



AGENDA
Strategic Priorities Committee

May 16, 2023

9:00 am

Council Chambers, Town Hall

175 Queen Street East, St. Marys

YouTube Link - <https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Pages

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

RECOMMENDATION

THAT the May 16, 2023 Strategic Priorities Committee agenda be accepted as presented.

4. **DELEGATIONS AND PRESENTATIONS**
5. **STRATEGIC PRIORITIES REVIEW**

5.1 ADMIN 31-2023 Draft Commemoration Policy

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RECOMMENDATION

THAT ADMIN 31-2023 Draft Commemoration Policy report be received;
and

THAT the Strategic Priorities Committee recommends to Council:

THAT the request received from Rev. John Goodwin for the Town to install Christian banners in the downtown be respectfully declined, and

THAT the correspondence received from Rev. Dr. Mark McKim be received and filed, and

THAT the request from Stratford-Perth Pride to proclaim June as Pride month and the request for the Pride flag to be raised be approved as these requests meet the goals and objectives of the Town to create a community that embraces and promotes diversity, equity and inclusion;
and

THAT the Town's downtown banner program remain for Town purposes only and not be opened up to commemoration requests from the public;
and

THAT Council adopt the Commemoration Policy as presented in staff report ADMIN 31-2023.

5.2 DCS 23-2023 Community Services Review

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RECOMMENDATION

THAT DCS 23-2023 Community Services Review report be received for review and direction to staff.

RECOMMENDATION

THAT ADMIN 32-2023 Draft Animal Control By-law report be received;

THAT the Committee supports the inclusion of the draft list of prohibited animals on the draft Animal Control By-law;

THAT the Committee supports option ____ as presented in report ADMIN 32-2023 related to urban chickens with staff to report back with a draft by-law on the keeping and regulating of urban chickens; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council consider By-law XX-2023, being a by-law to prohibit, regulate and restrict animals in the Town of St. Marys.

6. NEXT MEETING

*All meetings are open to the public to attend in person and will be live streamed to the Town's YouTube channel

June 20, 2023 - 9:00 am

7. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee be adjourned at _____ pm.



FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Brent Kittmer, Chief Administrative Officer
Date of Meeting:	16 May 2023
Subject:	ADMIN 31-2023 Draft Commemoration Policy

PURPOSE

This staff report is presented for the Strategic Priorities Committee to review and provide feedback to staff regarding a proposed Commemoration Policy for the Corporation of the Town of St. Marys. Through this report, staff are also seeking a recommendation from the Committee on how Council should respond to commemoration requests received from Rev. John Goodwin and from Stratford-Perth Pride.

RECOMMENDATION

THAT ADMIN 31-2023 Draft Commemoration Policy report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the request received from Rev. John Goodwin for the Town to install Christian banners in the downtown be respectfully declined, and

THAT the correspondence received from Rev. Dr. Mark McKim be received and filed, and

THAT the request from Stratford-Perth Pride to proclaim June as Pride month and the request for the Pride flag to be raised be approved as these requests meet the goals and objectives of the Town to create a community that embraces and promotes diversity, equity and inclusion; and

THAT the Town's downtown banner program remain for Town purposes only and not be opened up to commemoration requests from the public; and

THAT Council adopt the Commemoration Policy as presented in staff report ADMIN 31-2023.

BACKGROUND

Council and the Corporation of the Town of St. Marys have adopted an overarching vision for St. Marys to embrace and promote diversity, equity and inclusion. Council's objective is to create a community and a Town corporation where there are no impediments to full and free participation in the economic, social, political and cultural life of the Town. The goal is to promote a climate of understanding and mutual respect.

This vision is embedded within the Town's corporate plans. The Town's Strategic Plan, adopted in 2017, includes a call to action to:

Develop an Inclusion Policy/standard partnered with guidelines or standard operating procedures that outline how the Town will adopt inclusion and to what extent inclusion will be considered for Town infrastructure, programs, events, etc.

The Community Safety and Wellbeing Plan (CSWBP), adopted in 2021, sets out *Priority Area #4 Social Inclusion*, which includes the following goals and tactics for the Town and the partners to the CSWBP:

Goal 4.1: Increased application of equity, diversity, and inclusion practices across all partner agencies.

- *Objective 4.1.1: To continue to build partner agencies' understanding of equity, diversity, and inclusion principles and practices through education and training.*

Goal 4.2: Promote understanding of diverse groups.

- *Objective 4.2.1: To develop, promote, and organize innovative community engagement and public strategies/campaigns aimed at reducing stigma and promoting understanding regarding mental health, addiction, racism, and discrimination.*

Goal 4.3: Enhanced sense of community belonging.

- *Objective 4.3.1: To create and maintain safe, welcoming, and inclusive public spaces that promote opportunities for use by individuals of all identities, backgrounds, and experiences.*
- *Objective 4.3.2: To increase inclusion and access to activities and community events for populations that face constraints to participation (e.g., youth, people with disabilities, newcomers, BIPOC, LGBTQ2+ persons, and low-income families and individuals).*

In recent years, Council has directed staff to make these strategies an operational priority, and passed the following resolution to that effect:

THAT Council directs staff to include the following strategic and operational priorities to the 2021/2022 workplan:

- *Developing approaches to increase inclusion, diversity and anti-racism into the Town business practices;*

As a first initiative, in the fall of 2021, Council requested that staff present a range of Pride recognition options for the community. Council's goals were twofold: first, to celebrate and promote St. Marys as a welcoming, accepting and inclusive community; and secondly, to bring attention the historical disadvantage, discrimination, and barriers to equal social rights, equal access to services, and equal treatment suffered by the 2SLGBTQIA+ community.

Through a series of reports in the fall/winter of 2021/2022, Council learned that the Pride flag has become an international symbol of inclusivity. Council eventually approved a banner program for the Downtown to be implemented beginning Pride Month in June 2022. For the month of June, a variety of Pride banners were hung on light standards in the Downtown to educate the community about diversity within the 2SLGBTQIA+ community. After July 1 and through to mid-October, Pride banners remained in the Downtown hung alongside the Town's seasonal tourism banners. The Pride banners were removed in mid-October to make way for the annual Remembrance banners. The plan is that Pride banners will be re-installed again in 2023 at the beginning of Pride month in June.

Between July and September 2022, Council received correspondence from members of the community expressing their requests, viewpoints and concerns with the Town's decision to commemorate the 2SLGBTQIA+ community. These letters are attached to this report for reference.

This correspondence gave Council pause to identify that, except for a basic Flag Policy, the Town does not currently have a policy on file to guide its commemoration practices. The correspondence and requests were received by Council and referred to staff to bring forward for Council to deliberate upon with a draft Commemoration Policy. More recently, correspondence has been received by staff from Stratford-Perth Pride asking for Council to proclaim June as Pride month and to raise the Pride flag, and is attached to this report for consideration.

This report is presented to facilitate the Committee's review and deliberation of the proposed Commemoration Policy and to provide direction to staff to respond to the correspondence received.

REPORT

Attached to this report is the draft Commemoration Policy for the Committee to review and consider. It is staff's suggestion that the Committee deliberate and decide upon the requests received in the fall of 2022 prior to the review of the Commemoration Policy. The correspondence created thoughtful internal conversation and resulted in the Town seeking a legal opinion on some of the questions and issues raised by the correspondents. To assist the Committee with deliberating these requests, excerpts of the Town's legal advice that relate to publicly available case law and human rights tribunal decisions is presented below. These legal precedents also inform the spirit of the Commemoration Policy so it is important to understand them first before deliberating the draft policy.

Discussion #1 – Responding to the Correspondence Received

The correspondence received from Rev. John Goodwin (July 2022) is attached to this report. In summary, Rev. Goodwin is requesting:

- For the Town to install an equal number of banners in the Downtown representing the Christian faith as there is Pride banners.
- If a budget line exists or if there is access to donated funds, for the Town to make these available for the purchase of the banners as the Town has done for other "interest groups".

The correspondence received from Rev. Dr. Mark G. McKim (September 2022) is attached to this report. In summary, Rev. Dr. McKim raises the following points:

- It is not the role of government to advocate or promote any worldview, partisan opinion, philosophical or ethical system.
- Commemorating any one group and refusing to do so for another group leaves the Town vulnerable to legal challenges and human rights complaints.
- The Town is in a position where it must decide to approve all commemoration requests, or none, with the latter being preferred except for:
 - Flying flags of official government flags, those related to a statutory holiday, and Remembrance Day.
 - Issuing proclamations for the same as above.

Case law and human rights tribunal decisions exist related to the points made by both correspondents above. These precedents also apply to and inform the draft Commemoration Policy attached to this report. The relevant cases and decisions are listed below:

- British Columbia Human Rights Tribunal, [*Simpson v City of Langley*](#)
- Ontario Human Rights Commission, [*Letter to the Halton Catholic District School Board*](#)
- Human Rights Tribunal of Ontario, [*Oliver v Hamilton \(City\) \(No.2\)*](#)
- Human Rights Tribunal of Ontario, [*Hudler v London \(City\)*](#)
- Supreme Court of Canada, [*Mouvement laïque Québécois v. Saguenay \(City\)*](#)
- Supreme Court of Canada, [*Law Society of British Columbia v. Trinity Western University*](#)
- Supreme Court of Canada, [*Trinity Western University v. Law Society of Upper Canada*](#)

Key questions to consider as Council deliberates the correspondence and the draft policy include:

Is the Town obliged to provide a commemoration program?

- As set out in the *Langley* case above, according to the Tribunal, it is a settled principle that human rights law does not impose a positive obligation on government to provide a particular service. However, once government chooses to do so, it is obliged to do so in a non-discriminatory manner.

Why did the Town choose to approve Stratford-Perth Pride's request to install Pride banners?

- It is important to first clarify that there was no request from Stratford-Perth Pride for the Town to install banners. This was an initiative conceived and driven by Council for all the reasons set out in the Background Section above.
- Reiterating, the Corporation of the Town of St. Marys has adopted an overarching vision to position St. Marys as a community in which there are no impediments to full and free participation in the economic, social, political and cultural life of the Town. The goal is to promote diversity, equity and inclusion and a climate of understanding and mutual respect.

If the Town decides to commemorate Pride and chooses to deny a request to fly a Christian flag does that amount to discrimination?

- The Tribunal touches upon this in the *Langley* case. A decision such as this can be seen as differential treatment, but differential treatment in the service of equity does not necessarily constitute discrimination. According to the Tribunal:

"...the City's prohibition against flying religious flags while flying the Rainbow Flag cannot be seen to amount to a distinction that is discriminatory. Rather, these acts are all in the service of equity. They increase the participation and representation of the LGBTQ+ communities in an attempt to offset the historical disadvantages experienced by these communities. They help bring LGBTQ+ community members to equal standing with heterosexual and cisgendered individuals, who have not experienced such societal disadvantages. They ensure that the City maintains a neutral public space free from coercion, and judgment on the part of public authorities in matters of spirituality. Altogether, they advance the purpose of the Code to foster a society in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia and to promote a climate of understanding and mutual respect where all are equal in dignity and rights...."

- The Town has chosen to commemorate Pride for all the reasons listed previously in this report. Human rights law in Canada recognizes the value of Pride celebrations, and in the *Langley* case the Tribunal wrote:

"LGBTQ+ communities have faced historical disadvantage, discrimination, and barrier to equal social rights, equal access to services, and equal treatment under the law..."

The Tribunal has previously accepted expert evidence on the institutional discrimination against LGBTQ+ communities and the resulting oppression and refusal of equal rights for those communities...

...The Tribunal accepted expert evidence that the existence of state-recognized Pride celebrations, such as Pride Week, carries significant influence as a legitimization of "queer identities, relationships and communities in all their cultural generational, gender, racial and class diversity" and that such official recognition of Pride celebrations helps to "recognize and affirm the value of being out and gay"...

Pride celebrations help to counteract the historical discrimination against LGBTQ+ communities and help to bring those communities from a position of disadvantage to a more equal standing with heterosexual and cisgendered individuals who have historically enjoyed societal acceptance.

The act of flying the Rainbow Flag also serves a similar purpose. The Rainbow Flag is a symbol of pride representing the diversity of LGBTQ+ communities and is a symbol to promote inclusivity and to address issues such as racial discrimination, cultural exclusions, and other challenges faced by those in the LGBTQ+ communities. The Rainbow Flag has grown over time to become a foundational symbol reflecting not only “gay rights” but also the broad diversity and identities within the LGBTQ+ communities.”

Can the Town have a policy that specifically excludes requests for commemoration that involve religious organizations and views?

- This was tested in the Langley case, and the City argued that they had a duty of religious neutrality. In their decision, the Tribunal cited the *Saguenay* Supreme Court case where the Court stated:

By expressing no preference, the state ensures that it preserves a neutral public space that is free of discrimination and in which true freedom to believe or not to believe is enjoyed by everyone equally, given that everyone is valued equally. I note that a neutral public space does not mean the homogenization of private players in that space. Neutrality is required of institutions and the state, not individuals...On the contrary, a neutral public space free from coercion, pressure and judgement on the part of public authorities in matters of spirituality is intended to protect every person's freedom and dignity. The neutrality of the public space therefore helps preserve and promote the multicultural nature of Canadian society...

