



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, July 13, 2020
Electronic Participation, 6:00 PM**

This Meeting of Regular Council will be held through Electronic Participation in accordance with Bill 187, the Municipal Emergency Act, which was passed by the Province of Ontario on March 19, 2020.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting clerks@stcatharines.ca by Monday, July 13, 2020 before Noon. Comments submitted will be considered as public information and entered into public record.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Declarations of Interest**
- 4. Adoption of the Minutes (Council and General Committee)**
 - 4.1 Regular Meeting of Council, Minutes of [June 22, 2020](#)
 - 4.2 General Committee, Minutes of [June 22, 2020](#)
 - 4.3 Special Meeting of Council, Minutes of [July 6, 2020](#)
- 5. Resolve into General Committee**

Council will proceed to General Committee Agenda Item 1 - Motion to Move Reports on Consent
- 6. Public Meetings Pursuant to Public Notice By-Law**
 - 6.1 Financial Management Services, Director
Schedule of 2021 Rates and Fees
(Staff presentation precedes discussion of report)

Page

31 - 50

- 6.2 Legal and Clerks Services, Director
Mandatory Face Masks and Coverings in St. Catharines – Draft By-law
*Delegation from Dr. M. Mustafa Hirji, Acting Medical Officer of Health and
Commissioner, Public Health, will precede discussion of the report.*

[Addenda]

7. Special Presentations

8. Resolve into General Committee

Council will proceed to General Committee Agenda Item 3 - Discussion Reports

9. Motion to Ratify Forthwith Recommendations

10. Motions

10.1 Removal of Private Alexander Watson Statue and Review of City Policies

Item deferred until the next meeting of Council

10.2 Emergency Operations Funding for Municipalities

Councillor Siscoe will present the following motion:

WHEREAS the City of St. Catharines has remained committed to keeping its community safe and healthy during the COVID-19 pandemic and to delivering essential services when residents need them most; and

WHEREAS the City has implemented financial relief measures to help residents and businesses overcome the economic effects of COVID-19; and

WHEREAS municipalities have an important role to play in supporting residents, not-for-profit organizations and businesses in their communities during the pandemic and are committed to a successful re-start and recovery of the economy; and

WHEREAS the City of St. Catharines is forecasting a shortfall to its budgets of \$10.8 million due to unprecedented revenue losses and incurring increased costs associated with essential service provision and will continue to experience pressures and costs through the recovery period; and

WHEREAS municipalities have limited access to revenue tools to manage through these impacts and will require emergency operations funding to avoid unforeseen property tax increases, reliance on reserve and reserve funds for a long-term period of uncertainty and cuts to municipal services; and

WHEREAS the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), the Large Urban Mayors Caucus of Ontario (LUMCO), the Mayors and Regional Chairs of Ontario (MARCO), and the City and Niagara Region have consistently advocated to the Federal and Provincial governments for financial relief since April 2020;

THEREFORE BE IT RESOLVED that St. Catharines City Council support the joint statement and call to action from Ontario municipalities represented by AMO, LUMCO, and MARCO dated July 6, 2020; and

BE IT FURTHER RESOLVED that the Mayor be directed to send a letter to local MPs and MPPs requesting that they champion the City's cause by advocating to the Prime Minister of Canada and Premier of Ontario, respectively, on the urgent need to conclude discussions on a funding formula and implement a program of emergency financial assistance as soon as possible; and

BE IT FURTHER RESOLVED that the City Clerk be directed to circulate a copy of this motion to the 12 local area municipalities.

10.3 Public access to Lake Ontario in the area of Abbey Mews / Considine Avenue

Councillor Garcia will present the following motion:

That staff be directed to review and recommend future potential features to the new shoreline protection in the Abbey Mews / Considine Avenue area that will reinstate public access to Lake Ontario; and

That staff be directed to include funds in the Draft 2021 Operating Budget to identify potential alternatives and the associated costs.

10.4 Opening of an Outdoor Pool in St. Catharines

Delegation from Rebecca Hanh will precede discussion of the report.

Councillor Porter will present the following motion:

WHEREAS most municipalities across Ontario have opened up outdoor municipal pools; and

WHEREAS St. Catharines has already experienced near record-breaking high temperatures in the first few weeks of July; and

WHEREAS many residents, including families with children and seniors, do not have access to a pool; and

WHEREAS some residents live without air conditioning; and

WHEREAS beaches in St. Catharines have experienced overcrowding, and other beaches in various parts of the Region now have fees or limited access to visitors from other municipalities; and

WHEREAS St. Catharines' municipal beaches could be closed for unknown periods of time by the Niagara Region pending unfavorable results of routine e-coli testing, which could potentially leave residents without a safe place to swim;

THEREFORE BE IT RESOLVED that staff be directed to open the small pool and the large pool at either the Port Dalhousie Pool or the Lion Dunc Schooley Pool with additional safety protocols as required during this pandemic, such as additional cleaning and social distancing; and

BE IT FURTHER RESOLVED that staff make the determination of which location to open based on cost and timing.

11. Call for Notices of Motion

12. Report Requests

13. Agencies, Boards, Committee Reports

13.1 Minutes to Receive:

- Anti-Racism Advisory Committee, minutes of [March 12, 2020](#) and [June 18, 2020](#) (Draft)
- Arts and Culture Advisory Committee, minutes of [June 29, 2020](#) (Draft)
 - SCCIP (St. Catharines Cultural Investment Program) Subcommittee, minutes of [June 26, 2020](#) (Draft)
- LGBTQ2+ Advisory Committee, minutes of [June 23, 2020](#) (Draft)
- Social Sustainability Committee, minutes of [June 18, 2020](#) (Draft)

13.2 Board Updates from Council Representatives

14. Motion Arising from In-Camera Session

15. By-laws

15.1 Reading of By-Laws

16. Adjournment



Corporate Report City Council

Report from: Financial Management Services, Director

Report Date: June 16, 2020 **Meeting Date:** June 22, 2020

Report Number: FMS-092-2020 **File:** 10.57.28

Subject: 2021 Schedule of Rates and Fees Recommendations

Strategic Pillar:

Recommendation

That Report FMS-092-2020, regarding the 2021 Schedule of Rates and Fees, be referred to City Council for consideration of the Committee Recommendation after the public meeting on July 13, 2020, for which notice will be duly given. FORTHWITH

Committee Recommendation

That City Council approve the 2021 Schedule of Rates and Fees as recommended by the Budget Standing Committee; and

That the City Clerk be directed to maintain the list of Rates and Fees for public inspection in the Legal and Clerks Services department; and

That the City Solicitor be directed to prepare the necessary by-laws. FORTHWITH

Report

At its meeting of June 15, 2020, the Budget Standing Committee received Report [FMS-B019-2020](#) (Appendix A), and approved the following motion:

That the Budget Standing Committee approve the changes to the 2021 Schedule of Rates and Fees and forward the same to Council on June 22, 2020 for consideration after the public meeting on July 13, 2020, for which notice will be duly given.

Prepared by

Evan McGinty, Council and Committee Coordinator

Submitted and Approved by

Kristine Douglas, Director of Financial Management Services / City Treasurer

Appendix

- Appendix A – Report FMS-B019-2020, 2021 Schedule of Rates and Fees Recommendations

Report from Financial Management Services, Director

Date of Report: June 8, 2020

Date of Meeting: June 15, 2020

Report Number: FMS-B019-2020

File: 10.57.28

Subject: 2021 Schedule of Rates & Fees Recommendations

Recommendation

That the Budget Standing Committee approve the changes to the 2021 Schedule of Rates and Fees and forward the same to Council on June 22, 2020 for consideration after the public meeting on July 13, 2020, for which notice will be duly given.

Background

User Fees are charged by the City for purchases of publicly provided goods and services. The rationale for charging fees is that those who distinctly benefit from a good or service should be the ones to pay for it. The legislation primarily governing user fees is Section 391 of the Municipal Act. The Municipal Act requires municipalities to keep a master list of their user fees (Schedule of Rates and Fees) and outlines policy and procedure considerations for establishing, reviewing and implementing user fees.

In October 2005, City Council delegated the review of the Schedule of Rates and Fees to the Ad Hoc Budget Committee. On May 9, 2011, Council approved that Rates and Fees be presented for the consideration and approval of Council prior to January 1 of each year.

In January 2015, BSC approved expanding the information provided to include:

- An executive summary of Rates and Fees changes.
- Revenue implications.
- Comparisons with similar municipalities.

On [September 19, 2016](#), BSC approved that future increases be set at a minimum of the core rate of inflation.

On [April 27, 2020](#), the Budget Standing Committee approved that the rates and fees for 2021 remain the same as the 2020 rates and fees. Details regarding the 2020 rates and fees were presented to City Council at the meeting held on May 27, 2019 (see Report [FMS-114-2019](#)).

Report

This report responds to Council's direction to create a new Community Based Volunteer Group Rental Fee for vacant and unused City properties and presents proposed changes to the Schedule of Rates and Fees in 2021 for Legal and Clerks Services and Planning and Building Services.

