and further that a by-law may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;
- AND WHEREAS:** Section 130 of the *Municipal Act, 2001*, as amended, provides that a municipality may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;
- AND WHEREAS:** Section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;
- NOW THEREFORE:** Council of The Corporation of the Town of St. Marys hereby enacts as follows;

#### **1.0 DEFINITIONS**

- 1) For the purpose of this By-law:



“Act” means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E-17 and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

“Authorized Persons” means, as the context requires, a) in the case of Display Fireworks those persons working under the direct supervision of the Fireworks Supervisor, and b) in the case of Special Effects Pyrotechnics, those persons working under the direct supervision of the Pyrotechnician;

“Consumer Fireworks” means low hazard fireworks generally used for recreation, which may be classified as type F.1 explosives under the Act, including: showers, golden rain, lawn lights, pin wheels, roman candles, and volcanoes, but does not include Christmas crackers, sparklers and caps for toy guns containing not in excess of 2 mg of explosive substance;

“Council” means the Council for The Corporation of the Town of St. Marys;

“Discharge” means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;

“Display Fireworks” means high hazard fireworks that is classed as F.2 under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

“Fire Chief” means the Fire Chief for the Town or designate;

“Firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

“Fire Department” means the St. Marys Fire Department;

“Fireworks” means display fireworks, consumer fireworks, and Special Effects Pyrotechnics but does not includes sparklers;

“Fireworks Supervisor” means a person who is a ‘display supervisor in charge’ under the Act;

“Minor” means a person who is under 18 years of age;

“Prohibited Firework” includes but is not limited to cigarette loads or plugs, exploding matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw downtorpedoes and cracking balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of Prohibited Fireworks as published from

time to time under the Act;

“Pyrotechnician” means a person who is ‘pyrotechnician in charge’ under the Act;

“Special Effect Pyrotechnics” means explosives used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as type F.3 in the Act; Fireworks accessories which may be classified as type F.4 in the Act; black powder and hazard category PE 1 black powder substitutes; smokeless black powder and hazard category PE 3 black powder substitutes; initiation systems classified as type I under the Act such as blasting accessories; and detonating cord classified as type E.1 under the Act;

“Sale” includes all attempts or offers to sell or cause or permit to sell or invitations to purchase, whether by express act or implication; and

“Town” means The Corporation of the Town of St. Marys.

## **2.0 SALE OF FIREWORKS AND FIRECRACKERS**

- 1) No person shall sell any Firecrackers.
- 2) No person shall sell any Prohibited Fireworks.
- 3) No person shall sell Special Effect Pyrotechnics or Display Fireworks unless the person holds a licence to do so under the Act.
- 4) No person shall sell Consumer Fireworks without obtaining a permit from the Fire Chief.
- 5) As provided in Schedule A of this By-law, every application for a permit to sell shall include:
  - a) the name and address of the applicant (business or vendor name);
  - b) the date, time and location of the proposed sale of Consumer Fireworks;
  - c) a site plan providing a description of where and how the Consumer Fireworks will be stored and displayed; and
  - d) such other information as required by the Fire Chief.
- 6) No person shall sell Consumer Fireworks except on the following days:
  - a) Victoria Day and Canada Day, and
  - b) 10 calendar days prior to each of the above holidays.
- 7) No person shall display Consumer Fireworks in the Town unless:
  - a) the Consumer Fireworks are displayed in a package, glass case or other suitable receptacle away from inflammable goods;
  - b) the Consumer Fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat;
  - c) the Consumer Fireworks are displayed inside of a building and a minimum of 3 meters from any window;

- d) the Consumer Fireworks are displayed in or near an area where smoking or igniting of any smoking or other substance or device is prohibited;
  - e) the Consumer Fireworks are displayed in or near any areas where cooking or heating of food or beverage or other substance is Prohibited; and
  - f) the Consumer Fireworks are displayed in lots that do not exceed 22.68 kgs (50lbs) gross weight.
- 8) No person shall sell or give to any Minor person any type of Consumer or Display Fireworks.
- 9) No person shall sell Consumer Fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.
- 10) Notwithstanding the provisions of this Section, retail sales of Consumer Fireworks may be permitted from detached storage units or tractor trailer units outside of a building, provided that the units are located at least:
- a) 6 metres from any combustible material;
  - b) 6 metres from any building or any other temporary retail outlet;
  - c) at least 3 metres from any vehicle parking; and
  - d) with the prior approval of the Fire Chief or designate, for the location.

### **3.0 DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS**

- 1) No person shall Discharge any Firecrackers, except with the appropriate federal approvals and for the purpose of cultural celebrations.
- 2) No person shall Discharge any Prohibited Fireworks.

### **4.0 DISCHARGE OF CONSUMER FIREWORKS**

- 1) No person shall Discharge Consumer Fireworks in the Town except:
  - a) between dusk and 11:00 pm on Victoria Day or two days preceding or following Victoria Day;
  - b) between dusk and 11:00 pm on Canada Day or two days day preceding or following Canada Day;
  - c) as part of a display of Display Fireworks for which a permit has been obtained and for which all conditions and requirements of the permit have been met; or
  - d) at such other times and such other dates as permitted by Council by by-law.
- 2) A person eighteen (18) years of age or older may hold a display of Consumer Fireworks on any land belonging to him or her or on any other privately-owned land where the owner thereof has given permission for such display or Discharge of Fireworks.
- 3) No person under the age of eighteen (18) shall Discharge any Consumer Fireworks except under the direct supervision of and control of a person eighteen (18) years of age or over.

- 4) No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person to Discharge any Consumer Fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control.
- 5) No person shall Discharge any Consumer Fireworks in, or into or on any building, doorway, or motor vehicle.
- 6) No person shall store, handle or Discharge any Consumer Fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the Discharging of any Fireworks.
- 7) No person shall Discharge any Consumer Fireworks in or on or into any park, highway, street, land, square or other public place, unless under a Display Fireworks permit to do so issued by the Fire Chief.

## **5.0 DISCHARGE OF DISPLAY FIREWORKS**

- 1) No person shall hold or Discharge Display Fireworks in the Town without first having obtained a permit to do so issued by the Fire Chief.
- 2) Every application for a permit shall be submitted to the Fire Chief a minimum of thirty (30) calendar days prior to the event when the proposed Discharge of the Display Fireworks is to occur.
- 3) As provided in Schedule B, every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
  - a) the name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable;
  - b) the date and time of the proposed Discharge of Display Fireworks;
  - c) the type and kind of Display Fireworks that may be Discharged;
  - d) the Discharge techniques to be used;
  - e) the manner and means of restraining unauthorized persons from attending too near the Discharge site;
  - f) the manner in which unused Fireworks are to be disposed of;
  - g) the number of Authorized Persons on site during the event to handle and Discharge the Display Fireworks;
  - h) a site plan providing a description of the Discharge site to be used for the Discharging of the Display Fireworks;
  - i) a description of the fire emergency procedures;
  - j) proof of certification of the applicant as a Fireworks Supervisor;
  - k) proof of consent of the owner of the property to the Discharge of Display Fireworks in writing;

- l) a permit fee as set out in the applicable Town Fees By-law;
  - m) proof of insurance and indemnification in accordance with Sections XX and XX; and
  - n) such other information as required by the Fire Chief.
- 4) If, in the opinion of the Fire Chief, it is necessary for a firefighter or firefighters to be present at the Discharge of Display Fireworks, the presence of such firefighter(s) shall be a condition of the permit. The firefighter(s) shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever. Such firefighter(s) shall also have the authority to require any precautions for the prevention of fire which in the opinion of the firefighter(s) is deemed necessary before any Display Fireworks are Discharged pursuant to the permit issued by the Fire Chief.
  - 5) The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it would be unsafe to allow the Display Fireworks.
  - 6) Every person to whom a permit is issued under this section shall:
    - a) provide and maintain approved fully operational fire extinguishing equipment ready for immediate use, throughout the time while the Display Fireworks is being set off or displayed and for a reasonable period thereafter, at the location or site of the setting off or holding of a Display Fireworks;
    - b) produce the permit on demand by the Fire Department or to any police officer, or any person authorized to enforce this By-law; and
    - c) permit the inspection of any site where the Display Fireworks may be stored, Discharged or displayed and the Fireworks themselves together with all associated equipment, by the Fire Department or anyone authorized to enforce this By-law, forthwith, upon demand.
  - 7) Every person to whom a permit is issued under this section, shall, immediately after the conclusion of the Discharge or holding of a Display Fireworks, carry out a site inspection and shall:
    - a) remove all unused or partly used Display Fireworks from the site;
    - b) gather together and remove all debris remaining after using or partial use of the Display Fireworks; and
    - c) return the site to the condition it was prior to the setting off or holding of the Display Fireworks.

## **6.0 SPECIAL EFFECTS PYROTECHNICS**

- 1) No person shall hold or Discharge a display of Special Effect Pyrotechnics in the Town without first obtained a permit to do so issued by the Fire Chief.
- 2) As provided in Schedule B, every application for a permit shall be submitted by the Pyrotechnician and shall include:

- a. the name and address of the applicant (Pyrotechnician) and the sponsoring organization, if applicable;
  - b. the date and time of the proposed Discharge of Special Effect Pyrotechnics;
  - c. the type and kind of Special Effect Pyrotechnics that may be Discharged;
  - d. the Discharge techniques to be used;
  - e. the manner and means of restraining unauthorized persons from attending too near the Discharge site;
  - f. the manner in which unused Special Effect Pyrotechnics are to be disposed of;
  - g. the number of Authorized Persons on site during the event to handle and Discharge the Special Effect Pyrotechnics;
  - h. a site plan providing a description of the Discharge site to be used for the Discharging of the Special Effect Pyrotechnics;
  - i. a description of the fire emergency procedures;
  - j. proof of certification of the applicant as a Pyrotechnician;
  - k. proof of consent of the owner of the property to the Discharge of Special Effect Pyrotechnics in writing;
  - l. a permit fee as set out in the applicable Town Fees By-law;
  - m. proof of insurance and indemnification in accordance with Sections 7.0 and 8.0 respectively; and
  - n. such other information as required by the Fire Chief.
- 3) The Special Effect Pyrotechnics shall only be set off under the supervision of a Pyrotechnician.
- 4) If, in the opinion of the Fire Chief, it is necessary for a firefighter or firefighters to be present at the setting off of any Special Effect Pyrotechnics, the presence of such firefighter(s) shall be a condition of the permit. The firefighter(s) shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever. Such firefighter(s) shall also have the authority to require any precautions for the prevention of fire which in the opinion of the firefighter(s) is deemed necessary before any Pyrotechnic Special Effect Fireworks are set off pursuant to the permit issued by the Fire Chief.

## **7.0 INSURANCE**

- 1) The applicant for a permit shall provide and maintain Commercial General Liability insurance subject to the limits of not less than Five Million Dollars (\$5,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Town of St. Marys as an additional insured thereunder. Such insurance shall include coverage of displays of Special Effects Pyrotechnics,

Consumer Fireworks or Display Fireworks. Such insurance policy shall contain an endorsement to provide the Town of St. Marys within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage, and a standard Certificate of Insurance evidencing such insurance coverage shall be provided to the Town prior to the issuance of a permit.

## **8.0 INDEMNIFICATION**

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

## **9.0 VALIDITY**

- 1) If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

## **10.0 CONFLICT WITH OTHER BY-LAWS**

- 1) Nothing in this By-law shall exempt any person from complying with the requirements of any by-law in force or from obtaining any licence, permission, permit, authority or approval required under any by-law or legislation.

## **11.0 SHORT TITLE**

- 1) This by-law shall be known as the Fireworks By-law.

## **12.0 OFFENCES**

- 1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.;
- 2) Every person who is convicted of an offence under this By-law is liable to a fine:
  - a. Upon a first conviction to a maximum fine of five thousand dollars (\$5,000);
  - b. Upon a subsequent conviction to a maximum fine of ten thousand dollars (\$10,000).

## **13.0 REPEAL**

- 1) That By-law 61-2011, Fireworks, is hereby repealed.

#### **14.0 ENACTMENT**

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

**Read a first, second and third time and finally passed this XX day of XXXXX 2021.**

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Mayor Al Stratheedee

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Jenna McCartney, Clerk



## Schedule A to By-Law XX-2021

### APPLICATION FOR A PERMIT TO SELL FIREWORKS

Date of Application: _____		<b>FOR OFFICE USE ONLY</b> License # _____  Valid Until: _____ (Permit Valid for One Year)	
Business/Vendor's Name: _____ _____			
Address	Street: _____		
	City: _____	Postal Code: _____	Phone: _____
	Email Address: _____		
Date of Sales: _____			
Location of Sales: _____			
Description of structure of which the fireworks will be sold			
Store: _____			
Other (describe fully): _____			
Where and how will fireworks be stored and displayed? _____ _____			
(Attach a Site Plan pursuant to Section 4.3 of this by-law)			
Number and type of fire extinguishers in structure: _____ _____			
Fire and explosion safeguards to be undertaken: _____ _____			
Name of manufacturer of fireworks: _____			
The undersigned hereby releases the Corporation of the Township of Perth East from any or all claims for damage which may arise in the carrying on of business within the Municipality under which the undersigned is licensed by the Municipality to do so.			
<b>FOR OFFICE USE ONLY</b>			

Department	Date Circulated	Response	Amount Paid:	Date:
Fire Dept:			Insurance:	
			Expiry:	
Planning:			Co-Insured:	
Approved:			Site Plan Record:	
Not Recommended for Approval: Reason:			Appealed:	
Council Decision:			Comments:	Permission: Property Owner: Agent:
Personal information collected on this form is collected pursuant to the Municipal Act. S.O. 2001, c.25 and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Clerk.				

## Schedule B to By-Law XX-2021

### Display Fireworks or Special Effects Pyrotechnics Permit

Applicant Name:	Address, Telephone Number and Email:
Sponsoring Organization	Permit: <input type="checkbox"/> Display Fireworks <input type="checkbox"/> Special Effects Pyrotechnics
Purpose of the Display:	
Location of the Event:	Date(s) and time of Event:
Number of Authorized Persons (handling and Discharging Display Fireworks):	
Type and kind of Display Fireworks or Special Effects Pyrotechnics:	
Proposed Technique for Discharging Display Fireworks or Special Effects Pyrotechnics:	
How will unauthorized persons be restricted from Discharge site:	
How will unused Display Fireworks or Special Effects Pyrotechnics be disposed of?	

To Be Included:

- a) Site Plan providing a description of the Discharge site
- b) A description of Fire Emergency Procedures;
- c) Proof of Fireworks Supervisor or Pyrotechnician certification;
- d) Proof of consent of the owner of the property to the Discharge of the Display Fireworks of Special Effects Pyrotechnics in writing;
- e) Permit fee
- f) Proof of insurance and indemnification in accordance with sections 7.0 and 8.0

I \_\_\_\_\_, having the appropriate Fireworks accreditation from  
(Fireworks Supervisor or Pyrotechnician)

Natural Resources Canada, will supervise and control all Fireworks or Special Effects Pyrotechnics to be set off in the Corporation of the Town of St. Marys. I agree to abide by the terms and conditions set out in Sections 7.0 and 8.0 of the Fireworks By-law and have attached proof of Liability Insurance with a minimum coverage of five million Canadian dollars (\$5,000,000.00 CA) with The Corporation of the Town of St. Marys to be named as an additional insured.

---

Signature

Date

**FOR OFFICE USE ONLY**

Additional conditions for display (use extra sheet if necessary):

Accepted: ☐

Declined: ☐

Fire Chief:

Date:

## Penalties of Infraction

### Part I: Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Sell Firecrackers	2.(1)	\$150.00
2	Sell Prohibited Fireworks	2.(2)	\$150.00
3	Sell Special Effect Pyrotechnics or Display Fireworks without license	2.(3)	\$150.00
4	Sell Consumer Fireworks without permit	2.(4)	\$150.00
5	Sell Consumer Fireworks outside of permitted dates	2.(6)	\$150.00
6	Display Consumer Fireworks near inflammable goods	2.(7)(a)	\$150.00
7	Display Consumer Fireworks near heat source	2.(7)(b)	\$150.00
8	Display Consumer Fireworks inside a building, less than 3m to window	2.(7)(c)	\$150.00
9	Display Consumer Fireworks near permitted smoking area or permitted ignition area	2.(7)(d)	\$150.00
10	Display Consumer Fireworks near permitted cooking or food source area	2.(7)(e)	\$150.00
11	Display Consumer Fireworks in lots exceeding 22.68 kg	2.(7)(f)	\$150.00
12	Sell or give Consumer or Display Fireworks to any person under the age of 18	2.(8)	\$150.00
13	Sell Consumer Fireworks in a building where Ontario Fire Code and all other applicable Acts and Regulations are not complied with	2.(9)	\$150.00
14	Discharge Firecrackers	3.(1)	\$150.00
15	Discharge Prohibited Fireworks	3.(2)	\$150.00
16	Discharge Consumer Fireworks between dawn and 10:59pm on permitted days for Victoria Day	4.(1)(a)	\$150.00

The Corporation of the Town of St. Marys  
Schedule C – By-law **XX-2021**  
Being a By-law to Regulate Fireworks

17	Discharge Consumer Fireworks between dawn and 10:59pm on permitted days for Canada Day	4.(1)(b)	\$150.00
18	Discharge Consumer Fireworks as part of a display of Display Fireworks without a permit	4.(1)(c)	\$150.00
19	Discharge any Consumer Fireworks by person under 18 years	4.(3)	\$150.00
20	Parent or guardian permits person under 18 years to discharge Consumer Fireworks without direct supervision and control	4.(4)	\$150.00
21	Discharge Consumer Fireworks in, or into or on any building	4.(5)	\$150.00
22	Discharge Consumer Fireworks in, or into or on any doorway	4.(5)	\$150.00
23	Discharge Consumer Fireworks in, or into or on any motor vehicle	4.(5)	\$150.00
24	Dangerous storage of Consumer Fireworks	4.(6)	\$150.00
25	Dangerous handling of Consumer Fireworks.	4.(6)	\$150.00
26	Dangerous Discharge of Consumer Fireworks	4.(6)	\$150.00
27	Discharge Consumer Fireworks in any public place without permit	4.(7)	\$150.00
28	Hold Display Fireworks without permit	5.(1)	\$150.00
29	Discharge Display Fireworks without permit	5.(1)	\$150.00
30	Hold Special Effect Pyrotechnics without a permit	6.(1)	\$150.00
31	Discharge Special Effect Pyrotechnics without a permit	6.(1)	\$150.00

NOTE: The penalty provisions for the offences listed above is Section 12.2 of by-law XX-2021, a certified copy of which has been filed.