- If the Town did decide to commemorate requests of a religious nature, it would likely be considered a violation of the Town's duty of religious neutrality.

Is the Pride flag a religious flag?

- No, through the cases cited above, it has become well established that the Pride flag is an internationally recognized symbol of inclusivity.

If the Town continues to commemorate Pride does that not infringe upon the rights of persons with Christian beliefs to have freedom of religion?

- The Court has broadly defined freedom of religions as having the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination.
- Nothing in the Town's decision to corporately commemorate Pride would prevent a person from having the right of practicing or expressing their religion as described above.
- Similarly, if the Town chooses to deny the request to install Christian banners on its flag poles to maintain its duty of religious neutrality, that decision does not prevent a person from having the right of practicing or expressing their religion as described above.
- Yes, it is likely that some individuals may express that, due to their religious views, they no longer have freedom of religion if they are subjected to public places that commemorate issues that conflict with the dogma of their religion. Freedom of religion is a complex and layered topic, and in cases of challenges related to freedom of religion,

the Court is required to reconcile competing state interests under section 1 of the Charter. In the two cases cited above involving Trinity Western University, the Supreme Court applied a proportionality analysis, and ruled that the freedom of religion can be limited where it interferes with the fundamental rights of others. In their decision, the members of the Supreme Court reconciled the competing religious freedoms of the religious community with the equality rights of the 2SLGBTQIA+ community, finding that the impact on religious freedoms was minor when compared to the significant statutory objectives of ensuring 2SLGBTQIA+ equality.

Is it preferable for the Town to have a simple policy that it will not accept commemoration requests rather than “picking and choosing” what will be commemorated?

- This is ultimately a policy decision of Council, but staff would recommend that a well-reasoned policy setting out what will and will not be commemorated is preferable rather than commemorating nothing.
- Further, the Ontario Human Rights Commission has noted that it is generally preferable for organizations to achieve equality through universal design that recognizes and includes diversity rather than universal exclusion, unless it can be shown to be the best way to achieve equality in the circumstances.
- Lastly, in their letter to the Halton Catholic District School Board, the Ontario Human Rights Commission wrote:

“the Human Rights Tribunal of Ontario has recognized that an organization’s failure to symbolically acknowledge Pride events can in some cases amount to a violation of the rights of people who are LGBTQ2+ to equal treatment in services under the Code (see, e.g. Oliver v Hamilton (City) (No. 2)...and Hudler v London (City)...”

Given the foregoing, it is staff’s recommendation that the correspondence received from Rev. Goodwin and Rev. Dr. McKim be dealt with in the following way:

- That the request received from Rev. John Goodwin for the Town to install Christian banners in the downtown be respectfully declined.
- That the correspondence received from Rev. Dr. Mark McKim be received and filed.

Discussion #2 – Draft Commemoration Policy

Staff are further recommending that Council adopt a policy that clearly articulates the Town’s commemoration practices rather than choosing to commemorate nothing. The draft policy is the subject of this section.

Staff have completed research and found a number of sample municipal commemoration policies. The draft policy attached to this report policy reflects a formalization and improvement of the Town’s existing approach to commemoration using the best practices observed in the example policies.

Rather than reiterate the policy in its entirety, the following section identifies key policy points for Council’s information and consideration:

What will be commemorated?

This is the key policy decision for Council. The draft policy sets out specific criteria to guide when requests will be approved and denied. A review of the example municipal policies revealed that a generally consistent set of criteria exists. For the most part, the criteria were found to match the Town’s historical practices, so they were further refined and adapted to suits the Town’s purposes.

Within the policy, staff are recommending that the Town will commemorate requests that promote:

- Charitable fundraising campaigns
- Arts and cultural celebrations
- Significant events and achievements of individuals and organizations
- Historic events and global movements
- A local, national or international awareness issue that builds community or is related to community health
- Diversity, equity and inclusion and/or creating conversations surrounding societal issues such as discrimination, cultural exclusions, and other challenges faced by historically disadvantaged peoples.

Staff are further recommending that the Town will not commemorate requests that involve:

- Political parties, organizations, events or movements
- Religious organizations, events, celebrations, or movements
- Organizations, events, and/or private purposes with no direct relationship to the corporation or community of the Town of St. Marys
- Celebrations, campaigns, or events contrary to Town plans, policies or by-laws
- Celebrations, campaigns, or events intended for profit-making purposes
- Matters attempting to influence government policies
- Supporting discrimination, hatred, violence or prejudice
- Attempting to defame the integrity of the Town, Ontario or Canada.

Council's goals to create a community and a Town corporation that embraces and promotes diversity, equity and inclusion are well established. The draft policy fits with these goals and attempts to further the Town's objectives. The policy specifies that each year the Town will commemorate Pride along with Truth and Reconciliation. The policy sets out that:

- a. The Pride flag is an international symbol of inclusivity and will be raised in the month of June each year to recognize the inclusive and diverse community represented by the Town of St. Marys; to acknowledge and respect all people regardless of their colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.
- b. A flag honouring Indigenous heritage and promoting Truth and Reconciliation will be raised in the month of September each year to recognize and promote the need for conversations in the community surrounding truth and reconciliation; to encourage the community to become further informed about the traditional lands, Treaties, and history and cultures of Indigenous peoples local to the region; and to commemorate the contributions of Indigenous peoples to Canada's history.

Who decides if a request will be approved?

The policy has been written to reflect and formalize current practices:

- For proclamations, these are still to be presented to and approved by Council.
- For half-masting flags, the policy will instruct staff when to half-mast flags. The list of criteria generally reflects and formalizes the Town's current practices. The policy does provide flexibility to Council to choose to half-mast flags at Council's discretion, or at the direction of the CAO in the event timing does not work for a Council meeting.

- Similar to the existing Flag Policy, the decision to approve or deny the flying of alternate flags is delegated to the Clerk. The draft policy improves the Town's current practices by establishing clear criteria for staff to use when making the decision to approve or deny a request. The policy does provide flexibility to Council to raise any alternate flag at Council's discretion, or at the direction of the CAO in the event timing does not work for a Council meeting.
- The approach for approving requests to light the Town Hall follows the approach used for alternate flags. Authority is delegated to the Clerk to approve or deny requests using the criteria established in the policy. As above, Council has the flexibility to direct the lighting of Town Hall for any purpose deemed of importance to the Town.
- The banner program requires some discussion by Council. Currently, the banner program is fully driven by Town purposes. Pride banners are raised for the month of June; July through to mid-October there is a mix of Pride banners and Tourism banners; and from late-October through to Remembrance Day the Town has approved the Legion to raise banners honoring our veterans.

The policy question for Council to consider is if the banner program should be opened to requests from the public or if the banner program will remain reserved for Town purposes only.

It is staff's recommendation that the banner program remain a program for Town purposes only as set out in the draft policy. The banners are highly visible, and leaving the tourism banners up for the entire summer season is an effective means of communication. Leaving the Pride banners up for the season is also an important signal of Council's commitment to diversity, equity and inclusion. Lastly, the Town already offers several other options for commemorating worthy requests.

Raising and lowering the banners is labour intensive. If Council determines that they wish to open the banner program to requests from the public, it is staff's recommendation that the requestor be responsible for the costs of the banner and for the Town's reasonable costs of installation (as is the case with the Remembrance Day banners funded by the Legion).

- For tree donations, the policy simply directs all donations to be guided by the established Tree Donation Program Policy.
- For bench donations, the policy articulates the Town's current practice that donations are now only accepted in limited circumstances, with most requestors being directed to the Tree Donation Program. If a bench is accepted, it is required to meet the Town's design and accessibility requirements, and there is no commitment of replacement at the end of the bench's life.

Staff are requesting that Council review the draft policy and provide any feedback that they believe is necessary to bring the policy into final form. Staff will then make any edits necessary to the policy and bring the final draft back for consideration at a future Council meeting.

Discussion #3 – Request from Stratford-Perth Pride

Attached to this report is a request from Stratford-Perth Pride for Council to proclaim June as Pride month, and for the Town to raise the Pride flag.

Staff are recommending that Council approve the request for proclamation and the request for the Pride flag to be raised because the requests meet the goals and objectives of the Town to create a community that embraces and promotes diversity, equity and inclusion.

FINANCIAL IMPLICATIONS

None directly related to this report.

SUMMARY

This report has been presented so that Council may deliberate its options related to the Town's commemoration practices and its options for responding to outstanding requests for commemoration. It is staff's recommendation that:

- The request received from Rev. John Goodwin for the Town to install Christian banners in the downtown be respectfully declined.
- The correspondence received from Rev. Dr. Mark McKim be received and filed.
- Council adopts the draft Commemoration Policy to clearly articulate the Town's commemoration practices rather than choosing to commemorate nothing.
- The Town's downtown banner program remain for Town purposes only and not be opened to commemoration requests from the public.
- Council approve Stratford-Perth Pride's request for proclamation and the request for the Pride flag to be raised because the requests meet the goals and objectives of the Town to create a community that embraces and promotes diversity, equity and inclusion.

STRATEGIC PLAN

As noted throughout the body of the report.

OTHERS CONSULTED

Ken Strong, Strong Nenniger, Town Legal Counsel

ATTACHMENTS

1. Correspondence Received from Rev. John Goodwin
2. Correspondence Received from Rev. Dr. Mark G. McKim
3. Correspondence Received from Stratford-Perth Pride
4. Draft Commemoration Policy

REVIEWED BY

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

To: Mayor Al Strathdee
Town of St. Marys

July 2022

Dear Mayor Strathdee

Recently I wrote to you about the banners hung around town during the month of June. I noted that on Canada day and for some weeks after they were all still in place. Now it seems that the town has adopted a policy which will see a certain number of flags remain on streets permanently.

Therefore, desiring to take advantage of the Town's policy to represent the inequalities and struggles of sometimes persecuted minorities, I and others signing this letter wish to apply for some more banners to be added to the public display.

As you may know, the State of Ohio has determined that Canada is a nation which must be added to the list of countries which persecute Christians, along with Iran and North Korea and others. Recently we have seen pastors in Canada jailed for holding church or other activities deemed illegal by the state. Additionally the Charter of Rights and Freedoms, which opens by acknowledging first and foremost that in Canada we recognize the supremacy of God, has in the last two years or so been rendered null and void by political overreach.

In St. Marys itself, which has a rich Christian tradition, the Town banned a local church from participating in "Heritage Days" by handing out free bibles to anyone who wanted one.

Around the world Christianity remains the most persecuted religion, with over 900,000 people martyred for their Christian faith in the ten years up to 2017. (<https://www.christianpost.com/news/over-900000-christians-martyred-for-their-faith-in-last-10-years-report.html>)

Therefore we would like to have an equal number of banners hung in the centre of town representing the Christian faith, to acknowledge the struggles of Christians, the inequity and opposition to this invisible minority. This will create a thought-provoking installation to educate and challenge residents and tourists to St. Marys.

On notice of approval from the Town Council we will provide professionally designed and manufactured banners, although the town may have a budget line or access to donated funds to purchase these, as they have for other interest groups.

We look forward to your positive response and equal access to public space.

Yours truly



Rev. John Goodwin, on behalf of interested parties signing this letter.

(Signatories are residents of St. Marys and area, people who work here, have family here, come to worship in this town or have other business interests in St. Marys).

The Rev'd Dr. Mark G. McKim
28 Church Street South,
St. Marys, Ontario N4X 1B3

September 20, 2022

Your Worship and Members of Council,

Recently there has been discussion about the town's policy with respect to flags, banners, and proclamations. In a democratic society such as ours, it is, of course, not the role of government to advocate, sanction, or promote any worldview (faith based or otherwise), partisan opinion, or philosophical, or ethical system.

Based on my experience of many years serving on university, college, and community boards and committees, it seems to me the Town is currently in a most difficult position. Issuing proclamations or displaying banners or flags for any one group, means that refusing to do so for any other group, leaves the town extremely vulnerable to very expensive, and time consuming legal challenges, and human rights commission complaints.

Unfortunately, these realities mean the Town of St. Marys is faced with a stark choice: either agree to *all* requests for flags/banners/proclamations received, or to *no* requests. The latter, in my experience, has become a fairly standard approach among public institutions.

Given all this it would seem to me the Town of St. Marys should - urgently - adopt a policy that, in future, it will not:

- Fly, or allow to be flown, on municipal property, provide, or finance flags or banners, other than those:

representing municipal, provincial, territorial, and national governments/entities, inter-governmental authorities (such as the Commonwealth of Nations, the United Nations);

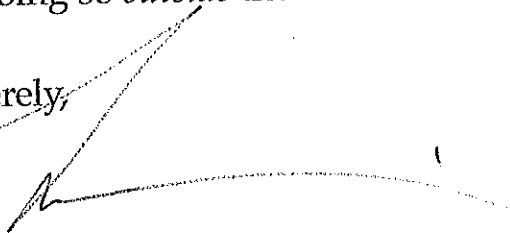
pertaining to a statutory provincial or federal holiday;

pertaining to the annual Remembrance Day observance.

