



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, April 11, 2022
Council Chambers and Electronic Participation, 6:00 PM

This Meeting of Council will be held in person at Council Chambers and electronically for the Members of Council. Due to capacity limits due to the COVID-19 pandemic the public can only participate electronically.

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, MONTH, 2022 before Noon. Comments submitted will be considered as public information and entered into public record.

Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, April 11, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, April 11, 2022 at 10:00 a.m.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement

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1. Mayor's Report

2. Adoption of the Agenda

3. Adoption of the Minutes

3.1 Regular Council, minutes of [March 28, 2022](#).

[Addenda]

4. Declarations of Interest

5. Motion to Move Consent Reports

Consent Reports are approved in one motion which approves all of the recommendations contained in each report. Prior to this motion, a councillor may request that one or more of the reports listed under Item 6 be moved to the list of Discussion Reports.

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6. Consent Reports

- 5 - 8 6.1 Community, Recreation and Culture Services
 Richard Pierpoint Park Recognition Opportunities
- 9 - 24 6.2 Community, Recreation and Culture Services
 Niagara Folk Arts Festival 2021 Report and 2022 Funding Request
- 25 - 97 6.3 Economic Development and Tourism Services
 Application for Exemption to By-Law 95-212 – Reptilia
 *(Approval of this report will set a public meeting for the Council Meeting
 of April 25, 2022)*
- 98 - 99 6.4 Financial Management Services
 Budget Standing Committee Cover Report
- 100 - 145 6.5 Legal and Clerks Services
 Correspondence Report

7. Public Meetings

- 146 - 157 7.1 Municipal Works, Director
 Bylaw to Regulate Use of Boulevards and Unopened Road Allowances
- 158 - 167 7.2 Office of the Chief Administrative Officer
 2022 City of St. Catharines Beaches Strategy and Amendments to
 Rates and Fees

8. Presentations

- 8.1 Niagara Region
 Overview of Regional Official Plan

9. Discussion Reports

- 168 - 177 9.1 Legal and Clerks Services, Office of the City Clerk
 Filling a Vacancy on Regional Council – George Darte
 [Addenda]
- 9.2 Planning and Building Services
 Welland House Site Clean-Up, Request for Budget Approval, 26-30
 Ontario Street
 (Item removed from agenda)
 [Addenda]

10. Motions

178 - 213

10.1 Niagara Region - Establishment of Municipal Service Board for Regional Transit.

WHEREAS correspondence from the Regional Clerk requests that the local area municipalities submit recommendations for representatives for the transitional Transit Commission Board; and

WHEREAS the City of St. Catharines is eligible to bring forward three (3) nominees, each of which must be either a local or regional councillor; and

WHEREAS all members of St. Catharines City Council and all members of Niagara Regional Council representing St. Catharines were provided an opportunity to be nominated;

THEREFORE BE IT RESVOLED that St. Catharines City Council recommend that _____, _____, and _____ be appointed to the transitional Transit Commission Board; and

BE IT FURTHER RESOLVED that the City Clerk notify the Region of Niagara of this decision.

11. Call for Notices of Motion

12. Report Requests

13. Committee and Task Force Minutes

13.1 Minutes to Receive:

- Equity and Inclusion Advisory Committee, meeting of [March 8, 2022](#) (draft)
- Fallen Firefighter Memorial Task Force, meeting of [March 8, 2022](#) (draft)
- Heritage Permit Advisory Committee, meeting of [February 24, 2022](#) (draft)
- Museum Advisory Committee, meeting of [March 15, 2022](#) (draft)

[Addenda]

14. Closed Session

Council will meet in Closed Session for the following purpose(s):

15. Motion Arising from Closed Session

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16. By-laws

16.1 Reading of By-laws
[Addenda]

17. Adjournment



Corporate Report City Council

Report from: Community, Recreation and Culture Services, Business Planning and Strategic Services

Report Date: March 1, 2022

Meeting Date: April 11, 2022

Report Number: CRCS-050-2022

File: 68.31.10, 68.81.99, 35.65.14

Subject: Richard Pierpoint Park Recognition Opportunities

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: social.



Recommendation

That Council receive report CRCS-050-2022, regarding the Richard Pierpoint Park Recognition Opportunities, for information; and

That the grand-opening event for Richard Pierpoint Park be funded by the Civic Project Fund, to a maximum of \$8,000.

Summary

This report provides an update on the recognition opportunities within Richard Pierpoint Park, including interpretative signage (Appendix 1) and a grand opening event, for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park including the funding requirements.

Relationship to Strategic Plan

The recommendation of this report supports the Social Well-Being pillar within the Strategic Plan:

- **2.1** Establish area-specific plans for the redevelopment of key sites in the city to promote strong, compatible, connected neighbourhoods that enhance the quality of life.

Background

At its meeting on [September 27, 2021](#), Council approved the re-naming of Centennial Gardens to Richard Pierpoint Park. Staff were directed to report back to Council the funding requirements for recognition within the park for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park.

Report

This report provides an update on the recognition opportunities within Richard Pierpoint Park for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park including the funding requirements.

Partnerships Key to Recognition Opportunities

Staff have worked in partnership with the Salem Chapel British Methodist Episcopal Church and Niagara Regional Native Centre throughout the development of the recognition opportunities. Through the collaborative partnerships, all parties endorse and support the interpretative signage and grand-opening event in recognition of Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park.

Interpretative Signage to Welcome and Educate Visitors to the Park

Interpretative signage will welcome and educate visitors to Richard Pierpoint Park. Richard Pierpoint will be the focal point of the interpretative signage with the largest panel dedicated to his honour. The existing disc golf signage will also be replaced and included with the new interpretative signage to provide symmetry to the design. The approximate cost of the interpretative signage is \$15,000 and the costs can be accommodated within approved budgets.

Grand-Opening Event Will Be A Celebration

The grand-opening event for Richard Pierpoint Park will be a celebration of Richard Pierpoint. The grand-opening event is tentatively scheduled for June 2022 and it is anticipated that 100-200 people will attend. The event will include a large tent, seating, shuttle service, entertainment and speakers. The approximate cost of the grand-opening event is \$8,000 and staff recommend the funding be provided from the Civic Project Fund. Additional event details will be shared closer to the event date.

Staff will continue to explore grant opportunities to help offset the financial impact to the Civic Project Fund for the grand-opening event.

Financial Implications

Interpretative signage costs will be accommodated within an approved capital budget.