**BY-LAW NUMBER 61-2011**  
**OF**  
**THE CORPORATION OF THE TOWN OF ST. MARYS**

**BEING** a By-law to prohibit and regulate the sale of fireworks and the setting off of fireworks in the Town of St. Marys.

**WHEREAS** section 121 of the Municipal Act 2001, SO. 2001 c.25 as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks and to prohibit such activities unless a permit is obtained from the municipality for those activities and may impose conditions;

**AND WHEREAS** section 130 of the Municipal Act 2001, S.O. 2001 c.25 as amended provides that a municipality may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** Council of The Town of St. Marys deems it necessary for the safety and well being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the geographic limits of the Town of St. Marys;

**NOW THEREFORE BE IT ENACTED** by Council of The Town of St. Marys as follows:

**1.0 DEFINITIONS**

- 1.1** “**Act**” means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17 and the Regulations enacted there under as amended from time to time or Act and Regulations enacted in substitution therefore;
- 1.2** “**competent person**” means a person who is at least 18 years of age and is fully aware of applicable legislative requirements at all levels of Government, with regards to the discharging of fireworks.
- 1.3** “**consumer fireworks**” means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Explosives Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundreths of a grain of explosive used per cap;
- 1.4** “**Clerk**” means the Clerk or Deputy Clerk of the Corporation of the Town of St. Marys as appointed from time to time.
- 1.5** “**Council**” means the Council of The Town of St. Marys;

- 1.6** “**display fireworks**” means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Explosives Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;
- 1.7** “**Fire Chief**” means the Fire Chief for the Town or designate;
- 1.8** “**firecracker**” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;
- 1.9** “**Fire Department**” means the St. Marys Volunteer Fire Department;
- 1.10** “**fireworks**” means display fireworks, pyrotechnic special effects fireworks and consumer fireworks but does not includes sparklers;
- 1.11** “**Fireworks Supervisor**” means a person who is an approved purchaser of display fireworks and who is qualified under the Act to supervise the discharge of display fireworks;
- 1.12** “**minor**” means a person who is under 18 years of age;
- 1.13** “**motor vehicle**” means motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990 c.H.8 as amended;
- 1.14** “**permit**” means an application for Display Fireworks Permit;
- 1.15** “**person**” includes a partnership, a corporation and a natural individual. Where a person is a minor “person” includes the parent or guardian of the minor.
- 1.16** “**prohibited firework**” includes but is not limited to cigarette loads or plugs, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and cracking balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act but does not include caps for toy guns or Christmas crackers;
- 1.17** “**sale**” includes all attempts or offers to sell or cause or permit to sell or invitations to purchase, whether by express act or implication;
- 1.18** “**Town**” means the Corporation of the Town of St. Marys.



## **2.0 SALE OF FIREWORKS**

- 2.1** No person shall sell any firecrackers.
- 2.2** No person shall sell any prohibited fireworks.
- 2.3** No person shall display, offer for sale, or sell fireworks within the Town, except on Victoria Day or Canada Day and for a period of 10 calendar days prior to each of the above holidays.
- 2.4** No person shall display, offer for retail sale, or sell fireworks in the Town unless they conform to the guidelines pursuant to the Explosives Act:
- a) the fireworks are displayed in a package, glass case or other suitable receptacle away from inflammable goods;
  - b) the fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat;
  - c) the fireworks are displayed inside of a building and a minimum of 3 meters from any window;
  - d) the fireworks are displayed in or near an area where smoking or igniting of any smoking or other substance or device is prohibited; and
  - e) the fireworks are displayed in or near any areas where cooking or heating of food or beverage or other substance is prohibited.
- 2.5** No person who offers for sale or sells fireworks shall fail to post the location where the fireworks are kept as a “No Smoking Area”.
- 2.6** No person shall sell or cause or permit to be sold, fireworks to a person who is not a competent person.
- 2.7** A copy of this bylaw shall be posted in a conspicuous place upon any premises from which fireworks are sold.

## **3.0 POSSESSION OF FIREWORKS**

- 3.1** No person, other than a competent person, shall be in possession of fireworks.

## **4.0 DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS**

- 4.1** No person shall discharge any firecrackers, except with the appropriate federal approvals and for the purpose of cultural celebrations.
- 4.2** No person shall discharge any prohibited fireworks.

## **5.0 SETTING OFF CONSUMER FIREWORKS**

- 5.1** No person shall set off Consumer Fireworks in the Town, except on the designated days of Victoria Day and Canada Day and the three days preceding each.
- 5.2** No person shall set off Consumer Fireworks on designated days as prescribed in this By-law at any time except after 12:00 p.m. and before 11:00 p.m. of the same day.
- 5.3** Only a competent person shall be in charge of setting off Consumer Fireworks in the Town.
- 5.4** No minor shall set off any fireworks, other than a sparkler where the minor is under the supervision of an adult at all times.
- 5.5** No person shall set off family fireworks in, into or on:
- a) a building;
  - b) a motor vehicle;
  - c) a highway or street;
  - d) park or other public place.
- 5.6** Property damage or injury as a result of Consumer Fireworks shall be the responsibility of the person setting off the fireworks.
- 5.7** Consumer Fireworks shall only be permitted to be set off on private property.
- 5.8** No person shall set off fireworks on any land of which he or she is not the owner, without obtaining the prior written permission of the owner to do so.
- 5.9** No person shall discharge Consumer Fireworks in such a place or in such a manner as to create a danger or constitute a nuisance to any person or property, or to do, or allow to be done, any unsafe act or omission at the time and place of the discharge of any Consumer Fireworks.

## **6.0 STORING OF CONSUMER FIREWORKS**

- 6.1** No person shall store, handle or set off consumer fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks.
- 6.2** A person who stores family fireworks shall use reasonable care to ensure that those fireworks are not accessible to a minor.

## **7.0 PERMITS FOR SETTING OFF DISPLAY FIREWORKS**

- 7.1** The Fire Chief, or designate, in conjunction with Council, may issue permits as set out in Schedule “A” for the setting off of display fireworks on the conditions set forth in Section 7.2. Each such permit shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the Fireworks Supervisor under whose supervision the display shall be held.
- 7.2** The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:
- (a) the permit is valid only for the display at the place and on the date or dates set forth in the permit;
  - (b) the permit holder shall supervise the display of display fireworks;
  - (c) the permit holder shall discharge the display fireworks and any consumer fireworks;
  - (d) every permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use;
  - (e) the permit holder shall comply at all times with the provisions of the Explosives Act, FPPA (*Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended,*) and the Display Fireworks Manual published by Natural Resources Canada or any successor publication; and
  - (f) any other conditions as required by the Fire Chief.
- 7.3** No permit holder shall discharge display fireworks or consumer fireworks except in accordance with the conditions of the permit.
- 7.4** Following the display, the permit holder shall ensure that all unused fireworks and all debris are removed, in compliance with the Act (Explosives Act), FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
- 7.5** All permits granted by the Fire Chief may be revoked whenever, in the Fire Chiefs discretion, the holder of such permit is in non-compliance with its conditions or requirements, or the Fire Chief has concerns for public safety.
- 7.6** Every applicant shall provide with the permit, proof of Liability Insurance with a minimum coverage of two million Canadian dollars (\$2,000,000.00 CA) with The Corporation of the Town of St. Marys to be named as an additional insured.

## **8.0 SETTING OFF DISPLAY FIREWORKS**

- 8.1** No person shall set off Display Fireworks in the Town without first receiving a permit from the Fire Chief.
- 8.2** Display fireworks shall only be set off under the supervision of a person who is qualified for such purpose to the satisfaction of the Fire Chief.

- 8.3** Every person who sets off Display Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm comes to persons or property damage.
- 8.4** Conditions set out in the permit as well as legislative requirements at all levels of Government shall be adhered to.
- 8.5** Property damage or injury as a result of Display Fireworks shall be the responsibility of the person setting off the fireworks.

## **9.0 EXEMPTIONS**

- 9.1** The act of setting off of Consumer Fireworks on private property by the owner, tenant or authorized person on the prescribed days for their own personal display shall not be deemed to be a Display Fireworks.

## **10.0 VALIDITY**

- 10.1** In this by-law:
- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
  - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 10.2** It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## **11.0 CONFLICT WITH OTHER BY-LAWS**

- 11.1** Nothing in this By-law shall exempt any person from complying with the requirements of any by-law in force or from obtaining any licence, permission, permit, authority or approval required under any by-law or legislation

## **12.0 SHORT TITLE**

- 12.1** This by-law shall be known as the *Fireworks* By-law.

## **13.0 PENALTY**

- 13.1** Every person who contravenes any provision of this By-law shall be considered to be committing an offence. Upon conviction the offender is liable to a fine of not more than \$5,000.00 exclusive of costs as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33 as amended. .

#### **14.0 REPEAL**

**14.1** Upon the passage of this By-law, By-law 1100 and all amendments thereto, shall be repealed.

#### **15.0 ENACTMENT**

**15.1** This By-law shall come into force and effect immediately upon the passing thereof.

**Read a first and second time this 25<sup>th</sup> day of October 2011.**

**Read a third and final time and passed this 25<sup>th</sup> day of October 2011.**

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**Steve Grose, Mayor**

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**Robert Brindley, CAO/Clerk**



**SCHEDULE "A"**  
**THE CORPORATION OF THE TOWN OF ST. MARYS**  
**P.O. BOX 988 ST. MARYS, ON N4X 1B6**  
(Phone: 519-284-2340 ext. 241)

## Fireworks Display Permit

Sponsoring Club:	Name of Fireworks Supervisor:
Purpose of the Display:	
Location of the Event:	Date(s) and time of Event:

I \_\_\_\_\_, having the appropriate fireworks accreditation from Natural Resources Canada, will supervise and control all fireworks to be set off in the Corporation of the Town of St. Marys. I agree to abide by the terms and conditions set out in Sections 7.0 and 8.0 of the Fireworks By-law and have attached proof of Liability Insurance with a minimum coverage of two million Canadian dollars (\$2,000,000.00 CA) with The Corporation of the Town of St. Marys to be named as an additional insured.

Signature	Date
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**FOR OFFICE USE ONLY**

Additional conditions for display (use extra sheet if necessary):

Accepted: <input type="checkbox"/> Declined: <input type="checkbox"/>	
Fire Chief:	Date:



# FORMAL REPORT

**To:** Mayor Stratthdee and Members of Council

**Prepared by:** Jenna McCartney, Clerk

**Date of Meeting:** 18 May 2021

**Subject:** **ADMIN 17-2021 Animal Control Review**

## PURPOSE

To present the Committee with a review of the animal control services since the Town transitioned to Humane Society Kitchener Waterloo Stratford Perth, and to present a draft Animal Control by-law for comment.

Upon receipt of the Committee's recommendation to Council to approve the 3-year agreement and the draft Animal Control By-law, staff will bring forward both documents at a subsequent Council meeting for approval.

## RECOMMENDATION

**THAT** ADMIN 17-2021 Animal Control Review report be received; and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council enter into a 3-year agreement with the Human Society Kitchener Waterloo Stratford Perth for animal control services; and

**THAT** Council consider the Animal Control By-law at a subsequent meeting for approval.

## BACKGROUND

Council was presented with staff report CAO 54-2020 Animal Control Service Provider Update at its regular meeting on September 8, 2020 for the purpose of considering an interim agreement with Humane Society Kitchener Waterloo Stratford Perth (HSKWSP).

At its regular meeting, Council approved By-law 78-2020, authorizing the Mayor and the Clerk to execute the interim agreement.

Staff committed that an evaluation of the services provided would be considered following the interim period. Staff explained that a review of the existing Animal Control By-law, 39-2008, would be untaken and provided to Council at a later date.

## REPORT

### Animal Control Service

The Town of St. Marys has been utilizing the services of HSKWSP approximately eight months. Immediately upon implementation of the agreement, the Town released an update through its media channels advising the public of the change in service providers and expectations for service.

## **Promotion**

In addition to the initial media release in September, since that time the Town has provided reminders of the change in service as well as reposting targeted media from HSKWSP that supports adoption, foster homes, spay and neuter clinics, emergency pet food bank needs, and microchip and rabies clinics.

## **Calls for Service**

Between September and December 31, 2020, HSKWSP responded to 4 incidents comprising 2 reports of sick or injured stray cats, 1 report of an alleged by-law infraction and 1 report of an injured wildlife.

During this same period, there were eight cats taken in by HSKWSP and one dog. Intake occurs by either a person dropping the animal at the Stratford facility, or an animal control officer picking up the animal in the community.

In the early days of the transition to HSKWSP, public expectation was that an animal control officer would immediately come to St. Marys if there was a report of a stray cat. In all, there were three callers that spoke to staff with concerns about this expectation. The point that HSKWSP makes is often stray cats are not actually stray and are being provided the necessities of life elsewhere. However, in instances that the animal's life is in danger (ie: dog wandering at large with the potential of running into traffic), or if the animal is in need of medical care, HSKWSP will dispatch an animal control officer immediately to respond.

The other point that HSKWSP made is social media has become an important source for reuniting a lost pet with the owner. This is an excellent example of the community looking out for one another and presenting itself as a community that cares.

Town staff report a decrease in concerns raised by the public since the transition. In 2021, two concerns were forwarded to staff regarding increased occurrences of dogs being off leash throughout Town. Staff followed up with the residents to explain the process for addressing animal control issues (contacting HSKWSP immediately when these occurrences are witnessed). The purpose for this process is so that animal control officers can investigate the situation and educate the pet owner who is found in contravention to the Animal Control By-law.

Staff forwarded the concerns onto the HSKWSP and asked that animal control officers increase their presence within parks and trails in St. Marys to monitor the situation. As well, the Communications department released social media posts reminding the public of the responsibilities of pet ownership and the expectations of the Town when it comes to off-leash pets.

Overall, having the agreement in place with HSKWSP to address by-law enforcement concerns rather than having internal staff receive the concern, investigate and then follow-up has saved frustration by the public as well as considerable staff time. An added benefit to the agreement for animal control is that an animal control officer does patrol St. Marys on regular intervals to make their presence known. This proactive approach coupled with the increased communication campaign is resulting in a more balanced tactic for animal control.

## **Animal Licensing**

As staff have reported to Council over the last few months, the Town has enhanced its approach to animal licensing for 2021. There was increased promotion about pet owner's responsibilities through social media as well as highlighting the new online method for obtaining a pet licence.

To date, 170 dog licences have been issued compared to 95 in 2020 for a 78% increase in licenced dogs. 20 cat licences have been issued to date in 2021 compared to 10 in 2020 for a 100% increase in licenced cats.

There has been a new pamphlet created by the Communications department highlighting pet ownership responsibilities which will be available for distribution later in May. The expectation is that the pamphlet



will be direct mailed to all addresses in St. Marys. The intention is to target pet owners that may not have seen the Town's social media posts earlier this year surrounding the responsibilities of pet ownership.

Throughout the summer months, the Park Patrol staff and the animal control officers through the HSKWSP will disburse these pamphlets to residents throughout St. Marys and educate them about the requirements to purchasing a pet licence. These opportunities to educate the public may occur at the off-leash dog park, along trails and paths, or along the sidewalks of St. Marys. Individuals will be asked to exhibit their pet's licence, and in instances that the pet does not have a current pet tag, the staff will educate the pet owner about the requirements and issue a verbal request to comply.

As we near the end of 2021, all residents of St. Marys that have licensed a pet will receive an invoice for the purpose of renewing their licence for 2022. Residents will be able to pay through online banking, in-person at a Town facility, or by mail. Also changed in 2021 is the pet tag exists for the lifetime of the pet rather than creating a new tag each year. Based on past orders of pet tags, the annual cost was less than \$200 equating to approximately \$2 per licensed animal.

The nominal financial benefit is not as important as being more environmentally friendly (tag lasts forever rather than throwing it in the trash each year) and the pet owner does not have to wait for the new tag to arrive by mail as each new year approaches.

### **Agreement Renewal**

The interim agreement with HSKWSP was initially in place until December 31, 2021 with the option to continue on a month-to-month basis. At this time, staff are presenting a 3-year agreement to the Committee for consideration.

The long-term agreement is more comprehensive than the interim agreement although on the whole, the general service does not change.