Details to the changes and rationale for changes to the 2021 Schedule of Rates and Fees are provided in the five appendices:

1. Appendix One - A list of new fees proposed for 2021 and the impact on revenue by department.
2. Appendix Two - A list of reintroduced fees.
3. Appendix Three - A list of existing fees that are proposed to change in 2021.
4. Appendix Four - A list of new fees and fee changes and how they measure to our comparable municipalities.
5. Appendix Five - Memo from Planning and Building Services to Financial Management Services.

If all items are approved for 2021, the City will have 1,107 user fees. These proposed fees consist of four new fees (Appendix One) and five reintroduced fees (Appendix Two) for 2021. The new fees are to address community based volunteer group rental requests and assist with by-law enforcement issues. The reintroduced fees were included in the City's rates and fees until the end of 2019 but were removed from the by-law when the Niagara Region took over the licensing and by-law enforcement aspect for these businesses. In discussion with the Niagara Region, these fees should be reinstated. The fees have been adjusted for inflation to represent 2020 levels.

Appendix Three provides a list of existing fees that are proposed to change in 2021. The majority of fees (86.5%), have no changes or revenue impacts. The scale of rate and fee changes is summarized below.

Table 1: New and Reintroduced Fees for 2021

Category	Number
Total Number of Fees in 2020	1,098
Total Number of New Fees for 2021	4
Total Number of Reintroduced Fees for 2021	5
Total Number of Proposed Fees for 2021	1,107

Table 2: Analysis of Fee Changes 2020 to 2021

Price Change	Number of Fees	Percentage
Greater than 10%	8	0.7%
Greater than 5%, equal to or less than 10%	9	0.8%
Greater than 2%, equal to or less than 5%	17	1.6%
Greater than 0%, equal to or less than 2%	114	10.4%
No change 0%	950	86.5%
Less than 0%	0	0%
Totals	1,098	100%

For 2021, there are no fees being removed from the 2020 Schedule of Rates and Fees and one fee is being recalculated to simplify the fee structure.

By adopting all of the fees changes above, staff estimate fee revenue should increase \$38,234. This estimate includes new revenue of \$1,157 and \$37,077 from price adjustments. The estimate was obtained for most fees by multiplying the change in the fee (proposed 2021 fee before taxes – 2020 fee before taxes) by the forecasted quantities sold.

Community Based Volunteer Group Rental Fee

For 2021, Community, Recreation and Culture Services (CRCS) is proposing the creation of one new fee with a zero charge (\$0.00) for use of vacant and unused City-owned properties by Community Based Volunteer Groups who provide work or services on behalf of the City.

At its meeting of September 9, 2019, Council approved the following motion made by Councillor Garcia:

“That staff be directed to prepare a report evaluating the creation of a new rental category to be added to our policy with regards to the use of vacant and unused City properties. The new category, for which rental fees could be waived in total, would be Community-based Volunteer Groups that, despite being incorporated as not-for-profits, do not have paid staff and have only minor assets. These groups, which contribute greatly to our city, would still have to carry proper insurance, be prepared to help with maintenance and not use the property for any commercial purpose.”

The City's Volunteer Management Policy defines a Community Based Volunteer Group / Committee as a group of individuals from the community at large who are providing work or services associated with the City which may utilize volunteers for specific events or projects. The City's long history of collaborative partnerships with volunteer groups has evolved over the years and can be seen today in the form of various groups such as “Friends of” groups. Examples of “Friends of” groups include, but are not limited to, the following: Malcolmson Creek, the Carousel, Morningstar Mill, Queenston Neighbourhood and Walkers Creek.

Staff recommends that Community based volunteer groups who perform work or services on behalf of the City be treated differently from other volunteer/not for profit groups who provide services the City would not provide as it relates to occupancy and use of City owned facilities and related costs and responsibilities.

There are many other volunteer/not-for-profit groups that are of great benefit to the city and its residents. Groups such as event organizers, not-for-profit groups, sports organizations and corporate-backed groups play a significant role in providing programs and services to residents. Some offer fee-for-service programs while some organize events to raise money for local charities. These volunteer groups provide services that the City would otherwise not provide and therefore will not be included in the new rental rate category.

The provision of accessible vacant City space to community based volunteer groups is a key component of building strong neighbourhoods. Community based volunteer groups use of vacant City space rent free is a form of collaboration and investment in community groups. These groups provide community services on behalf of the City and are aligned with and support the City's strategic objectives. The absence of the community volunteer groups would impact the availability of services that are responsive to local needs.

Recently, new community based volunteer groups such as the Port Dalhousie Beautification and Works Committee (PDBWC) and the Queenston Neighbours and Fitzgerald Neighbours have emerged with the goal of building stronger neighbourhoods by maintaining, promoting and enhancing their respective communities. These newer groups receive minimal direct financial support from the City, with the exception of the provision of in-kind items (e.g. rain barrels) and are performing work in their respective neighbourhoods that City staff cannot perform due to budget constraints. They also address new emerging needs within their communities that are not part of the City's current work plan.

While some of the above community-based volunteer groups are financially stable and possess insurance policies, the newer groups do not have the financial means to obtain insurance policies and in some cases, pay for permit fees or rent to use City facilities. In 2018 Council approved the Neighbourhood Meeting Space Program, which provided eligible organizations the opportunity to host meetings in a designated City facility for no cost, provided they sign an official permit for the space agreeing to the terms and conditions of use and provided they pay the corresponding insurance fees related to the permit. By including these groups under the new rental category the City can assume the cost of rent, thereby reducing the financial burden on these volunteer groups and hopefully allow them to do even more for the city and its residents. The groups would still have to carry proper insurance. The City does have a Facility User Group Insurance Program, which allows certain users to obtain affordable liability insurance protection.

In order for vacant City-owned space to be considered under this category, the space would need to be move-in ready (i.e. AODA compliant and no requirement for capital improvements or repairs, as such improvements or repairs are not budgeted for and cannot be incurred). The City has a limited inventory of available space currently that fits this criteria, specifically, the Ontario Street Parking garage commercial space and a vacant space at the Seymour-Hannah Sports and Entertainment Centre.

Planning and Building Services (PBS)

Planning and Building Services has submitted a request to both create new fees and increase existing fees within its operation. The rationale for these changes is outlined in Appendix Five.

To summarize the rationale, PBS is proposing the creation of three new fees to assist with by-law enforcement. The new revenue associated with these fees is estimated to be \$1,157. The first fee, Maintenance of Grasses / Weeds - Repeat Inspections, is a fee designed to recover additional costs associated from repeatedly having to reinspect properties within the same calendar year receiving Grass and Weeds by-law complaints. The second and third fees, Entry onto Adjoining Land (non-refundable) and Adjoining Land Entry - Extension of Authorization, address cost recovery concerns for a service which is currently being completed without a charge. At present, under certain conditions, residents request letters from the Chief Building Official authorizing entry onto adjoining lands. By collecting a fee for this service, the City can provide greater sustainability for the service and maintain the ability to deliver the service within an acceptable period of time.

PBS is also recommending most fees increase by the core rate of inflation except for 34 fees, which have been increased higher. Fees exceeding the core rate of inflation have been increased for two reasons. First, PBS staff have determined an increase is required to more align the fee with the City's comparator municipalities. Second, a higher price will allow more revenue to be collected, improving the relationship between the actual staff time required to complete the applications (costs) and the price of the applications (revenue).

As part of the 2021 rates and fees, PBS is proposing 114 fees align with the parameters of core inflation (1.9%) and 25 fees remain unchanged. The inflationary increase in fees is required to ensure a better balance between municipal-tax-base-funded and user-fee-funded support. Maintaining a balance is important because any shortfall in user fee support requires local ratepayers to make-up the difference. Maintaining the balance assists in ensuring local ratepayers do not end up subsidizing the private development industry.

Lastly, PBS is revising the calculation for a component of site plan fees. Previously, the fee was calculated based on a flat fee and the floor area of a building. The proposed revised fee structure applies different cost drivers depending on the type of building. For townhouses with four or more units, there is a fixed fee and an amount which scales up

depending on the number of dwellings, subject a maximum charge of \$15,000. However, for complex and larger structures, the dwelling component is removed and replaced with a fixed amount based on the number of storeys within the building. The revised calculation method is expected to better reflect the staff time involved in larger projects where multiple dwellings or storeys are involved and to simplify the overall fee structure and calculation. The fee cap for townhouses ensures fees remain competitive.

Financial Implications

As stated previously, if all items are approved for 2021, the City will have 1,107 user fees. These fees will consist of four new fees and five reintroduced fees. There will be an estimated \$1,157 in new revenue and approximately \$37,077 generated in additional revenue from existing fee increases. Overall these changes are estimated to increase revenue by \$38,234.

Conclusion

Staff recommends the Budget Standing Committee approve the proposed fee changes as indicated in Appendices One, Two and Three.

Prepared by

Michael Patterson
Process Review Analyst

Submitted by

Lucia Chen, CPA, CMA
Manager, Budgets and Procurement

Kristine Douglas, CPA, CMA
Director, Financial Management Services / City Treasurer

Approved by

David Oakes
Deputy Chief Administration Officer

Appendices

1. Appendix One – A list of new fees proposed for 2021 and the impact on revenue by department.
2. Appendix Two – A list of reintroduced fees.
3. Appendix Three – A list of existing fees that are proposed to change in 2021.
4. Appendix Four – A list of new fees and fee changes and how they measure to our comparable municipalities.
5. Appendix Five – Memo from Planning and Building Services to Financial Management Services.