- Issue proclamations pertaining to any groups other than those aforementioned.

Of course, as private individuals, the Mayor, Councillors, and staff of the Town of St. Marys may advocate for or support any group, cause, or worldview. However, care needs to be taken to ensure it is obvious they are doing so *outside* their official roles.

Sincerely,



Rev. Dr. Mark G. McKim
First Baptist Church

Request to Council: Declaration of Pride Month and Raising of the Pride Flag

March 2, 2023

Dear Council Members,

On behalf of Stratford-Perth Pride, I am writing to request you to raise the rainbow pride flag in our community during the month of June and officially declare the month of June as Pride Month. This is an important step to show your support for the 2SLGBTQIA+ community and recognize their contributions in our municipality.

Raising the Pride flag would send a message of inclusivity, diversity, and acceptance to all members of 2SLGBTQIA+ community and it would also be a reminder that you are committed to promoting equality and respect for all people.

The month of June is recognized worldwide as Pride Month, commemorating the Stonewall riots that took place in New York City on June 28, 1969. Since then, the month has been a time to celebrate the achievements and contributions of the 2SLGBTQIA+ community, as well as raise awareness about ongoing issues we face – such as over representation in many local issues such as homelessness, poverty, discrimination, bullying and more.

Raising a piece of fabric on a pole and written statement recognizing Pride Month may seem like small and simple gestures but these actions are not only celebrating the rights and struggles of the 2SLGBTQIA+ community but also recognizing the need to work towards a more inclusive and accepting society.

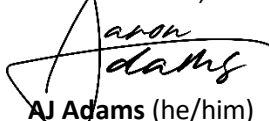
Founded in 2017, Stratford-Perth Pride is a volunteer-run incorporated non-profit organization that provides 2SLGBTQIA+ programming, resources, and education to make each corner of Perth County a more welcoming, accepting, and inclusive community for gender and sexually diverse individuals. Our vision is to make Stratford, St. Marys, and Perth County a place where no matter who you love or how you identify, you will be safe, valued, equal and proud.

With your support, we can achieve our vision.

Our organization is happy to have an in-depth conversation about our request if you council members wish to learn more. We are also here to support Council members and staff in becoming more 2SLGBTQIA+ inclusive. Never hesitate to reach out to see how we can support.

I hope you will consider Stratford-Perth Pride's request and take action to raise the Pride flag in our community for the month of June and declare June 2023 as Pride Month.

Yours in Pride,



AJ Adams (he/him)

President/Board Chair of Stratford-Perth Pride

stratfordperthpride@gmail.com | stratfordperthpride.com | @StratPerthPride



Commemoration Policy

Policy Statement

The Town of St. Marys recognizes the importance of innovative community engagement campaigns. The Corporation of the Town of St. Marys will offer a range of programs to: commemorate special occasions; events; individuals and organizations; and to encourage diversity, equity and inclusion.

Purpose

This policy has been developed to:

- Provide a comprehensive list of the Town's current commemoration programs, both initiated and Town initiated;
- Document the process by which commemoration requests are handled and executed in the municipality; and
- Establish the parameters and criteria for evaluating commemoration requests.

Scope

This policy applies to all team members and members of Council. The following internal departments/divisions have assigned duties related to commemorations:

- Administration
- Building & Development
- Public Works
- Communications

Criteria

The Town will consider all commemoration requests that promote:

- Charitable fundraising campaigns
- Arts and cultural celebrations
- Significant events and achievements of individuals and organizations
- Historic events and global movements
- A local, national or international awareness issue that builds community or is related to community health
- Diversity, equity and inclusion and/or creating conversations surrounding societal issues such as discrimination, cultural exclusions, and other challenges faced by historically disadvantaged peoples.

The Town reserves the right to deny requests that involve:

- Political parties, organizations, events or movements
- Religious organizations, events, celebrations, or movements
- Organizations, events, and/or private purposes with no direct relationship to the corporation or community of the Town of St. Marys
- Celebrations, campaigns, or events contrary to Town plans, policies or by-laws
- Celebrations, campaigns, or events intended for profit-making purposes
- Matters attempting to influence government policies
- Supporting discrimination, hatred, violence or prejudice
- Attempting to defame the integrity of the Town, Ontario or Canada.

Programs & Processes

The following is a list of the current commemoration programs offered by the Town of St. Marys. The list includes formalized programs and informal, internal tools that can be used to provide recognition for important events, individuals, and organizations.

Proclamations

Members of the public may request that Town Council make an official proclamation, provided their request is consistent with the Criteria established in this policy above. Proclamation requests are administered through the Clerk's Department in accordance with the Town's Procedure By-law.

The following policy statements and procedure shall guide how The Corporation of the Town of St. Marys considers requests for proclamations:

1. Requests for proclamations, including the proposed wording of the proclamation and supporting information, must be submitted in writing to the Clerk's office at least four weeks in advance of an event.
2. The Clerk shall review all requests, and if required, may make any appropriate amendments to the wording of the proclamation, which improves the structure and or intent of the requested proclamation.
3. Once a proclamation draft is completed, the Clerk shall list it for consideration on the next available agenda for Council's review and approval.
4. Upon approval, the proclamation may be signed by the Mayor and one copy of the signed proclamation provided to the applicant.

Upon approval by Council, the Clerk will forward the proclamation information to the Communications Department, who shall:

- Prepare a formal proclamation document, as required.

- Share the proclamation details on the Town's social media accounts.
Notification to the media and advertising is the responsibility of the applicant.

Flags – Half Mast

Flags are flown at the half-mast position as a sign of respect and condolence. The following policy statements and procedure shall guide how The Corporation of the Town of St. Marys considers half-masting of flags:

1. Flags flown at:
 - a) The Town Hall Cenotaph
 - b) Municipal Operations Centre
 - c) Pyramid Recreation Centre
 - d) Lind Sportsplex (seasonally, as applicable)
 - e) Fire Hall

Flags shall be lowered to half-mast position upon the death of the following persons:

- i. The Sovereign, or a member of the Royal Family related in the first degree to the Sovereign (spouse, son or daughter, father, mother, brother or sister);
- ii. The Governor General of Canada or Lieutenant Governor of Ontario;
- iii. A past or present Prime Minister of Canada;
- iv. A past or present Premier of Ontario;
- v. A past or present MP or MPP for the Town's riding;
- vi. A past or present member of Council for the Corporation of the Town of St. Marys;
- vii. Present day employees of the Town and present-day members of the volunteer Fire Department;
- viii. An individual whose death occurs while functioning as a municipal volunteer or agent;
- ix. As directed by proclamation from the Governor General of Canada or Lieutenant Governor of Ontario;

The Town of St. Marys may also half-mast in the following situations:

- i. Out of respect for an individual, solemn occasion, or other purpose not specifically identified in this section; or
 - ii. In instances of extraordinary significance as directed by Council, or the CAO where time is of the essence.
2. All flags will be flown at half-mast at municipal facilities in accordance with the National guiding principles found at www.canada.ca.

3. Where no specific guidance is provided regarding the length of time for flags to be at half-mast, flags shall remain at half-mast for a period of three (3) days commencing from the first full day after the notification of the death was received.
4. Should the requirement for half-masting of flags occur on a weekend or on a statutory holiday, the flags will be lowered on the first subsequent business day.
5. The flags at the Fire Hall may also be flown at half-mast in recognition of line-of-duty deaths of emergency service workers, at the discretion of the Fire Chief.

When a half-masting is approved, the Clerk shall:

- Notify the Building & Development Department and Communications staff of the need to half-mast the flags and provide all details regarding raising and lowering locations, length of half-masting, etc.
- As deemed required, coordinate a brief ceremony with the Mayor and/or members of Council

Upon receipt of that information, the Building & Development Department shall:

- Plan to half-mast on the appropriate dates

Communications staff shall:

- Share information about the half-masting and any accompanying ceremony through its channels (e.g., website, social media, newspaper, where appropriate)

Flags – Displaying Alternate Flags

Members of the public may request an alternate flag to be raised, provided their request is consistent with the Criteria established in this policy above. The following policy statements and procedure shall guide how The Corporation of the Town of St. Marys considers requests for raising alternate flags:

1. For the purpose of this policy, an “Alternate Flag” is a flag that is not one of the Canadian, Province of Ontario, or Town of St. Marys official flags. Examples of an Alternate Flag may include, but not be limited to: United Way, Canadian Red Cross, Alzheimer’s Society, Community Living, Scouts Canada, Pride Flag, and official flags of nations recognized by the Ministry of Foreign Affairs.
2. Any individual, organization, or community group whose intent for commemoration meets the criteria as set out in the Criteria Section in this policy may complete a request for an Alternate Flag raising, and shall be required to supply the following information at least four weeks in advance of the preferred flag raising date:
 - a. Organization name, contact information, website URL (if available)
 - b. Purpose of flag raising (cause or event that is being commemorated)
 - c. Preferred date/time for the flag raising ceremony
 - d. Image of the flag

- e. Names and titles of individuals who will attend the flag raising event, including names of individuals who will speak at the event.
 - f. Details about educational or ceremonial material that will be available at the flag raising event.
3. The Clerk will receive and approve all external and internal requests to raise an Alternate Flag, having regard to the criteria set out in the Criteria Section in this policy.
4. Requests may be processed in the order in which received and will be considered on a case-by-case basis.
5. When a request is approved, Alternate Flags shall be flown at the Town Hall Cenotaph in place of the Town of St. Marys flag, and in accordance with the National guiding principles found at www.canada.ca.
6. The Town will raise only one Alternate Flag at any time, and if more than one qualified request is received for the same time period, the timing will be at the Clerk's discretion.
7. Alternate Flags will be raised for a maximum of one week. The Town may extend this maximum for its own purposes.
8. An Alternate Flag shall be raised no more than once per calendar year. Organizations and community groups are required to submit their requests on an annual basis.
9. Organizations and community groups requesting to raise an Alternate Flag are required to provide the flag to be raised. The Town will not be responsible replacing damaged, tattered or stolen Alternate Flags.
10. The Town reserves the right to raise an Alternate Flag for any purpose deemed to be of interest or importance to the Town.
11. The Town recognizes the need to develop, promote, and organize innovative and proactive community engagement strategies to foster conversations in the community surrounding societal issues such as discrimination, cultural exclusions, and other challenges faced by historically disadvantaged peoples. To further promote the community of the Town of St. Marys as an inclusive space, the Alternate Flags listed below shall be raised at the Town Hall Cenotaph, Municipal Operations Centre, the Pyramid Recreation Centre, the Lind Sportsplex, and the Fire Hall:
 - a. The Pride flag is an international symbol of inclusivity and will be raised in the month of June each year to recognize the inclusive and diverse community represented by the Town of St. Marys; to acknowledge and respect all people regardless of their colour, race, religion, national or ethnic origin, age, sex, sexual orientation, gender identity or expression, or mental or physical disability.
 - b. A flag honouring Indigenous heritage and promoting Truth and Reconciliation will be raised in the month of September each year to recognize and promote the need for conversations in the community surrounding truth and reconciliation; to encourage the community to become further informed about the traditional lands, Treaties, and history and cultures of Indigenous peoples local to the region; and to commemorate the contributions of Indigenous peoples to Canada's history.

12. Council, or the CAO in situations where time is of the essence, may direct an Alternate Flag to be raised for any purpose deemed important to the Corporation of the Town of St. Marys.

When a request to raise an Alternate Flag is approved, the Clerk shall:

- Notify the Building & Development Department and Communications staff of the need to raise and lower flags and provide all details regarding raising and lowering locations, length of raising and lowering, etc.
- Coordinate a brief ceremony with the Mayor and/or members of Council, along with the individual or group that requested the raising (where appropriate)

Upon receipt of that information, the Building & Development Department shall:

- Plan to raise and lower on the appropriate dates

Communications staff shall:

- Share information about the flag raising and accompanying ceremony through its channels (e.g., website, social media, newspaper, where appropriate)

Lighting of Town Hall

Members of the public may request that Town Hall be lit in a specific colour, provided their request is consistent with the Criteria established in this policy above. The following policy statements and procedure shall guide how The Corporation of the Town of St. Marys considers requests to light Town Hall:

1. Any individual, organization, or community group whose intent for commemoration meets the criteria as set out in the Criteria Section above may complete a request to light Town Hall, and will be required to supply the following information at least four weeks in advance of the date(s):
 - a. Organization name, contact information, website URL (if available)
 - b. Purpose of lighting (cause or event that is being recognized)
 - c. Preferred date(s) for lighting
 - d. Colour(s) to be used
2. The Clerk will receive and approve all external and internal requests to light Town Hall, having regard to the Criteria as set out above in this policy.
3. Lighting requests will not be approved for personal or private occasions (such as birthdays or anniversaries) or for any request that does not meet the criteria set out in the Criteria Section above in this policy.
4. Requests may be processed in the order in which they are received and are considered on a case-by-case basis.
5. If more than one qualified request is received for the same time period, the timing will be at the Clerk's discretion.