<b>Section</b>	<b>Highlights</b>
Animal Services	<ul style="list-style-type: none"><li>• Outlines the general expectations of HSKWSP and the responsibilities of Animal Control Officers.</li><li>• Where the shelter is located, and the services offered within the shelter.</li><li>• The process for handling impounded animals.</li><li>• By-law enforcement responsibilities.</li><li>• Responsibilities under the <i>Dog Owner's Liability Act</i>.</li><li>• HSKWSP role as an educator related to responsible pet ownership.</li></ul>
Service Hours	<ul style="list-style-type: none"><li>• Service expectation of the shelter and the type of service that the HSKWSP shall provide.</li></ul>
Records	<ul style="list-style-type: none"><li>• The reporting expectations and the frequency by which the Town will be informed of service usage.</li></ul>

Fee for Service	<ul style="list-style-type: none"> <li>Overview of the value for service which is further outlined in Schedule B</li> </ul>
Insurance and Indemnification	<ul style="list-style-type: none"> <li>Insurance requirements of HSKWSP and general boilerplate expectations.</li> </ul>
Term and Termination	<ul style="list-style-type: none"> <li>3-year term with the option to extend for an additional 2-years.</li> <li>Boilerplate termination clause.</li> </ul>
General	<ul style="list-style-type: none"> <li>HSKWSP shall retain its status as an independent registered charity.</li> <li>Contact information of both party.</li> <li>Review of agreement on an annual basis.</li> </ul>

Staff recommend that the Committee supports the execution of the agreement and makes a recommendation to Council to approve the 3-year agreement at a future Council meeting.

### **Animal Control By-law Review**

Through the new partnership with HSKWSP, an opportunity arose to review By-law 39 of 2008, Animal Control, to ensure that it was a) current, b) enforceable, and c) applicable to the authority of the new service provider.

One of the biggest changes to legislation is respecting cruelty to animals and the regulated body that can address concerns related to the matter. As of January 1, 2020, the *Provincial Animal Welfare Services Act* (PAWS) replaced the *Ontario Society for the Prevention of Cruelty to Animals Act* (OSPCA). If there is a concern that an animal is in distress or is being abused, the number to call is 1-833-9-ANIMAL. This agency is not associated with HSKWSP. In an emergency, the police may be contacted directly.

Staff have attached to this staff report a draft of the by-law as well as the current by-law. Staff are recommending a full repeal of the current by-law and replacement with a new by-law. The draft by-law includes references to updated legislation, enhanced definitions, inclusion of provisions related to the pound (shelter) and the off-leash park, domestic animal's welfare, and enhanced enforcement provisions.

Below is a highlight of the changes found in the proposed by-law inclusive of a reason for the change. At the Strategic Priorities Committee meeting, staff will expand upon the proposed changes and poll Council on any outstanding matters that require consideration within this by-law.

One topic related to animal control that has been discussed by the previous term of Council is urban chickens. Staff have conducted preliminary research on this subject and have found a wide range of approaches throughout the Province. Some municipalities have outright banned urban chickens within cities and towns while other municipalities have been very proactive to accept the practice of permitting urban chickens within the community. In municipalities that have adopted the practice of allowing chickens, the authorizing by-laws include strict requirements for the number of chickens, the location and size of shelters for the poultry, the prohibition of a rooster, and cleaning responsibilities. In some instances, municipalities have adopted a requirement that shelters for the poultry must be inspected prior to usage to ensure the provisions are adhered to regarding health and safety as well as zoning requirements. At this time due to the lack of expertise and resources to support this approach, staff are recommending that Council does not adopt a by-law related to urban chickens.

In the proposed by-law, content from By-law 16-64 has been amalgamated to prohibit farm animals, including chickens. While the prohibition has been in place since 1964, there is a perception that

chicken coops have popped up throughout town. Given limitations that do not support proactive enforcement at this time, staff are recommending that the response be reactive upon receiving complaints from the public.

<b>Section</b>	<b>Type of Change</b>	<b>Change</b>	<b>Reason</b>
Preamble	Addition	Section 8(3) of The <i>Municipal Act, 2001</i> , S.O. 2001, c.25, as amended, provides that a by-law under Section 10 respecting a matter may: (a) regulate or prohibit respecting the matter, (b) require persons to do things respecting the matter, and, (c) provide for system of licenses respecting the matter.	Municipality's authority to regulate animal control.
Preamble	Addition	The <i>Ontario Society for the Prevention of Cruelty to Animals Act</i> , R.S.O., 1990, Chap. 0.36, provides special powers to help animals in distress.	Authority to respond to animals in distress.
Preamble	Addition	The Dog Owners' Liability Act, R.S.O. 1990, Chap. D-16, provides for rules and regulations that must be followed for the keeping of dogs	Authority to regulate keeping of dogs.
Preamble	Addition	The Council of the Corporation of the Town of St. Marys deems it desirable to pass a by-law for the licensing, registration, and regulation of dogs, cats and other animals within the Town of St. Marys;	Inclusion of "cats and other animals".
Definitions	Addition	"shall"	Each defined term includes the word shall for enforcement and clarity purposes.
Definitions	Addition	"Cat" shall mean a domesticated feline of the species <i>Felis catus</i> , twelve weeks of age or older;	Defined the age that a kitten becomes a cat for the purpose of determining the number of adult cats in a dwelling.
Definitions	Addition	"Cattery" means an establishment for the breeding or boarding of pure-bred domestic cats;	By-law only spoke to kennels in the past.
Farm Animals	Taken from By-law 16-64	Farm animals such as cattle, horses, mules, goats, swine, sheep, mink, chickens, hens, roosters, fox, and others shall not be kept other than in areas zoned agricultural by the Zoning By-law, as amended.	Repealing 16-64 by-law and amalgamating with new by-law.

<b>Section</b>	<b>Type of Change</b>	<b>Change</b>	<b>Reason</b>
		Nothing in this By-law shall prevent the keeping of farm animals in an agricultural zone, as established by the Zoning By-law.	
Keeping, Licensing and Registration of Dogs and Cats	Addition	Originally titled "Licensing and Registration" but updated to include "keeping" and "dogs and cats".	More concise reference to the section.
Section 3.1	Updated	No person shall keep more than three (3) dogs or cats in any one dwelling unit or on any premises...	Changed from 4 animals to 3. <i>*Further comments on this below in the "Others Consulted" section.</i>
Section 3.1	Addition	b) a kennel or cattery licensed by the Town in accordance with the Town's Zoning By-law	Added reference to Zoning by-law
Section 3.4	Updated	Every owner of a dog shall annually, and not later than March 31 in each year, and within ten (10 days of becoming an owner of a dog, cause the dog to be tagged or licensed with the municipality.	Updated from February 28 to March 31 to reflect current Fee By-law.
Section 3.7	Addition	Registration of Kennel or Cattery	Added "cattery"
Section 3.7.a	Addition	No person shall keep or permit a dog or dogs to be kept in a Kennel, or a cat or cats to be kept in a Cattery, outside of the premises of the Owner on the lot in a Kennel or Cattery that is not registered with the Town and in accordance with the Town's Zoning By-law.	Added enforcement provision.
Section 3.7.d	Addition	The kennel shall be inspected by the Town, or its representative, on an annual basis, prior to renewal being granted.	At the request of HSKWSP, this has been included so that animal control officers can inspect if there are concerns. <i>*Further comments on this below in the "Others Consulted" section.</i>
Section 4.8	Addition	Where an animal has been seized and impounded by an animal control officer, the owner has three (3) days from the time of	Period for impounding an animal has changed from five to three days at

<b>Section</b>	<b>Type of Change</b>	<b>Change</b>	<b>Reason</b>
		impoundment to redeem the animal, by paying to the Town or its representative, the fees as set out in the Town's Fee By-law, as amended, plus all boarding fees.	the request of HSKWSP due to legislative requirements from the <i>Pounds Act</i> .
	Deletion	No animal shall be returned to the owner unless it has been licensed and registered in accordance with this By-law.	HSKWSP requested section be removed.
	Deletion	An animal control officer or peace officer may seize any animal that is being neglected, sick or has suffered serious injury, or represents a threat to the safety of persons or animals and may order its termination without delay and without the Owner's permission by reason of the said Animal being suspected rabid, or unduly suffering, or for reasons of safety to persons or animals. No damage or compensation shall be recovered on account of its termination, or other disposition.	HSKWSP requested section be removed as the authority is delegated to another organization for such activity.
Section 4.11	Addition	No person in Control of an Animal shall permit its excrement to remain on public or private property without immediately removing the excrement and providing for its sanitary disposal	Added enforcement provision.
Section 4.12	Addition	No person shall permit an animal: a) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running; or b) To fight with or attack any domestic animal or domestic bird.	Added enforcement provision.
4.13	Addition	No person shall: a) Tease, torment, annoy, or abuse any animal; or b) Untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the Owner.	Added enforcement provision.

<b>Section</b>	<b>Type of Change</b>	<b>Change</b>	<b>Reason</b>
4.14	Addition	No person shall cause, permit or allow the animal to emit animal sounds or other noise for an extended or frequent period of time.	Added enforcement provision.
4.15	Addition	No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law.	Added enforcement provision.
Section 5	Addition	All content added.	As HSKWSP offers a pound through their organization, this section is necessary to note.
Section 6	Addition	All content added.	The off-leash park in St. Marys is new since the passing of the Animal Control By-law in 2008.
Section 8.2.b	Update	When not confined as according to subsection 7.2(a) to securely attach a muzzle to and leash such dog at all times and to be under the care and control of a person 18 years of age or older	Update from 16 years of age to 18 at the request of HSKWSP.
Section 9	Addition	All content added.	Added at request of HSKWSP to provide the authority to address the most common issues around neglect and care of domestic animals.
Section 10.1	Addition	No person shall keep felids (cats) except the felids domesticus (domestic cat), or canid (dogs) except the canis domesticus (domestic dog).	Added enforcement provision.
Section 10.3	Updated	No person shall be in possession of a lizard, which may grow to more than 30.48 centimetres in length from snout to vent in the Town of St. Marys.	Changed length from 65 centimetres to 30.48 cm.
Section 10.4	Updated	No person shall be in possession of a snake, which will grow to more than 60.96 centimetres in length in the Town of St. Marys.	Changed length from 2 metres to 60.96 centimetres.
Section 10.6	Addition	No person shall have a lizard or snake in a public place or on public property.	Added due to recent concerns.
Section 10.7	Addition	The animal control officer may enter on any public property, or private property with the	Added at request of HSKWSP.

Section	Type of Change	Change	Reason
		consent of the owner or occupant, for the purpose of inspecting an animal enclosure.	
Section 12	Addition	Work Order	Added at request of HSKWSP.

## FINANCIAL IMPLICATIONS

Animal control pamphlet printing and distribution - \$1,500 - \$2,000 plus HST.

2021 animal control service \$9,081.28

## SUMMARY

Staff have drafted a 3-year agreement between the Town of St. Marys and the Humane Society Kitchener Waterloo Stratford Perth for the purpose of animal control. Staff are recommending that the Strategic Priorities Committee support the agreement and provide a recommendation to Council to authorize the execution of the agreement.

In unison with the agreement, staff have drafted a new Animal Control By-law that ensures content is a) current, b) enforceable, and c) applicable to the authority of the new service provider. Staff are recommending that the Strategic Priorities Committee support the draft by-law and provide a recommendation to Council to authorize the approval of such.

## STRATEGIC PLAN

☒ Not applicable to this report.

## OTHERS CONSULTED

Humane Society Kitchener Waterloo Stratford Perth – Executive Director, and Licencing and By-Law Manager

In 2020, concerns were presented to members of Council and staff regarding the number of dogs permitted in a dwelling and how the age of puppies contributed to the equation. Staff forwarded questions to HSKWSP and below the responses have been included.

- Is there an industry norm for how many adult dogs should live at one home? In a typical residential home like in St. Marys, is there a cap that you would recommend from the perspective of the health and well-being of the dogs?

*Most of our Jurisdictions only allow 3 adult dogs per household. There are a few that only allow 2. Stratford you are allowed as many as you like but you are only allowed to have 3 unsterilized dogs the rest must be sterilized.*

- At what point is it ok for a puppy to be removed from its mother?

*The earliest a puppy should leave its mother is 8 weeks old. All of the other Jurisdictions are the same as yours that a puppy becomes a dog at 3 months old.*

- At what point should breeding qualify as a puppy mill/kennel? Asked a different way, what is an appropriate amount of litters for a mother to have in a calendar year?

*There is really nothing in the bylaw for appropriate amount of litters but no female dog should be bred yearly. Females generally have 2 heat cycles per year and I believe medically they should be able to have two heat cycles between each litter so every two years generally. They should classify a breeding operation as a kennel anytime there are more than 3 adult dogs in the home for breeding.*

- What would you typically define as a puppy mill/kennel?

*Puppy mill would be a breeding operation where there are multiple breeds on dogs being bred on the property, they are generally kept in cages that are too small and are not sanitary. The dogs do not generally receive any type of socialization. There are many other factors that would define a breeding operation as a puppy mill but that is where we would contact PAWS to have them do their Cruelty investigation to be sure. As I stated in the above question a kennel would be any breeding operation that has more than 3 adult dogs used for breeding. We also require that all breeding operations that are considered kennels are inspected and licensed every year.*

## **ATTACHMENTS**

2021 animal control pamphlet

Draft animal control services agreement

Draft by-law

By-law 39 of 2008

## **REVIEWED BY**

### **Recommended by the Department**



Jenna McCartney  
Clerk

### **Recommended by the CAO**



Brent Kittmer  
Chief Administrative Officer



## How can you be a responsible pet owner in St. Marys?



**Keep your dog leashed.** Dogs must be on a leash and under the care and control of a competent person at all times when on public property, and contained when on private property. Remember to share pathways with other users.

**Do not allow your dog to bark or howl excessively.** It disturbs the neighbourhood and can be a public nuisance.

**Pick up after your pet and dispose of waste appropriately.** Dog waste is unsightly, unsanitary, and poses health hazards to humans and animals alike.

**A maximum of four dogs per household are allowed,** per the Animal Control By-law.

### Additional tips for responsible owners

- Spay or neuter your pet.
- Vaccinate your pet annually.
- Dangerous dogs must be muzzled in public.
- Do not leave your pets inside a vehicle in warm weather.
- Keep your pets inside during extreme cold.
- Microchip your pet (this is not a replacement for a licence).
- Enjoy regular exercise with your pet.

**If you see an animal left in a vehicle and the temperature outside is below 0 °C or above 21 °C, please call 1-833-9ANIMAL.**

## St. Marys Dog Park

Keep pets on a leash at all times when in public spaces, with the exception of the St. Marys Junction Station Dog Park located at 448 Glass Street in St. Marys.

### Dog park rules

- Ensure dogs are under control.
- Owners must keep dogs within their sights.
- Dogs must be able to respond to verbal commands. If they cannot, you are encouraged to keep dog(s) on a leash.
- Clean up after your pet.

**Thank you for being a responsible pet owner and helping to make St. Marys a town worth living in!**

## Love your pet? Become the best pet owner you can be



## Learn about:

- Animal Control By-law and enforcement
- Pet licence regulations
- Responsible ownership

## Questions?

This brochure provides general information only. Contact the Clerks Department or visit our website for more information:  
P: 519-284-2340  
E: [clerksoffice@town.stmarys.on.ca](mailto:clerksoffice@town.stmarys.on.ca)  
[www.townofstmarys.com/AnimalControl](http://www.townofstmarys.com/AnimalControl)

04/21



## Why is there an Animal Control By-law and how is it enforced?

**The Town of St. Marys Animal Control By-law is designed to protect the health, safety, and well-being of its residents and visitors, including their pets. It outlines the rules and regulations for responsible pet ownership.**

Stray and dangerous animals are exposed to a variety of hazards in both urban and rural environments that may, in turn, pose a threat to other domestic and wild animals, as well as humans. For these reasons, the Town of St. Marys has passed the Animal Control By-law.

The Humane Society of Stratford Perth provides animal control services for the Town of St. Marys. In addition to enforcement, the Humane Society of Stratford Perth along with municipal by-law officers, provide education on regulations, responsible guardianship, and licensing.

Offence	Penalty (per occurrence)
Straying	\$ 75.00
Owning/possessing/ harbouring/keeping a pet without a licence	\$100.00
Dangerous dog not confined to owner's dwelling or secured fence area or muzzled and leashed	\$150.00
Failure to leash	\$100.00

## Why is it important to have your pet licensed?

**Pet licensing helps reunite pets with their owners should they ever get loose and be picked up by Animal Control. Registration fees help maintain the dog park in St. Marys.**

### Pet licence quick facts

- Pet licensing is mandatory under the Town of St. Marys Animal Control By-law for all dogs and cats.
- Indoor pets still require a licence as they can still slip through open windows or doors.
- Pets must be licensed within ten days of being transferred to a new owner.
- Licences must be visible on their collar at all times.
- Pet licence tags are non-transferable to another owner.

### How much does a pet licence cost?

	Before March 31	After March 31
Dog licence	\$20.00	\$30.00
Cat licence	\$20.00	\$30.00
Tag replacement	\$ 5.00	\$ 5.00

### How can you obtain a pet licence?

Visit [www.townofstmarys.com/petlicences](http://www.townofstmarys.com/petlicences) or call 519-284-2340.