Proposed New Fees 2021

Reference	Fee Title	Department or Division	Unit of Measure	Total Fee Paid by Customer	Estimated Quantity Sold per Year	Estimated Revenue
1	Community Based Volunteer Group Rental Fee	CRCS	Per Square Foot	\$0.00	800	\$0

Community, Recreation and Culture Services: Estimated New Fees Revenue Subtotal \$0

2	Entry onto Adjoining Land (non refundable)	PBS	Flat Fee	\$131.30	5	\$657
3	Adjoining Land Entry - Extension of Authorization	PBS	Flat Fee	\$50.00	5	\$250
4	Maintenance of Grasses/Weeds - Repeat	PBS	Flat Fee	\$250.00	1	\$250

Planning and Building Services: Estimated New Fees Revenue Subtotal \$1,157

New Fees Revenue: Grand Total \$1,157

Proposed Reintroduced Fees 2021

Reference	Fee Title	Department or Division	Unit of Measure	Total Fee Paid by Customer
1	Adult Entertainment Parlour - Owner	LCS	Per Location	\$4,300.05
2	Adult Entertainment Parlour - Operator	LCS	Per Location	\$1,182.50
3	Body Rub Parlour - Owner	LCS	Per Location	\$4,300.05
4	Body Rub Parlour - Operator	LCS	Per Location	\$1,182.50
5	Body Rub Parlour - Body Rubber	LCS	Per Person	\$118.25

Proposed Fee Changes 2021

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
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Building and Development Service Fees (PBS)

Administrative Fees Associated with a Permit

1	Additional Fee When Permit Divided Into Part Permits	PBS	\$162.70	\$165.80	1.9%	
2	Alternative Solutions	PBS	Job Specific Costing	Job Specific Costing	-	
3	Defer or Revocation of a permit or cancellation of an application.	PBS	\$127.65	\$130.10	1.9%	
4	Letter (No Inspection)	PBS	\$127.65	\$130.10	1.9%	
5	Deferral of revocation of a permit or cancellation of an application	PBS	\$127.65	\$130.10	1.9%	
6	Expedited permit (resource dependent) - 1.5 x the applicable rate	PBS	Job Specific Costing	Job Specific Costing	-	
7	Liquor License Inspection Report	PBS	\$202.00	\$205.85	1.9%	
8	Permit Administration Fee	PBS	Job Specific Costing	Job Specific Costing	-	
9	Re-inspection fee	PBS	\$162.70	\$165.80	1.9%	
10	To reinspect/update file closed with outstanding order	PBS	\$162.70	\$165.80	1.9%	
11	Request for Inspection Outside Normal Working Hours	PBS	Job Specific Costing	Job Specific Costing	-	
12	Retrieval Of Dead Permit Files & Drawings	PBS	\$59.55	\$60.70	1.9%	
13	Review Revised Drawings	PBS	Job Specific Costing	Job Specific Costing	-	
14	Third Party Review for Plans Examination or Inspection	PBS	Job Specific Costing	Job Specific Costing	-	
15	To transfer ownership of permit	PBS	\$127.65	\$130.10	1.9%	

Agreements

16	Agreements, Leases or Licences (Misc.)	PBS	\$437.00	\$445.30	1.9%	
17	Agreements, Release Of Various	PBS	\$285.75	\$311.45	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
18	Conditional Permit Agreement Application	PBS	\$576.30	\$750.00	30.1%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
19	Conditional Permit Agreement Release	PBS	\$346.60	\$377.75	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
20	Demolition Agreement	PBS	\$576.30	\$587.25	1.9%	
21	Demolition Agreement Release	PBS	\$346.60	\$377.75	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
22	Outdoor Patio Development Agreement preparation	PBS	\$500.00	\$509.50	1.9%	
23	Spatial Separation Agreement	PBS	\$691.15	\$704.30	1.9%	
24	Spatial Separation Agreement Release	PBS	\$345.60	\$376.70	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining

Building Permit Fees

25	Minimum Building Permit Fee	PBS	\$128.00	\$139.50	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
26	Building Permit Fee when square foot method is not possible	PBS	Job Specific Costing	Job Specific Costing	-	
27	Application Fee for Complex Projects Adjusted During Plan Review	PBS	Job Specific Costing	Job Specific Costing	-	

Group A - Assembly

28	School, church, restaurant over 30 persons, library, club, outdoor patio,	PBS	\$2.05	\$2.25	9.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
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Group B - Institutional

29	Hospital, nursing home, reformatory, prison and occupancies of a similar	PBS	\$2.40	\$2.45	2.1%	
30	Residential Care Facility	PBS	\$1.90	\$1.95	2.6%	

Group C - Residential

31	Single, semi, duplex, triplex, row house and multiple dwelling	PBS	\$1.45	\$1.50	3.4%	
32	Each attached garage or carport, shed, decks, open porch	PBS	\$1.45	\$1.50	3.4%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
33	Miscellaneous Residential Work - addition to existing	PBS	\$1.40	\$1.45	3.6%	
34	Miscellaneous Residential Work - finish basement	PBS	\$1.40	\$1.45	3.6%	
35	Apartment building - six (6) storey building or less	PBS	\$1.40	\$1.45	3.6%	
36	Apartment building more than six (6) stories	PBS	\$1.20	\$1.30	8.3%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
37	Hotel/motel building - 2 storey building or less	PBS	\$1.50	\$1.55	3.3%	
38	Hotel/motel building - more than 2 stories	PBS	\$1.40	\$1.45	3.6%	

Group D - Business and Personal Services

39	Office, medical, financial institution and occupancies of a similar nature - 6	PBS	\$1.95	\$2.00	2.6%	
40	Office, medical, financial institution and occupancies of a similar nature - More	PBS	\$1.85	\$1.90	2.7%	

Group E - Mercantile

41	Building up to and including 10,000 sq. ft.	PBS	\$1.60	\$1.65	3.1%	
42	Building up to and including 50,000 sq. ft.	PBS	\$1.55	\$1.60	3.2%	
43	Building over 50,000 sq. ft.	PBS	\$1.45	\$1.50	3.4%	

Group F - Industrial

44	Building up to and including 10,000 sq. ft.	PBS	\$1.15	\$1.15	0.0%	
45	Building up to and including 50,000 sq. ft.	PBS	\$1.10	\$1.10	0.0%	
46	Building over 50,000 sq. ft.	PBS	\$0.95	\$0.95	0.0%	
47	Parking Garage	PBS	\$0.70	\$0.70	0.0%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
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Farm Buildings and Low Human Occupancy

48	Greenhouse	PBS	\$0.55	\$0.55	0.0%	
49	Storage, livestock buildings and occupancies of a similar nature	PBS	\$0.55	\$0.55	0.0%	

Other Than Low Human Occupancy

50	Office, work area, retail packaging and occupancies of a similar nature	PBS	\$1.15	\$1.15	0.0%	
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Heating, Ventilation and Air Conditioning (HVAC) Permit Fees

51	Minimum HVAC Only Fee	PBS	\$217.95	\$222.10	1.9%	
52	Add on System (unit heater, make up air unit, exhaust fans) and or ductwork	PBS	\$217.95	\$222.10	1.9%	
53	Furnace Replacement or Air Conditioner (Unit Installation)	PBS	\$217.95	\$222.10	1.9%	
54	Commercial Exhaust Hood, Spray Booth, Dust Collection System	PBS	\$217.95	\$222.10	1.9%	
55	Masonry Fireplace, woodstove	PBS	\$217.95	\$222.10	1.9%	

Plumbing Permit Fees (Where no building permit is required)

56	Backflow Prevention Device	PBS	\$79.75	\$81.25	1.9%	
57	Minimum Plumbing Permit Fee	PBS	\$128.00	\$139.50	9.0%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
58	Each fixture	PBS	\$15.50	\$15.80	1.9%	
59	Each manhole, catch basin or fire hydrant	PBS	\$38.25	\$39.00	2.0%	
60	Drain, sewer or water pipe 4" (100 mm) or less	PBS	\$0.70	\$0.70	0.0%	
61	Drain, sewer or water pipe more than 4" (100 mm)	PBS	\$1.00	\$1.00	0.0%	
62	Septic Tank Changeover	PBS	\$217.95	\$222.10	1.9%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
Other Miscellaneous Permit Fees						
63	Balcony guard repair or balcony repair	PBS	\$31.95	\$32.55	1.9%	
64	Business Licence Review (Building & Zoning)	PBS	\$53.15	\$54.15	1.9%	
65	Canopy or Marquee	PBS	\$1.00	\$1.00	0.0%	
66	Change of Use (no construction required)	PBS	\$165.00	\$168.15	1.9%	
67	Demolition Permit	PBS	\$233.90	\$238.35	1.9%	
68	Designated Structure (retaining wall, communication tower, pedestrian	PBS	\$217.95	\$222.10	1.9%	
69	Electromagnetic locking device, hold open device -	PBS	\$31.95	\$50.00	56.5%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
70	Fire alarm system, emergency lighting, sprinkler system, stand pipe system,	PBS	\$217.95	\$235.00	7.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
71	Foundation	PBS	\$0.50	\$0.50	0.0%	
72	Minor Alterations including single partition, demising wall, new roof	PBS	\$253.05	\$257.85	1.9%	
73	Moving of a Building	PBS	\$128.00	\$130.45	1.9%	
74	Occupancy Permit (building not fully completed) Residential - per dwelling	PBS	\$128.00	\$130.45	1.9%	
75	Other occupancies - per 1,000 sq. ft. of floor area or portion to be occupied	PBS	\$63.75	\$64.95	1.9%	
76	Parking Garage Repair	PBS	\$217.95	\$222.10	1.9%	
77	Pavilion, bandshell, open sided covered walkway	PBS	\$1.00	\$1.00	0.0%	
78	Public Pool	PBS	\$760.20	\$774.65	1.9%	
79	Racking System	PBS	\$1.00	\$1.00	0.0%	
80	Shoring	PBS	\$3.50	\$3.55	1.4%	
81	Temporary structure (tent, air supported structure, new portable,	PBS	\$217.95	\$222.10	1.9%	
82	Underpinning	PBS	\$3.50	\$3.55	1.4%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
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By-law and Property Standards Fees