6. The Town Hall will be illuminated for a maximum of one week per request. The Town may extend this maximum lighting time for its own purposes.
7. Town Hall shall be illuminated no more than once per calendar year per specific request. Organizations and community groups are required to submit requests on an annual basis.
8. Colour requests will be fulfilled as best as possible using the closest hue that can be achieved through the existing lighting that is provided.
9. The Town reserves the right to illuminate Town Hall for any purpose deemed to be of interest or importance to the Town.
10. Council, or the CAO in situations where time is of the essence, may direct that Town Hall be illuminated for any purpose deemed important to the Corporation of the Town of St. Marys.

When a request to light Town Hall is approved, the Clerk shall:

- Notify the Building & Development Department and Communications staff of the need to illuminate the Town Hall and provide all details regarding lighting colour, length of lighting, etc.

Upon receipt of that information, the Building & Development Department shall:

- Plan to illuminate the building for the required dates and times

Communications staff shall:

- Share information about the lighting through its channels (e.g., website, social media, newspaper, where appropriate)

Downtown Banner Program

The downtown banner program is reserved for Town purposes as part of its strategy to organize innovative and proactive community engagement campaigns. Currently, these spaces are reserved for Town purposes, including:

- Pride banners
- Tourism/Economic Development banners
- Remembrance Day banners

This does not preclude members of the public from requesting to have banners hung on the light posts in the downtown provided their request is consistent with the Criteria established in this policy above. Members of the public may submit their request to the Clerk, outlining the following information:

- a. Organization name, contact information, website URL (if available)
- b. Purpose of lighting (cause or event that is being recognized)
- c. Preferred date(s) for banners to be raised
- d. Indication if it is a one-time request or annual

e. Image of the banners to be used

All requests will be presented to Council for consideration, having regard to the criteria set out in this policy. If approved, organizations and community groups requesting the banners are required to provide the banners, and are required to pay for the Town's reasonable costs of installation. The Town will not be responsible for replacing any damaged banners.

Mayoral Certificates

Members of the public may request a certificate from the Mayor to commemorate significant birthdays, anniversaries, and other achievements. Certificate requests are managed by Communications staff. Upon receiving a certificate request, Communications staff shall:

- Prepare the certificate using details provided by the Mayor or member of the public
- Print and frame the certificate
- Mail the certificate or arrange for pick up or delivery

Tree Donation Program

Members of the public may donate funds toward tree planting efforts in the Town of Marys to commemorate an individual or group. Donors are given an acknowledgement certificate and can purchase a plaque that shall be placed along the walking trail in the memorial forest.

The Tree Donation Program is administered by the Public Works Department and governed by the Town's Tree Donation Program Policy, as amended (PW-P-7181).

Commemorative Benches

Commemorative bench donations will be accepted at the discretion of the Director of Public Works from service clubs and other not for profit organizations, provided that the purpose of their commemoration meets the Criteria set out in this policy. Donated benches must meet the Town's design guidelines and established accessibility requirements. Benches will be accepted in situations where they compliment an existing Town amenity.

Upon accepting a donated bench, the Town will become the owner of the bench, and there shall be no possessory interest of the donee. The Town will perform regular and customary maintenance to donated benches for the duration of their lifecycle but will not replace donated benches at end of life.

Bench donations will not be accepted from private individuals. Persons seeking to commemorate a private purpose shall be referred to the Tree Donation Program.

Additional/alternative commemoration options

A commemoration request may be denied because:

- The timing of the request conflicts with another request that has already been approved.

In such a case, provided the request meets the criteria set out in the Criteria Section above in this policy, other options for commemoration may include:

- A stand-alone post on the Town's social media accounts
- A photo opportunity for the St. Marys Independent and Stonetown Crier e-newsletter
- A message shared on the Town's electronic signs (at the Pyramid Recreation Centre and St. Marys Fire Hall)

Requests for additional or alternative commemorations should be directed to Communications staff, who will use their discretion to determine the best option for sharing the information.

Communication

A copy of this policy will be saved to the Company drive.

Training

Team Members will receive training on this policy during new hire orientation.

References

- Tree Donation Program Policy (PW-P-7181)

End of Document

Rev #	Date	Reason	Initiated	Reviewed	Approved

FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Stephanie Ische, Director of Community Services
Date of Meeting:	16 May 2023
Subject:	DCS 23-2023 Community Services Review

PURPOSE

Beginning in the fall of 2018, staff in the Community Services undertook a project to complete a Core Services Review. The goal of the review was to develop an inventory of all recreation and leisure services provided, understand the cost to deliver each service, determine who benefits from each service, develop a cost recovery philosophy for each service, and to make recommendations to achieve scale appropriateness and financial stability in each area of recreation and leisure services.

This report is to present an updated review of Community Services' programs and services. The process is a continuation of the core services review completed in 2019 and is an evaluation tool for programs and services for continual improvement.

RECOMMENDATION

THAT DCS 23-2023 Community Services Review report be received for review and direction to staff.

BACKGROUND

The purpose of the 2018 exercise was to review services provided by the Community Services Department and make recommendations to Council that are consistent with the Strategic Plan, Recreation and Leisure Master Plan, PRC Strategic Business Plan, and understanding the importance of economic and social strengths within the community. Prior to beginning the review, staff defined what to explore in the report to identify areas to improve efficiencies, provide innovation and ensure effective services for St. Marys residents.

According to the Recreation and Leisure Master Plan (RLMP), core services are defined as programs and services providing the greatest amount of return in benefits to the community and to individuals. Often core services are aligned with strategic initiatives or social issues facing the community.

In an environment of increased service expectations and limited resources, a stringent review of municipal service provisions is necessary. Identifying Recreation's core services assists Council and Staff in making decisions that balance available resources with demand within the St. Marys community. The goal is to ensure services and programs are operating at maximum efficiency and are as cost effective as possible.

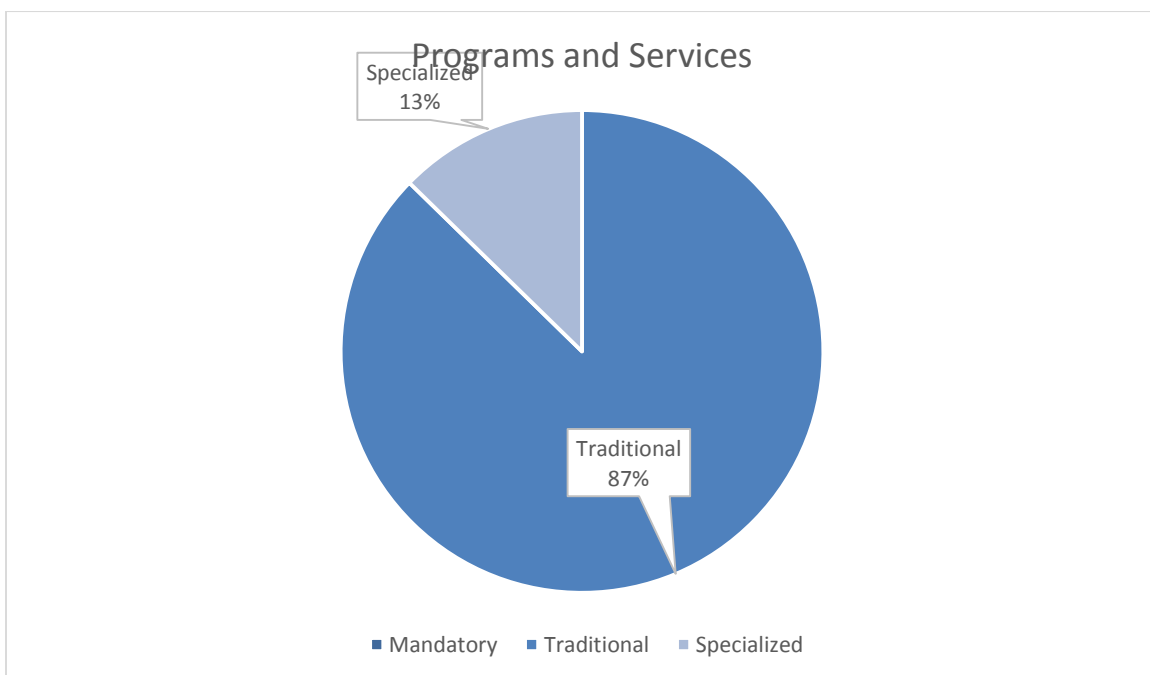
Staff developed a methodology and approach during the work to help identify the service inventory, the cost of each service, and the benefactors of the service. Once these three characteristics were identified, it simplified the recommendations to be made for each service. The following chart outlines the process staff followed during this exercise. Staff followed steps 1 through 4, which includes understanding the current landscape, coming up with an evaluation process and recommendations going forward.



Staff currently offer a variety of programs and services to the residents of St. Marys. To better understand the current state of service provision all current services and programs were categorized into three areas: mandatory, traditional, or specialized service.

1. **Mandatory Services**—Legislated by other levels of government and/or are governed under a municipal by-law. The service meets a legal or policy mandate.
2. **Traditional Services**—Benefits accrue to the community or general public and are considered a public investment. These services have been offered for a lengthy of time and have become part of the expectations of the citizenry. These services are generally subsidized through the tax base as they are viewed as part of the municipal service offerings.
3. **Specialized Services**—Benefits accrue to a small group and services are offered to augment traditional services (Examples include catering, private swimming lessons). These services should attain higher rates of cost recovery.

Prior to the pandemic the PRC offered 149 programs and, as noted in the chart below, 87% were categorized as Traditional Services. Many services offered have become an expectation of the citizens of St. Marys.



Community Services offers programs to residents in two ways: registered or drop-in. There are a variety of fees charged for all programs and services offered within the Community Services Department. When fees are set, staff take into consideration: instructor costs, supplies required, budget, financial

trends, comparing our services with other municipalities of similar size, and grants/funding available to offer that program or service. Recognizing there are always questions regarding fee development in recreation, and to better understand the philosophy behind setting fees staff, looked at high-level pricing to assist and guide this exercise. Staff developed a comparative analysis by understanding financial trends, budget process, cost of service provisions, purpose of pricing, pricing strategies, alternative funding sources, psychological dimensions of pricing, establishing initial pricing and price revisions.

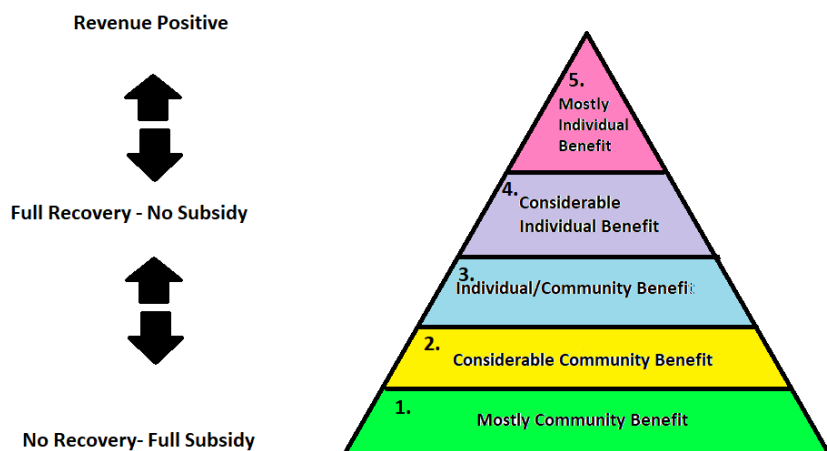
The RLMP challenges the Town to abandon the traditional approach of setting fees by comparing current fees to other municipalities. The RLMP recommends that the Town work to develop a deeper understanding of the costs to provide services, and then set fees based on the actual cost to provide services. The RLMP further recommends that the Town adopt a fee recovery philosophy that: codifies the level of subsidization that is appropriate for core services; and requires non-core services to be fully cost recovered through the user fee.

Cost of service is an identification and calculation of what is required financially to produce or operate a service. As a part of this project, staff undertook significant effort to inventory each program, and the costs to provide that program. However, absent from a costly forensic audit of operations, determining the exact costs of services to 100% confidence level is not possible. Rather, in this effort staff developed a set of common costing principles and assumptions to determine the cost of each service provided. Although staff cannot conclude that the costs are exact, staff can conclude that the costs of service are representative enough to be useful for the analysis recommended by the RLMP.

The goal of this exercise was to develop a cost of service that represents the direct cost of a service as clearly as possible. The exercise included an allocation of the following: utility costs, custodial/operations and supply costs, allocation of staffing costs, capital project costs, administrative costs, program costs, frequency/cost and number of sessions per program/service provided.

Once this was completed, costs were calculated to determine the net position of each program. Each program was represented as a negative or positive number; staff were able to infer what program costs should be per program, which in turn would assist in reviewing the service and developing relevant recommendations.

The Pyramid Methodology below was adopted to categorize each program and service currently offered. This model is intended to target cost recovery levels and account for all direct and indirect costs, while working towards increasing the cost recovery of many services.