Staff recommend that the grand-opening event for Richard Pierpoint Park be funded by the Civic Project Fund, to a maximum of \$8,000.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

Richard Pierpoint is one of the City's most significant individuals and it is important that the naming of Richard Pierpoint Park be properly recognized and celebrated by the community. This report provides recognition opportunities within Richard Pierpoint Park for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park including the funding requirements.

Prepared, Submitted and Approved by

Eric Lamothe, Acting Director, Community, Recreation and Culture Services

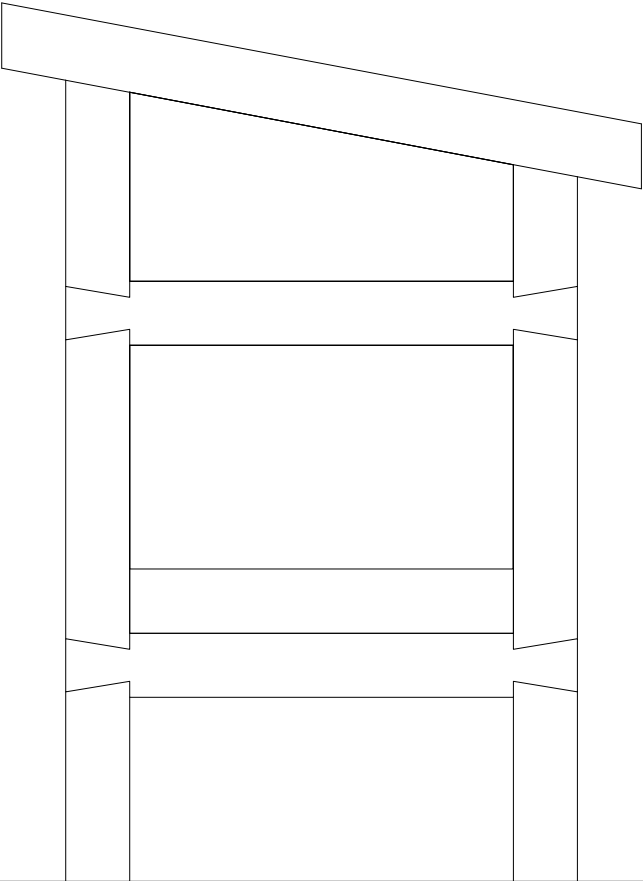
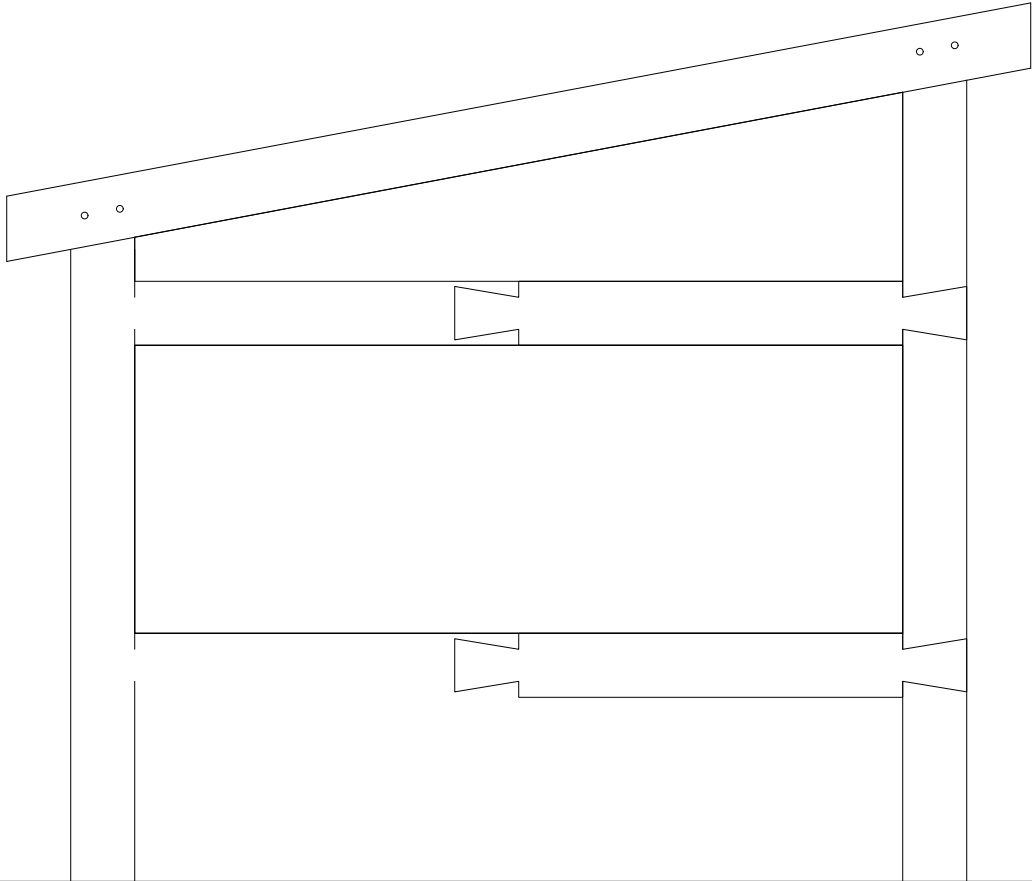
Appendices

Appendix 1 – Richard Pierpoint Park Signage Detail

Richard Pierpoint Park Sign Detail



Scale $\frac{1}{2}"=1'$





Corporate Report City Council

Report from: Community, Recreation and Culture Services, Programs and Cultural Services

Report Date: March 24, 2022

Meeting Date: April 11, 2022

Report Number: CRCS-051-2022

File: 35.60.28

Subject: Niagara Folk Arts Festival 2021 Report and 2022 Funding Request

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic, social and cultural.



Recommendation

That Council authorize the disbursement of \$41,000 to the Niagara Folk Arts Council for the 2022 Niagara Folk Arts Festival as indicated in the current Fee-for-Service Agreement, attached as Appendix 1.

Summary

Since 1998, the City of St. Catharines has negotiated and implemented a series of Fee-for-Service agreements related to the Niagara Folk Arts Festival (NFAF). Prior to that year, the City provided annual grants for the NFAF. The most recent agreement for 2021, 2022 and 2023 is attached as Appendix 1.

These agreements have sought to increase the overall economic impact of the NFAF by requiring the Niagara Folk Arts Council to pursue specific organizational, marketing and event goals to receive partnership funding from the City.

In past years, the City has provided \$26,000 in annual funding with an increase to \$41,000 in 2015.