### How long is a pet licence valid?

Once your pet is licensed, it is valid for the remainder of your pet's life. You will receive an annual invoice for the licence fee. Failure to pay your pet licence renewal fee will result in a violation notice.

### When should you cancel your licence?

- If you move from St. Marys,
- If you transfer your pet to a new owner,
- If your pet passes away.

To cancel, call 519-284-2340.

## When should you contact Animal Control?

The Humane Society of Stratford Perth services are for pets, animals at-large, injured and deceased animals, and wildlife. Residents should contact Animal Control services to report the following:

- Any violations to the Town's Animal Control By-law.
- Dogs at-large.
- A dog bite or an aggressive dog.
- A sick or injured animal within municipal limits.
- Lost or found pets.



**Stratford Perth  
Humane Society**  
P: 519-273-6600 ext. 227  
(regular hours)  
P: 519-745-5615  
(emergency hours)  
[www.sphumane.com](http://www.sphumane.com)



THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2021

BETWEEN:

THE CORPORATION OF THE TOWN OF ST. MARYS

Hereinafter called the "Town"

OF THE FIRST PART

-and-

THE HUMANE SOCIETY OF KITCHENER-WATERLOO AND STRATFORD-PERTH, carrying on business as "Stratford-Perth Humane Society"

Hereinafter called the "Humane Society",

OF THE SECOND PART

**WHEREAS** the Humane Society is a registered non-profit charitable organization established for the purpose of promoting the humane treatment of, and the prevention of cruelty to, animals, and subject to the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c.13-Bill 136 ("PAWS");

**AND WHEREAS** the *Municipal Act*; 2001 and other provincial legislation contain provisions relating to animals, including provisions authorizing municipalities to pass by-laws relating to animals;

**AND WHEREAS** the Council of The Corporation of the Town of St. Marys has passed and will hereafter pass by-laws relating to animals;

**AND WHEREAS** under agreement, the Town has contracted certain animal services including the Town's pound keeper on behalf of the Town;

**AND WHEREAS** the Humane Society currently owns land at 125 Griffith Road, Stratford herein referred to as "the Land", and owns the animal shelter building and its fixtures and equipment herein referred to as the "Animal Shelter" located on the Land, and uses the Land and Animal Shelter for its operations as a Humane Society in addition to the provision of Animal Services under agreement to the Town;

**AND WHEREAS** the Parties hereto deem it desirable that the Humane Society provide the Animal Services to the Town for a fee pursuant to the terms and conditions as set out herein;

**NOW THEREFORE** for good and valuable consideration, the Parties hereto covenant and agree as follows:

## **1.0 DEFINITIONS**

1.1 "Animal" means any member of the domestic or wild animal kingdom, other than a human.

1.2 "Animal Control Officer" means a person or class of person employed by the Humane Society and designated by By-law of the Town appointed by a person to which the power of appointment may be delegated by By-law of the Town to enforce Town by-laws and legislation respecting animals, as listed in Schedule "A" of this agreement and as amended, from time to time.

- 1.3 "Animal Services" means the services provided by the Humane Society for the Town as set out in Part 2.0 of the agreement.
- 1.4 "Domestic" in a relation to an animal means an animal kept by a person for pleasure or companionship.
- 1.5 "Stray period" means as defined in the Pounds Act; R.S.O. 1990, c. P.17.
- 1.6 "Veterinarian" means a person registered under the Veterinarians Act; R.S.O. 1990, c V.3.

## **2.0 ANIMAL SERVICES**

The Humane Society shall provide the Animal Services for the Town as identified in this Agreement.

- 2.1 The Humane Society shall enforce the Town's by-laws as listed in Schedule "A" (which forms part of this Agreement) respecting animals including Town by-laws regarding licensing, running at large, number of pets, cat identification, biting dogs, pet shops / kennels, exotic animals, noise complaints, animal waste, animal control and keeping of animals and shall also enforce the *Dog Owner's Liability Act* R.S.O. 1990, c. D. 16.
- 2.2 The Humane Society shall employ and supervise qualified Animal Control Officers and shall provide such officers with training, vehicles, uniforms and communication equipment and to pay all costs of such officers, training, vehicles, uniforms and communication equipment. The scheduling of shifts of the Animal Control Officers shall be as provided for in this Agreement and may be revised as mutually agreed upon by the Town and the Humane Society from time to time.
- 2.3 The Humane Society shall ensure that veterinarian services are available at all times to provide necessary treatment to any impounded animal.
- 2.4 The Humane Society shall provide and operate an Animal Shelter within the City of Stratford for stray domestic animals, equipped with suitable ventilation, heating, and cooling facilities and all other equipment necessary for the property operation of an Animal Shelter to provide for the comfort of the animals in accordance with applicable law.
- 2.5 The Humane Society shall provide the ability to segregate animals from the general population, as may be ordered by the Medical Officer of Health, or any other person or persons having the authority to order the quarantine of animals, for the period of time so required.
- 2.6 The Humane Society shall provide for adoption or final disposition of all unclaimed animals after the stray periods have expired.
- 2.7 The Humane Society shall dispose of animals found dead or lawfully impounded and lawfully destroyed, pursuant to applicable law.
- 2.8 The Humane Society shall receive, impound and hold for claiming by the lawful owners, any domestic animal delivered to the Humane Society's Animal Shelter or captured, received or impounded by Animal Control Officers or other duly authorized persons and to dispose of unclaimed domestic animals by sale or destruction in

accordance with this agreement.

2.9 The Humane Society shall release any impounded animal from the Animal Shelter once the animal is registered and identified, if applicable, according to Town by-laws.

2.10 The Humane Society shall collect from the lawful owner or his/her authorized agent and retain all pound fees and destruction fees levied by the Humane Society in accordance with the fees established by the Town By-law.

2.11 The Humane Society shall provide for the licensing and registering of dogs and cats adopted from the Humane Society to residents of the Town pursuant to applicable Town by-laws, collect and retain license and registration fees as provided for in this Agreement, provide tags, and maintain a licensing and registration database in respect of which the Humane Society shall adopt an access to information policy analogous to the access regime under the *Municipal Freedom of Information and Protection of Privacy Act*. The Humane Society acknowledges that such a database is intended to be, subject to any other applicable privacy law, a record under the control of the Town for purposes of the *Municipal Freedom of Information and Protection of Privacy Act*. The Humane Society shall comply with all applicable privacy law with respect to all of its employees and volunteers, directors and agents.

2.12 Without limiting the foregoing, the Humane Society shall ensure that an Animal Control Officer and/or Animal Care staff shall respond and take appropriate action with respect to all requests for services in the Town which relate to:

2.12.1 Entrapped animals to be freed and properly released or disposed of in accordance with applicable law.

2.12.2 Dead animals on Town streets and lands, to be collected and disposed of in accordance with applicable law.

2.12.3 Sick or injured animals or animals that are dangerous to the public on Town streets and lands in accordance with applicable law.

2.12.4 Dead animals on private property in the Town, to be collected and disposed of in accordance with applicable law and subject to a disposal fee at the Humane Society's discretion as set by the Humane Society.

2.12.5 Nuisance, domestic cats, dogs and cats found at large, licensing of dogs and cats and control and keeping of animals in the Town, in accordance with applicable law.

2.12.6 Possible dog or cat attacks or threatening situations on another animal, person

2.13 Wildlife nuisance calls to the Humane Society may be referred to wildlife professionals.

2.14 The Humane Society shall ensure that when on duty, Animal Control Officers shall:

2.14.1 Be dressed in a suitable uniform and carry an appropriate identification badge.

2.14.2 Respond to and investigate complaints, provide warnings where appropriate, obtain evidence, and lay charges as required.



- 2.14.3 Appear and give evidence in enforcement proceedings as required on behalf of the Town.
- 2.15 The Humane Society shall ensure that Animal Control Officers shall investigate all incidents involving dog aggression and where appropriate shall assist the Town with proceedings under the applicable Town By-laws and/or *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16. including the pit bull provisions of the Act, and any regulations thereunder, as amended from time to time or any successor thereto.
- 2.16 The Humane Society shall ensure that where a dog or cat found at large has been apprehended, the Animal Control Officer takes appropriate action, which may include:
- 2.16.1 Reasonable attempts to return the dog or cat to the lawful owner,
  - 2.16.2 Such actions as required to ensure that a license is purchased if the dog or cat at large is unlicensed.
  - 2.16.3 Impounding a dog or cat the Animal Shelter as deemed necessary by the Human Society.
  - 2.16.4 During an appropriate offence notice under the *Provincial Offences Act* R.S.O. 1990. c. P. 33. or other applicable legislation.
- 2.17 The Humane Society shall ensure that a qualified Animal Control Officer assesses all stray injured domestic animals and determines whether veterinarian care is required and to arrange for appropriate veterinarian case to alleviate pain/suffering of the animals.
- 2.18 The Humane Society shall promote a better understanding of animal control issues with citizens and promote the Town 's by-laws, the benefits of spaying and neutering of dogs and cats, promote the sale of identification tags as provided for in the Town's Animal Control By-law at every opportunity and to undertake such other public education of animal issues for residents of the Town of St. Marys as deemed appropriate in consultation with the Town.
- 2.19 The Humane Society shall ensure that no animals impounded at the Animal Shelter are knowingly released for research purposes.

### **3.0 SERVICE HOURS**

The Humane Society shall provide the Animal Services pursuant to this Agreement in accordance with the following minimum performance standards.

- 3.1 The Humane Society shall provide Animal Services, including answering telephone calls, between the hours of:
- 3.1.1 Monday to Friday (holidays excepted) 8:00 am and 5:00 pm
  - 3.1.2 Saturday and Sunday (holidays excepted) 9:00 am and 4:00 pm
  - 3.1.3 Holiday hours as determined by the Humane Society and to be published for the awareness of the public.

Notwithstanding the above noted hours, the Humane Society reserves the right to decide whether or not to provide adoption services to the public on Mondays and Tuesdays at their discretion.

- 3.2 The Humane Society shall Provide animal control officers sufficient to render the services required under this Agreement.
- 3.3 The Humane Society shall operate and keep open to the public, the Animal Shelter during the following days and times:
- 3.3.1 Monday to Friday (holidays excepted) 10:00 am to 5:00 pm
  - 3.3.2 Saturday (holidays excepted) 12:00 Noon to 4:00 pm
  - 3.3.3 Sunday (holidays excepted) 12:00 Noon to 4:00 pm (not open to the public but staff available should public require access to take in animal)
  - 3.3.4 Holiday hours as determined by the Humane Society and to be published for the awareness of the public.
- 3.4 The Humane Society shall respond to emergency services telephone calls in the Town of St. Marys on a 24-hour, 7-days per week, 52-weeks per year basis that this Agreement is in effect. An answering service may be used during the hours that the Animal Shelter is not open to the public and such service shall relay pertinent information to the caller, including a means of contacting the Animal Control Officer in the event of an emergency. An emergency call is deemed to be a request from an authorized representative of the Town or Stratford Police Services to respond to an injured animal or an animal which is dangerous to the public but does not include stray dogs or cats which come into the possession of a resident of the Town of St. Marys. The Humane Society will respond to emergency calls from Stratford Police Services within the Town relating to injured, sick, distressed, and suspected rabid, vicious, or biting animals within 1 (one) hour of receiving the complaint.
- 3.5 All impounded animals will be given appropriate daily care, including feeding, watering, and twice-daily exercising.
- 3.6 All animal cages, crates, kennels and surrounding areas on the Land will be cleaned and disinfected daily.
- 3.7 The Humane Society will respond to any call received during regular daily patrol hours, of a dog or domestic cat running at large in the Town within 2 (two) hours of receiving the complaint.
- 3.8 The Humane Society will respond to any call received regarding the *Dog Owner's Liability Act* within 48 (forty-eight) hours of receiving the complaint.
- 3.9 The Humane Society shall respond to any call from the public regarding an injured animal on town roads within 2 (two) hours of receiving the call.
- 3.10 The Humane Society will respond to any call received during regular daily patrols regarding a dead animal in the Town within 24 (twenty-four) hours of receiving the call.
- 3.11 The Humane Society will respond to all other calls regarding animals in the Town with 72 (seventy-two) hours of receiving the complaint.
- 3.12 The Humane Society shall conduct after-hours patrols in the Town if determined necessary by the Town.
- 3.13 The Humane Society will patrol the Town in accordance with this Agreement, in a

vehicle appropriately maintained and identified as a vehicle providing animal services, and equipped with cages in compliance with applicable laws and regulations.

3.14 The Humane Society shall actively pursue the licensing and registering of all dogs and domestic cats in the Town.

3.15 The Humane Society shall actively pursue the registration of all exotic/restricted animals in the Town, as defined in the Town's Animal Control By-law.

3.16 The Humane Society shall ensure that Animal Control Officers exercise proper animal quarantine procedures.

3.17 The Humane Society shall effectively deal with the public in the conduct of providing animal services and foster good relations.

## **4.0 RECORDS**

4.1 On or before the fifteen-day of January and the fifteen-day of July of each year during the term of this Agreement, the Humane Society shall provide the Town with a record of transactions conducted on behalf of the Town in the previous 6 months, beginning July 15, 2021. The records shall include:

4.1.1 Number of animals Impounded via Seized Investigation by month and categorized by type of animal – Dog, Cat, and Wildlife/Other;

4.1.2 Number of animals Impounded At Large by month and categorized by type of animal – Dog, Cat, and Wildlife/Other;

4.1.3 Number of animals Surrendered by Owner by month and categorized by type of animal - Dog, Cat, and Wildlife/Other;

4.1.4 Number of animals Impounded Claimed by Owner by month and categorized by type of animal - Dog, Cat, and Wildlife/Other;

4.1.5 Number of animals Impounded Adopted to New Owners by month and categorized by type of animal - Dog, Cat, and Wildlife/Other

4.1.6 Number of animals Picked up Injured by month and categorized by type of animal - Dog, Cat, and Wildlife/Other

4.1.7 Number of animals Picked up Dead by month and categorized by type of animal - Dog, Cat, and Wildlife/Other

4.1.8 Number of After Hours Calls by month and categorized by type of animal - Dog, Cat, and Wildlife/Other

4.1.9 Requests for Service by month and categorized by type of animal - Dog, Cat, and Wildlife/Other

4.1.10 Identification tags sold for licences or registrations;

4.1.11 Dog attacks and bites reported to the Humane Society, and the number of proceedings commenced under the *Dog Owner's Liability Act*;

4.1.12 Other pertinent information regarding Animal Services as may be requested in writing by the Town, acting reasonably.



4.2 The Humane Society shall retain digitized records regarding licences and Animal Services, including Animal Control Officer reports, pursuant to the provisions of the Town's Record Retention By-law, as amended from time to time or any successor thereto.

## **5.0 FEE FOR SERVICE**

5.1 The Town shall pay the Humane Society an annual fee in accordance with Schedule "B" herein for the services specified in this Agreement for each year of the term of this Agreement, payable monthly in advance. The Humane Society shall submit to the Town documentation as determined necessary by the Town.

5.2 The Humane Society shall be entitled to keep the revenue in accordance with Schedule "B" herein generated from dog and cat licensing, registration and impound fees.

5.3 The Humane Society shall keep and maintain all proper books, records, accounts, documents, and vouchers necessary to record all financial transactions and as required by law in connection with its operations. The Humane Society shall at all times comply with all reporting and other requirements by law as a registered charity.

5.4 The Humane Society shall be responsible to pay any taxes which may be levied against the Land and the Animal Shelter pursuant to applicable legislation.

5.5 Attached as "Schedule B" and forming part of this Agreement is a schedule of fees for service for the provision of Animal Services for the Town.

## **6.0 INSURANCE AND INDEMNIFICATION**

6.1 The Humane Society shall maintain throughout the term of this Agreement commercial general liability insurance in an amount of not less than \$5 million (\$5,000,000) including cross liability and non-owned auto. The Town shall be named as an additional insured, which respect to the Humane Society's operations and all obligations assumed under this Agreement, including insurance against loss or damage resulting from bodily injury, including death, to one or more persons and loss of or damage to property arising from the performance of this Agreement by the Humane Society, its employees and agents. The Humane Society shall maintain their own property insurance for their buildings, stock and equipment to a limit that a prudent owner would maintain. The Humane Society shall also maintain throughout the term of this Agreement its own Directors and Officers insurance policy. The Humane Society shall also maintain Ontario automobile liability insurance to a limit of not less than \$5 million (\$5 million) covering any owned, leased or rented vehicles. The costs to the Humane Society of maintaining its own insurance are considered operating expenses of the Humane Society.

6.2 The Humane Society shall provide to the Town a certified copy of such policy or a certificate on the Town Certificate form thereof within 2 (two) weeks after the Humane Society executes this Agreement, and thereafter on an annual basis prior to expiry.

6.3 The Humane Society hereby fully indemnifies, holds harmless, and shall defend the Town, its employees, officers, agents and elected representatives, from and against any and all actions, proceedings, claims, and demands of every nature and kind whatsoever, and from all cost, charges, and expenses, including legal expenses and loss, including but not limited to bodily injury, including death to against or made upon the Town by any

party whatsoever, or which may be incurred, sustained, or paid by the Town, in consequence of the performance or non-performance by the Humane Society of its obligations pursuant to this Agreement, unless such loss or damages are as a result of or by reason of any negligence, including gross negligence, or as a result of an action or omission, misrepresentation, misstatement, imprudence, lack of skill or error of judgment, of or by the Town or its officer, directors, agents, employees, and servants. This indemnification in respect of any breach, violation, non-performance, damage to property, or injury or death occurring during the term of this Agreement, shall survive any termination of this Agreement.