1. **Mostly Community Benefit**—include community parks, trails system, splash pad, ability to visit facilities on an informal basis, playgrounds, support services etc.
2. **Considerable Community Benefit**—Facility and park use, therapeutic recreation program and services, recreation leagues, etc.

3. **Individual/Community Benefit**—camps, after school programs, beginning level instructional, programs and classes, teen programs, tournaments etc.
4. **Considerable Individual Benefit**—trips, advanced level classes, competitive leagues, etc.
5. **Mostly Individual Benefit**—private lessons, facility rentals, canteen, restaurant services etc.

After determining, who would benefit from each program or service, staff could then determine what form of cost recovery would be most appropriate for the program or service.

The critical question asked was “What does cost recovery actually mean?” Does it simply mean total recovery of all of the costs of a program or activity through fees? Staff would suggest not necessarily – in fact, most cases where fees are appropriate, the cost recovery target will be set to recover a portion of (or all) the “direct” costs. In some cases where the individual benefit is very high, the cost recovery target will be set to cover more than 100% of the direct cost. Cost recovery can also be accomplished through other forms of revenue such as grants, donations or sponsorships.

Ultimately, the following matrix was developed to guide the assignment of cost recovery by benefit type:

Who Benefits	Type of Service	Funding Model/Targets
1. Mostly Community Benefit	Public	100% from taxes/significant tax funds, Grants, other Funding (ex: Government)
2. Considerable Community Benefit	Public but some Individual	Primary taxes and some user fees
3. Individual / Community Benefit	Public/Individual	Primary user fees and some taxes
4. Considerable Individual Benefit	Individual but some Public	100% User Fees/significant user fees
5. Mostly Individual Benefit	Individual	100% User Fees/revenue generation

Through the detailed analysis, staff were able to determine the costs to provide each service, to whom benefits accrue for each service, and the corresponding cost recovery philosophy that should be applied to the service or program.

From this exercise, there were over 100 recommendations presented to Council during this review and 100 were approved. A number of these recommendations have already been implemented. Some samples include:

- Morning lane swim cancellation
- User fee increases across the Community Services Department
- New PRC core operating hours
- New afternoon pool programming
- Changes to shoulder ice/ticket ice
- Launch of the new inflatable park at the Quarry
- Summer PRC weekend closures in July and August
- Vending machine added to the PRC
- New recreation software
- Vendor application form for patrons wanting to sell items in the PRC
- Development of an Aquatic Leadership in Training program

- Full online registration for all PRC programs
- Transition to Ontario Health

REPORT

Following the pandemic restrictions and shutdowns, staff are noticing a different level of service is expected and the needs of the community are greater than before the pandemic. Demands for more services and programs seems to be the new norm. Staff need to balance priorities while trying to be mindful of budget constraints and ensuring services and programs are operating at maximum efficiency and are as cost effective as possible.

Because of this, staff have reviewed the existing Community Services inventory of programs and service under a similar methodology to the 2018 Core Services Review to ensure we are on the right path. The data and analysis collected is presented in a chart that is attached to this report.

Staff will present the summary chart and are seeking Council's input and direction on the recommendations presented. This review and recommendations put forward from staff involve making choices between the levels of service and/or the type of services provided. Additionally, it may result in managing cost recovery levels where feasible or considering alternate forms of revenue and service delivery. This could include the reduction of a service, contracting a service out or the deletion of a service.

Once the review is completed, it will allow for Council and staff to have the ability to ensure that the public receive the required municipal services in the most cost-effective manner.

FINANCIAL IMPLICATIONS

See attached department specific charts.

SUMMARY

The Core Services Review is a process linked to continued evolution of quality and efficiency in management practices. The data and analysis collected in the report allows staff and Council the ability to ensure that the public receives the required municipal services in the most effective manner.

Going forward the team will run all new programs/services through the core service review prior to implementation. This will be the foundation to determine if the program/service should be offered and at what cost to the participant.

STRATEGIC PLAN

- ☒ The following priorities, outcomes, and tactics in the Recreation and Leisure Master Plan support this initiative.
 - Recommendation #4—Test the list of Recreation and Leisure Core Services offered in the Master Plan with the public to ensure that these are reflective of their needs. Further, ensure that Non-Core services are fully cost recoverable to profit making to offset costs of Core Services.
 - Recommendation #11—develop a policy on Core and Non-Core Services and levels of service in concert with the community.
 - Recommendation #19—that the Town gather the data required to support the development of performance measures. Report annually to Council and the public and compare results year over year to inform continuous improvement initiatives in community engagement and service delivery.

OTHERS CONSULTED

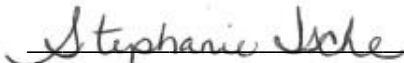
Community Services Managers

ATTACHMENTS

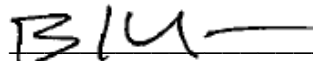
Service standard charts

REVIEWED BY

Recommended by:


Stephanie Ische
Director of Community Services

Recommended by the CAO


Brent Kittmer
Chief Administrative Officer

Overall Community Services:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
On-line registration (Core Services Recommendation)	1) Creates efficiencies. 2) Increased customer service. 3) Saves on staff time.	Continue with this process	Summer 2020
PRC building weekend closures for July and August (Core Services Recommendation)	Saving on staff wages	As attendance for indoor swimming in the summer months is extremely low, closing the pool on weekends drives patrons to the Quarry and Splash Pads coupled with lack of rentals and recreation programming on weekends / ice out reduces programming needs	2019
Active recruitment of Volunteers	Lost many volunteers during COVID.	Focused efforts on volunteer engagement and building a new base of volunteers. Continue to identify areas in programs and services where volunteers can support.	2022

Aquatics:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Inflatable - Quarry	Since opening the Quarry with the Inflatable amenity revenues have increased by \$99, 918.57 2019 revenues- \$66, 294.88 2022 revenues- \$166, 213.45	Continue with this partnership and explore further opportunities for the swimming Quarry with possible expansion to the non-swimming side for other amenities.	Inflatable was implemented summer 2022. Exploration of other opportunities (i.e., addition of canteen booth)
Quarry- Resident Fee	Implementation of a resident fee for the Quarry Monday to Friday as approved in the 2022 fee by-law.	Implemented summer 2023, staff will track the number of passes sold.	Summer 2023
Develop a Leadership Aquatic Volunteer Program. This program is for youth age 14 with a current Bronze Medallion or Bronze Cross to assist instructors with swimming lessons, this would increase the standard for lessons with learning and practicing skills, and class management. In turn staff feel this approach will help with recruiting lifeguards as we build the Aquatics Team going forward	Aquatic volunteers support the delivery of swimming lessons enhancing the overall learning experience. There is no cost to offer this service.	Continue to build the volunteer base and expand the program to the Quarry.	Spring 2023
Swimming lessons at the Aquatics Centre all year, no longer offering lessons at the Quarry.	Savings on staff wages. With the addition of the indoor aquatics centre, lessons have grown as lessons can be offered year-round. On average staff provide	Continue with this process.	2022

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
	swimming lessons to 1700 people annually.		
Completed Lifesaving Society Aquatics Safety Audit for the indoor pool	Recommendations from the Lifesaving Society include: 1) Addition of head lifeguard for each shift on weekends and evenings. The cost for implementation of the head guard is approximately \$8000.00 annually. 2) Parents not allowed on deck while children are in lessons and can view swimming lessons from viewing area.	Implement all recommendations put forward by the Lifesaving Society Audit	Spring 2023
Quarry Canteen	Looking to relocate the canteen to the grass area 2024. Separating food from admission. This will create more space and opportunity to expand food services.	1) With higher volumes the menu will be expanded to meet customer needs by adding a variety of food options (partnership with local food business) 2) Explore the potential to separate the canteen to grass area and expand further. This allows for a more efficient flow of traffic for admissions.	Assess summer 2023
Administration Support for Quarry		With the increase in patrons through the Quarry there is an increased need for additional supports. Review operational efficiencies summer of 2023.	Assess summer 2023

PRC Canteen:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Vending machines added to the PRC to offset when the Canteen is closed during off peak times. (Core Services Recommendation)	<ol style="list-style-type: none"> 1) Vending machines revenue from September 2022 to April 2023 was \$19,178. Canteen sales were \$59,176. 2) Main sellers in the canteen are popcorn, candy/chocolate bars, slushies, and pop. 3) The vending machines are a staff savings while offering food and drink options to the community 24/7. 4) Source of revenue year long. 	Continue with the operation of vending machines.	Fall 2022
Canteen Operations during peak hours. Peak hours vary based on Lincolns Games, weekend rentals and tournaments. (Core Services Recommendation)	<ol style="list-style-type: none"> 1) In peak operations sales will offset staff costs, and closed during off peak hours is a savings on staff wages. 2) Open peak hours allow consistent operations Monday – Thursday evenings with 1 staff. 3) Lincoln Games are high traffic and 3 staff operate the canteen. 4) Weekends and tournaments are staffed with 2 individuals. 	Staff have tracked revenue for the year to understand the needs. Based on this staff recommend staffing the canteen consistently during the week Monday – Thursday in the evening. Continue to staff Lincolns games with 3 staff and explore operational efficiencies. Continue to staff tournaments with 2 staff on weekends. Explore 1 staff during the day on Friday tournaments. Although revenue is minimal during the	Fall 2021

		day, the perception and customer service for visitors is worth operating. Guest service staff can be brought in to fill the canteen role when required, as most canteen staff are in high school. This will be an impact to the budget as they are paid higher wage.	
Review of Canteen Product, Pricing & Efficiencies	<ul style="list-style-type: none"> 1) Increase in revenue 2) Increase speed of service 3) Increase in quality 	Having a full season completed a review of products, pricing and operations will be undertaken. The review will look at the need for price increases due to inflationary costs, as well as, evaluating what and how things are offered. Are there better methods/products to offer to increase efficiencies, speed of service and quality?	Fall 2023

Ice Services:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Shoulder ice rate offered to sell ice that is vacant during the regular winter season. (Recommendation from RLMP #32)	This process has increased sales of shoulder ice rate. The shoulder ice rate is also applied for the month of April which is successful.	Continue with this process	2019
Heaters in the stands Current process: Heaters are turned on if the outside air temperature is below 0 degrees Celsius, by patron request. The heaters are on timers and separated by section. Staff have labelled the heaters by timer, and designated alternating heaters to turn on to provide heat to some sections and not in others to give people a choice, as opinions about the comfort they provide are often divided.	When heaters are on, each heater consumes natural gas, and their operation would affect the indoor ice environment through increased temperature, which cost approximately \$50 per pad per hour if every heater is on in the rinks. There are a total of 13 heaters – 6 on Blue and 7 on Rock. Limiting heaters to every other heater and having them on timers helps manage the cost while also addressing the need to provide heat in the stands, knowing opinions are often divided regarding desire for heat.	Continue with the current process, post additional signage in the stands outlining the process and to direct patrons to guest services if they request the heat be turned on. Guest Services would contact a PRC operator to have the heat turned on. If Guest Services is not at the desk, a sign would be posted with contact information to reach an operator	September 2023
Increase the sale of non-prime ice. There is some non-prime ice sold throughout the week but there is still vacant ice available.	Increased revenue	Staff will work with communications to market any vacant ice during these times to increase sales.	Summer 2023

Recreation and Youth Services:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Offer PA Day programs. During the core services review staff presented to Council the recommendation to cancel PA Day programs. However, following the closures and restrictions staff are receiving multiple requests to offer this service again.	<ol style="list-style-type: none"> 1) This program is set with a minimum participant number to break even. 2) Benefit of cross promotion of Camp and PD Day to increase revenue. 3) Consistent programming for St. Marys families. 	Staff will continue to offer this program and will evaluate annually. If the program does not break even for the year the program will be eliminated.	Fall 2022
Birthday Party Equipment Rentals. Introduced during unexpected pool closures.	Birthday party equipment rentals are a savings of staff time, a revenue stream and offers flexibility to families	Continue to offer program and evaluate if there is a need	2023
Continue to work with community groups developing strong partnerships within the community. (RLMP recommendation # 1 & 39)	<ol style="list-style-type: none"> 1) Regular meetings have been established with all sports user groups to foster strong working relationships. 2) Collaborations started with local businesses to offer programming for youth. 	Continue to build on relationships and find additional synergies.	2022/23
Apply a consistent approach to fee structure across sport playing surfaces. Fee applied to anyone that wants exclusivity for use of a sports field/racket court. (Core Services Recommendation)	<ol style="list-style-type: none"> 1) Increase in revenue will offset a portion of the cost to operate. 2) Consistent approach to all sports. 	Continue with this process Evaluate this annually and increase rates as necessary - similar to existing programs and charges implemented through Fee By-law	2022-2023

Charge Adult Soccer for use of fields (Core Services Recommendation) Charge minor soccer based on use of fields vs per participant. Charge racket sport groups for use of racket courts			
Convert public skate patrol from paid part time attendant to high school volunteer/community service hours	<ul style="list-style-type: none"> 1) Recognition and community hours for volunteers. 2) Savings on staff wages of \$16/hr for paid skate patrol 	Explore viability through collaboration with minor ice groups and high schools. Implement in the 2023-24 ice season.	Ice season 2023/24
Maximize PRC with programs and rentals on dry pads, such as ball hockey and roller skating/roller blading	<ul style="list-style-type: none"> 1) Increase revenue. 2) Increase variety of programming offered to community 	Review the 2023 usage and benefits to community. Continue to offer the dry pads as a recreational opportunity in the spring shoulder season.	Spring 2023