Relationship to Strategic Plan

The NFAF supports three of the strategic goals of the St. Catharines 2019 to 2028 Strategic Plan including economic prosperity, social well-being and cultural renaissance.

The Fee-for-Service Agreement is a collaborative partnership which allows for the hiring of a full-time Festival Producer annually. The Festival itself is an economic driver of tourism and promotes local visitor spending. The NFAF supports both social and cultural sustainability goals through programming which embraces our diversity, creates a welcoming and inclusive community, celebrates our unique heritage and showcases a variety of ethnic cultures while welcoming newcomers. The NFAF provides events which build civic pride, encourage local engagement and attract people to the community.

Background

The Niagara Folk Arts Council is the governing body for the NFAF, Canada's oldest continually running heritage festival. Since 1968, with its grass roots beginnings of an afternoon in Montebello Park, the Festival has grown in its programming and celebrates the diverse culture, arts and heritage of all Canadians. A historical summary of event metrics pertaining to the NFAF for the past two years (2020 and 2021) is attached as Appendix 2.

Report

The current 2021 to 2023 Fee-for-Service Agreement provides an annual allocation of \$41,000 which has been included in the Community, Recreation and Culture Services annual operating budget.

The Fee-for-Service agreement also provides for additional in-kind charges to an upset annual limit of \$4,639 per year to be provided by Community, Recreation and Culture Services, Engineering, Facilities and Environmental Services and Municipal Works staff. These in-kind services may include, but are not limited to, the costs for park rental (if applicable), park restoration (if applicable), road closure fees, the provision of street closure barricades, garbage cans, traffic barrels and street banner.

2021 Festival Summary

The NFAF hosted 16 events in 2021, 14 of which were supported by the Fee-for-Service Agreement funding. A post event summary report of the 2021 NFAF provided by the Niagara Folk Arts Council is attached as Appendix 3.

Grant Funding Eligibility

To be eligible for grant funding, the Niagara Folk Arts Council must fulfill the following obligations in the support and operation of the Festival including:

1. Operating the Festival in the City of St. Catharines as a distinct event from other Recipient programming during the years 2021, 2022, and 2023;

2. Developing the Festival as a fully professional arts event and a major cultural attraction for the City of St. Catharines;
3. Contracting a producer for the Festival who will organize and promote the Festival in a timely and professional manner;
4. Reporting back to the City on past festivals and contractual obligations, and also outlining future festival plans; inclusive of programming, marketing and other relevant initiatives relating to the Festival;
5. Preparing and submitting annually to the City, annual year in review of all events relating to the Festival;
6. Documenting visitor data through event surveying, web and related marketing analytics and data collected from the cultural open houses;
7. Preparing and delivering a formal written follow-up report on each Festival, including a full financial accounting, visitor and attendance metrics, volunteers and community involvement;
8. Advertising and promoting its events throughout the City, the Niagara Region, and in other relevant markets. Whenever possible, opportunities for coordinated and cooperative advertising and marketing with Tourism Services and industry partners will be pursued; and
9. Any such other things as may be required for the successful operation of the Festival in the City of St. Catharines.

Report CRCS-051-2022 is intended to satisfy the above obligations for grant funding eligibility and disbursement to the Niagara Folk Arts Council.

Financial Implications

Staff recommend the disbursement of \$41,000 to the Niagara Folk Arts Council for the 2022 Festival, as outlined in the current 2021 to 2023 Fee-for-Service agreement. The grant funding has been included in the Community, Recreation and Culture Services 2022 Operating Budget.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

The Niagara Folk Arts Council has satisfied its obligations for grant funding eligibility as outlined in the Fee-for-Service Agreement. Staff recommend the disbursement of \$41,000 to the Niagara Folk Arts Council for 2022 which is included in the Community, Recreation and Culture Services 2022 Operating Budget.

Notifications

Emily Kovacs, Executive Director/CEO
 Niagara Folk Arts Multicultural Centre
 85 Church Street
 St. Catharines, ON L2R 3C7

Prepared and Submitted by

Lori Mambella, Manager, Programs and Culture Services

Approved by

Eric Lamothe, Acting Director, Community, Recreation and Culture Services

Appendices

1. Appendix 1 - Fee-for-Service Agreement
2. Appendix 2 – Historical Festival Summary – 2020 and 2021
3. Appendix 3 – 2021 Niagara Folk Arts Festival Report

THIS FUNDING AGREEMENT is made on the day of June, 2021, as authorized by By-law No. 2021-37 of the City of St. Catharines.

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES
(hereinafter the "City")

OF THE FIRST PART;

- and –

FOLK ARTS COUNCIL OF ST. CATHARINES
(hereinafter the "Recipient")

OF THE SECOND PART.

WHEREAS the Recipient presents an annual cultural heritage festival called the Niagara Folk Arts Festival (the "Festival") in the City of St. Catharines;

AND WHEREAS the Recipient has agreed to provide certain services associated with the Festival in exchange for funding provided by the City upon the terms and conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties covenant and agree with each other as follows:

1. TERM

- 1.1 Term. The parties agree that the term of this agreement shall be for a period covering the 2021, 2022, and 2023 Festivals.

2. FUNDING

- 2.1 Monetary funding. The City shall provide grant funding to the Recipient in the amount of FORTY ONE THOUSAND DOLLARS (\$41,000.00) per annum for the calendar years 2021, 2022, and 2023 with the first such payment becoming due and payable upon the execution of this agreement.
- 2.2 Funding conditional. Grant funding for the 2021, 2022, and 2023 Festivals shall be conditional upon budget approval by City Council and satisfactory reports to the City including evidence of increasing participation and increased fundraising prior the first day of November following the Festival.
- 2.3 Performance required. The obligation of the City to provide grant funding hereunder is subject to observance and performance by the Recipient of all terms and conditions of this agreement.
- 2.4 Unused funds. Any unused portion of the funds paid by the City to the Recipient in each year remains the property of the City and if already paid to the Recipient by the City shall be deemed to be a debt owing to the City and shall be repaid to the City immediately upon request.

3. IN-KIND SERVICES

- 3.1 In-kind services. In addition to the grant funding provided by the City under this agreement, to recognize the Festival's contributions to the quality and diversity of community life and providing opportunities to enhance economic activity and tourism, the City will provide in-kind services for the use of municipal venues on an annual basis for the 2021, 2022, and 2023 Festivals, and said services may be provided by either the Parks, Recreation and Culture Services Department

("PRCS"), Municipal Works Department, and/or Transportation and Environmental Services Department ("TES"), with an upset limit of FOUR THOUSAND SIX HUNDRED THIRTY-NINE DOLLARS (\$4,639.00) per annum, for items such as, but not limited to: road closure(s), facility rental(s), park reinstatement fees (inclusive of labour and materials), hanging of street banner(s), providing parking barricades, traffic pylons, garbage cans, etc.