83	Certificate of Compliance	PBS	\$137.50	\$140.10	1.9%	
84	Fence By-Law Variance Application	PBS	\$393.60	\$401.10	1.9%	
85	File a Notice of Appeal	PBS	\$402.05	\$409.70	1.9%	
86	Registration/Discharge - Property Standards Order	PBS	\$281.45	\$286.80	1.9%	
87	Reinspection Fee for Property Standards or By-law Enforcement (for	PBS	\$161.85	\$164.95	1.9%	
88	Swimming Pool Fence Permit	PBS	\$174.60	\$177.90	1.9%	

Public Nuisances

89	Removal of Graffiti on Private Property	PBS	Job Specific Costing	Job Specific Costing	-	
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Mowing of Weeds and Grass on Private Lots and the Untraveled Portion of the Public Highway - Area

90	0 - 7,500 square feet	PBS	\$461.05	\$469.80	1.9%	
91	7,501 - 15,000 square feet	PBS	\$525.55	\$535.55	1.9%	
92	15,001 - 30,000 square feet	PBS	\$769.85	\$784.50	1.9%	
93	30,001 - less than 1 acre	PBS	\$807.40	\$822.75	1.9%	
94	1 acre - 1.5 acres	PBS	\$890.95	\$907.90	1.9%	
95	Greater than 1.5 acres - 2 acres	PBS	\$1,044.60	\$1,064.45	1.9%	
96	Over 2 acres - per acre (additional charge)	PBS	\$461.05	\$469.80	1.9%	
97	Mowing requiring a contractor	PBS	Job Specific Costing	Job Specific Costing	-	
98	Additional Admin Fee when contractor required	PBS	\$170.05	\$173.30	1.9%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
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Sign Permit Fees

99	Ground, projecting and wall	PBS	\$128.65	\$131.10	1.9%	
100	Pole	PBS	\$254.10	\$258.95	1.9%	

Portable

101	For 30 consecutive days	PBS	\$58.20	\$59.30	1.9%	
102	For 60 consecutive days	PBS	\$116.40	\$118.60	1.9%	
103	For 90 consecutive days	PBS	\$143.95	\$146.70	1.9%	
104	For 120 consecutive days	PBS	\$172.45	\$175.75	1.9%	
105	Sign By-Law Variance Application	PBS	\$393.60	\$401.10	1.9%	
106	Temporary Wrap Around Signs	PBS	\$156.55	\$159.50	1.9%	

Planning Fees

Boulevard Trees

107	New Tree Planting 60mm Deciduous Tree	PBS	Refer to City Tree Removal and	Job Specific Costing	-	
108	Replacement Tree (Does not include costs of removal)	PBS	Refer to City Tree Removal and	Job Specific Costing	-	

Committee of Adjustment

109	Consent Application - New Lots	PBS	\$2,000.00	\$2,038.00	1.9%	
110	Consent Application - Others, i.e., easements, etc.	PBS	\$1,396.15	\$1,422.70	1.9%	
111	Variance Application	PBS	\$1,500.00	\$1,528.50	1.9%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
112	Consent and Validation of Title Certification Fee	PBS	\$214.80	\$218.90	1.9%	
113	Development Agreement for New Lots	PBS	\$500.00	\$509.50	1.9%	
114	Committee of Adjustment Pre-Consultation All Severances	PBS	\$1,208.95	\$1,255.30	3.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
115	Recirculation Fee	PBS	\$518.00	\$527.85	1.9%	
116	Section 45 Agreements	PBS	\$2,589.10	\$2,638.30	1.9%	
117	Special Hearing Fee (in addition to Application Fee)	PBS	\$863.40	\$879.80	1.9%	

Condominium Fees

118	Amendment - Description for Registered Condominium	PBS	\$526.45	\$536.45	1.9%	
119	Application for Approval - Final Condominium Plans	PBS	\$2,463.80	\$3,000.00	21.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
120	Condominium Draft Plan Approval	PBS	\$6,843.85	\$6,973.90	1.9%	
121	Exemption from Condominium Draft Plan Approval	PBS	\$2,000.00	\$2,038.00	1.9%	

Condominium Extension to Draft Approval

122	Major - With Circulation > 4 months	PBS	\$2,030.00	\$2,500.00	23.2%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
123	Minor - Without Circulation < 4 months	PBS	\$1,358.25	\$1,384.05	1.9%	

Documents and Printing Fees

Basic Street Maps (Paper Prints Only)

124	1:20,000 (Black & White)	PBS	\$6.10	\$6.20	1.6%	
125	1:20,000 (Colour)	PBS	\$9.75	\$9.95	2.1%	
126	Official Plan (Garden City Plan)	PBS	\$78.90	\$80.40	1.9%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
127	Official Plan (Certified)	PBS	\$85.05	\$86.65	1.9%	
128	Mapping Requests for Ministry of Environment Approvals	PBS	\$72.85	\$74.25	1.9%	
129	Microfilm Prints	PBS	\$1.90	\$1.95	2.6%	
130	Photocopies - miscellaneous	PBS	\$0.45	\$0.45	0.0%	
131	Property/Addressing Mapping	PBS	\$8.55	\$8.70	1.8%	
132	Zoning Maps	PBS	\$127.60	\$130.00	1.9%	
133	Zoning By-law 2013-283	PBS	\$30.35	\$30.95	2.0%	
134	Zoning By-law - Certified	PBS	\$34.90	\$35.55	1.9%	

Heritage Fees

135	Heritage Permit Application Fee	PBS	\$254.75	\$259.60	1.9%	
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Official Plan

136	Official Plan Application Amendment (includes advertising cost)	PBS	\$9,855.15	\$15,000.00	52.2%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
137	Preconsultation (discounted from full fee)	PBS	\$1,231.90	\$1,255.30	1.9%	

Other Approvals

138	Public Meeting Rescheduling After Public Notice Issued (Official Plan	PBS	\$675.95	\$688.80	1.9%	
139	Street Naming - Private Roads	PBS	\$1,015.85	\$1,035.15	1.9%	

Other

140	Address Change Application Fee	PBS	\$157.95	\$160.95	1.9%	
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Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
141	Heritage Permit Application Fee	PBS	\$254.75	\$259.60	1.9%	
142	Part Lot Control By-Law Application	PBS	\$1,777.75	\$1,811.55	1.9%	
143	Servicing Agreement & Other Development Type Agreements	PBS	\$2,539.60	\$2,587.85	1.9%	
144	Telecommunication Facility Review Fee	PBS	\$2,000.00	\$2,038.00	1.9%	

Site Plan

145	Site Plan Agreement	PBS	\$7,296.55	\$7,435.20	1.9%	
146	Preconsultation (discounted from full fee)	PBS	\$1,231.90	\$1,255.30	1.9%	
147	Maximum Charge	PBS	\$12,318.90	\$15,000.00	21.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
148	Extension of Site Plan Agreement for up to 2 years	PBS	\$1,693.05	\$1,725.20	1.9%	

Site Plan Agreement Amendment Application

149	Major (Registered Agreement) - Includes Preconsultation	PBS	\$5,369.75	\$5,471.80	1.9%	
150	Site Plan - Minor (Registered Agreement)	PBS	\$3,099.80	\$3,158.70	1.9%	
151	Minor (No Registered Agreement)	PBS	\$2,463.80	\$2,510.60	1.9%	
152	Site Plan Agreement Clearance Letters	PBS	\$644.40	\$656.65	1.9%	
153	Site Plan Agreement Release	PBS	\$1,015.85	\$1,035.15	1.9%	
154	More Than 1 Partial Release of Securities	PBS	\$492.80	\$502.15	1.9%	
155	More Than 3 Submission of Plans For Review	PBS	\$1,642.55	\$1,673.75	1.9%	

Subdivision

156	Subdivision Agreement Application	PBS	\$8,212.60	\$8,368.65	1.9%	
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Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
157	New Tree Planting for a Subdivision 60 mm deciduous tree	PBS	\$675.95	\$688.80	1.9%	
158	Subdivision Agreement Amendment Application	PBS	\$2,710.15	\$2,761.65	1.9%	
159	Subdivision Agreement Release	PBS	\$1,023.40	\$1,042.85	1.9%	
160	Subdivision Draft Plan Approval	PBS	\$12,318.90	\$12,552.95	1.9%	
161	Preconsultation (discounted from full fee)	PBS	\$1,231.90	\$1,255.30	1.9%	