Senior Services:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Kitchen Operations for Senior Service Programs and the elimination of the Kitchen Coordinator position (Core Services and KPMG Recommendation)	Saving on staff wages	Continue to build a skilled volunteer base to support Senior Services Community Dining. Continue to work with local businesses to offer options for community dining for seniors, people recovering from illness or injury and people with varying abilities. Staff have begun to work with a group of volunteers to offer an in-person community dining program. Volunteers and Senior Services staff have been training in Safe Food Handling. Staff will continue to build the volunteer Community Dining role throughout 2023 including formalizing roles descriptions and further recruiting. Staff will monitor the needs of the community and assessing community needs for expansion in this program.	Fall 2022
Continue to increase volunteer program presence virtually.		Staff have worked with communications to utilize current platforms to make a volunteer	Ongoing

(Recreation and Master Plan Recommendation)		application available for community to apply virtually. Staff will continue to work with communications as well as departments that support volunteers work to ensure volunteers opportunities are available online and current postings for volunteers are available for the public. Staff will continue to develop a plan for corporate volunteer's management, updating policies and process so they are available for departmental staff who support volunteers across the Corporation.	
Sustainable and balanced programming	Continuing to support the aging population by managing growth in independent social recreation programing while planning for an increase in community support services.	A department review with recommendations of all Senior Services programs and services will be completed to ensure that resources are being effectively utilized for future demands.	2023/2024
Community Support Services Subsidy	Supporting vulnerable populations with financial barriers to access community support services such as footcare, transportation to access departmental health and wellness programs and access to nutrition programs such as Meals on Wheels and Community Dining.	A review of how the department donations and fundraising is utilized within the departments. Exploration and potential development and implementation of an access to Community Support Services based off the currently Access to Recreation Grant to ensure our communities gaining population will have access to co-pay	2024 Departmental staff will work with the finance team to explore options and then to be presented to Council.

		programs to keep them independent in the community.	
Ontario Health Team	The Town of St. Marys is a full member of the Huron Perth and Area Ontario Health Team. As Ontario Health starts to mature it is anticipated that administrative functions will be transferred from Ontario West to the local OHT's this includes moving from agency specific funding and service agreements to a OHT wide funding and services agreements	Continue to be present and engage in the local OHT level transformation. Continue to advocate for Community Support Services	Ongoing

PRC Operations:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Utilize Part Time operators to reduce FTE in department through attrition, reduce overtime, cover illnesses, etc.	Savings on staff wages	Continue with this process.	2019, ongoing
Gap analysis for one additional full-time operations staff	Goal of net zero increase to staffing budget by reallocating existing funds between the part time operator and assistant wages	Present a business plan to the CAO that would include hiring one additional full- time operator, reducing the need for part time casual operator coverage, leave part time operators on a casual contract to cover vacations, illness, etc.	July 2023
Explore partnerships with energy management firms to better manage utility consumption, gain revenue through incentive programs or rebates.	Cost savings and efficiencies	Continue to find partnership programs	Ongoing
Partner with a sales company to assist with the sale of advertising on TV screens. (Core Services Recommendation)	1) Revenue generation 2) Increased promotions throughout the PRC with the addition of advertising screens at the Quarry this summer.	Continue with this process working with communications to ensure material is consistent with Town brand.	2022

All contracts/vendor permit will be revamped. Including- ice agreements, rental agreements, outside user agreements. (Core Services Recommendation)	The contracts will be consistent throughout the Town	Continue with this process.	Fall 2023
Implementation of storage agreement	Consistent treatment of user storage space for user groups	Contracts will be developed to be consistent throughout the town.	Spring 2023

Museum and Archives:

Service Level	Impact of change Financial/Service Impact	Staff Recommendation	Implementation
Change hours from 9-12 and 1-4:30 to 9-4 on weekdays. Change hours from 1-4:30 to 12-4 on summer weekends. (Core service recommended not closing at lunch)	Open 30 minutes more each day, no longer have awkward lunch hour closure.	Continue with these hours if staffing levels allow for it.	When reopened from COVID closures.
Archives open by appointment, with three timeslots daily.	Staff discourage, but still do their best to accommodate drop in researchers. Appointments allow staff to pull resources ahead of time, make sure technology is available, and the staff scheduled for the day are appropriately trained to assist researchers.	Continue with this process.	When reopened from COVID closures.
Admission by donation policy for Museum.	After two years of tracking after 2019 Core Services Review, found that more revenue is generated through admission by donation than if museum had charged proposed admission fees. \$500/year in savings was found by not having to set museum up with a debit machine.	Continue with this process.	Ongoing.

Curator Assistant position changed from 0.5 to 1.0 FTE (2020 KPMG review), Budget for two students instead of three, and one intern.	Two students found to be sufficient to cover summer weekend needs. Reallocating funds to intern allows for better coverage in fall and winter.	Continue with current staffing schedule.	2020 and summer 2022.
Artifact donations require a pre-booked appointment/curator approval before item is left at the Museum.	According to the Collections Management policy, only the Curator and Manager have the authority to accept artifact donations. Potential donors were going to the effort of bringing artifacts to the museum just to be turned away because the item was not appropriate to the collection, or the appropriate staff were not available Or, items were being left with contact staff that are nearly impossible to return once dropped at the museum. Having a well-publicized process has alleviated frustration for both staff and donors.	Continue with current process.	Ongoing.
Paper-based phone/email registration for program. Investigate ActiveNet currently used at the PRC.	Potential for efficiency by joining the rest of the Community Services department with ActiveNet registration.	Transition to ActiveNet	Fall 2023 programs
Cash/cheque only method of payment.	Investigated cost of debit machine at \$500/year. Currently doing \$100/month in transactions so would lose money. Inconvenient for patrons to come in to pay or mail in payment for services, but this could be alleviated with ActiveNet.	Continue with cash/cheque plus ActiveNet	Ongoing/Fall 2023

Actively reviewing annual events coming out of COVID. Due to increased costs and downward trends in attendance, have stopped offering Victoria Day Tea and Roaring 20s Garden Party.	Savings found by having fewer staff working evening, weekend, and holiday events.	Continue to assess success of events and eliminate those that are resource heavy but not well attended.	Ongoing
Doing more exhibits in partnership with community organizations (Women's Institute, Community Players, Stratford-Perth Pride), and overall fewer exhibits.	Exhibits are extremely labour intensive so doing fewer, but better, exhibits is leading to staff time better spent on other projects. Finding a balance between enough new exhibits to encourage repeat visits throughout the year, with staff time, supply costs, etc. Community partnership exhibits create an almost guaranteed audience (I.e., we had 50 WI members during the month of Jan).		2020, ongoing
Fewer staff led seminars.	Bringing in external experts/volunteers to present lessens the burden on staff, generates more interest amongst the public to hear people other than museum staff presenting, brings in new audiences.	Staff only commit to leading 2/6 annual seminar.	Ongoing
Better use of outbuildings during summer.	Staff have spent substantial time in the outbuildings, making several trips to the landfill for non-artifact items. Installation of new doors and windows in the Barn.	Open the barn daily in the summer, ensuring staff are aware of security hazards.	Summer 2023

Better utilize resources of the Friends of the Museum.	Increased membership from \$10 to \$15. Supporting more events such as Melodies at the Museum, special exhibits like Tracey Mae Chambers.	Continue to send all “would be nice” requests to the Friends while maintaining status quo for Museum’s annual operating budget.	Ongoing
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FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Jenna McCartney, Clerk
Date of Meeting:	16 May 2023
Subject:	ADMIN 32-2023 Draft Animal Control By-law

PURPOSE

The purpose of this report is to present the Committee with the current draft of a revised animal control by-law. The first draft was presented to Committee in 2021, and this report presents follow-up information to address a request for a report back regarding urban chickens and prohibited animals.

It is staff's goal to have the Committee recommend that the draft by-law be enacted. If the Committee's disposition is that further information is required, then Staff would like to discuss with the Committee how to have key parts of the by-law enacted in the short-term to help close various gaps that are created by the current version of the by-law not being up to date.

RECOMMENDATION

THAT ADMIN 32-2023 Draft Animal Control By-law report be received;

THAT the Committee supports the inclusion of the draft list of prohibited animals on the draft Animal Control By-law;

THAT the Committee supports option ____ as presented in report ADMIN 32-2023 related to urban chickens with staff to report back with a draft by-law on the keeping and regulating of urban chickens; and

THAT the Strategic Priorities Committee recommends to Council:

THAT Council consider By-law XX-2023, being a by-law to prohibit, regulate and restrict animals in the Town of St. Marys.

BACKGROUND

Revision and modernization of the St. Marys Animal Control By-law has been recognized needed for several years. Through the new partnership with the Humane Society of Kitchener Waterloo and Stratford Perth (the "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.

HSKWSP identified that five elements requiring attention during a review of the Animal Control By-law, 39-2008 to ensure enforcement of animal control in St. Marys. Those elements were:

- Provisions related to animals in hot vehicles;
- Clear direction on what age a dog is considered an adult, and at what age it can safely depart from its mother;
- At what frequency of breeding an animal should be considered a 'puppy mill';

- A review of prohibited animals; and
- Setting expectations of responsible animal ownership, such as maintaining private properties free of excrement.

In consultation with HSKWSP, staff developed an updated animal control by-law which addressed the major elements of concern listed above. The draft by-law is attached to this staff report along with a chart that summarizes all changes and the rationale. Below is a more detailed explanation of how the four of the five primary concerns have been addressed in the revised by-law. Prohibited animals are further discussed in the “Report” section below.

Animals in Hot Vehicles

In response to concern about animals being locked in hot vehicles, subsection 8.1(g) of the by-law provides that:

“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.”

Definition of the Age of Adulthood for Dogs

In response to the need to define the age at which dogs can be treated as adult animals and separated from their mother, staff have drafted the necessary revisions in accordance with advice from the HSKWSP. HSKWSP’s input, as provided to Council in ADMIN 17-2021, was that 8 weeks of age would be the earliest age at which a dog could be safely separated from its mother. Staff have updated subsection 2.1 of the draft by-law in accordance with this to provide that:

“No person shall keep more than three (3) Dogs over the age of 12 weeks within or about any dwelling unit....”

This provision ensures that the licensing restrictions on dogs shall not force an unhealthy early separation of dogs from their mothers while under the safe age of separation, and that it identifies at what age the dog is now counted towards the total number of dogs in a dwelling unit. The provision is repeated in subsection 2.2 specific to the keeping of no more than three (3) cats.

Prevention of ‘Puppy Mills’

The by-law has been drafted to state that all breeding operations must be inspected and licensed each year. The deployment of inspection would fall to the Town’s animal control service provider, HSKWSP. In cases of suspected ‘puppy mills’ and improper treatment of the animals at such facilities a complainant would contact the Provincial Animal Welfare Society to perform a cruelty investigation. Staff have drafted the provisions under subsection 2.8 of the by-law, requiring registration and inspection of kennels and catteries, to match these policies and regulate such practices.

Setting Expectations of Responsible Animal Ownership

In meeting the need to set responsible standards for animal owners, a number of different provisions have been included in the by-law. These include the provisions in section 3 requiring that dogs be leashed on property at all times unless the owner of the property gives consent to them being unleashed; requiring immediate removal of excrement on both public and private property; prohibiting dogs from being allowed to trespass on private property; explicitly prohibiting animal fighting, attacks, abusive treatment and extended emission of animal noises; and requiring that dogs be leashed on a leash not exceeding 2.4 metres. In addition to these provisions in section 3, the inclusion of section 8 on the recommendation of HSKWSP provides requirements addressing the most common forms of irresponsible treatment of animals.

The content of these sections, combined with the authority the by-law grants Animal Control Officers to enforce these provisions, will act to set a reasonable standard of responsible animal ownership within the community in future.

At the May 18, 2021 meeting of the Strategic Priorities Committee, the revised Animal Control By-law was presented. Following their discussion, the Committee was of the consensus that a further report back is required regarding the following:

- permitting requirements for urban chickens including licensing, quantities per dwelling, zoning restrictions, enclosure provisions
- enhanced prohibited animal list

The purpose of this report is to present follow-up information to address the request for a report back above with a goal to have the Committee recommend that the draft by-law be enacted.

REPORT

1. Prohibited Animals

Staff undertook a study of the animal control by-laws of a dozen Ontario municipalities of all sizes, including London, Kitchener and Stratford to review examples of prohibited types of animals.