- 3.2 Rates and fees by-law. The value of in-kind services will reflect the Council approved Schedule of the City's Rates and Fees applicable in those years.
- 3.3 Maximum amount. The cost of in-kind services for the use of municipal venues are the maximum amount of in-kind contributions to be provided by the City in each case. Amounts over and above said values shall be borne by the Recipient.
- 3.4 In-kind services conditional. The provision of in-kind services for the 2021, 2022, and 2023 Festivals shall be conditional upon satisfactory reports to the City including evidence of increasing participation and increased fundraising prior the first day of November following the Festival.
- 3.5 Performance required. The obligation of the City to provide in-kind services for the use of municipal venues as provided herein is subject to observance and performance by the Recipient of all the terms and provisions of this agreement.

4. RECIPIENT'S OBLIGATIONS

- 4.1 Grant conditions. To be eligible for grant funding, from and after the execution of this agreement, the Recipient must fulfill the following obligations in the support and operation of the Festival including:
 - 4.1.1 operating the Festival in the City of St. Catharines as a distinct event from other Recipient programming during the years 2021, 2022, and 2023;
 - 4.1.2 developing the Festival as a fully professional arts event and a major cultural attraction for the City of St. Catharines;
 - 4.1.3 contracting a producer for the Festival who will organize and promote the Festival in a timely and professional manner;
 - 4.1.4 reporting back to the City on past festivals and contractual obligations, and also outlining future festival plans; inclusive of programming, marketing and other relevant initiatives relating to the Festival;
 - 4.1.5 preparing and submitting annually to the City, annual year in review of all events relating to the Festival;
 - 4.1.6 documenting visitor data through event surveying, web and related marketing analytics and data collected from the cultural open houses;
 - 4.1.7 preparing and delivering a formal written follow-up report on each Festival, including a full financial accounting, visitor and attendance metrics, volunteers and community involvement;
 - 4.1.8 advertising and promoting its events throughout the City, the Niagara Region, and in other relevant markets. Whenever possible, opportunities for coordinated and cooperative advertising and marketing with Tourism Services and industry partners will be pursued; and
 - 4.1.9 any such other things as may be required for the successful operation of the Festival in the City of St. Catharines.
- 4.2 Performance schedule. Within twenty (20) days of execution of this agreement the Recipient shall provide to the Director of the Parks, Recreation and Culture

Services Department (herein referred to as the “Director”) a schedule of the work to be undertaken for the preparation and operation of the Festival required hereunder for the first year of the term. The Recipient shall provide to the Director, not later than each anniversary of the commencement of the term, a schedule of the work to be undertaken for preparation and operation of the Festival for the next year of the term

- 4.3 Report. Not later than the first day of November in each of the years 2021, 2022, and 2023, the Recipient shall prepare a detailed report accounting for the manner in which the advance paid by the City has been applied and specifying things done for which it has been provided for. In the event of any failure by the Recipient to account substantially for the expenditure of any of the grant funding provided herein, the City may at its sole option terminate this agreement and as of the date of termination the City shall no longer be required to pay other funds, or provide in-kind services for the use of municipal venues as set forth in paragraph 3.1., to the Recipient, and further, the Recipient agrees to refund to the City out of those grant funds advanced hereunder any and all amounts in respect of which conditions was not satisfactorily fulfilled for which a satisfactory accounting has not been made.

The Director shall review the report delivered by the Recipient hereunder and in turn report to City Council prior to payment by the City of the next annual instalment hereunder. In the event Council gives to the Director approval and direction to continue providing grant funding to the Recipient for the preparation and operation of the Festival, then such payment will be provided under this agreement. However, if such Council approval and direction not be forthcoming, or if Council approves modified or additional conditions or a change in the amount of the grant funding under this agreement, unless amended by the parties hereunder, this agreement shall become null and void.

- 4.4 Specific programs or projects. Initiatives for each of the grant funding years to be jointly identified by the parties to increase the overall economic and tourism impact of the Festival.
- 4.5 Performance. The Recipient shall provide the services for which it is responsible hereunder actively, continuously and in a diligent and professional manner and using qualified personnel, and in accordance with the provisions of this agreement.
- 4.6 Agreement. The Recipient will observe and perform all the terms and provisions of this agreement which are binding upon it and shall not do or suffer to be done anything contrary to any term or provision of this agreement.
- 4.7 Compliance with the law. The Recipient shall obtain any necessary approvals for the Festivals required by law and shall comply with all federal, provincial and municipal laws which apply to the Festivals and the provision of services under this agreement.
- 4.8 External funding. The Recipient warrants and represents that it has not applied for and will not receive any other financial assistance to perform its obligations under or connection with this agreement. In the event the Recipient receives any other financial assistance to offset loss of revenue or costs incurred due to the Festivals, the City may, in its sole discretion, reduce the grant funding agreed to be provided under this agreement in proportion to such other financial assistance received by the Recipient.

5. GENERAL

- 5.1 Enurement. This agreement is binding upon the parties and their successors and permitted assigns.
- 5.2 Assignment. Neither party may assign this agreement, part of this agreement, or an amount payable under this agreement, without the prior written consent of the

other party.

- 5.3 Notice. The parties agree that any notice required to be given under this agreement shall be given in writing and shall be sent by either facsimile transmission or delivered to the Recipient, or mailed by registered mail postage prepaid, addressed to:

Folk Arts Council of St. Catharines:

85 Church Street
St. Catharines, Ontario L2R 3C7
Facsimile No. (905) 685-6589
ATTENTION: Emily Kovacs, Executive Director/CEO

and to the City at:

The Corporation of the City of St. Catharines
City Hall, 50 Church Street
P. O. Box 3012
St. Catharines, Ontario L2R 7C2
Facsimile No. 905-646-9262
ATTENTION: Director of Parks Recreation and Culture Services

Any notice, request, demand or other communication given by facsimile transmission shall be deemed to have been received at the time the facsimile transmission was sent. Where such notice is delivered, it shall be deemed to have been given on the date of delivery, and where such notice is given by mail, it shall be deemed to have been given on the second day after mailing by prepaid registered mail. Any party may change its address by notice served as mentioned.