Subdivision Extension to Draft Approval

162	Major - With Circulation > 4 Months Extension	PBS	\$2,030.40	\$2,069.00	1.9%	
163	Minor - Without Circulation < 4 Months Extension	PBS	\$1,351.90	\$1,377.60	1.9%	
164	Deeming By-Laws	PBS	\$1,187.70	\$1,210.25	1.9%	

Subdivision Modification to Draft Approval

165	Major - With Circulation	PBS	\$2,034.20	\$2,072.85	1.9%	
166	Minor - Without Circulation	PBS	\$1,351.90	\$1,377.60	1.9%	

Zoning Fees

167	Zoning By-Law Amendment Application - Major	PBS	\$8,212.60	\$10,000.00	21.8%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
168	Preconsultation (discounted from full fee)	PBS	\$1,231.90	\$1,255.30	1.9%	
169	Zoning By-Law Amendment Application - Minor (Includes preconsultation)	PBS	\$5,921.90	\$6,034.40	1.9%	
170	Zoning By-Law And Official Plan Amendment Application Combined - if	PBS	\$12,318.90	\$14,318.00	16.2%	6. Fee increase exceeds core inflation because we are working toward cost recovery while remaining
171	Zoning Amendment (Lifting of 'Holding' (H) Designation)	PBS	\$1,693.05	\$1,725.20	1.9%	
172	Zoning Compliance or Information Letter (No Inspection)	PBS	\$127.65	\$130.10	1.9%	

Reference	Fee Title	Department or Division	2020 Total Fee Paid by Customer	2021 Total Fee Paid by Customer	Percentage Change	Rationale
173	Zoning Compliance or Information Letter (Inspection And No Permit)	PBS	\$204.15	\$208.05	1.9%	

Municipal Comparators		St. Catharines			Comparator Average	Rates and Fees (Before Taxes) for Single-Tier Municipalities					Rates and Fees (Before Taxes) for Lower-Tier Municipalities				
Median total income of households		\$59,256				\$77,904	\$77,984	\$67,485	\$66,163	\$55,450	\$77,757	\$70,774	\$60,727	\$70,211	\$83,045
Population		133,113				141,434	131,794	123,798	107,909	217,188	129,920	233,222	88,071	159,458	104,986
Reference	Fee Title	Department or Division	Fee Without Taxes			Barrie	Guelph	Kingston	Thunder Bay	Windsor	Cambridge	Kitchener	Niagara Falls	Oshawa	Waterloo
			2020	2021											
1	Conditional Permit Agreement Application	PBS	\$576.30	\$750.00	\$298.62	\$233.10	\$0.13	\$300.00	\$250.00	\$210.00	\$0.18	\$0.15	\$500.00	\$713.00	\$300.00
				Per Agreement		Per Agreement	Per Square Foot	Flat Fee	Per Agreement	Per Agreement	Per Square Foot	Per Square Foot	Per Agreement	Flat Fee	Per Agreement
2	Electromagnetic locking device, hold open device -	PBS	\$31.95	\$50.00	\$54.73	\$76.90	\$50.00	-	-	-	\$49.00	\$43.00	-	-	-
				Per Device		Per Device	Per Device	Does Not Exist	Does Not Exist	Does Not Exist	Per Device	Per Device	Does Not Exist	Does Not Exist	Does Not Exist
3	Sign By-Law Variance Application	PBS	\$393.60	\$401.10		\$153.50	\$1,100.00	\$900.00	-	\$1,000.00	-	\$900.00	-	\$1,170.00	\$1,275.00
				Per Permit		Flat Fee	Flat Fee	Flat Fee	Does Not Exist	Flat Fee	Does Not Exist	Flat Fee	Does Not Exist	Flat Fee	Flat Fee
4	Application for Approval - Final Condominium Plans	PBS	\$2,463.80	\$3,000.00	\$4,763.57	-	\$1,283.36	\$5,538.08	\$2,500.00	\$5,795.00	\$4,400.00	\$9,065.00	-	-	-
				Per Application		-	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	-	-	-
5	Condominium Extension to Draft Approval - Major - With Circulation > 4	PBS	\$2,030.00	\$2,500.00	\$2,225.13	\$3,831.00	\$2,077.66	-	\$1,000.00	\$3,217.00	-	-	\$1,000.00	-	-
				Per Application		Per Application	Per Application	-	Per Application	Per Application	-	-	Per Application	-	-
6	Official Plan Application Amendment (includes advertising cost)	PBS	\$9,855.15	\$15,000.00	\$13,865.03	\$24,017.04	\$15,681.45	\$7,604.85	\$4,200.00	\$7,838.00	\$17,860.00	\$8,734.00	\$12,200.00	\$15,525.00	\$24,990.00
				Per Application		Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application
7	Site Plan Agreement	PBS	\$7,296.55	\$7,435.20	\$5,778.46	\$9,132.97	\$6,227.50	\$4,512.61	\$1,500.00	\$8,772.50	\$6,600.00	\$4,841.00	\$4,000.00	\$3,823.00	\$8,375.00
				Per Agreement		Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement	Per Agreement
8	Zoning By-Law Amendment Application - Major	PBS	\$8,212.60	\$10,000.00	\$12,560.11	\$21,446.88	\$12,910.14	\$12,195.05	\$3,200.00	\$5,640.00	\$11,000.00	\$11,618.00	\$12,200.00	\$9,556.00	\$25,835.00
				Per Application		Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application	Per Application
9	Zoning By-Law And Official Plan Amendment Application Combined - if processed concurrently (includes advertising costs)	PBS	\$12,318.90	\$14,318.00	\$17,801.43	\$23,440.51	\$21,326.90	\$4,048.05	\$7,000.00	-	\$21,500.00	-	\$13,500.00	\$19,311.00	\$32,285.00
				Per Application		Per Application	Per Application	Per Application	Per Application	-	Per Application	-	Per Application	Per Application	Per Application
10	Entry onto Adjoining Land (non refundable)	PBS	-	131.3	-	-	-	-	-	-	-	-	-	-	-
				Flat Fee		Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist

Municipal Comparators		St. Catharines			Comparator Average	Rates and Fees (Before Taxes) for Single-Tier Municipalities					Rates and Fees (Before Taxes) for Lower-Tier Municipalities				
Median total income of households		\$59,256				\$77,904	\$77,984	\$67,485	\$66,163	\$55,450	\$77,757	\$70,774	\$60,727	\$70,211	\$83,045
Population		133,113				141,434	131,794	123,798	107,909	217,188	129,920	233,222	88,071	159,458	104,986
Reference	Fee Title	Department or Division	Fee Without Taxes			Barrie	Guelph	Kingston	Thunder Bay	Windsor	Cambridge	Kitchener	Niagara Falls	Oshawa	Waterloo
			2020	2021											
11	Adjoining Land Entry - Extension of Authorization	PBS	-	\$50.00	-	-	-	-	-	-	-	-	-	-	
				Flat Fee		Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	Does Not Exist	
12	Maintenance of Grasses/Weeds - Repeat Inspections	PBS	-	\$250.00	\$186.62	\$540.00	\$100.00	\$215.00	\$100.00	\$215.00	-	\$50.00	-	\$65.00	
				Flat Fee		Flat Fee	Flat Fee	Flat Fee	Flat Fee	Flat Fee	-	Flat Fee	-	Per Hour	

To: Kristine Douglas, Director of Financial Management Services

Cc: Lucia Chen, Manager, Budget and Procurements and
Michael Patterson, Process Review Analyst

From: Tami Kitay, Director of Planning and Building Services

Date: May 15, 2020

Subject: 2021 Rates and Fees

On April 27, 2020, the Budget Standing Committee directed that 2021 Rates and Fees be held at the 2020 levels. PBS staff recommend that a reconsideration of that direction be contemplated for the following disciplines:

Building Division

The Building Code Act (BCA) allows municipalities to collect anticipated reasonable costs to deliver the services necessary for the administration and enforcement of the BCA. Such costs include direct costs, such as the review and inspection of buildings and indirect costs, including support and overhead expenditures.

The St. Catharines Building Division operates on a “fee for service” model and does not rely on the municipal tax base. Therefore, fees generated from building permits pay for the operation of the Building Division. Any additional fees collected over and beyond the expenditures necessary to conduct service delivery, is transferred to the Building Reserve fund for future use.

Building permit fees are generated through development applications. In order to maintain a financially sustainable model, municipal building departments all across Ontario deploy a variety of tools to ensure that the fees being collected cover the cost of providing services. Typically, the Building Division undertakes an annual review of building permit fees. This is generally a modest exercise based on a high level review of services delivered and fees charged, using comparator municipalities. Building staff have undertaken a high level review of fees this year and found some areas where modest increases can be made to generate revenue, without imposing unnecessary costs on the development industry. If costs are not adequately recovered through permit fees, once the reserve is depleted, operational costs will eventually be funded by tax dollars, imposing additional pressure on the municipal budget.

This year, modest fee increases have been recommended in certain areas where staff have determined that some services are being delivered without adequate cost recovery. The recommended fee increases will be borne by the development industry

and will be seen as “cost of business”. The development industry typically passes all development related costs pertaining to permits to the end user. Some of the items where we are under recovering includes conditional permits, alternative solutions, and review of fire protection systems. These items support the industry in achieving cost and time efficiency and as such, fee increase in this regard are warranted.