## **7.0 TERM AND TERMINATION**

7.1 The term of this Agreement shall be three (3) years, commencing January 1, 2021, to and including December 31, 2023. This agreement can be extended for two (2) additional one (1) year extensions subject to mutual agreement by both parties.

7.2 Where either party commits a material breach of this Agreement, the non-offending party shall, by written notice, grant the offending party ninety (90) days to rectify the breach or to otherwise take corrective action to the satisfaction of the non-offending party.

7.3 Where a party to this Agreement has committed a material breach, the non-offending party may, subject to Section 7.2 herein, terminate the Agreement on one hundred and eighty (180) days written notice. Where the Town committed the material breach leading to the termination of the Agreement, the Town shall provide payment to the Humane Society in the amount equal to the prorated contract fee as defined in Schedule B to meet the defined levels of service set out in this Agreement during the notice period. Such payment shall be construed as liquidated damages and not as a penalty.

## **8.0 GENERAL**

8.1 The Humane Society shall not assign or transfer in any manner this Agreement without the prior written consent of the Town, acting reasonably.

8.2 The Humane Society shall throughout the term of this Agreement maintain its status as an independent registered charity.

8.3 Notice for the purpose of this Agreement shall be deemed effectively given to the Humane Society, if delivered or mailed addressed to the:

Executive Director of Kitchener-Waterloo Humane Society  
250 Riverbend Drive  
Kitchener ON N2B 2E9

or such other address as the Humane Society shall have advised the Town in writing; and to the Town, if delivered or mailed addressed to the:

Town Clerk  
The Corporation of the Town of St. Marys  
P.O. Box 998, 175 Queen Street East  
St. Marys, ON N4X 1B6

or such other address as the Town shall have advised the Humane Society in writing.

8.4 Any notice or communication given by personal delivery or courier shall be deemed to have been given and received on the day of actual delivery thereof. Any notice or communication given by facsimile transmission shall be deemed to have been given and received on the next business day following the day on which it was successfully sent. Any notice or communication given by registered mail shall be deemed to have been given and received on the 5th (fifth) business day following the date of mailing.

8.5 No condoning or overlooking by the Town or the Humane Society of any default breach, or non-observance by the other shall operate as a waiver of such party's rights hereunder in respect of any continuing or subsequent default or breach. All rights and remedies herein are cumulative and alternative.

8.6 The Town and the Humane Society shall meet as a minimum, on an annual basis to review this Agreement and any relevant or related animal services.

8.7 This agreement constitutes the entire agreement between the parties hereto and supersedes all prior agreements and understandings whatsoever with respect to its subject matter and may not be amended except in writing duly approved and executed by the Town and the Humane Society.

8.8 There are no conditions, warranties, representations, or other agreements in connection with this Agreement except as specifically set out herein.

8.9 If any part of this Agreement shall be declared illegal or unenforceable by a court of competent jurisdiction, it shall be severed from and deemed never to have formed a part of this Agreement, and the remainder of this Agreement shall remain in full force and effect and enforceable in accordance with its terms.

8.10 This Agreement shall be construed and governed by the laws of the Province of Ontario.

8.11 All references shall be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person or a corporation or partnership.

8.12 The insertion of headings is for convenience of reference only and shall not be construed so as to affect the interpretation or construction of this Agreement.

8.13 The preparation of this Agreement shall not be deemed to be an offer to the Humane Society and no agreement or contract between the parties hereto shall arise or exist except through the execution of the Agreement by the Humane Society and by the Town after same has been authorized by Town Council.

8.14 This Agreement shall ensure to the benefit of, and be binding upon, the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties have caused this agreement to be executed by their respective officers who are duly authorized to do so.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE TOWN OF ST. MARYS

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MAYOR – Al Strathdee

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CLERK – Jenna McCartney

THE HUMAN SOCIETY OF KITCHENER -  
WATERLOO AND STRATFORD – PERTH

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EXECUTIVE DIRECTOR – Kathrin Delutis

I have the authority to bind the Humane Society

**This is Schedule A**  
**to the**  
**Agreement dated the 1st day of January 2021**

- 1) Animal Control By-law XX-2021 (to be provided at a later date)
- 2) *Dog Owners' Liability Act*, R.S.O. 1990, c.D.16 and Regulations thereunder
- 3) *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c.13-Bill 136 ("PAWS")
- 4) *Pounds Act*, R.S.O. 1990, c.P.17

**This is Schedule B**  
**to the**  
**Agreement dated the 1st day of January 2021**

- 5) For services other than licensing services, the Town shall pay to the Humane Society the amount of \$XXXXX for 2021. Future yearly increases to be based on the previous year Ontario Price Index. Additionally, the amount will be recalculated in 2022 by using the adjusted per person price and the new base population number based on the current census results (the "Population Adjustment"). The Population Adjustment will continue to apply in 2023, the last year of the initial term.
- 6) Licensing and Registration Fees:
- a. Collected by Humane Society - 100% of revenue from dog and cat tags sold at the Humane Society's Animal Shelter shall be returned to the Town.
  - b. Retained by Town - 100% of revenue from dog and cat tags sold by the Town.

**BY-LAW XX-2021**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

Being a By-law to prohibit, regulate and restrict animals in the Town of St. Marys.

- WHEREAS:** The *Municipal Act, 2001* S.O. 2001, c.25, as amended, section 10(2)(9) gives single-tiered municipalities the authority to pass by-laws regarding animals;
- AND WHEREAS:** Section 8(3) of The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a by-law under Section 10 respecting a matter may: (a) regulate or prohibit respecting the matter, (b) require persons to do things respecting the matter, and, (c) provide for system of licenses respecting the matter;
- AND WHEREAS:** Sections 103 and 105 of The *Municipal Act, 2001* S.O. 2001, c.25, as amended, outline specific powers of municipalities regarding the impounding of animals, and the muzzling of dogs;
- AND WHEREAS:** The *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O., 1990, Chap. 0.36, provides special powers to help animals in distress;
- AND WHEREAS:** The Dog Owners' Liability Act, R.S.O. 1990, Chap. D-16, provides for rules and regulations that must be followed for the keeping of dogs;
- AND WHEREAS:** The Council of the Corporation of the Town of St. Marys deems it desirable to pass a by-law for the licensing, registration, and regulation of dogs, cats and other animals within the Town of St. Marys;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows:

**1.0. DEFINITIONS**

**1.1.** For the purpose of this By-law:

"Animal" shall include Dogs, Cats, birds and reptiles;

"Animal Control Officer" shall mean any person appointed by Council to enforce the provisions of this by-law and includes any person who has entered into a contract with the Town to control or keep animals and any delegate or agent of such person;

"At Large" shall mean an animal found at any place other than the premises of the owner of the animal and not under control of any person;

"Cat" shall mean a domesticated feline of the species *Felis catus*, twelve weeks of age or older;

"Cattery" shall mean an establishment for the breeding or boarding of pure-bred domestic Cats;

"Control" shall include care and custody;

“Council” shall mean the Council of the Town of St. Marys;

“Dangerous Dog” shall mean a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or domestic animal or has made a real and substantial threat of attack on a person or a domestic animal provided that the dog shall not be deemed as a dangerous dog if the bite, attack or threat of attack, was sustained by a person who, at the time, was committing willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime;

“Dog” shall mean a domesticated canine, twelve weeks of age or older;

“Kennel” shall mean a place or confine where purebred dogs are bred and raised as per the Town of St. Marys Zoning By-law;

“Muzzle” shall mean a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting;

“Off-leash Park” shall mean an area of land designated in this by-law for which signs are posted by the indicating that dogs are permitted to run At Large;

“Owner” shall mean a person who owns, possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor shall be deemed to be the owner;

“Peace Officer” shall include a police officer in the Town of St. Marys or anyone acting under their direct authority;

“Town” shall mean The Corporation of the Town of St. Marys; and

“Working” shall mean performing a task or tasks to assist human companions, including hunting, herding, tracking, detecting and police work.

## **2.0. FARM ANIMALS**

- 2.1. Farm animals such as cattle, horses, mules, goats, swine, sheep, mink, chickens, hens, roosters, fox, and others shall not be kept other than in areas zoned agricultural by the Zoning By-law, as amended.
- 2.2. Nothing in this By-law shall prevent the keeping of farm animals in an agricultural zone, as established by the Zoning By-law.

## **3.0. KEEPING, LICENSING AND REGISTRATION OF DOGS AND CATS**

- 3.1. No person shall keep more than three (3) Dogs or Cats over the age of 12 weeks within or about any dwelling unit with the exception of:
  - a) a veterinary clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;



- b) a kennel or cattery licensed by the Town; or
  - c) a pet shop if in accordance with the Town's Zoning By-law.
- 3.2. No person shall own, possess, harbour or keep any Dog or Cat within the Town unless a tag or license has been issued for the Dog by the Town in accordance with the provisions of this By-law.
- 3.3. Dog tags, Cat tags and Kennel licenses may be obtained from the office of the Town Clerk.
- 3.4. Every Owner of a Dog shall annually, and not later than March 31 in each year, and within ten (10) days of becoming an Owner of a Dog, cause the Dog to be tagged or licensed with the Town.
- 3.5. Every Owner of a Cat shall annually, and not later than March 31 in each year, and within ten (10) days of becoming an owner of a Cat, cause the Cat to be tagged or licensed with the Town.
- 3.6. Registration of Dog or Cat
  - a) Every Owner required to register an Animal in accordance with this By-law shall supply information to the Town at the time of registration.
  - b) Every Owner shall, at the time of registration, pay to the Town the required license fee pursuant to the Town's Fee By-law, as amended.
  - c) Every Owner shall at all times keep the tag securely affixed on the Animal for which it was issued.
  - d) Every license or tag issued shall bear a serial number and a record shall be kept by the Town setting out the name and address of the Owner and the serial number of the license or tag.
  - e) No person shall assign or transfer the license which has been issued for a Dog or Cat to any other Owner or Dog or Cat.
- 3.7. Registration of Kennel or Cattery:
  - a) No person shall keep or permit a Dog to be kept in a Kennel, or a Cat to be kept in a Cattery, outside of the premises of the Owner on the lot in a Kennel or Cattery that is not registered with the Town and in accordance with the Town's Zoning By-law.
  - b) The Owner, shall pay an annual registration fee in accordance with the Town's Fee By-law, as amended; and
  - c) The Owner shall provide the following information in an application for a Kennel license:
    - i. The name and address of the Kennel Owner and the Kennel operator;

- ii. The location of the Kennel; and
  - iii. Proof that the land on which the Kennel is located is properly zoned as per the Town of St. Marys Zoning By-law to permit the use as a Kennel.
- d) The Kennel shall be inspected by the Town, or its representative, on an annual basis, prior to renewal being granted.

#### **4.0. CONTROL AND ENFORCEMENT**

- 4.1. No person shall cause, permit or allow any Animal that the person owns, harbours or Controls to be At Large in the Town.
- 4.2. A Dog actively engaged in Working and under the direct Control of the Owner shall not be deemed to be At Large.
- 4.3. No Owner shall fail to keep an Animal under Control at all times.
- 4.4. Owners shall ensure that Dogs secured by tie-out, chain or tether shall not extend beyond any property line at the length of the tie-out, chain or tether.
- 4.5. No person shall permit a Dog to be on public property within the Town unless the Dog is on a leash, securely holding the Dog from wandering freely.
- 4.6. Any animal At Large may be seized and impounded by an Animal Control Officer.
- 4.7. The Animal Control Officer may enter on any public property, or private property with the consent of the Owner or occupant, for the purpose of capturing an Animal At Large.
- 4.8. Where an Animal has been seized and impounded by an Animal Control Officer, the Owner has three (3) days from the time of impoundment to redeem the Animal, by paying to the Town or its representative, the fees as set out in the Town's Fee By-law, as amended, plus all boarding fees.
- 4.9. Where an Animal has been seized and impounded by an Animal Control Officer or Peace Officer or the Owner has not claimed the Animal within five (5) days of seizure, the Animal Control Officer or Peace Officer may order the Dog to be terminated in a humane manner and dispose of the Dog as the Animal Control Officer sees fit and the Owner shall be liable for the payment of the pound fee, the boarding fee and any euthanasia and disposal fees as applicable, and shall pay all fees on demand to the Town, or its representative.
- 4.10. When an Animal is At Large in Town and the Animal cannot be seized or a danger exists to attempt seizure and the presence of the Animal or the location in which it is found causes a danger or a nuisance, a police officer may terminate the Animal.

- 4.11. No person in Control of an Animal shall permit its excrement to remain on public or private property without immediately removing the excrement and providing for its sanitary disposal.
- 4.12. No person shall permit an Animal:
- a) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running; or
  - b) To fight with or attack any domestic Animal or domestic bird.
- 4.13. No person shall:
- a) Tease, torment, annoy, or abuse any Animal; or
  - b) Untie, loosen or otherwise free an Animal which is not in distress unless such person has the authorization of the Owner. No person shall cause, permit or allow the Animal to emit animal sounds or other noise for an extended or frequent period of time.
- 4.14. No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law.

## **5.0. POUND**

- 5.1. For impounding the Animals captured under the provisions of this by-law, a place shall be established which shall comply with the provisions of and regulations made pursuant to the *Animals for Research Act*, R.S.O., 1990, c.A.22, as amended.
- 5.2. The Pound provided shall be under the care and Control of the Humane Society, whose duty it shall be to impound all Dogs and Cats brought to the Pound or found by an Animal Control Officer running At Large, who have not been returned to their Owner.
- 5.3. It is the duty of the Humane Society to:
- a) keep a record of all Animals impounded and how they are disposed of;
  - b) make annual returns to the Town showing the number of impounded Animals, how disposed of and the amount of money collected for poundage fees and proceeds of sale;
  - c) care for all Animals after they have been impounded in accordance with the *Animals for Research Act*, R.S.O., 1990, c. A. 22, as amended, and the regulations thereunder; and,
  - d) collect from the Owner of any impounded Animal, the poundage fees and any other fees and charges as outlined in Town's Fee By-law, before releasing the Animal.

- 5.4. Should any Animal impounded bear any tag or other means of identification the Humane Society shall notify the Owner of the Animal and upon payment of the poundage fee and any other fees or charges as outlined in the Town's Fee By-law, shall release the Animal to the Owner.
- 5.5. Those Animals not redeemed within seventy-two (72) hours may be sold by the Humane Society or the Humane Society may cause them to be destroyed.

## **6.0. OFF-LEASH PARK**

- 6.1. The Town has designated XXX Glass Street in St. Marys to be known as the Off-Leash Park.
- 6.2. No person shall permit a Dog to run At Large at the Off-Leash Park if the Dog is required to be Muzzled.
- 6.3. No person shall permit a Dog to enter the Off-Leash Park if the Dog does not have a current licence issued in accordance with this By-law.

## **7.0. DOG OWNER'S LIABILITY ACT**

- 7.1. It is the declared intention of Council that the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended, shall be enforced under the Provincial jurisdiction, and further that the Animal Control Officers are recognized as Peace Officers under the authority of the *Dog Owners' Liability Act* to ensure the expedient and efficient application of this Act.

## **8.0. DANGEROUS DOGS**

- 8.1. The Animal Control Officer may at their individual discretion, deem a Dog to be a Dangerous Dog as defined by this By-law.
- 8.2. Where the Animal Control Officer designates a Dog as a Dangerous Dog, the Animal Control Officer shall serve notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with the requirements as stated in the notice, which may include the following:
  - a) To keep such Dog confined within the Owner's dwelling, or located wholly within a fenced and properly secured area, and any gate in such fenced area shall be locked at all times when the Dog is in the fenced area or if the Dog continues to leave the fenced area, the Dog is to be restrained by a means of a chain/leash in addition to the fenced area;
  - b) When not confined as according to subsection 7.2(a) to securely attach a Muzzle to and leash such Dog at all times and to be under the care and Control of a person 18 years of age or older; and
  - c) To post a sign in a conspicuous place on his/her property stating that there is a Dangerous Dog on the premises.
  - d) The notice served under section 8 of this By-law shall include:

- i. A statement that the Animal Control Officer has deemed the Dog to be a Dangerous Dog;
  - ii. The requirements with which the Owner must comply;
  - iii. A statement that the Owner may request a hearing before Town Council to determine whether or not to exempt the Owner in whole or in part from a requirement stated in the notice.
- 8.3. Where the Owner of a Dog who receives a notice under section 8 of this By-law requests a hearing, Council shall hold a hearing within fifteen (15) working days of the Town Clerk's receipt of the request for such a hearing.
- 8.4. At a hearing called pursuant to section 8 of this By-law, Council may:
  - a) Rescind the Animal Control Officer's deeming of the Dog as a Dangerous Dog;
  - b) Confirm or rescind any requirement stated in the notice given by the Animal Control Officer; and/ or
  - c) Exempt the Owner in whole or in part from any muzzling of the Dog.
- 8.5. A request by the Owner of a Dog for a hearing pursuant to section 8 of this By-law does not act as a stay of any requirement stated in the notice served by the Animal Control Officer.
- 8.6. Any notice or request for hearing in respect of a Dangerous Dog shall be in writing and be served by hand delivery or prepaid registered mail, and when served by prepaid registered mail, service shall be deemed to be made on the fifth (5th) working day after the date of mailing.
- 8.7. An Owner of a Dangerous Dog shall advise the Town if the Owner transfers ownership of such Dangerous Dog to another person or changes the address at which such Dangerous Dog is kept, and shall furnish the Town with particulars of the new ownership and address, as applicable.