- 5.4 Limitation of liability. The City, its elected officials, officers, employees, volunteers, contractors and agents will not be liable to the Recipient and its directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors for any and all liability, loss, costs, damages and expenses (including legal fees), causes of action, actions, claims, demands, lawsuits or other proceedings; howsoever caused that arise out of or are in any way related to the Festival or this agreement.
- 5.5 Indemnification and hold harmless. The Recipient will indemnify and hold harmless the City and its elected officials, officers, directors, agents, representatives and employees from and against any and all liability, loss, costs, damages and expenses (including legal fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, directly or indirectly arising from or in connection with or relating to the following: (i) any breach or violation by the Recipient of any representation, warrant or covenant given by it in this Agreement; (ii) any action or omission by the Recipient and its directors, officers, agents, employees, partners, affiliates, volunteers or independent contractors in the course of performing the Recipient's obligations under, or otherwise in connection with, this Agreement; (iii) any death, or injury of any kind, of any person (including any employee, agent or representative of the City), to the extent directly caused by any act or omission of the Recipient and any person for whom the Recipient is responsible for in law; and (iv) any negligence, or criminal or fraudulent conduct or other wilful misconduct on the part of the Recipient or of any person for whom the Recipient is responsible for in law.
- 5.6 Insurance. Prior to the disbursement of any grant funding or provision of any in-kind services, the Recipient shall maintain comprehensive general liability insurance of at least Five Million Dollars (\$5,000,000.00) per occurrence for bodily injury including personal injury, death and automobile liability insurance, for the duration of the term. The Recipient shall, upon execution of this agreement, provide the City with a certificate of insurance in a form that is satisfactory to the City Solicitor evidencing the required insurance coverage and naming The Corporation of the City of St. Catharines as an additional insured. The Recipient

shall provide notice to the City immediately upon change or cancellation of the insurance.

- 5.7 Municipal Freedom of Information. The Recipient acknowledges that the City is bound by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended from time to time, and that any information provided to the City in connection with this agreement is subject to disclosure in accordance with the requirements of that Act. The Recipient acknowledges that the City may make public the name and business address of the Recipient, the amount of the grant funding and the purpose for which the grant funding has been provided.
- 5.8 Time of the essence. Time is of the essence of this agreement and of all provisions of it.
- 5.9 Waiver. No provision of this agreement will be deemed to be waived, and no breach excused, unless such waiver or consent excusing the breach is in writing and signed by the party to be charged with such waiver or consent. A waiver of any provision of this agreement, or of any breach of any provision is not to be deemed or construed to be a waiver of any other provision of this agreement, or of any other breach, whether of the same or of any other provision, nor shall any delay or omission on the part of any party to this agreement to exercise or avail itself of any right it has, or may have under this agreement, operate as a waiver of any such breach or right, nor will any waiver or failure to enforce any of the provisions of this agreement in any way affect the validity of the agreement or any part of it.
- 5.10 Severability. If any term, covenant or condition of this agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant or condition of this agreement shall be valid and enforceable to the fullest extent permitted by law.
- 5.11 Entire agreement. This agreement contains the entire agreement between the parties and supersedes all previous negotiations, understandings and agreements, verbal or written, with respect to any matters referred to in this agreement.
- 5.12 Amendments. This agreement may be amended, altered or modified only by written document signed by the parties hereto.
- 5.13 Counterparts and electronic execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This agreement will be considered fully executed when all parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart. This Agreement may be executed and delivered by facsimile signatures or other electronic delivery and will be binding on all parties as if executed by original signature and delivered personally.
- 5.14 Effective date. This agreement will take effect on the date set out on the first page of this agreement and will expire upon payment of funding and provision of in-kind services in accordance with the provisions of this agreement unless terminated earlier as permitted by this agreement.
- 5.15 Termination. The City may terminate this Agreement immediately upon giving notice to the Recipient if in the opinion of the City: (i) the Recipient has knowingly provided false or misleading information regarding its obligations under or in connection with this agreement; or (ii) the Recipient breaches any provision of this agreement; or (iii) the Recipient makes an assignment, proposal, compromise, or

arrangement for the benefit of creditors, or is petitioned into bankruptcy, or files for the appointment of a receiver; or (iv) the Recipient ceases to carry on business.

[remainder of page intentionally left blank; signature page follows]

IN WITNESS WHEREOF the parties to this agreement, by their duly authorized representatives, have executed this agreement.

FOLK ARTS COUNCIL OF ST. CATHARINES

PER:

Witness Name:

Name:
Title:

PER:

Witness Name:

Name:
Title:

I/We have authority to bind the corporation.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Mayor

Clerk

Niagara Folk Arts Festival (NFAF)

Historical Summary

Years 2021-2023 Services Agreement

NOTE: Information contained within this report provided by the NFAF.

2020 info included to give prior year reference

	2021	2020
City Support		
Fee For Service - Cash Amount	\$41,000	\$41,000
Fee For Service - Value in Kind Amount	\$4,639	\$4,639
Grant Funding		
Total Number of Grant Applications Submitted	4	4
Total Grant Funding-Note in 2021--a one time OTF funding of \$29,167 for Covid Recovery	\$59,542	
Total Grant Funding-Note in 2020-- \$6300 additional funding from BCAH as one time COVID supplement		\$35,505
Event Metrics		
Total Number of Cultural Open Houses	NA	NA
Total Number of NFAF Events In St. Catharines	14	16
Total Visitor Attendance	1994*	NA in person
Total Number of Community Partners	15	15
Total Number of Volunteers	54	12
Total hours donated by Volunteers	268	120
Total Number of Local Cultural Artists		
Total Number of Local Artists	13	12
Total Number of Local Artisans		
Total Number of Local Heritage Performers		
Total Number of Presentation Opportunities	14	
Digital Advertising Impact		
Impressions		
Reach	49,096	11,362.00
Clicks	2,303.00	2,034.00
cost per click	\$ 3.57	\$ 2.45

Niagara Folk Arts Festival (NFAF)

Historical Summary

Years 2021-2023 Services Agreement

NOTE: Information contained within this report provided by the NFAF.