The City of Toronto's approach to prohibiting animals was the most comprehensive and consistent of the examples that were reviewed. The following criteria outlines the general nature to consider prohibiting an animal:

- 1) The animal is on a federal/provincial at-risk, protected, prohibited or endangered list
- 2) The animal is venomous or poisonous
- 3) The animal would present an undue danger to human health or safety
- 4) The animal's care and welfare needs could not reasonably be met by an owner
- 5) The animal presents an invasive threat to local animals or the environment
- 6) The animal would cause clear public nuisance problems, such as from noise or odour

Given this clear set of criteria, and the comprehensive nature of Toronto's list of prohibited animals, staff used this information as the basis for prohibition in section 9.3 of the draft by-law and included a list of prohibited animals (organized by taxonomic classification) as Schedule A.

This Schedule includes a provision permitting ownership of lizards and snakes below a certain adult length, as the previous animal control by-law offered. While this is in conflict with the Town's Zoning By-law, which prohibits keeping any reptile, this provision has been retained from the current By-law 39-2008 in recognition of the number of domestic reptile owners in the Town who have historically been permitted despite the Zoning By-law. If Council approves of the prohibited animal provisions in its present form, staff will make the necessary amendment to the Zoning By-law at a later date, in order to bring it into alignment with the Animal Control By-law on the owning of reptiles.

Should Council permit ownership of lizards and snakes below a certain length, section 9.5 of the draft By-law provides an exemption to the ban on reptiles in public places solely for the purpose of transporting them, and only if they are confined appropriately while being transported.

2. Animal Exhibitions

Through the provisions described above, the Town will be prohibiting various animals from entering St. Marys. However, the Town's by-law needs to consider an exemption for prohibited animals in certain circumstances due to the number of times prohibited animals have come into the Town for entertainment and educational purposes. Examples include Museum exhibits like sheep shearing,

birding exhibits, and reptile exhibits that are used for entertainment at local festivals and/or educational programs at local schools.

At present, the only license required for operators in the Province of Ontario is provided under the *Fish & Wildlife Conservation Act* 1997, Regulation 668/98. If Council prefers to leave the possibility open for animal exhibitions to continue, the Town can require a Provincial license under the *Fish & Wildlife Conservation Act*. If Council chose this approach, the by-law would need to include an exemption for any Provincially licensed provider. Such a clause would take the form of:

“Section 9.0 shall not apply to educational programs or to a temporary exhibit being conducted with animals that are owned by a Provincially licensed operator, and provided that the educational program or temporary exhibit does not exceed a maximum of three (3) days at any one location. This exemption shall only apply to those animals explicitly.”

3. Urban Chickens

The draft by-law does not address the issue of urban chicken ownership, it simply prohibits all chickens as that is the current rule that is in force and effect in Town. Staff appreciates that the conversation surrounding urban chickens is complicated, and staff do not want that topic to compromise the passing of the Animal Control by-law. As such, staff are recommending that the regulation of chickens be separated from the by-law into a standalone by law so that the updated Animal Control by-law can be enacted to close the gaps and issues that exist in the current by-law.

Option 1: Prohibit Chickens

This option provides for a prohibition of urban chicken ownership within the Town of St. Marys on all properties not currently zoned for agricultural use.

In staff's research, rationale for prohibiting chickens is due to the risk that the keeping of chickens may increase public health risks. This includes the presence of rodents which may carry disease, complaints of odour and noise, and the potential for diseases related to poultry like Avian Bird Flu. There are few reports on the risk of Avian Bird Flu in Ontario “backyard chicken coops” so staff looked to neighbouring states where more data was available. The USDA reported the following occurrences in 2022 and up to March 2023:

- New York State 12 confirmed cases
- Michigan 20 cases
- Ohio 8 cases
- Pennsylvania 26 cases

These numbers are not found to be high although they do suggest that the risk exists and can be more prevalent if wild birds come into contact with the urban chicken, coops are not cleaned on a routine basis, and exposure to visitors is not limited.

Council and staff are aware that chickens already reside in some backyards without any form of approval from the Town. If the Committee recommends to Council that urban chickens be prohibited from non-agricultural zoned properties, staff will develop a media campaign that educates the public about the prohibition. Staff will initiate a two (2) year compliance period requiring existing urban chicken owners to come into compliance with the prohibition. If a property did not come into compliance with the by-law, staff would be able to apply set fines through an infraction notice.

Option 2: Regulating Chickens

If the Town were to permit the keeping of chickens, then a robust set of by-law standards would need to be developed to help reduce the public health risks identified above. This would also necessitate back of house staff resources for possible licensing, inspections and by-law enforcement. At this point in time, staff have not developed a detailed time study or budget forecast of the resources needed,

however it is safe to assume that the need to respond to inquiries, applications, inspections and complaints would necessitate additional resources to ensure a solid program is developed.

The functions of inquiries, applications and licensing would be delegated to the Clerks department. As Council is aware, the workload of the Clerks department has increased over the past several years due to downloads from the Province (liquor license rules), the growing complexities of modern by-laws and regulations, and the emerging corporate priorities related to data security and retention

The function of by-law enforcement would be outsourced to the Town's third-party by-law enforcement provider. The Town's approach to by-law enforcement is on a complain-basis only, so costs would only be incurred as complaints arise.

Staff have developed two options below for the Committee to consider as it relates to regulating chickens.

Option 2 (a): No Licensing System

Under this option, Council would direct staff to develop regulations associated with the keeping of urban chickens on non-agricultural zoned properties. These regulations would include the maximum number of chickens being five (5), the type of chicken being only hens and no roosters, and the coop design and inspection requirements.

This option would not include a licensing or registration process. A by-law would set out the regulations associated with keeping the animal in a public manner and respond on a complaint basis. The by-law would require a list of penalties so that following an investigation, enforcement through the laying of a ticket or an order could be applied.

Staff would not conduct inspections of coops as part of a process of providing approval for urban chickens. It would be the requirement of the property owner to ensure that the number of chickens, the type and the design of the coop meet the regulations of the Town. If a complaint is received, the Town's by-law enforcement would investigate and either educate the property owner of the requirements or move to enforcement measures depending on the severity of the infraction or the frequency of the infraction.

Applying a by-law approach as described above is common, with a good example being the Town's approaches to fences. In St. Marys, only pool fences are licensed. For all other fences, the property owner is responsible to be aware of the standards and to ensure that the fence is constructed to that standard. Staff only attend and inspect fences on a complaint basis.

The advantage of this by-law approach is that it is less resource intensive on the front-end. The disadvantage is that there is no license fee collected to offset any potential Town costs. For example, it is very likely that there will be by-law enforcement duties in any option that regulates chickens. Other than applying a fine when a contravention to the by-law is found, there is no other way to ensure cost recovery for the program. Costs associated include staff time to respond to inquiries about the requirements and responding to and investigating complaints would not be recovered.

If Council were to proceed with this option, it is likely that some properties that currently keep chickens would not meet the standards passed. A phase-in of the standards would be recommended similar to Option 1 above. If the Committee recommends to Council that urban chickens be permitted on non-agricultural zoned properties, staff will develop a media campaign that educates the public about the permission. Staff will initiate a two (2) year compliance period requiring existing urban chicken owners to come into compliance with the regulations outlined in the by-law. If a property did not come into compliance with the by-law, staff would be able to apply set fines through an infraction notice.

Option 2 (b): Regulate Chickens through Licensing System

This option is similar to Option #2a above and regulations would be developed for the keeping of chickens in St. Marys. In addition to staff developing regulations around the keeping of urban chickens,

a licensing program would be developed. The purpose of the license would include: having a registry of property owners with permitted chickens, conducting an inspection of the coop prior to approval, and having a program in place that is cost neutral rather than applying the cost related to permitting chickens to the general levy.

Similar to Options #1 and #2a, a phase-in period would be recommended to allow anyone who is currently keeping chickens to come into compliance.

Licensing chickens is the most robust way to regulate them. However, any new licensing program increases the administrative workload on the front-end of the process which will be difficult to accommodate without finding a way to add more resources to the Clerk's department or setting aside other work. If this option is chosen, the Clerk will report back outlining the resources necessary for it to be implemented.

FINANCIAL IMPLICATIONS

If implemented in their current form, the provisions of the draft Animal Control By-law has no significant financial implications beyond the current cost of the animal control services provided to the Town by the HSKWSP.

SUMMARY

Staff have developed the attached draft of the Animal Control by-law, including enhanced provisions on prohibited animals, and option to exempt animal exhibitions and similar events within the by-law. Staff have also provided within this report several potential options for regulating chickens.

As noted above, the Animal Control by-law that is currently in force has several gaps that need to be closed. To move this file forward efficiently, staff are recommending that the animal control by-law be accepted as presented, or with any edits that the Committee suggests along with the direction regarding travelling exhibits.

Staff appreciates that the conversation surrounding urban chickens is complicated, and staff do not want that topic to compromise the passing of the Animal Control by-law. Presently, the draft by-law prohibits both roosters and hens. Staff recommend that the by-law be passed as such because it would not change the way the regulations exist today.

If the Committee decides that chickens (hens only) will be regulated in Town, staff will report back with a standalone urban chicken by-law so that the timing and passage of the updated Animal Control by-law is not compromised.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

Several example by-laws were reviewed from other municipalities.

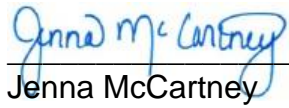
ATTACHMENTS

Attachment A – Comparison of content between By-law 39-2008 and draft By-law XX-2023

Draft By-law XX-2023 Animal Control

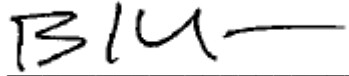
REVIEWED BY

Recommended by:



Jenna McCartney
Clerk

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

ATTACHMENT A

Comparison of Content with Animal Control By-law 39-2008

Section (draft by-law)	Type of Change	Change	Reason
Preamble	Addition	Reference to the powers provided by the <i>Provincial Animal Welfare Services Act</i> .	Authority to respond to animals in distress.
Preamble	Addition	Reference to Section 8(3) of the <i>Municipal Act</i> for the powers of the municipality.	Municipality's authority to regulate animal control.
Preamble	Addition	Reference to the <i>Dog Owners' Liability Act</i> .	Authority to regulate the keeping of dogs.
Preamble	Addition	Reference to the regulation of cats and other animals, in addition to dogs.	Inclusion of other animals beyond dogs in by-law provisions.
Section 1.1 - Definitions	Removal	Definition of 'Pure-bred.'	Redundant, no references to the term in the by-law content.
Section 1.1 - Definitions	Removal	Definition of 'Service Animal.'	Redundant, no references to the term in the by-law content.
Section 1.1 - Definitions	Addition	Definition of 'Cattery.'	By-law only spoke to kennels in the past.
Section 1.1 - Definitions	Addition	Definition of 'Off-leash Park.'	The off-leash park in St. Marys is new, since the passing of the Animal Control By-law of 2008.
Section 2.1 - Keeping, Licensing & Registration of Dogs & Cats	Update	Added cat licensing to the subsection requiring dogs to be licensed.	Provisions were identical to those in the cat licensing section, having two separate sections was redundant.
Section 2 - Keeping, Licensing & Registration	Removal	Subsection requiring cats to be licensed.	Provisions identical to those requiring dog

of Dogs & Cats			licensing, subsection was redundant.
Section 2.1 - Keeping, Licensing & Registration of Dogs & Cats	Update	Maximum number of dogs or cats within one dwelling set as three (3), compared to the previous four (4) maximum.	Three (3) dogs per household the standard in most jurisdictions covered by the Humane Society of Kitchener-Waterloo & Stratford-Perth (HSKWSP).
Section 2.8(a) - Keeping, Licensing & Registration of Dogs & Cats	Addition	Requirement that dogs and cats may not be kept in kennels or catteries outside of the owner's premises, or in unregistered kennels/catteries.	Added enforcement provision.
Section 2.8(d) - Keeping, Licensing & Registration of Dogs & Cats	Addition	Requirement for annual inspection of kennels & catteries.	At the request of HSKWSP, this has been included so that officers can inspect if there are any concerns.
Section 3.14 - Control & Enforcement	Update	Changed provisions on removal of dog excrement to apply to the excrement of any animal.	Added enforcement provision, reflecting the by-laws coverage of all types of animals.
Section 3.1 - Control & Enforcement	Addition	Requirement that dogs be leashed and under the control of an adult at all times when off the lands of the animal's owner.	Added enforcement provision, clearly defining when a dog is at large.
Section 3.7 - Control & Enforcement	Addition	Requirement that dogs shall not be permitted to trespass.	Added due to a complaint received.
Section 3.8 - Control & Enforcement	Addition	Maximum length of acceptable leashes for dogs.	Added enforcement provision.
Section 3.15 - Control & Enforcement	Addition	Prohibition of animal attacks.	Added enforcement provision.