## **9.0. DOMESTIC ANIMAL'S WELFARE**

- 9.1. Without limiting any other provision of this By-law, the following provisions shall apply to all domestic Animals.
  - a) No person shall keep or harbor any domestic Animal in a manner that could adversely impact the health or well-being of the Animal. For the purposes of this section, unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention are each deemed to be circumstances which could adversely impact the health or well-being of an Animal.
  - b) Without limiting (a), an Owner of a domestic Animal shall provide it with adequate and appropriate care, food, water, shelter, exercise, and

attention as may be required to meeting the needs of that particular Animal. The requirement that the standard of care be adequate and appropriate is a requirement that the standard of care be adequate and appropriate to the specific Animal, having regard to its species, breed and other relevant factors.

- c) No person shall cause, and no Owner shall permit a domestic Animal to be in distress.
- d) Where a Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer has reasonable grounds to believe that a domestic Animal is in immediate distress, the Owner of the Animal shall, upon request of the Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer, at the Owner's expense:
  - i. Immediately have the Animal examined and treated by a veterinarian as determined necessary by the Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer; or
  - ii. Take each other immediate action as the Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer determines is necessary to relieve the Animal of its distress.
- e) Where a Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer has reasonable grounds to believe that a domestic Animal is in immediate distress, in addition to any other powers available at law, the Municipal Law Enforcement Officer, Police Officer or the Animal Control Officer may enter upon any land and, at the Owner's expense, take any such action as is reasonably necessary in the circumstances to relieve the Animal's distress.
- f) If a domestic Animal is customarily kept out of doors, the Owner shall provide for the Animal's use, a structurally sound, weatherproof and insulated enclosure of appropriate size and dimension and sufficient to protect the Animal from weather conditions.
- g) No person shall cause, permit or allow a domestic Animal to be confined in a vehicle except with the appropriate ventilation and at an appropriate temperature to ensure the Animal is not in distress or not reasonably likely to be in a distress while in the vehicle.
- h) No person shall allow a domestic Animal to be in the portion of a moving motor vehicle not enclosed in such a manner that would be deemed dangerous to the Animal. For purposes of this section, riding in the back of a pickup truck or flatbed truck shall be deemed dangerous to the Animal unless the Animal is:
  - i. Contained in a ventilated Kennel or similar device securely fastened to the bed of the truck; or

- ii. Securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.
- i) No person shall permit a domestic Animal to be tethered unless the Animal has unrestricted movement within the range of the tether and the Animal cannot suffer injury resulting from the tethering.

## **10.0. PROHIBITED ANIMALS**

- 10.1. No person shall keep felids (Cats) except the felids domesticus (domestic Cat), or canid (Dogs) except the canis domesticus (domestic Dog).
- 10.2. No person shall be in possession of a venomous or poisonous Animal in the Town of St. Marys.
- 10.3. No person shall be in possession of a lizard, which may grow to more than 30.48 centimetres in length from snout to vent in the Town of St. Marys.
- 10.4. No person shall be in possession of a snake, which will grow to more than 60.96 centimetres in length in the Town of St. Marys.
- 10.5. No person shall be in possession of any Animal deemed prohibited by Council.
- 10.6. No person shall have a lizard or snake in a public place or on public property.
- 10.7. The Animal Control Officer may enter on any public property, or private property with the consent of the Owner or occupant, for the purpose of inspecting an Animal enclosure.

## **11.0. ORDER TO DISCONTINUE ACTIVITY**

- 11.1. Where a Municipal Law Enforcement Officer or the Animal Control Officer is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer or the Animal Control Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- 11.2. An order under 11.1 shall set out:
  - a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - b) The date by which there must be compliance with the order.
- 11.3. Any person who fails to comply with an order issued under this Section is guilty of an offence.

## **12.0. WORK ORDER**

12.1. Where a Municipal Law Enforcement Officer or Animal Control Officer is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer or Animal Control Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

12.2. An order under 12.1 shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) The work to be done and the date by which the work must be done.

12.3. Any person who fails to comply with an order issued under this Section is guilty of an offence.

### **13.0. ENFORCEMENT AND PENALTIES**

13.1. Enforcement:

- a) This by-law may be enforced by a Police Officer or a Municipal Law Enforcement Officer appointed by Council.

13.2. Penalty:

- a) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- b) Every person who contravenes any provision of this By-Law is guilty of an offence and;
  - i. Upon a first conviction is subject to a maximum fine of five thousand dollars (\$5,000);
  - ii. Upon a subsequent conviction is subject to a maximum fine of ten thousand dollars (\$10,000).
- c) Despite subsection (1), of section 13, where the person convicted is a corporation, the corporation is liable;
  - i. Upon a first conviction is subject to a maximum fine of ten thousand dollars (\$10,000);
  - ii. Upon a subsequent conviction is subject to a maximum fine of twenty-five thousand dollars (\$25,000).

### **14.0. VALIDITY**



- 14.1. If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

## **15.0. SHORT TITLE**

- 15.1. This By-law may be referred to as the “Animal Control By-law”.

## **16.0. REPEALED**

- 16.1. That By-law 39 of 2008, Animal Control, is hereby repealed.
- 16.2. That By-law 19 of 2000, Appoint an Animal Control Officer, is hereby repealed.
- 16.3. That By-law 12 of 1995, Regulate Vicious Dog, is hereby repealed.
- 16.4. That By-law 24-86, Impose a Licence Fee On Dog Owners, is hereby repealed.
- 16.5. That By-law 25 of 1981, Licensing and Registering of Dogs, is hereby repealed.
- 16.6. That By-law 16-64, Prohibit Keeping of Animals and Domestic Fowl, is hereby repealed.
- 16.7. That By-law 11-64, Amendment to 8-63, is hereby repealed.
- 16.8. That By-law 2-64, Amendment to 8-63, is hereby repealed.
- 16.9. That By-law 8-63, Animal Control, is hereby repealed.

## **17.0. ENACTMENT**

- 17.1. This By-Law comes into force on the final passing thereof.

**Read a first, second and third time and finally passed this XX day of XXXXXX 2021.**

---

Mayor Al Strathdee

---

Jenna McCartney, Clerk

## **BY- LAW OF 39 of 2008**

### **OF THE CORPORATION OF THE TOWN OF ST. MARYS**

**BEING** a By-law for prohibiting and regulating certain animals, the keeping of dogs within the municipality, for restricting the number of dogs that may be kept by any person in or about any dwelling unit within the municipality, for licensing dogs and cats and imposing a license fee on the owners of them within the municipality and for prohibiting the running at large of dogs within the Corporation of the Town of St. Marys.

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c.25, paragraph 10(2)9 gives single-tier municipalities broad authority to pass by-laws regarding animals;

**AND WHEREAS** Part III of the *Municipal Act, 2001*, S.O. 2001, c.25, sections 103 and 105 outline specific powers of municipalities regarding the impounding of animals, and the muzzling of dogs;

**AND WHEREAS** the Council of the Corporation of the Town of St. Marys deems it desirable to pass a by-law for the licensing, registration, and regulation of dogs within the Town of St. Marys

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the Town of St. Marys as follows:

#### **Definitions**

1. In this By-law,

- (a) "Animal" includes Dogs, Cats, birds and reptiles.
- (b) "Animal Control Officer" means any person appointed by Council to enforce the provisions of this by-law and includes any person who has entered into a contract with the Town to control or keep animals and any delegate or agent of such person.
- (c) "At Large" means an animal found at any place other than the premises of the owner of the animal and not under control of any person.
- (d) "Cat" means a male or female feline of the species *Felis catus*.
- (e) "Council" means the Council of the Town.
- (f) "Dangerous Dog" means a Dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or domestic animal or has made a real and substantial threat of attack on a person or a domestic animal provided that the Dog shall not be deemed to a Dangerous Dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing willful trespass or other tort upon the premises occupied by the Owner of the Dog, or was teasing, tormenting, abusing, or assaulting the Dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the Dog, or was committing or attempting to commit a crime.
- (g) "Dog" means a domesticated canine animal, male or female, three months of age and older.
- (h) "Kennel" means a place or confine where Purebred Dogs are bred and raised as per the Town of St. Marys Zoning By-law.

- (i) "Muzzle" means a humane fastening or covering device of adequate strength placed over a Dog's mouth to prevent it from biting.
- (j) "Owner" means a person who owns, possesses or harbours an Animal, and where the Owner is a minor, the person responsible for the custody of the minor shall be deemed to be the Owner.
- (k) "Peace Officer" includes a Police Officer in the Town or anyone acting under his or her direct authority.
- (l) "Purebred" means registered or eligible for registration with an association incorporated under the *Animal Pedigree Act*, R.S.C. 1985, c.8 (4<sup>th</sup> Supp.).
- (m) "Service Animal" means any guide Dog, signal Dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability.
- (n) "Town" means the Corporation of the Town of St. Marys.
- (o) "Working" means performing a task or tasks to assist human companions, including hunting, herding, tracking, detecting and police work.

#### **Licensing and Registration**

- 2. No person shall own, possess, harbor or keep any Dog within the Town unless a tag or license has been issued for the Dog by the Town in accordance with the provisions of this By-law.
- 3. No person shall own, possess, harbor or keep any Cat within the Town unless a tag or license has been issued for the Cat by the Town in accordance with the provisions of this By-law.
- 4. Dog tags, Cat tags, and kennel licenses may be obtained from the office of the Town Clerk.
- 5. Every owner of a Dog shall annually, and not later than February 28 in each year, and within ten (10) days of becoming an owner of a Dog, cause the Dog to be tagged or licensed with the municipality.
- 6. Every owner of a Cat shall, within ten (10) days of becoming an owner of the Cat, cause the Cat to be tagged or licensed with the municipality, such license shall be for the lifetime of the Cat.
- 7. With the exception of Owners of Dogs in a Kennel:
  - (a) The Owner shall, at the time of registration, pay to the Town the required license fee pursuant to Schedule "A" of this By-law.
  - (b) The Owner shall at all times keep the tag securely affixed on the animal for which it was issued.
  - (c) Every license or tag issued shall bear the serial number and the year in which it was issued and a record shall be kept by the Town setting out the name and address of the owner and the serial number of the license or tag.
  - (d) No Owner shall assign or transfer the license which has been issued for a Dog or Cat to any other Owner or Dog or Cat.

8. All persons owning or operating a Kennel or owning Dogs in a Kennel:
- (a) Shall pay an annual registration fee in accordance with Schedule "A" of this By-law;
  - (b) Shall provide the following information in an application for a Kennel license;
    - (i) The name and address of the Kennel owner and the Kennel operator;
    - (ii) The location of the Kennel;
    - (iii) Proof that the land on which the Kennel is located is properly zoned as per the Town of St. Marys Zoning By-law to permit the use as a Kennel.

### **Control and Enforcement**

- 9. No Owner shall cause, permit or allow any Animal that the person owns, harbours or controls to be At Large in the Town.
- 10. A Dog actively engaged in Working and under the direct control of the Owner shall not be deemed to be at large.
- 11. No Owner shall fail to keep an Animal under control at all times.
- 12. Owners shall ensure that Dogs secured by tie-out, chain or tether shall not extend beyond any property line at the length of the tie-out, chain, or tether.
- 13. No Owner shall permit a Dog to be on public property within the Town unless the Dog is on a leash securely holding the Dog from wandering freely.
- 14. Any Animal At Large may be seized and impounded by an Animal Control Officer.
- 15. The Animal Control Officer may enter on any public property, or private property with the consent of the owner or occupant, for the purpose of capturing an Animal At Large.
- 16. Where an Animal has been seized and impounded by an Animal Control Officer, the Owner has five (5) days from the time of impoundment to redeem the Animal, by paying to the Town the fees as set out in the Schedule "A" of this by-law plus all boarding fees. The period of five days shall be reckoned exclusive of the day on which the Dog is seized, Saturdays, Sundays, and statutory holidays.
- 17. Where a Dog has been seized and impounded by an Animal Control Officer or Peace Officer and the Owner has not claimed the Dog within five (5) days of seizure, the Animal Control Officer or Peace Officer may order the Dog to be terminated in a humane manner and/or dispose of the Dog as the Animal Control Officer sees fit and the Owner shall be liable for the payment of the pound fee, the boarding fee and any euthanasia and disposal fees as applicable, and shall pay all fees on demand to the Town.
- 18. No Animal shall be returned to the Owner unless it has been licensed and registered in accordance with this By-law.
- 19. An Animal Control Officer or Peace Officer may seize any Animal that is being neglected, sick or has suffered serious injury, or represents a threat to the safety of persons or animals and may order its termination without delay and without the Owner's permission by reason of the said Animal being suspected rabid,

or unduly suffering, or for reasons of safety to persons or animals. No damage or compensation shall be recovered on account of its termination, or other disposition.

20. When an Animal is At Large in Town and the Animal cannot be seized or a danger exists to attempt seizure and the presence of the Animal or the location in which it is found causes a danger or a nuisance, an Animal Control Officer or a Peace Officer may terminate the Animal or instruct another person to do so as safely and humanely as possible.
21. Any Owner of a Dog, which is allowed to defecate on any public or private property within the municipality, other than the property of the Owner of the Dog, shall remove such excrement forthwith, and sanitarily dispose of such excrement.

#### **Dog Owners' Liability Act**

22. It is the declared intention of Council that the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended, shall be enforced under the Provincial jurisdiction, and further that the Animal Control Officers are recognized as Peace Officers under the authority of the *Dog Owners' Liability Act* to ensure the expedient and efficient application of this Act.

#### **Dangerous Dogs**

23. The Animal Control Officer may at his/her individual discretion, deem a Dog to be a Dangerous Dog as defined by this by-law.
24. Where the Animal Control Officer designates a Dog as a Dangerous Dog, the Animal Control Officer shall serve notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with the requirements as stated in the notice, which may include the following:
  - (a) To keep such Dog confined within the Owner's dwelling, or located wholly within a fenced and properly secured area, and any gate in such fenced area shall be locked at all times when the Dog is in the fenced area or if the Dog continues to leave the fenced area, the Dog is to be restrained by a means of a chain/leash in addition to the fenced area;
  - (b) When not confined as according to subsection 24(a), to securely attach a muzzle to and leash such Dog at all times and to be under the care and control of a person 16 years of age or older;
  - (c) To post a sign in a conspicuous place on his/her property stating that there is a Dangerous Dog on the premises.
25. The notice served under section 24 of this By-law shall include:
  - (a) A statement that the Animal Control Officer has deemed the Dog to be a Dangerous Dog;
  - (b) The requirements with which the Owner must comply;
  - (c) A statement that the Owner may request a hearing before Town Council to determine whether or not to exempt the Owner in whole or in part from a requirement stated in the notice.
26. Where the Owner of a Dog who receives a notice under section 24 of this By-law requests a hearing, Council shall hold a hearing within fifteen (15) working days of the Town Clerk's receipt of the request for such a hearing.

27. At a hearing called pursuant to section 26 of this By-law, Council may:
- (a) Rescind the Animal Control Officer's deeming of the Dog as a Dangerous Dog;
  - (b) Confirm or rescind any requirement stated in the notice given by the Animal Control Officer; and/or
  - (c) Exempt the Owner in whole or in part from any muzzling of the Dog.
28. A request by the Owner of a Dog for a hearing pursuant to section 26 of this By-law does not act as a stay of any requirement stated in the notice served by the Animal Control Officer.
29. Any notice or request for hearing in respect of a Dangerous Dog shall be in writing and be served by hand delivery or prepaid registered mail, and when served by prepaid registered mail, service shall be deemed to be made on the fifth (5<sup>th</sup>) working day after the date of mailing.
30. An Owner of a Dangerous Dog shall advise the Town if the Owner transfers ownership of such Dangerous Dog to another person or changes the address at which such Dangerous Dog is kept, and shall furnish the Town with particulars of the new ownership and address, as applicable.

#### **Keeping of Dogs**

31. With the exception of:
- (a) a veterinary clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
  - (b) a kennel licensed by the Town;
  - (c) pet shops if in accordance with the Town's Zoning By-law,
- no person shall keep more than four (4) Dogs in any one dwelling unit or on any premises.

#### **Animals Prohibited**

32. The following Animals are prohibited in the Town:
- a) a venomous or poisonous Animal, which is being held in captivity;
  - b) a lizard, which will grow to more than 65 centimetres in length from snout to vent;
  - c) a snake, which will grow to more than 2 metres in length; and
  - d) any Animal deemed restricted by Council.

#### **Penalties**

33. Every person who contravenes any of the provisions of this By-law shall be guilty of an offence and upon conviction shall be liable to such penalties as provided in the *Provincial Offences Act*.
34. Every day a contravention continues may be deemed to be a separate offence.
35. Notwithstanding section 33 of this By-law, an Animal Control Officer may, in lieu of the laying of an information in respect of a Dog being At Large, issue a violation notice to the

accused specifying that the person may make a voluntary payment of a reduced penalty, set out as a Straying Fee in Schedule "A" to this By-law, out of Court within (7) days of the date that the violation notice was issued. Once a person has paid the reduced penalty, no further proceeding shall be taken against that person in respect of the offence alleged in the violation notice.