2020 info included to give prior year reference

	2021	2020
Economic Impact -TREIM Report (only when visitor numbers are known)		
Total Visitors' Spending	NA	NA
Total Direct Impact of Visitor Spending in Niagara (GDP)	NA	NA
Total Overall Impact of Visitor Spending in Niagara(GDP)*	NA	NA
	NA due to COVID-19 restrictions. Re-invented programming presented/marketed only/mainly to local attendees/Niagara Region as per Province not encouraging cross-regional travel.	NA due to COVID-19 closing all programming. Re-invented programming presented/marketed only/mainly to local attendees/Niagara Region
General Comments	2021	2020
	No in-person events could be held until after July 16, 2021. Due to on-line presentation weariness, plans to have on-line events prior to Province re-opening were cancelled due to lack of participation by audience and to attract artists to present. Yoga at City Hall held July 25 Foods to the Folks events held Sept 15,16,22,24,25 Day of the Dead-Mexicanos in Niagara Oct 23 (supported) Wolfgang (Spanish speaking musical duo) Dec 7 on-line and in person Winter at the Market Nov 18,25 Dec 2,9,16,23	Shut down of Country/Province/Municipality began March 16, 2020, resulting in all planned 2020 Festival events to be cancelled or postponed. Live/live streamed artist performances started in Aug 2020 and continued up to February 2021.

*1994 numbers for attendance-this number is much higher as not all Foods to the Folks curbside pick-ups went through the Festival Website, therefore an accurate count cannot be given



Niagara Folk Arts Multicultural Centre
 85 Church Street, St. Catharines, Ontario L2R 3C7
 Phone: 905-685-6589 | Fax: 905-685-8376
www.folk-arts.ca

2021 Niagara Folk Arts Festival Report

Goals of the programs

- To fulfill the parameters of the Services Agreement with the City of St. Catharines
- To create and market events to the Niagara Region exclusively, during Covid-19 as best practices dictate
- To continue the experience of the Festival
- To offer revenue opportunities to our Community Partners/Members
- To offer revenue/performance opportunities to Niagara Artists

NOTE-due to Covid-19 pandemic restrictions continuing into 2021/2022, funding was allowed to be used outside of a 1-month time frame, up to March 31, 2022. A total of 14 events were held in 2021.

Yoga and Meditation Event

- Was held at City of St. Catharines City Hall lawn, July 26, 2021
- Free event
- Was a first time event to begin a Mindfulness and Wellness and Ethno-cultural guided theme of events
- FAMC volunteers and students/clients attended, with most being in a public gathering for the first time in months.
- Newcomers commenting on the availability of green grass and gardens
- Session leaders and artists were from St. Catharines
- Best practices from this event will be used as baseline for future events

We celebrate and promote cultural, social and economic inclusion and well-being of all immigrants and newcomers.

Arts to the Folks-Summer 2021/Fall 2021/Winter 2022

- Province opened gathering limits July 16, 2021 in-person programming began.
- Artists were engaged and presented at in-person events throughout the Summer 2021, taking advantage of the best weather conditions
- Fall 2021 and into Winter 2022, as per covid-19 restrictions allowed, in-person events were planned
- Due to the Omicron surge in late Fall 2021/Early Winter 2022, in person events were cancelled.
- On-line programming was offered with artist presentations
- Mexican cultural musical duo “Wolfgang” was presented with a hybrid model of an in-person presentation while livestreamed.
- Winter at the Market provided an opportunity for 11 cultural artists to be presented, have demonstrations and be offered revenue possibilities.
- The women artists, mainly from the BIPOC community, this venture was their first opportunity to put their new businesses to the test, both for themselves and for a market interest
- Best practices from this experience will be used to continue this programming

Foods to the Folks

- Held September 15 to September 25, 2021.
- Participants were: Club Italia, Ukrainian Canadian Congress, Greek Community of Niagara, Niagara Hindu Samaj and the Armenian Community Centre.
- Limited participation was due to lack of volunteer support by Club Members-hesitancy to gather, lack of engagement in last 18 months, elderly
- New Program partners added for 2021-Ukrainian Canadian Congress and Greek Community of Niagara
- All food orders went through the Festival website, once commercial upgrades were completed to handle the number of orders (site crashed in 2020)
- As learned last year, some clubs also had a direct phone number which proved helpful with elder seniors to place orders
- Clubs were pleased that there was an increase of orders coming from patrons not necessarily from their own communities, that marketing the program had reached the general public as well as their members

We celebrate and promote cultural, social and economic inclusion and well-being of all immigrants and newcomers.

Up-Cycle Banner Bags

- In partnership with 2022 Canada Games, old street banners were repurposed into re-useable tote/shopping bags
- Bags were created and sewn by NFAMC Community Immigrants and Newcomers
- The bags were featured at all Festival events, where interest was generated as to the nature of the program, as well as the green benefits of redirecting tonnage away from landfill
- Best practices from this experience will be used to continue this programming

Plans for 2022

- 2022 Plans are well underway to re-start the 54th Annual Festival after a two year Covid-19 pandemic disruption
- In-person Open Houses, artistic and cultural events are in the works and will be presented as Covid-19 restrictions allow
- Everyone connected to the Niagara Folk Arts Festival-our clubs, artist connections, other community partners, are very much looking forward to returning to offer more in-person events in 2022, and we are most grateful for our continuing partnership with the City of St. Catharines to make these happen.

Created by:

Pam Seabrook, Fundraising & Events Manager, Festival Producer, NFAMC

Approved on

Emily Kovacs, Executive Director/CEO, NFAMC

We celebrate and promote cultural, social and economic inclusion and well-being of all immigrants and newcomers.



Corporate Report City Council

Report from: Economic Development and Tourism Services

Report Date: March 22, 2022

Meeting Date: April 11, 2022

Report Number: EDTS-056-2022

File: 10.13.9

Subject: Application for Exemption to By-Law 95-212 – Reptilia Inc.

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Economic and Social.



Recommendation

That Report EDTS-056-2021, regarding Application for Exemption to By-Law 95-212 – Reptilia Inc., be referred to City Council for consideration of the Staff Recommendation after a public meeting to be scheduled for April 25, 2022, for which notice will be duly given.

Staff Recommendation

That Council approve an amendment to By-law 95-212, attached as Appendix 2, to authorize Reptilia Inc. to operate at 285 Geneva St. (known as the Fairview Mall) and to offer off-site educational project, training or authorized special event activities within city limits, including transportation to and from such off-site locations; and

That the City Solicitor be directed to prepare the necessary by-law(s); and

That the Clerk be directed to make all necessary notifications.

Relationship to Strategic Plan

This report relates directly to the Economic Prosperity Pillar of the City's 2019 -2028 Strategic Plan.

- Continue to implement the Economic Development Strategy (2017-2022) with particular focus on investments, employment, and partnerships to attract, retain, and grow the economy of the city. It further supports the Council approved Economic Development and Tourism Services Pandemic Recovery Strategy.