By-law Enforcement

As By-law Enforcement operations are fully funded by the municipal tax base, in recognition of the Budget Standing Committee direction, we are proposing changes only on certain items where we believe we are significantly under cost or providing a free of cost service. The following are the items, where we are proposing a change:

- The inclusion of a new fee for repeat offenders of Grass and Weeds By-law complaints within the same calendar year. We believe that those property owners who are willingly and repeatedly violating the By-law and putting extra pressure on municipal resources should be required to pay an additional amount to cover the cost of their negligence. The extra fee will act as a deterrent for such repeat offenders.
- The City’s By-law on “entry onto adjoining lands” permits residents to request a letter from the Chief Building Official authorizing entry on to adjoining lands, under certain conditions. The City is currently providing this service free of cost and therefore a new fee is introduced to recover cost of administration.

Planning Division

The Planning Division is predominantly supported by the municipal tax base with a portion sustained by development application fees. If the 2021 rates and fees are not increased, even by an inflationary amount, the shortfall will contribute to a further burden in the already strained general revenues of the operating budget. This shortfall requires local ratepayers to make up the difference. Essentially, local ratepayers will be subsidizing the private development industry.

Planning staff have undergone a review of the 2021 rates and fees for the division to recommend increases where fees will be more aligned with the City’s standard comparator municipalities and the local area municipalities in Niagara Region. The increasing interest from developers outside of Niagara Region, particularly from the GTA, suggests an opportunity to increase rates and fees to move in the direction of GTA rates and fees, while still balancing a fee tolerance from local developers.

The recommended increases to 2021 rates and fees more accurately reflect actual staff time allocated to these applications, although they still do not reflect full cost recovery. The development community has historically indicated that the processing time associated with a planning application is of greater concern than the actual fee for the

applications. This proved to be true when fees were substantially increased approximately 5 years ago without any concern from the development community.

The COVID-19 pandemic is constantly evolving and is not a static condition that will prevail throughout 2020 and 2021. Construction permissions are continually being expanded to aid in the recovery of the economy and are anticipated to be back to normal levels well before years' end. To freeze 2021 rates and fees, as an incentive to the development community, compromises the City's efforts to rebound financially from the pandemic, and places an unfair burden on the local taxpayer.

Tami Kitay, M.P.A., MCIP, RPP
Director of Planning and Building Services




Corporate Report City Council

Report from: Legal and Clerks Services, Director

Report Date: July 10, 2020 **Meeting Date:** July 13, 2020

Report Number: LCS-106-2020 **File:** 10.4.19

Subject: Mandatory Face Masks and Coverings in St. Catharines – Draft By-law

Strategic Pillar: 

Recommendation

That Council enact the draft Bylaw attached as Appendix 3 to Report LCS-106-2020 to temporarily require the wearing of masks within enclosed public spaces.

Background

At the Special Meeting of Council held on July 6, 2020 the following motion was passed by Council:

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization, the City of St. Catharines declared a state of emergency, and the province remains under emergency orders due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS COVID-19 continues to be present within the city, and is a disease that is readily communicable from person to person, even with minimal or no signs of symptoms or illness, and carrying a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

WHEREAS there is a growing body of evidence on the effectiveness of masks and face coverings to act as a barrier to prevent the spread of COVID-19; and

WHEREAS wearing masks and face coverings may act as a visual cue that public health measures, including maintaining a physical distance from others, are still required, that the COVID-19 Pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS physical distancing is difficult to maintain in enclosed spaces open to the public;

THEREFORE BE IT RESOLVED that City Council enact a temporary by-law requiring individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19; and

BE IT FURTHER RESOLVED that masks or face coverings must be worn, unless it is reasonably required to temporarily remove the covering for services provided by the establishment or while actively engaging in an athletic or fitness activity during physical activity, and exemptions may be accommodated if:

- The person is under two years of age;
- The person has an underlying medical condition which inhibits their ability to wear a mask or face covering;
- Wearing a face covering would inhibit the person's ability to breathe in any way;
- The person is unable to place or remove a mask or face covering without assistance;
- Regulated health professionals;
- Employees and agents of the person responsible for the establishment are within an area designated for them and not for public access, or within or behind a physical barrier; and

BE IT FURTHER RESOLVED that employees working with members of the public in an enclosed space must also wear a mask or face covering, unless they are in an area not for public access or within or behind a physical barrier, or they meet one of the exemptions; and

BE IT FURTHER RESOLVED that the by-law also apply to City of St. Catharines facilities open to the public such as community centres and libraries; and

BE IT FURTHER RESOLVED that the By-law provide that the date on which the By-law is to come into force and the date on which it shall expire shall be dates to be determined jointly by the Mayor and CAO, in consultation with the Niagara Region Medical Officer of Health; and

BE IT FURTHER RESOLVED that the City of St. Catharines create, in partnership with Niagara Public Health (if possible), a communications campaign to explain when masks should be worn and how to ensure that if one wears a mask, they do so in an effective manner; and

BE IT FURTHER RESOLVED that staff be directed to request that Dr. M. Mustafa Hirji, Acting Medical Officer of Health, appear at the Council Meeting of July 13, 2020; and

BE IT FURTHER RESOLVED that Report LCS-104-2020, in response to the Motion to require the mandatory wearing of masks or face coverings, be received for information; and

BE IT FURTHER RESOLVED that the City Solicitor be directed to prepare a draft by-law for consideration at the Council Meeting of July 13, 2020.

Report

Attached as Appendix 3 to this Report is a draft Bylaw as directed by Council on July 6, 2020.

Public health considerations for mandating the use of masks or face coverings to reduce the spread of COVID-19

Attached as Appendix 1 to this Report is a memorandum that canvasses and summarizes the various statements and recommendations of public health agencies and officials at the regional, provincial, federal and international levels that support the use of masks and face coverings as a measure to help control the spread of COVID-19.

The province wide municipal response

The Province of Ontario has declined to implement any regulations or orders that require the wearing of masks or face coverings in enclosed public spaces. Therefore, as the Province has moved to Stage 2 of recovery and permitted the opening of more businesses, municipalities and local Medical Officers of Health are being called upon to implement measures to require the wearing of masks, due to the concern that physical distancing is difficult to maintain and not always achieved or enforced in public spaces.

Across the province, different measures are being used in different jurisdictions to require masks or face coverings in indoor public spaces. Medical Officers of Health have utilized their powers pursuant to S. 22 of the Health Protection and Promotion Act, 1990 to issue Orders, or alternatively to issue “instructions” pursuant to O. Regulation 263/20 of the Emergency Management and Civil Protection Act. Municipalities have also begun to pass bylaws pursuant to their broad powers in sections 8, 10 and 11 of the Municipal Act.

In addition to the different sources and authority for these measures, the content of the measures themselves are varied. Appendix 2 to this Report summarizes some of the actions taken as of the date of this Report. They broadly fall into three different categories.

Bylaws and other alternative measures that indirectly require or promote the wearing of masks (directed at operators)

The first category of measures is the least restrictive. The draft bylaw directed by Council and attached as Appendix 3 is in this category. These bylaws and other measures only indirectly require the use of masks. These measures are directed at the operators of enclosed public spaces who are required to adopt a policy that prohibits persons to enter or otherwise remain in the enclosed public space unless that person is wearing a mask, subject to exemptions for specific individuals.

The operator is not required to enforce the policy or to refuse entry to anyone without a mask; however, they are empowered by the bylaw to do so. Without a bylaw in place some private businesses have already implemented some form of mask policy for their establishments.

The bylaw passed by the City of Toronto and instructions from the Medical Officers of Health in Simcoe-Muskoka, York Region and Ottawa apply this format.

Alternatively, the Medical Officers of Health for Wellington-Dufferin-Guelph and for Kingston, Frontenac, Lennox and Addington have issued instruction letters to commercial establishments that require a policy; however, in addition, they also require that the operators prohibit persons from entering the premises without a mask.

Bylaws and other alternative measures that directly require the wearing of masks (directed at individuals)

The bylaw passed by the Regional Municipality of Waterloo does not regulate the operators of enclosed public spaces. It directly requires that every person within an enclosed public place wear a mask or face covering. The draft bylaw debated at the Regional Municipality of Niagara meeting on July 8, 2020 and deferred to July 23, 2020 takes a similar approach.

Bylaws and other alternative measures that both indirectly and directly require the wearing of masks

The municipalities of Mississauga, Brampton and Caledon have all passed bylaws, endorsed by the Regional Municipality of Peel, which require operators of public establishments to adopt a policy to prohibit entry to persons without a mask or face covering, to prohibit entry, and in addition, also directly require every person entering or while inside a public establishment to wear a mask. The City of Ottawa is considering a similar bylaw on July 15.

In all of the above examples the scope of enclosed public spaces that are included or excluded are mostly very similar. The draft bylaw attached in Appendix 3 was prepared to ensure the broadest scope of application with only narrow exceptions.

One of the concerns with respect to bylaws directed at individuals is the difficulty of enforcement. Municipal bylaw enforcement officers cannot compel individuals to produce identification, detain or arrest individuals or enforce trespass on private property.