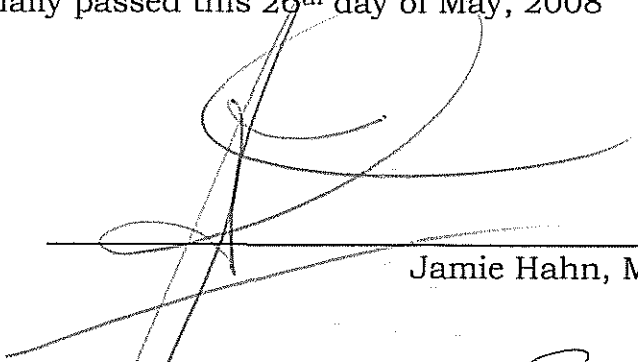
**Severability**

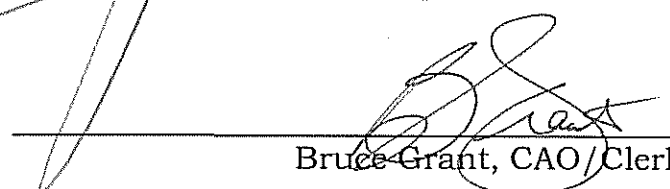
36. Each and every of the foregoing provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire that each and every other of the remaining provisions hereof shall remain in full force and effect.

Upon coming into force this by-law shall repeal By-law 11 of 1995, By-law 37 of 1995 and By-law 13 of 1998.

Read a first & second time this 26<sup>th</sup> day of May, 2008

Read a third time and finally passed this 26<sup>th</sup> day of May, 2008

  
\_\_\_\_\_  
Jamie Hahn, Mayor

  
\_\_\_\_\_  
Bruce Grant, CAO/Clerk

**SCHEDULE “A”**

**ANNUAL DOG LICENSE AND STRAYING FEES**

Cat License	\$10.00 (one time fee)
First Dog per household	\$15.00 per year
Second Dog per household	\$20.00 per year
Third Dog per household	\$25.00 per year
Fourth Dog per household	\$30.00 per year
Kennel License	\$300.00 per year
Straying Fee	\$50.00 per occurrence
Service Animal	Nil



# TOWN OF ST. MARYS

## 2021 Corporate Plan Update

May 11, 2021



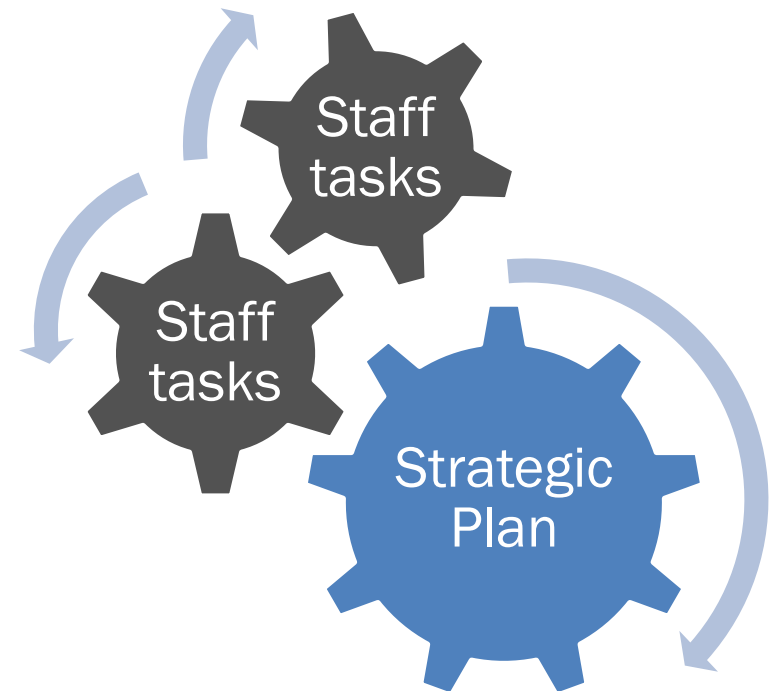
# Today's Goal:

## Share each department's vision:

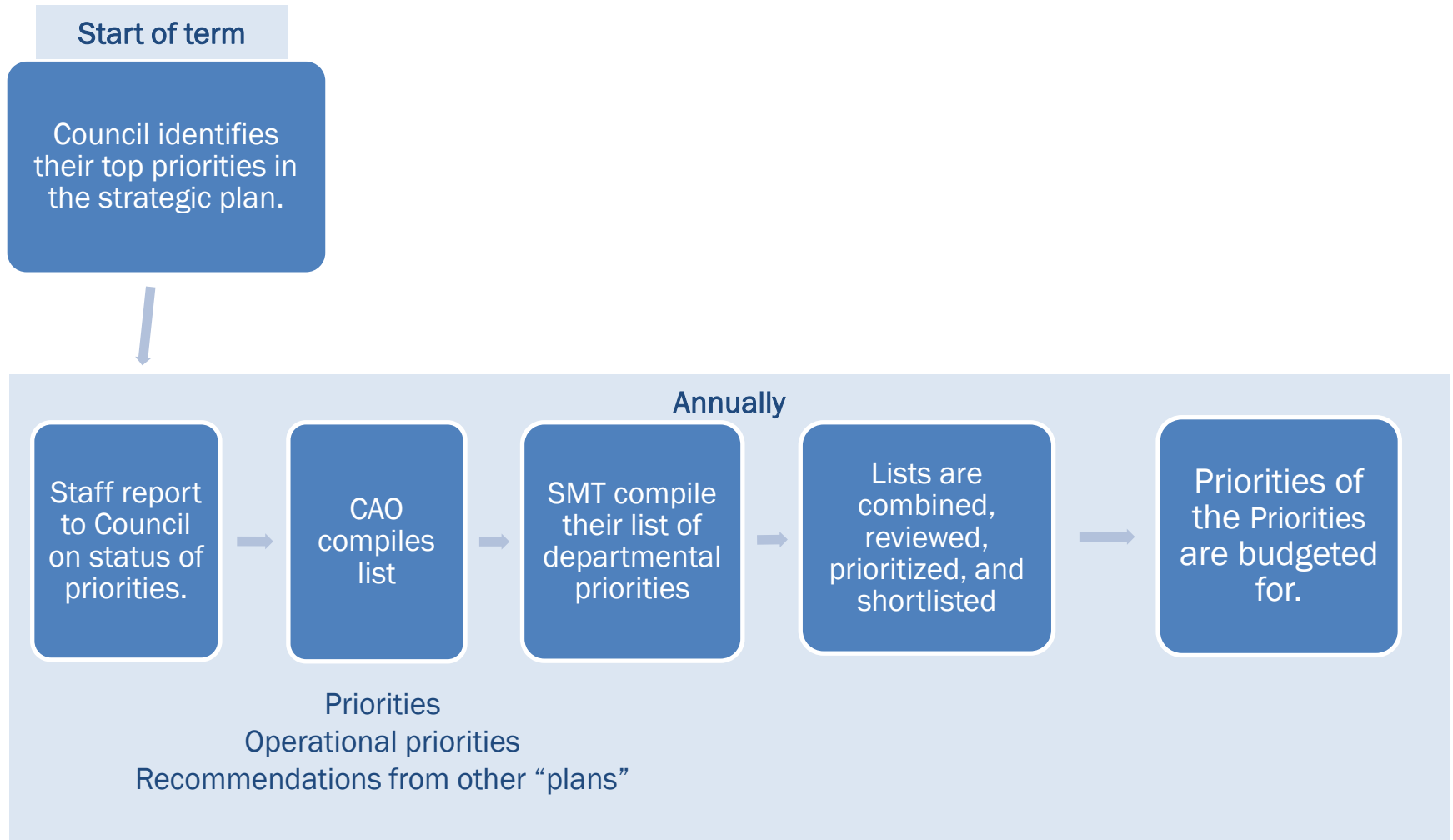
- Key tactics
- How it came to be
- How it relates to Council's priorities

## Provide a better understanding of what happens across the organization.

## Display how our work relates back to the Strategic Plan.



# How are priorities determined?



# What is the plan for 2021?





## Implement and adapt Community and Social Wellbeing Plan

- Financial support and subsidies
  - Direct services
    - Vaccine concierge,
    - Community connectivity
    - Virtual classes
    - Meal programs
  - Host personal care services
    - Foot clinics
    - Blood donor clinics
  - Mobilize emergency childcare for essential workers.
- Hire a Community Development Worker
  - Promote existing social services
  - Position Town as ideal setting for vaccine clinics
  - Implement Community and Safety Wellbeing Plan



## Implement and adapt the business support and economic recovery program

- Provide financial support and grants as needed.
- Tourism and marketing plan for the Downtown to prepare for post-pandemic economic recovery.

# Pandemic Response and Recovery



**Balance infection control, protecting public safety, and providing safe events/ “things to do” to support community mental wellness.**

- Reprofile Milt-Dunnell park as the “Central Park of St. Marys” with upgraded services and new amenities.
- Parks, recreation amenities, recreation facilities, the Quarry etc. are open for safe use.
- Develop a post-pandemic recreation services plan.
- Maintain access to literacy through an open and available Library.

# Providing Modern and Efficient Municipal Services



**Develop a customer service standard in an effort to eliminate barriers to customer service (KPMG).**

- One-window approach for each customer service point.
- Organizational norms for the customer service process.
- Recommendations for additional services that can be past of a “virtual Town Hall”.



**Develop Library mission, vision, and values statements that are agreed upon by the Board to be in a state of readiness for Strategic Planning.**



# Providing Modern and Efficient Municipal Services



## Expand corporate use of the City Wide Works System (KPMG).

- Train internal users at customer service points to input work and service requests.
- Develop a public facing web portal to track and manage service requests.
- Track repairs and develop work orders for recurring maintenance activities.

# Providing Modern and Efficient Municipal Services



## Develop a plan to modernize Finance services and implement process review recommendations

- Leverage technology to increase paper-based process efficiencies
- Investigate opportunities for interconnectedness of existing software suites.
- Develop documented procedures and standard work processes.
- Leverage new staffing to provide more direct support to the Community Services department



## Complete a review of the Town's Procedure By-law to modernize Council and committee meeting procedures.

# Providing Modern and Efficient Municipal Services



## Make continuous improvements to the Town's Asset Management Plan.

- Asset management action plan and long-term financial strategy
- Asset management database
- 10-year corporate facilities capital plan
- Road needs study
- Capital plan for capital road maintenance and construction
- Active Transportation Master Plan.
- Maximize sewage treatment capacity

# Encouraging Development of Attainable Housing



Divesting Town owned land for attainable housing units.



New Community Improvement Plan that includes financial supports for development of attainable housing.



Developer Roundtable to identify and reduce pinch points in the development process.

# Encouraging Development of Attainable Housing



New requirements for developers to show the impact of a proposed development on the supply of attainable housing in the community.







Investigate funding options to support geared to income or subsidized housing.



Review and confirm that the Town's parking requirements for higher density developments are appropriate.

# Developing Organizational Capacity and Human Capital

-  **Review and test the competitiveness of the Town's compensation and benefits program.**
  - Job Evaluation process & Salary survey
-  **Review and update the Health and Safety Policy**
-  **Develop team member working groups and complete analysis of 2019 Staff Survey results.**
-  **Update the Business Continuity Plan**

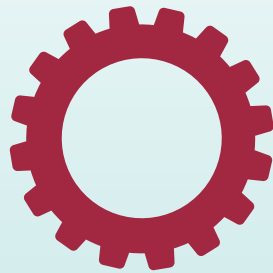
# QUESTIONS?

## 2021 Strategic Plan Areas of Focus



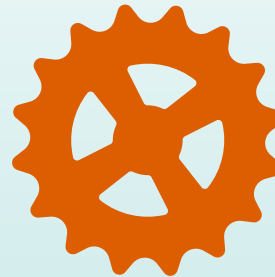
### **Pandemic response and recovery**

- Community Safety and Well-being plan
- Business support and economic recovery program
- Balance infection control, public health, with safe events



### **Modern and efficient municipal services**

- Customer Service Standard
- Library mission, vision, values
- Expand City Wide Works system
- Finance services modernization plan
- Town Procedure By-law review
- Asset management continuous improvement



### **Development of attainable housing services**

- Divest from Town-owned land
- Community Improvement Plan
- Developer Roundtable
- Developer impact reports on attainable housing supply
- Funding options for income/housing support
- Review Town's parking requirements



### **Organizational capacity and human capital**

- Compensation and Benefits review
- Health and Safety Policy update
- Review/analyze 2019 staff survey
- Update Business Continuity plan



### **How do I fit in to the plan?**

- Participation on project teams
- Even if you are not currently on a project team, or don't see your department specifically reflected in the plan, your skills, experience, ideas, creativity, focus, perspective and attitude all have an impact on keeping the gears running smoothly, and on us reaching our goals for the year.

**Every person and every department is important to our strategic success!**



# FORMAL REPORT

<b>To:</b>	Chair Stratthdee and Members of Strategic Priorities Committee
<b>Prepared by:</b>	Brent Kittmer, Chief Administrative Officer
<b>Date of Meeting:</b>	18 May 2021
<b>Subject:</b>	<b>ADMIN 18-2021 Re-Allocation of 2019 Provincial One-Time Modernization Funding</b>

## PURPOSE

The purpose of this report is to provide the Committee with an update on the projects originally approved to be funded by 2019 Provincial One-Time Modernization Funds. A funding surplus currently exists and attached to this report staff have brought forward a number of recommended projects to reallocate the balance of the funding remaining.

## RECOMMENDATION

**THAT** ADMIN 18-2021 Re-allocation of 2019 Provincial One-Time Modernization Funds be received; and

**THAT** the Strategic Priorities Committee recommends to Council:

**THAT** Council approves reallocating \$216,614 of 2019 One-Time Modernization funds to the following projects:

- Building/Development Department Property Files Digitization (if not funded by other sources)
- Corporate Services IT Strategy (if not funded by other sources)
- Human Resources Recruiting System
- PRC Capacitor Installation
- PRC Refrigeration Controls Replacement
- Childcare Centre Playground Astro Turf; and

**THAT** Council approves the use of the 2021 capital budget allocation for energy upgrades, as required, for the PRC Capacitor Installation and PRC Refrigeration Controls Replacement.

## BACKGROUND

In March 2019, the Town received approximately \$672,000 from the Province for the purposes of modernizing services and finding long term cost reductions. The one-time funding received was unconditional, but the Province did recommend that municipalities use the funds to modernize service delivery, to become more efficient, and/or to reduce long term costs.

In 2019 Council and staff embarked on two separate internal service delivery reviews: the first being to reduce the 2019 budget and second being to reduce long term costs beyond 2019. Overall, it was the Town's goal to meet the challenge of the Province to find 4% efficiencies in our budget. For St. Marys, this equated to finding approximately \$382,000 in budget reductions to the controllable portion of the

annual tax levy. Through the two separate budget reviews described above, Council's budget reductions totaled \$483,000 - \$560,000 thus exceeding the Province's goal.

## **REPORT**

On December 10, 2019 Council approved funding a number of the initiatives identified in the 2019 service delivery review from the Provincial One-Time Modernization Funds. Attached to this report is a chart that provides an update on the status of those initiatives, and the budget position of each.

As noted in the chart, there is presently a surplus of \$216,614 of the 2019 One-Time Modernization Funds that can be reallocated. The primary driver of this surplus is the fact that \$200,000 earmarked to implement the KPMG organizational review was not required.

Attached to this report Council will find a list of new proposals that are recommended to be funded from this surplus. These recommendations represent projects that staff believe meet the tests of modernizing services and/or reducing long term costs. This short-list was developed by evaluating a longer list of proposed projects using the following evaluation criteria:

- Does this proposal result in a capital cost avoidance or an operating cost avoidance?
- Does this proposal add a new tangible capital asset?
- Is this proposal supported by a corporate strategic or master planning document?
- Is the benefit of this project mostly external, mostly internal, or both?
- Does the benefit of this project accrue to a small number of people or a large number of people?

Presently, the Town has two pending funding applications with the Province for Phase 2 of their Modernization Funding. These two projects are listed as the top two priority projects to be funded from 2019 One-Time Modernization Fund surplus as both projects implement KPMG recommendations and were previously deemed to be priority projects.

## **FINANCIAL IMPLICATIONS**

As noted, there is \$216,614 of surplus remaining from the 2019 One-Time Modernization Funds.

The proposals in Attachment 2 recommended to receive re-allocated funds represent a total spend of \$221,600. To fully fund all of the projects recommended by staff an additional \$5,000 is required. It is recommended that that annual \$50,000 capital budget allotment for energy upgrades be used to pick up this balance as a number of the projects recommended are energy savings projects.

## **SUMMARY**

It is the CAO's plan to review the project list with the Committee, and to seek approval to move forward each of the proposals.

## **STRATEGIC PLAN**

Each of the initiatives put forward for review are supported by a strategic document including: 2017 Strategic Plan, PRC Strategic Business Plan and the KPMG Organizational and Administrative Process Review.

## **OTHERS CONSULTED**

Senior Management Team

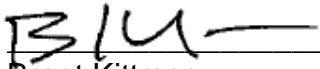
## **ATTACHMENTS**

1. Status update of projects approved to receive 2019 One-Time Modernization Funds

2. Proposed Re-Allocations of 2019-One-Time Modernization Funds

**REVIEWED BY**

**Recommended by the CAO**

A handwritten signature in black ink, appearing to read "BK", followed by a horizontal line.