Section 3.16 - Control & Enforcement	Addition	Prohibition of abusive treatment of animals.	Added enforcement provision.
Section 3.17 - Control & Enforcement	Addition	Prohibition on animal noises.	Added enforcement provision.
Section 3.18 - Control & Enforcement	Addition	Prohibition of interfering with an officer.	Added enforcement provision.
Section 4 - Pound	Addition	Define relationship with HSKWSP and the keeping of impounded animals.	As HSKWSP offers a pound through their organization, this section is necessary to note.
Section 5 - Off-leash Park	Addition	Regulate expectations of dogs in the park.	The off-leash park in St. Marys is new since the passing of the Animal Control By-law of 2008.
Section 7.2(b) - Dangerous Dogs	Update	Modification that such dogs must be under the control of a person of 18 years of age when not confined, rather than 16 as previous.	Updated at the request of HSKWSP.
Former Section of By-law 39-2008 titled "Keeping of Dogs"	Removal	Entire section removed, content folded into Keeping, Licensing & Registration section.	Section content set the basic limit on the number of pets acceptable on a premise, which more naturally belonged at the start of the licensing section than being listed separately.
Section 8 - Domestic Animal Welfare	Addition	Regulate that domestic animals shall be kept in appropriate and humane conditions, and to enable enforcement of such requirements.	Added at request of HSKWSP to provide the authority to address the most common issues around neglect and care of domestic animals.

Section 9 - Prohibited Animals	Update	Expanded to regulate animals comprehensively.	Comprehensive regulation of all animals a requirement noted in the initial by-law review.
Section 10 - Order to Discontinue Activity	Addition	Defining officers' powers to issue orders to discontinue.	Section added to provide authority to officers to enforce the by-law.
Section 11 - Work Order	Addition	Defining officers' powers to issue orders to perform work needed to correct a contravention.	Added at request of HSKWSP.
Section 12 - Enforcement & Penalties	Update	List current legislative requirements.	Updated to ensure provisions match current legislation.

BY-LAW XX-2023

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 *Provincial Animal Welfare Services Act*, S.O. 2019, c. 13, 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. KEEPING, LICENSING AND REGISTRATION OF DOGS AND CATS

2.1. No person shall keep more than three (3) Dogs 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 licensed by the Town; or
- c) a pet shop if in accordance with the Town's Zoning By-law.

2.2. No person shall keep more than three (3) 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 cattery licensed by the Town; or
- c) a pet shop if in accordance with the Town's Zoning By-law.

2.3. 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 or Cat by the Town in accordance with the provisions of this By-law.

2.4. Dog tags, Cat tags and Kennel licenses may be obtained from the office of the Town Clerk.

2.5. 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.

2.6. 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.

2.7. 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.

2.8. 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 Kennel or Cattery's Owner, or 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 or Cattery license:
 - i. The names and addresses of the Kennel or Cattery Owner, and of the Kennel or Cattery operator;

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

3.0. CONTROL AND ENFORCEMENT

- 3.1. Every Dog shall be under leash and under effective control of an adult person unless the Dog is on the lands of a person who has given prior consent to the Dog being unleashed. Any Dog that is not in compliance with the requirements of this section shall be deemed to be At Large.
- 3.2. No person shall cause, permit or allow any Animal that the person owns, harbours or Controls to be At Large in the Town.
- 3.3. A Dog actively engaged in working and under the direct Control of the Owner shall not be deemed to be At Large.
- 3.4. No Owner shall fail to keep an Animal under Control at all times.
- 3.5. 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.
- 3.6. 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.
- 3.7. No owner of a Dog shall permit it to trespass on any private property.
- 3.8. No owner of a Dog shall permit it to be on a leash that exceeds 2.4 metres (8 feet).
- 3.9. Any animal At Large may be seized and impounded by an Animal Control Officer.
- 3.10. 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.
- 3.11. 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.
- 3.12. 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 Animal to be terminated in a humane manner and dispose of the Animal 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.
- 3.13. 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.
- 3.14. 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.
- 3.15. 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.
- 3.16. 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.
- 3.17. No person shall cause, permit or allow the Animal to emit animal sounds or other noise for an extended or frequent period of time.
- 3.18. No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law.

4.0. POUND

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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.

5.0. OFF-LEASH PARK

- 5.1. The Town has designated 486 Glass Street in St. Marys to be known as the Off-Leash Park.
- 5.2. No person shall permit a Dog to run At Large at the Off-Leash Park if the Dog is required to be muzzled.
- 5.3. 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.

6.0. DOG OWNER'S LIABILITY ACT

- 6.1. 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.

7.0. DANGEROUS DOGS

- 7.1. The Animal Control Officer may at their individual discretion, deem a Dog to be a Dangerous Dog as defined by this By-law.
- 7.2. 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 7 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.
- 7.3. Where the Owner of a Dog who receives a notice under section 7 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.
- 7.4. 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.
- 7.5. 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.
- 7.6. 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.
- 7.7. 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.

8.0. DOMESTIC ANIMAL'S WELFARE

- 8.1. 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.

9.0. PROHIBITED ANIMALS

- 9.1. No person shall keep felids (Cats) except the felids domesticus (domestic Cat), or canid (Dogs) except the canis domesticus (domestic Dog).
- 9.2. No person shall keep Animals generally recognized as livestock, farm animals, or generally used for agricultural purposes or as draft animals, such as, but not limited to, cattle, horses, mules, goats, swine, sheep, mink, chickens, foxes, and others, in any area except those areas zoned agricultural by the Zoning By-law, as amended.
- 9.3. No person shall be in possession of any Animal (except those specifically exempted in this by-law) which is under a genus, order or family that is deemed prohibited, being those genera, orders and families listed in Schedule A, and any other animal which:
 - a) Is on a federal or provincial protected, at-risk, endangered, or prohibited list;
 - b) Is venomous or poisonous;
 - c) Presents an undue danger to human health or safety;
 - d) Has care and welfare needs which cannot reasonably be met by an urban owner;
 - e) Presents an invasive threat to local animals or the local environment;
 - f) Would cause public nuisance problems, such as unreasonable noise, odours, or produced waste, in the urban environment.
- 9.4. No person shall be in possession of any other Animal deemed prohibited by this By-law.

- 9.5. No person shall cause a lizard or snake to be in a public place or on public property, unless that person be transporting said lizard or snake through or across said public property, in which case the transporter shall, at all times during the period of transport, confine said animal within an appropriate storage container which obscures the animal from vision, but which safely permits the animal to breathe.
- 9.6. 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.

10.0. ORDER TO DISCONTINUE ACTIVITY

- 10.1. 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 issue an order to discontinue activity requiring the person contravening the By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and every person shall comply with such an order.
- 10.2. An order under 10.1 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.
- 10.3. Any person who fails to comply with an order issued under this Section is guilty of an offence.

11.0. WORK ORDER

- 11.1. 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.
- 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 work to be done and the date by which the work must be done.
- 11.3. Any person who fails to comply with an order issued under this Section is guilty of an offence.

12.0. ENFORCEMENT AND PENALTIES

12.1. Enforcement:

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

12.2. 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 (2), of section 12, 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).

13.0. VALIDITY

- 13.1. 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.

14.0. SHORT TITLE

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

15.0. REPEALED

- 15.1. That By-law 39 of 2008, Animal Control, is hereby repealed.
- 15.2. That By-law 19 of 2000, Appoint an Animal Control Officer, is hereby repealed.
- 15.3. That By-law 12 of 1995, Regulate Vicious Dog, is hereby repealed.
- 15.4. That By-law 24-86, Impose a Licence Fee On Dog Owners, is hereby repealed.
- 15.5. That By-law 25 of 1981, Licensing and Registering of Dogs, is hereby repealed.

15.6. That By-law 16-64, Prohibit Keeping of Animals and Domestic Fowl, is hereby repealed.

15.7. That By-law 11-64, Amendment to 8-63, is hereby repealed.

15.8. That By-law 2-64, Amendment to 8-63, is hereby repealed.

15.9. That By-law 8-63, Animal Control, is hereby repealed.

16.0. ENACTMENT

16.1. 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 (month) 2023.

Al Strathdee, Mayor

Jenna McCartney, Clerk

The Corporation of the Town of St. Marys
Schedule A to B-law XX-2023, Prohibited Groups and Common Examples
A By-law to prohibit, regulate and restrict animals in St. Marys

CLASS	PROHIBITED GROUP	COMMON EXAMPLES
MAMMALS	Artiodactyla	Cattle, goats, sheep, pigs
	Canidae	Wolves, coyotes, foxes, except domestic dogs
	Chiroptera	Bats, flying foxes
	Xenarthra	Sloths, anteaters, armadillos
	Felidae	Cats such as tigers, leopards, except domestic cats
	Hyaenidae	Hyenas, aardwolves
	Lagomorpha	Rabbits, hares, pikas
	Marsupials	Kangaroos, opossums, wallabies
	Mustelidae	Mink, weasels, otters, except domestic ferrets
	Primates	Chimpanzee, gorillas, monkeys, lemurs
	Perissodactyla	Horses, donkeys, mules
	Proboscidea	Elephants
	Procyonidae	Racoons
	Rodentia	Rodents, such as rats, mice, porcupines, except rodents which do not exceed an adult weight of 1500 grams and are derived from self-sustaining captive populations
	Ursidae	Bears
	Viverridae	Mongoose
BIRDS	Anseriformes	Waterfowl, such as ducks, geese or swans
	Raptors	Birds of prey, such as eagles, hawks or owls
	Galliformes	Landfowl, such as chickens, pheasants, grouse or turkeys
	Gruiformes	Cranes, rails
	Phoenicopteriformes	Flamingoes
	Sphenisciformes	Penguins
	Ratites	Ostriches, emus, rheas, kiwis
REPTILES	Crocodylia	Alligators, crocodiles
OTHER CRITERIA	All venomous or poisonous animals	
	All snakes which grow to an adult length	

	longer than 60.96 cm.	
	All lizards which grow to an adult length longer than 30.48 cm, from snout to vent.	

Penalties of Infraction

Part I: Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Keep more than three (3) dogs over the age of 12 weeks	2.1	\$150.00
2	Keep more than three (3) cats over the age of 12 weeks	2.2	\$150.00
3	Own any dog or cat unless a tag or license has been issued	2.3	\$150.00
4	Possess any dog or cat unless a tag or license has been issued	2.3	\$150.00
5	Harbour any dog or cat unless a tag or license has been issued	2.3	\$150.00
6	Keep any dog or cat unless a tag or license has been issued	2.3	\$150.00
7	Transfer the license to another dog or cat	2.7(e)	\$150.00
8	Keep a dog on a lot in a kennel that is not registered	2.8(a)	\$150.00
9	Keep a cat on a lot in a cattery that is not registered	2.8(a)	\$150.00
10	Cause any animal to be deemed at large	3.2	\$150.00
11	Permit any animal to be deemed at large	3.2	\$150.00
12	Fail to keep an animal under control	3.4	\$150.00
13	Permit a dog to be on public property without a leash	3.6	\$150.00
14	Permit a dog to trespass on private property	3.7	\$150.00
15	Permit a dog to be on a leash that exceeds 2.4 metres	3.8	\$150.00
16	Permit an animals excrement to remain on public or private property	3.14	\$150.00
17	Permit an animal to bite any person	3.15(a)	\$300.00

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18	Permit an animal to attack any person	3.15(a)	\$300.00
19	Permit an animal to harass any person	3.15(a)	\$300.00
20	Permit an animal to chase any person	3.15(a)	\$300.00
21	Permit an animal to kill any person	3.15(a)	\$300.00
22	Permit an animal to injure any person	3.15(a)	\$300.00
23	Permit an animal to fight a domestic animal or bird	3.15(b)	\$300.00
24	Permit an animal to attack a domestic animal or bird	3.15(b)	\$300.00
25	Tease an animal	3.16(a)	\$300.00
26	Torment an animal	3.16(a)	\$300.00
27	Annoy an animal	3.16(a)	\$300.00
28	Abuse an animal	3.16(a)	\$300.00
29	Free an animal that is not in distress	3.16(b)	\$300.00
30	Cause an animal to emit animal sounds	3.17	\$300.00
31	Allow an animal to emit animal sounds	3.17	\$300.00
32	Interfere with an animal control officer	3.18	\$300.00
33	Impede an animal control officer	3.18	\$300.00
34	Permit a dog to run at large if required to be muzzled	5.2	\$150.00
35	Permit a dog to enter off-leash park without a current licence	5.3	\$150.00
36	Keep an animal in a manner that could adversely impact its health or well-being	8.1(a)	\$300.00
37	Harbour an animal in a manner that could adversely impact its health or well-being	8.1(a)	\$300.00
38	Cause an animal to be in distress	8.1(c)	\$300.00
39	Permit an animal to be in distress	8.1(c)	\$300.00
40	Cause an animal to be confined in a vehicle	8.1(g)	\$300.00

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41	Permit an animal to be confined in a vehicle	8.1(g)	\$300.00
42	Allow an animal to be in a non-enclosed portion of a moving vehicle	8.1(h)	\$300.00
43	Permit an animal to be tethered	8.1(i)	\$300.00
44	Keep an animal in an area not zoned as agricultural	9.2	\$150.00
45	Possess an animal deemed prohibited	9.4	\$300.00
46	Cause a lizard to be on public property	9.5	\$150.00
47	Cause a snake to be on public property	9.5	\$150.00
48	Contravene an order to discontinue activity	10.1	\$300.00

NOTE: The penalty provisions for the offences listed above is Section 12.2 of by-law Xx-2023, a certified copy of which has been filed.