Background

The Municipal Act provides authority for lower-tier municipalities to pass by-laws respecting health, safety and well-being of persons and further provides authority for municipalities to pass by-laws with respect to animals.

On June 19, 1995, City Council adopted [By-Law No. 95-212](#) to regulate and govern the keeping and harbouring of animals within the city. This By-Law was further amended on [November 4, 2013](#) by adding an extensive list restricting the harbouring of specific Reptilia as defined in the amending by-law on lands within the geographical boundaries of the city outlined in the amendment. Currently, the by-law exempts the City or any other government authority from operating an exhibit or zoological garden and maintaining animals therein.

On December 13, 2021, a staff report was published regarding Reptilia's application requesting an exemption to By-law No. 95-212, with a public meeting scheduled for January 17, 2022. At the request of the applicant, the public meeting was subsequently moved to January 31, 2022.

On January 31, 2022, the applicant submitted a letter of notice withdrawing their application for exemption.

On March 9, 2022, a new letter request was submitted to the City Clerk seeking an amendment to By-Law No. 95-212 to establish operations in St. Catharines (Appendix 1).

Report

Since 2017, Economic Development & Tourism Services (EDTS) staff have been engaged with Reptilia Inc. regarding their interest in expanding and investing in a new flagship tourist attraction in St. Catharines. In February 2021, First Capital Realty announced Reptilia Inc. as its first new tenant to lease space in its recently renovated southwest end of the Fairview Mall. Reptilia Inc. plans to occupy the former IKEA store space serving as an anchor draw for the mall and surrounding areas.

Reptilia Inc. has educated and entertained the public for more than 20 years at its existing Ontario locations in Vaughan and Whitby. Reptilia Inc. operates a permanent zoo as well as a mobile zoo in both municipalities. Each of the facilities are multi-functional, featuring family attractions, camp programs for youth, curriculum-based education programs for schools and extends a professional program that provides training to military personnel and first responders. An additional part of the operations includes working with local animal authorities such as the Niagara Regional Animal Services on save and rescue missions serving as a benefit to the local community.

To operate in St. Catharines, Reptilia Inc. requires an amendment to the current animal control by-law. This by-law prohibits the keeping of certain animals within the city, including species which are proposed to be housed at Reptilia. The provisions of the by-law do not apply to the City or any other government authority while lawfully operating a public park, exhibit, or zoological garden and maintaining animals therein. Reptilia has requested that this exemption be expanded to include a person specifically authorized in a new schedule

to the by-law, subject to any conditions set out in the schedule. The new schedule will specifically identify Reptilia Inc. at its proposed location at 285 Geneva St. within the Fairview Mall. Fairview Mall is in a C4 zone and the proposed use as presented to the building division by Reptilia Inc. is permitted.

Also, as a condition to be included in the new schedule permitting the exemption, Reptilia Inc. would be required to notify the City's contracted service provider for animal control enforcement (currently Niagara Regional Animal Services Inc.), the City's By-Law Enforcement Division and Niagara Region Public Health prior to attending any off-site educational projects, training, or special event activities within the city, including the anticipated duration of the off-site event.

Health and Safety Considerations

Consultation with Reptilia Inc.

Since opening its first location in 1996, Reptilia Inc. has confirmed there have been no incidences related to animal escape or reptile bites at either of its permanent zoo locations or any mobile / off-site events. The types of species that are most likely to be encountered at Reptilia Inc. include snakes (mostly nonvenomous), alligators, crocodiles, salamanders, frogs, turtles and lizards. Through the mobile program, a selection of animals are transported to offsite locations for educational purposes depending on client requests.

Reptilia Inc. staff further confirmed all animal exhibits are designed and constructed to prevent escape. Enclosures are checked daily and the facilities are monitored 24 hours a day, 7 days a week, with routinely practiced animal escape drills ensuring that health and safety protocols are continuously measured and training practices for all staff is ongoing.

In the event of an animal escape of any kind, Reptilia Inc. confirms that their experts would be dispatched to safely capture, handle and transport the animal back to their facility.

Antivenin

Reptilia Inc. has confirmed that its corporate protocol is to stock antivenin for all venomous species held onsite. The company has also indicated it will work proactively with the medical community and area hospitals to facilitate training exercises regarding the education and administration of antivenin in emergency situations. While Reptilia Inc. has not recorded any onsite venomous bites, in other cases the antivenin has been made available to local hospitals for exotic pet owners who have encountered an unexpected bite (Appendix 3).

Niagara Regional Public Health

Staff consulted with Niagara Region Public Health (NRPH) officials who shared the potential health risks associated with the handling of reptiles. Risks identified include exposure to infectious diseases that are likely to increase in transmission during birthday parties and travel exhibitions. Vulnerable populations identified include children, the elderly and those with compromised immune systems who are more susceptible to potential disease transmission. As such, NRPH has established a set of guidelines for all animal exhibit operations (permanent, seasonal or transient). The guidelines apply to a public place of business, a temporary operation associated with a shopping mall, a special event, a school event and birthday parties (Appendix 4).

Animal Welfare Considerations

Reptilia Inc. has advised that more than 75% of its animals originate from rescue situations and are not purposefully removed from the wild. Those that are rescued also receive proper veterinary care and diet.

Petition correspondence from residents and non-residents expressed both concerns and support for the proposed facility (sample attached as Appendix 5). Opinions ranged from supporting a new family friendly attraction in the community to concerns regarding the animals receiving adequate care, accommodations, the risk of escape and entering public spaces, as well as transmission of disease. At the time of publishing, the following volume of interest has been received:

- Correspondence Received in Support – 792
- Correspondence Received in Opposition – 161

Additional letters of objection and concern were received from the following animal welfare organizations respecting the Request for Exemption of By-law 95-212 from Reptilia Inc:

- Niagara Action for Animals (NAFA)
- Zoocheck Inc.
- World Animal Protection
- Animal Alliance of Canada
- Animal Justice
- Born Free USA
- Ontario Captive Animal Watch
- Canadian Wildlife Federation
- International Fund for Animal Welfare Inc

The information provided in this correspondence included concerns for public safety, risk of zoonotic disease, animal welfare impacts, comparator municipality decisions to not permit private zoos, precedent setting, increased offsite mobile live animal programs, the encouragement of exotic pet ownership and enhanced risk to native wildlife and environments (Appendix 6).