In order to issue tickets to enforce a bylaw it is necessary to apply to the court for the approval of set fines. That process regularly takes several months. With the closures caused by the pandemic, any set fine application would not likely receive approval earlier than September. Therefore, enforcement would need to be through the lengthier process under Part III of the Provincial Offences Act, which requires appearances in court. Upon conviction, the Justice of the Peace would determine the amount of the fine.

Exemptions for individuals

All of the bylaws and other measures reviewed include a broad range of exemptions to ensure that persons who due to their young age, disability, health or medical restrictions, Ontario Human Rights Code accommodations are or in other reasonable and practical situations are not able to wear masks are not required to do so.

The draft bylaw included in Appendix 3 includes all of these exemptions. Furthermore, individuals who claim an exemption are not required to provide proof of the exemption. This protects the privacy of the individual from intrusive questions related to sensitive personal health information.

If Council passes this bylaw, communications regarding the bylaw will need to remind the public that there are persons who cannot wear a mask and are not required to do so.

Financial Implications

There are no financial implications associated with this report.

Prepared and submitted by

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Director of Legal and Clerks Services / City Solicitor

Approved by

Shelley Chemnitz

Chief Administrative Officer

Appendices:

- Appendix 1 – Memorandum from Scott Rosts, Chief of Staff, Mayor's Office - Research for proposed bylaw on wearing of masks within enclosed public spaces
- Appendix 2 – Summary of municipal actions
- Appendix 3 – Draft Bylaw

Memorandum

1

To: Mayor and Council

Cc: Department Directors

From: Scott Rosts, Chief of Staff Mayor's Office

Date: July 10, 2020

Subject: Research for proposed bylaw on wearing of masks within enclosed public spaces

The science around the use of masks by the general public to impede COVID-19 transmission is evolving rapidly. As the response to the pandemic has evolved, so, too, have the recommendations, along with the research and studies by experts from across the country, revealing new and updated data that has permitted a look at trends in jurisdictions which have mandated the use of masks.

A growing body of scientific evidence suggests the use of masks is an inexpensive, acceptable, and non-invasive measure to help control the spread of COVID-19. Modelling studies suggest that if there is a high level of compliance in the wearing of masks, COVID-19 spread can be reduced.

On a local level, [Niagara Region Public Health says a face covering may be an added way to protect others around you](#), even if you don't have symptoms, particularly where physical distancing may be a challenge (e.g. on public transit, while shopping). Combined with measures like hand washing and physical distancing, masks are another line of defence against the spread of COVID-19. Niagara's Acting Medical Officer of Health Dr. Mustafa Hirji continues to say masks should be worn when physical distancing is not possible.

[The Public Health Agency of Canada says wearing a homemade non-medical mask/facial covering in the community is recommended](#) for periods of time when it is not possible to consistently maintain a 2-metre physical distance from others, particularly in crowded public settings, such as:

- stores
- shopping areas
- public transportation

[The Ontario provincial Ministry of Health also says wearing a face covering is recommended](#) to reduce the risk of transmission of COVID-19 when physical distancing and keeping two-metres' distance from others may be challenging or not possible, such as:

- public transit

smaller grocery stores or pharmacies
when you are receiving essential services

On a more international scale, both the [Centers for Disease Control and Prevention](#) (dated June 28) and the [World Health Organization](#) (dated June 7) now recommend cloth masks for the general public as part of a comprehensive strategy of measures to suppress transmission and save lives.

It is important to note, that organizations like WHO and even Public Health Agency of Canada were among those who changed their positions on the wearing of masks, from suggesting early in the pandemic that they were not necessary, but now they are recommending them in settings where you are unable to be physically distant, such as enclosed public spaces such as retail outlets, transit, etc.

Given the rapid evolution of studies and the data available, here are some recent studies by health experts and academia professionals that concluded the use of masks or face coverings have an impact on reducing the number of infections.

A June 30 [study by a team of scientists from the University of California San Diego, Caltech and Texas A&M](#) concludes that face coverings determine the pandemic's trends and significantly reduce the number of infections. Looking at pandemic hotspots, the study shows that, between April 6 and May 9 in Italy and New York City, mandated face coverings significantly reduced the number of infections by more than 140,000 between the two epicenters.

[A study of physical distancing, face masks, and eye protection to prevent person-to-person transmission, conducted by a team of researchers and professors at McMaster University, the Research Institute of St. Joe's Hamilton, American University of Beirut and Michael G DeGroote Cochrane and GRADE Centres in Hamilton](#), and funded by the World Health Organization, concluded face mask use could result in a large reduction in risk of infection. Their review, published June 1, included studies from 16 different countries and six continents, looking at both health-care and non-health-care settings.

[A study of mask-wearing in the U.S. was published June 16 by researchers from the Department of Health Management and Policy, College of Public Health, University of Iowa](#), concluding that states in the US mandating use of face masks in public had a greater decline in daily COVID-19 growth rates after issuing these mandates compared to states that did not issue mandates. It also concluded that as countries worldwide begin to relax social distancing restrictions and considering the high likelihood of a second COVID-19 wave in the fall/winter, requiring use of face masks in public might help in reducing COVID-19 spread.

[A review of country-wide coronavirus mortality with demographics, testing, lockdowns, and public wearing of masks \(updated July 2\)](#), conducted by researchers and professors from Canada, the U.S. and Poland, concludes societal norms and

1

government policies supporting the wearing of masks by the public, as well as international travel controls, are independently associated with lower per-capita mortality from COVID-19. The authors summarize that the use of masks in public is an important and readily modifiable public health measure.

A modeling study, [published last month in Proceedings of the Royal Society A](#), concluded that if the majority of a population wore face masks in public — even just homemade ones — that this could dramatically reduce transmission of the virus and help prevent future waves of the pandemic.

While gradual reopening is taking place, COVID-19 is still circulating in our community and the risk for its continued spread remains. While the number of new COVID-19 cases continues to trend downward, new cases persist. Our community can learn from other jurisdictions that have seen a recent rise in cases after reopening.

While face masks and coverings do not replace the need to wash your hands, stay home when sick and physically distance yourself from others, it has also been postulated that more widespread wearing of masks and face coverings may act as a visual cue that public health measures are still required, that the pandemic is ongoing and that resurgence of local disease activity remains an ongoing threat.

MUNICIPAL BYLAWS				
JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT	IN FORCE / EXPIRY
CITY OF TORONTO	Bylaw	Owners/operators of indoor spaces accessible to the public	Have a policy to require staff, customers, and visitors wear a face covering; Post signage	July 7 / September 30
PEEL REGION	Support of By-law issued by lower tiers			
MISSISSUAGA, BRAMPTON, CALEDON	Bylaw	Owners/operators of indoor spaces accessible to the public Every person within an enclosed public place	Have a policy, post signage and prohibit entry; and Public must wear masks in enclosed public spaces	July 15 / September 30
WATERLOO REGION	Bylaw	Every person within an enclosed public place	Public must wear face coverings in enclosed public spaces Owner/operators must post signage	July 13 / September 30
OTTAWA (proposed)	Bylaw	Owners/ operators of indoor spaces accessible to the public Every person within an enclosed public place	Have a policy, post signage and prohibit entry; and Public must wear masks in enclosed public places	July 15 / August 26 (subject to extension)

PUBLIC HEALTH ORDERS/INSTRUCTIONS				
JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT	IN FORCE / EXPIRY
WELLINGTON-DUFFERIN- GUELPH	Public Health Order (s. 22 PHPPA)	Owners/operators of commercial establishments	Disallow entry to anyone not wearing a mask	June 12 / indefinite
WINDSOR & ESSEX COUNTY	Public Health Order(s. 22 PHPPA)	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	June 26 / indefinite
KINGSTON FRONTENAC LENNOX& ADDINGTON	Public Health Order (s. 22 PHPPA)	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	June 27 / indefinite
MIDDLESEX- LONDON	Public Health Order (s.22 PHPPA)	<ul style="list-style-type: none"> Transit Operators Hair/Nail Salons Any business where workers and customers are face-to-face for more than 15 minutes 	Implement local guidance for reducing risk in public spaces Ensure staff, customers, volunteers, and contractors wear masks	July 20 / indefinite
OTTAWA	Instructions from Public Health pursuant to O. Reg 263/20	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	July 7 / expiry of Stage 2 Provincial Emergency Order
DURHAM REGION	Instructions from Public Health pursuant to O.Reg 263/20	Owners/operators of commercial establishments	Have a policy to prohibit entry of anyone not wearing a mask	July 10/ expiry of Stage 2 Provincial emergency order
YORK REGION	Regional Council endorsed the issuance of Instructions from Public Health (unclear)	Owners/operators of enclosed public spaces	(unclear)	July 17 / expiry of Provincial Stage 2 emergency order

SIMCOE MUSKOKA DISTRICT HEALTH UNIT	Instructions from Public Health pursuant to O. Reg 263/20	Operators of enclosed public spaces	Have a policy that prohibit entry of anyone not wearing a mask	July 13 / expiry of Stage 2 Provincial emergency order
PUBLIC HEALTH SUDBURY & DISTRICTS	Instructions from Public Health pursuant to O. Reg 263/20	Operators of enclosed public spaces	Have a policy that prohibits persons from entering without a mask	July 8 / expiry of Stage 2 Provincial emergency order

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to impose temporary regulations requiring the wearing of masks within enclosed public spaces in the City of St. Catharines (the “City”).