Brent Kittmer

Chief Administrative Officer

TOWN OF ST. MARYS - SUMMARY OF APPROVED AND ALLOCATED EXPENDITURES OF THE PROVINCIAL MODERNIZATION GRANT

1. Council Approved Expenditures of the Provincial Modernization Funding

Complete
In progress - 2021
Not started - 2021/2022
Remove

Project/Proposal	Allocation	Spent	How Does this Modernize Services Town or Reduce Long Term Costs?
Convert the existing disinfection system for the pool located at the Pyramid Recreation Centre from salt to chlorine/UV. It is proposed to fund this capital project from the Provincial Modernization Grant.	\$42,000	\$38,963	<p>The salt disinfection system is highly corrosive, and leads to early wear down of mechanical equipment. The Town has been incurring increased operations and maintenance costs for the pool as a result.</p> <p>This conversion will eliminate costs for the Town, and it is expected to result in reduced long terms costs of approximately \$30,000 per year.</p>
<p>In 2017 and 2018 the Town examined ways to improve policing services delivered to the Town. After a thorough review the Town decided to change service providers from the OPP to the Stratford Police Service. Overall, the change to the Stratford Police Service represented a savings of \$147,683 compared to the 2017 OPP contract costs.</p> <p>To make this switch, the Town incurred one-time start up costs in the order of \$340,000 to procure necessary capital equipment for the police service. These one time costs were funded through an internal loan from the Tax Stabilization reserve. If the payback of Tax Stabilization reserve is discontinued or refunded through the Provincial Modernization grant, a portion of the contract savings can be realized in the annual budget.</p>	\$60,000	\$60,000	The modernization funds from the Province will be used to pay back the remainder of the internal loan. By taking this approach, the contract savings from changing policing providers can be realized in the annual budget. Savings will be approximately \$12,000 per year for the 2020 and 2021, and approximately \$5,000 thereafter.
In reviewing the 10 Year trend, the Town has identified that if its if deductible had been \$5,000 higher, the annual premium would have been reduced for a net savings of \$1,950 per year. To properly manage risk, the Town's reserve for insurance needs to be increased by \$30,000.	\$30,000	\$30,000	This change allows the Town to self-insure for claims under \$20,000 and will result in a net annual savings of \$1,950 based on historical claim information. With continued risk management efforts, in years where there are no claims over the Town's deductible, savings can be up to \$5,600 per year.
The Town sends out 2 property tax bills per year (payable in 4 installments). The bills are printed on specialized paper and mailed. The Municipal Act allows property tax bills to be delivered electronically if the owner elects to do so. A campaign to begin email tax bills can result in saving the cost of supplies and postage. To make this change, there are one-time start-up costs in the order of \$1,000 proposed to be funded from the Provincial Modernization grant.	\$1,000	\$1,000	This change will reduce the Town's long term costs, with annual savings estimated at \$1,500 in 2020 and \$3,500 per year in 2021 and after.
Under the amended Police Services Act, the Province is requiring municipalities to adopt a Community Safety Wellbeing Plan by January 1, 2021. This is a significant undertaking, and the Municipalities located in the geographic County of Perth have agreed to partner to deliver a joint plan. To do this, each municipality will be contributing \$20,000 to hire a consultant to complete the work. For St. Marys, it's contribution will be funded from the Provincial Modernization Grant.	\$25,000	\$25,000	The partnership approach will allow the local municipalities to pool their resources, and gain an economy of scale in a collaborative project rather than having to deliver this project individually. Individually, each municipality would have had to hire a contract staffer for at least a year to complete the project, likely at a cost of \$60,000 - \$80,000. Using the Provincial Modernization grant to collaborate to hire a consultant will result in savings in the range of \$40,000 - \$60,000.

<p>In March 2019 Town Council instructed the CAO to complete a service delivery review to better position the Town to reduce long term expenditures. This project was split into two phases with a line by line budget review being the outcome of Phase 1, and a review of the Town's service delivery structure being the outcome of Phase 2. The line by line review of the budget was completed in September 2019 and resulted in upwards of \$300,000 in positive budget changes.</p> <p>In Phase 2 of this project Council has charged the CAO with a review of "HOW" the Town delivers services. The Phase 2 project is the subject of a grant application under the Province's new intake. It is proposed to allocate a portion of the Provincial Modernization Grant to implementing the key recommendations found during that review. Implementation will occur sometime in 2020, and implementation costs are not known at this time.</p>	\$200,000	This staffing portion of this project was implemented within the approved 2020 budget and this allocation is no longer needed.	This staffing portion of this project was implemented within the approved 2020 budget and this allocation is no longer needed.
<p>Currently landfill cover is place and removed daily with landfill compactor. This is an inefficient way to place cover on the landfill, and results in excess soil within the landfill cell. This excess fill takes up precious landfill capacity, which costs \$35 per m3 for construction, and could be additional space for solid waste placement , sale cost \$46.20 per m3 at .56tn placement ratio.</p> <p>This service change was considered by Council in the 2019 Service delivery review, with a request for further information back. Based on Staff's review, this capital purchase will result in significant long term cost deferrals, and more importantly, extend the life of the landfill.</p> <p>It is proposed to obtain a bulldozer using the Provincial Modernization grant. This will allow operators to more accurately strip daily cover.</p>	\$185,000	\$190,238	<p>Town staff have completed a business case analysis. Potential additional space created through reduction of landfill cover results in an additional 3 years of landfill capacity over a 20 year life cycle, which has an equivalent value in today's dollars of \$1,064,000. If a dozer is added into landfill operations in 2020 and continuing over the next 40 years, this should translate into 6-8 years of additional landfill operation effectively creating a 46-48 year site and a total of \$2,000,000 in cost deferrals.</p> <p>Annual Operational costs are expected to be similar to existing contracted services included in 2020 budget. ROI is approximately 7.7 years including purchase and operational costs.</p>
<p>Currently the Town staffs a canteen at its recreation centre. To provide a high level of service, the canteen is staffed when programming takes place, however there are times when this is not necessarily at peak hours of the facility.</p> <p>Staff propose to augment the operational hours of the canteen to have it be staffed during the peak hours of the facility, and not staff the canteen outside of those hours. None peak times will be served though the deployment of a stocked vending machine.</p> <p><b>This service change was approved by Council in the 2019 Service delivery review</b> and it is proposed to use the Provincial Modernization grant to fund the capital start-up costs of this transition so that there is no tax levy impact of the transition.</p>	\$8,500	\$8,500	This project reduces staffing costs to deliver canteen services, while maintaining a comparable level of service. The estimated savings are \$4,500 per year.
<p>Currently the Town staffs a Guest Services desk where patrons can register for recreation activities, book rooms, ice and pool.</p> <p>Staff propose adding a number of IT components to create greater efficiencies and modernize services that are provided at this desk. These components include a point of sale system, new booking software to replace Max called Active Net. This new software has the capability to modernize these services provided by the Guest Services.</p> <p><b>This service change was approved by Council in the 2019 Service delivery review</b> and it is proposed to use the Provincial Modernization grant to fund the capital start-up costs of this transition so that there is no tax levy impact of the transition.</p>	\$39,000	\$30,000	This project reduces staff time and creates efficiency at the desk by adding IT that will modernize the services offered to residents. This will include features such as swipe in for pool operations, automatic door openers and self check-in. Cost savings are still be reviewed.

<p>The Towns workstations currently allow the majority of users to customize and install any software they choose. This can lead to tampered settings, un-approved software licensing, and malware.</p> <p>Installing a Deep Freeze software on everyone's computer in corporation puts them in a frozen state. This allows users to continue using their machines as they would, however on reboot, they return to their original state. This will assist with license compliancy, altered settings, malware, rebuild times.</p> <p>It is proposed to fund the capital software purchase from the Provincial Modernization grant.</p>	\$10,000	No longer priority	<p>This project is a proactive preventative maintenance measure which reduces staffing time in IT services by preventing and reducing the amount of time spent on rebuilding computers. This will free up internal capacity for IT services, making the Town less reliant on contracted services. Staff spend approximately 28 hours a month on rebuilding computers which would equate to 336 hours a year in staff time.</p>
<p>Currently the Town provides Tourism information on the municipal website, print publications (brochures), social media and at the Town Hall and Guest Services service counters. The Town Hall service counter, located in the downtown, is open Mon-Friday from 8:30am to 4:30pm.</p> <p>Staff propose purchasing two interactive Tourism Kiosks, one for Downtown and the other for the PRC in order to increase the level of tourism services and information offered to 24 hours a day, 365 days of the year. The Tourism Kiosk can consolidate all tourism information (brochures, social media, website) into one medium and location for visitors.</p> <p>It is proposed to fund the capital purchase from the Provincial Modernization grant.</p>	\$65,090	\$65,000	<p>Tourism Kiosks will increase the service level delivery of tourism information without increasing staff hours or time. An electronic Tourism Kiosk enables the Town to provide information and tourism service without needing to open the Town Hall service counter or provide additional staff at the PRC.</p> <p>Tourism Kiosks modernizes the delivery of Tourism Information to visitors, increases the accessibility to information and promotes the Town as a modern and service friendly community.</p> <p>This initiative also reduces costs to the Town as the Tourism Kiosk can serve as a replacement for Tourism staff working on weekends.</p>
<p>A large part of creating quality ice is to control the humidity in the arena environment by maintaining less than 50% relative humidity. This is done through providing "dry air" using a large dehumidification unit, which currently supplies dry air to both arenas once one of the rink calls for dry air, an adequate but inefficient method.</p> <p>Staff are proposing to install independent damper controls in the supply ductwork. Through this change we would in fact improve the quality of ice, as well as reduce long term energy costs through more efficient operation. A motorized control damper would be installed using the existing dehumidification unit and wall sensors. No additional technological costs would be incurred.</p> <p>It is proposed to fund the capital purchase from the Provincial Modernization grant.</p>	\$6,400	\$6,675	<p>This project will result in a reduction of long term costs through permanent utility savings by separating supply air to only the rink requiring it. A significant reduction in unit run time, especially when only one ice pad is in at the beginning and end of seasons, will result in better quality of product as well as less energy consumption.</p> <p>A conservative ROI according to contractor servicing HVAC equipment is less than 2 years.</p>

TOTAL EXPENDITURES Approved	\$671,990	\$455,376	
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TOTAL PROVINCIAL MODERNIZATION GRANT RECEIVED \$671,990.00

BALANCE TO BE APPROVED OR ALLOCATED	\$0.00	\$216,614.00
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Attachment #2 - Proposed Re-Allocations of the Provincial Modernization Funding for Council Prioritization  
(Do they modernize service delivery, make services more efficient, and/or reduce long term costs?)

Project/Proposal	Allocation	Recommendation	How Does this Modernize Services Town or Reduce Long Term Costs
<p><b><u>Building/Development Department Property Files Digitization</u></b></p> <p>Currently the Town has a mix of retention approaches for property files. The Town has created a digital filing process for all its property related files, but not all files have been digitized and many remain in paper format.</p> <p>A recommendation of the KPMG report is for the Town to eliminate paper based process, and digitize. Under this proposal, the Town would hire contract staff to digitize all its historical property records.</p> <p>A grant under Modernization Phase 2 has bee applied for and a decision is pending.</p>	\$82,000	Recommend as a priority project #1 if a Provincial Phase 2 Modernization Grant is not received.	<p>This project would modernize services and reduces long term costs by:</p> <ul style="list-style-type: none"><li>- Transition paper based processed to electronic processes that are more readily accessible for Town employees;</li><li>- Reduce the duplicated copies of paper documents that are saved in multiple locations;</li><li>- Save staff time related to file searching, resulting in annual savings are estimated at \$7,722</li><li>- Eliminate delays in cycle-time due to interoffice mail.</li></ul>
<p><b><u>Corporate Services IT Strategy</u></b></p> <p>Currently the Town has invested in many software platforms. the KPMG report identified that the Town may not be maximizing their utility, of be integrating them to their full extend.</p> <p>A recommendation of the KPMG report is to create an Information System Strategic Plan. This plan will identify our current systems and how they interact with each other, outline the needs from our internal departments, and provide recommendations on process and system changes/enhancements.</p> <p>A grant under Modernization Phase 2 has bee applied for and a decision is pending.</p>	\$30,000	Recommend as a priority project #1 if a Provincial Phase 2 Modernization Grant is not received.	<p>This project is a prequel to the Town being able to action KPMG's recommendations, the Project will lead to recommendations on how to maximize the utility and interconnectedness of existing software. The implementation of the recommendations will lead to internal efficiencies in processes, timing, and reporting.</p>
<p><b><u>Human Resources Recruiting System</u></b></p> <p>Currently the town's recruitment process is highly manual with resumes submitted by email, saved on the server, and distributed to the hiring departments.</p> <p>A recommendation of the KPMG project was to eliminate manual and paper based processes. This proposal is to invest in the Recruit Right Applicant Tracking System. This software will automate tasks to make job posting easier. Through the software HR will be able to publish jobs, establish pre-screening questions, collect background checks, set up interviews, score candidates and so much more. This automated software can also be set up to allow hiring managers access to reduce emailing and printing candidate resumes.</p>	\$6,000	<p>Recommend as a priority project.</p> <p><b>Why?</b></p> <p>Modernizes Services</p> <p>Frees up HR staff capacity by approx 400 hrs (Equivalent to \$13,015) per year.</p> <p>Supported by KPMG Project</p> <p>Benefit is corporate wide</p> <p>ROI = 0.46 years</p>	<p>This project would modernize services by eliminating replacing a manual/paper based process with a virtual option.</p> <p>The saving to the municipality is staff time. During busy recruitment times, this could save up to 10-15 hours a week of HR staff time.</p> <p>A value added benefit is that this change would also increase the employee experience which supports the Town's Employer brand that will be a focus of 2021.</p>
<p><b><u>PRC Capacitor Installation</u></b></p> <p>Currently the operations of the PRC is subject to voltage loading, which leads to power factor correction penalty charges.</p> <p>This proposal is to supply and install a surge capacitor at the PRC to correct power factor. The intent of this item is to correct system power factor to 95.0% by installing an APFC bank extension to the main service entrance. Currently your average power factor is 84.2 %, which is poor.</p>	\$20,000	<p>Recommend as a priority project.</p> <p><b>Why?</b></p> <p>Reduces costs \$4,000 per year</p> <p>Supported by PRC Business Plan</p> <p>ROI = 5 years</p>	<p>This project would reduce long term operating costs. The estimated an annualized savings is \$4,000 by installing power factor correction at this facility. The payback is approximately 5 years.</p> <p>There is an added benefit in the form of savings on equipment. Correcting power factor will help reduce heat loss in the electrical system upstream of the capacitor bank, including switchgears, transformers and other equipment.</p> <p>Installing the capacitor bank will also free up to 10.2 % of load capacity on the main transformer. It will also help stabilize voltage spikes and potentially raise system voltage by 1.4 %</p>

<p><b><u>PRC Refrigeration Controls Replacement</u></b></p> <p>The current program needs to be replaced as it is only compatible with Windows XP and is now obsolete, meaning if the computer crashes, we will fully lose use of the program and the ability to manage hydro consumption.</p> <p>A modern refrigeration controls software program would significantly reduce hydro consumption through an operating condition known as “floating head pressure” whereby temperatures and pressures are tightly controlled in order to optimize the overall performance of the system. The primary method of doing this is through variable frequency drives' installed on the condenser fan drive which is on the roof and controls the amount of heat discharged from the system. The computer program optimizes the fan speed to achieve the most efficient discharge temperature possible at any point.</p>	\$50,000	<p>Recommend as a priority project.</p> <p><b>Why?</b></p> <p>Reduces costs \$6,000 per year Supported by PRC Business Plan</p> <p>ROI = 8.3 years</p>	<p>This project will reduce long term operating costs. Energy costs are forecasted to be reduced by \$500/month using the 2018 industrial/commercial electricity rates. This results in a projected annual savings of \$6,000.</p> <p>Regardless of the decision this system will be a priority project for the 2022 capital budget. An added benefit of approving now is that an already required upgrade can deliver a significant energy reduction ahead of schedule in the original life cycle plan at the time of purchase because it was not foreseen that Microsoft would cease to support XP.</p>
<p><b><u>Childcare Centre - Astroturf Conversion of Playground</u></b></p> <p>The current location of the playground at the Childcare centre is not ideal. It is subjected to overland flow in high rain events, and is shaded meaning turf does not grow well. This results in the area being washed out, and means staff time and materials are spent to fix.</p> <p>Under this proposal the turf areas would be replaced with astro turf to prevent washout. There is a small section of the playground which is already astro turfed and it has shown to be able to resist washout.</p>	\$33,600	<p>To be discussed</p> <p><b>Why?</b></p> <p>Frees up staff capacity Equivalent to \$2,100 per year.</p> <p>ROI = 16 years</p>	<p>This project would reduce long term costs. Cost savings are forecasted to be \$2,100 annually in staff time and materials. Importantly, this project results in freeing up staff time and capacity for other duties.</p> <p>A value added benefit of this project is that it will allow the entire playground to be used after a rain event. Observations show that after rain events, children tend to congregate the existing astro turf area for play for a period of time.</p>

<b>Balance of 2019 Modernization Funds to be Allocated</b>	<b>\$216,614</b>
<b>TOTAL NEW ALLOCATIONS TO BE CONSIDERED</b>	<b>\$221,600</b>
<b>Surplus finding to be found:</b>	<b>\$4,986</b>