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

WHEREAS an emergency was declared by the Provincial Government pursuant to Order in Council 518/2020 (“Ontario Regulation 50/20”) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the “Act”); and

WHEREAS an emergency was declared by the City’s Head of Council on April 3, 2020 pursuant to section 4 of the Act; and

WHEREAS the Province of Ontario has enacted O. Reg. 263/20 (STAGE 2 CLOSURES) under Subsection 7.0.2 (4) (or as current) of Emergency Management and Civil Protection Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including the advice, recommendations and instructions of public health officials; and

WHEREAS health authorities at the Federal, Provincial, and Regional level have all recommended that persons wear face coverings in public where physical distancing cannot be maintained; and

WHEREAS physical distancing is difficult to maintain in enclosed public spaces; and

WHEREAS it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn face coverings and encourage voluntary compliance; and

WHEREAS Council for the City of St. Catharines desires to enact a temporary by-law to require mandatory face coverings in enclosed public spaces as a necessary, recognized, practicable and effective method to help limit the spread of COVID-19, and thereby help protect the health, safety and well-being of the City residents;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows that:

Part 1 – Definitions

1. In this By-law, the following terms shall have the following meanings:

“**Emergency Order**” means the emergency orders passed by the Province of Ontario pursuant to the Emergency Management and Civil Protection Act

("the Act") related to COVID-19 including any regulations enacted pursuant to the Act.

"Mask" or **"Face Covering"** means: a cloth (non-medical) Mask, medical mask or other face coverings, (e.g., bandana, a scarf or cloth), for filtering respiratory droplets that securely covers the nose, mouth, and chin and is in contact with the surrounding face without gapping. For clarity, a Mask may include, but is not required to be a medical mask such as surgical masks, N95 or other masks required by healthcare workers;

"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Niagara;

"Municipality" and **"Municipal"** means the City and the Regional Municipality of Niagara;

"Officer" means:

- (a) a provincial offences officer appointed by a Municipality to enforce Municipal bylaws;
- (b) a public health inspector; acting under the direction of the Medical Officer of Health; or
- (c) a police officer employed by the Niagara Regional Police Service;

"Operator" means the person who controls, governs, directs, or is responsible for the activity carried on within the Enclosed Public Space and includes the person who is actually in charge at any particular time.

Part 2 – Enclosed Public Spaces

2. For the purposes of this By-law, “Enclosed Public Space” means all or any portion of a building that is located:

- (a) indoors; and
- (b) where the public is ordinarily invited or permitted access to whether or not a fee is charged or a membership is required for entry.

3. For greater clarity Enclosed Public Spaces include but are not limited to:

- a. premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods and services;
- b. businesses that primarily sell food including restaurants, cafés, cafeterias, supermarkets, grocery stores, bakeries and convenience stores;
- c. shopping malls or similar structures which contain multiple places of business;
- d. churches, mosques, synagogues, temples, or other places of worship;
- e. libraries, museums, galleries, bingo halls, banquet or convention halls, community centres, cinemas, theatres, concert venues, special event venues, or other similar entertainment, cultural, leisure or event spaces and facilities;
- f. indoor sports and recreational facilities, sports clubs, gyms, yoga studios, dance studios, arenas, stadiums and clubhouses;
- g. common areas of hotels, motels, and other short-term accommodations, such as lobbies, elevators, meeting rooms, rest

rooms, laundry rooms, gyms, and kitchens or other common use facilities but does not include the common areas of residential apartment buildings and condominiums;

- h. premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- i. other businesses, organizations and places that are permitted to operate in accordance with the Emergency Orders.

4. Notwithstanding section 2 and 3 above, the following premises or portions of premises used for the following purposes are not an Enclosed Public Space for purposes of this By-law even if they would otherwise fall within the definition of an Enclosed Public Space:

- a. day cares, child care facilities, day camps for children, schools, and post-secondary institutions;
- b. private and public transportation;
- c. hospitals, independent health facilities and offices of regulated health professionals;
- d. buildings and services owned or operated by the Province of Ontario or the Federal Government of Canada;

Part 2 – Face Covering Policy

5. Every Operator of an Enclosed Public Space that is open to the public, shall adopt a policy as required under this By-law that prohibits persons to enter or otherwise remain within, the public areas of the Enclosed Public Space unless that

person is wearing a Mask, subject to the exemptions provided in this By-law.

6. The Operator shall provide a copy of the policy for inspection by an Officer, upon request.

7. The Operator of an Enclosed Public Space shall post, at every public entrance to the premises, prominent and clearly visible signage that persons are required to wear a Mask in accordance with this By-law.

8. The policy shall:

- a. exempt the persons set out in Section 9 from the obligation of wearing a Mask, without requiring proof of such exemption;
- b. ensure that all persons working at the business or organization are trained in the requirements of the policy;
- c. require that employees and agents wear a Mask, except when they are:
 - i. Within an area of the premises where the public is not permitted access, or
 - ii. within or behind a physical barrier;
- d. permit the temporary removal of a Mask where necessary for the purpose of:
 - i. receiving services;
 - ii. while actively engaging in an athletic or fitness activity including water-based activities;
 - iii. while actively engaged in delivering a vocal artistic performance, paid for or otherwise arranged by the Operator;

- iv. while participating in a religious rite or ceremony that is incompatible with the face being covered;
- v. consuming food or drink; or
- vi. for any emergency or medical purpose

Part 3 – Personal Exemptions

9. The following persons shall be exempt from the requirement to wear a Mask:

- a. children under two years of age;
 - b. children between the age of three and five years either chronologically or developmentally who refuse to wear a Mask and cannot be persuaded to do so by their caregiver;
 - c. persons with medical conditions which inhibit their ability to wear a Mask, including breathing difficulties or cognitive difficulties;
 - d. persons who are unable to apply or remove a Mask without assistance, including those who are accommodated under the Accessibility for Ontarians with Disabilities Act (AODA);
 - e. persons who have protections, including reasonable accommodations, in accordance with the Ontario Human Rights Code which would prevent them from wearing a Mask;
 - f. persons while assisting or accommodating another person with a hearing disability.
10. An Operator shall not require any person to provide proof of any of the exemptions set out in Section 9.

Part 4 - General

11. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an Emergency Order.

12. For greater certainty, nothing in this By-law shall be construed as permitting the opening or access to an Enclosed Public Space that is not permitted or is restricted by an Emergency Order. The Operator is responsible to ensure that the business or organization operates in accordance with all applicable Emergency Orders and laws, including the Occupational Health and Safety Act and the regulations made under it.

13. Where any provision of this By-law is inconsistent with or conflicts with any provision of any other by-law of the City, the provisions of this By-law shall prevail, but only to the extent of such inconsistency or conflict.

14. Every Person who contravenes any provision of this By-law is guilty of an offence, and upon conviction is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act.

Part 5 – In Force and Effect

15. This By-law shall come into force on a date to be determined jointly by the Mayor and the City's Chief Administrative Officer, in consultation with the Medical Officer of Health.

16. This By-law shall cease to be effective upon the withdrawal of the local

Page 50 of 52



By-laws to be considered Monday, July 13, 2020

- (a) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992." (One reading – with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize the acceptance of a conveyance of certain lands from 5001884 Ontario Limited and Gerald Rosenfield for road widening along Bloomfield Avenue. (One reading – with respect to 15 Bloomfield Avenue. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to remove certain lands from part lot control. (One reading – with respect to 17 Marshall Lane, 27, 35 & 43 Corbin Street. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize the release of agreements over certain lands municipally known as 155 Ontario Street. (One reading – with respect to redevelopment of lands for Seasons Retirement Communities (St. Catharines) Inc. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to amend By-Law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to parking prohibitions on Rockcliffe Road. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-Law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to heavy vehicle prohibitions on Boulton Place. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize a Letter of Agreement with Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario. (One reading – with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program for 2019/2020. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to amend By-law No. 2020-77 entitled "A By-law to appoint City of St. Catharines (the "City") employees and agents for the enforcement of emergency orders made pursuant to the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 (the "EMCPA"), and Parks By-law No. 70-57, as amended." (One reading – with respect to change in personnel. Delegation of Emergency Powers By-law No. 2020-38.)
- (i) A By-law to impose temporary regulations requiring the wearing of masks within enclosed public spaces in the City of St. Catharines (the "City"). (One reading – with respect to wearing of Masks amid COVID-19 pandemic. To be considered by Council, July 13, 2020.)



- (j) A By-law to authorize an amendment to the Agreement with Niagara Grape and Wine Festival (the "Festival") with respect to 2020 Festival Programming. (One reading – with respect to changes to 2020 Action Plan and decrease in 2020 annual disbursement and associated in-kind services amounts. To be considered by General Committee, July 13, 2020.)
- (k) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff." (One reading – with respect to COVID -19 Property Tax Penalty and Interest Relief Program. To be considered by General Committee, July 13, 2020.)
- (l) A By-law to confirm the proceedings of council at its meeting held on the 13th day of July, 2020. (One reading - with respect to confirming the proceedings of the meeting held on July 13, 2020.)