On January 27, 2022, an updated letter from Niagara Regional Animal Services (NRAS) was received recommending that By-law 95-212 not be amended. NRAS provides animal control services within Niagara Region, including St. Catharines, and enforces all animal related by-laws specific to animal control in the city. Notwithstanding the mutual aid save and rescue assistance Reptilia Inc. offers, NRAS remains concerned with the display of animals to the public and exposing the public through mobile operations and birthday parties which may contribute to additional stress and negatively impact the well-being of the animal (Appendix 7).

On January 28, 2022, a letter from the Ontario SPCA and Humane Society (SPCA) was received that recommends denying the request for an exemption to By-law 95-212. The SPCA mission is to ensure that all animals are free from abuse and neglect. The SPCA position states that the keeping of exotic animals poses serious threats to public safety,

such as transmission of disease, risk of escape and potential injury to handlers or the public who come in direct interaction (Appendix 8).

Reptilia Inc. has stated that it continues to proactively work with Provincial Animal Welfare Services (PAWS), a provincial government-based animal welfare enforcement system in Canada to exceed provincial legal requirements. Also, accredited through the Canadian Association of Zoos and Aquariums (CAZA), Reptilia Inc. has recently renewed a five-year accreditation. CAZA standards are recognized by all levels of government and requires each facility to re-apply for accreditation and submit annual attestation to their compliance. (Appendix 9)

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

EDTS is responsible for leading a business retention and expansion program that enhances St. Catharines' position as a competitive and prosperous location for private and public investment that positively contributes to the City's employment and non-residential tax base. The tourism and attraction industry continues to be one of the hardest-hit sectors of the economy. Reptilia Inc.'s planned investment in St. Catharines has the ability to bolster recovery efforts in establishing a flagship attraction in the city. Staff is of the opinion that the requested amendment is reasonable and are satisfied that Reptilia Inc. will comply fully with all conditions and by-laws.

Staff support this application to amend By-law 95-212, as amended, being a by-law to regulate the keeping of animals including exotic animals within the City.

Notifications

It is in order to advise Mr. Brian Child, President, Reptilia Inc.

Prepared and Submitted by

Sabrina Maselli

Senior Economic Development Officer

Brian York

Director of Economic Development and Government Relations

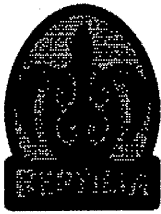
Approved by

Brian York

Director of Economic Development and Government Relations

Appendices

- Appendix 1 - Bylaw Exemption Request - Reptilia
- Appendix 2 - Proposed Draft By-Law Amendment No. 95-212
- Appendix 3 - Reptilia Facility Statement of Clarification
- Appendix 4 - Niagara Region Public Health Guidelines for Animal Exhibits
- Appendix 5 - Sample of Petition Correspondence Received
- Appendix 6 - Statement of Objection Correspondence
- Appendix 7 - Niagara Regional Animal Services Letter
- Appendix 8 - Ontario SPCA and Humane Society
- Appendix 9 - CAZA Accreditation
- Appendix 10 - Letters of Support



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March 9th, 2022

Re: Animal Bylaw Exemption Request (Bylaw # 95-212)

Attention: Ms. Bonnie Nistico-Dunk, CMO, B.A
City Clerk, St. Catharines, Ontario

Dear Ms. Nistico-Dunk

Reptilia Inc. requests the Mayor and Council consider a request from Reptilia for an exemption to the Animal Bylaw to allow us to place one of our Facilities in Fairview Shopping Centre in the former IKEA pick up location.

I look forward to hearing from you in due course.

Thank you,

Brian Child
President
Reptilia Inc.

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 95-212 entitled "A By-law to regulate the keeping of animals."

WHEREAS section 11 (2) of the Municipal Act provides authority for municipalities to pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS section 103 of the Municipal Act provides authority for municipalities to pass by-laws to regulate or prohibit with respect to animals being at large and trespassing of animals;

AND WHEREAS by giving the required public notice and holding a public meeting, the City of St. Catharines has complied with the public notice requirement, and notice of the said by-law was posted to the City of St. Catharines website on 12/09/2021 and the public meeting was held on January 17, 2022;

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

1. That By-law No. 95-212, as amended, be and the same is hereby further amended by deleting section 1(b)(i) and replacing it with the following:

1 (b) "Officer" means:

(i) a municipal law enforcement officer appointed by the City.

2. That By-law No. 95-212, as amended, be and the same is hereby further amended by deleting section 3(c) and replacing it with the following:

3 (c) this corporation, any other government authority, or such other person listed in Schedule C and subject to any conditions set out in Schedule C, while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein;

3. That By-law No. 95-212, as amended, be and the same is hereby further amended by adding Schedule "C" attached hereto.

4. That provisions of this by-law come into force on January 17, 2022.

Read and passed this _____ day of _____ 2021.

CLERK

MAYOR

SCHEDULE "C" TO BY-LAW NO. 95-212, as amended

Persons permitted to operate an exhibit or zoological garden:

1. Reptilia Inc., subject to the following conditions:
 - a. Only at the retail location located at 285 Geneva Street (also known as Fairview Mall) and to any off-site educational project, training, or authorized special event activities within the City limits, including the transportation to and from such off-site locations; and
 - b. That Reptilia Inc. notify the City's contracted service provider for animal control enforcement and the City's By-Law Enforcement Division prior to attending any off-site educational projects, training, or special event activities within the City of St. Catharines and the approximate duration of said off-site event.



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Reptilia Zoo – St. Catharines Facility Statement of Clarification

29 March 2022

As Requested by:

Brian York

Director of Economic Development & Government Relations, St., Catharines, ON

Sabrina Maselli

Senior Economic Development Officer, St Catharines, ON

1. Rescued animals vs captured – percentage of each, and what is the rationale behind the captured?

Reptilia does not purposely remove animals from the wild for its animal collection. Reptilia carefully considers the number of animals we can provide an excellent standard of care for, and what species are needed to forward our mandate of education and conservation. Reptilia is proud to house a large diversity of animals of which 75% are rescues/surrenders, 10% are born in our facilities and 15% come from other accredited facilities.

Reptilia only takes in/breeds animals if they forward the company's mandate of education and conservation. Any uncommon species bred in captivity are rarely surrendered by the public.

Rescued/surrendered animals are often obtained as a result of unwanted pets from members of the public, or are given to Reptilia by public organizations such as Animal Services, OSPCA, MNR and Environment Canada. Through partnerships with the Ministry of Natural Resources and Forestry, Environment Canada, and the OSPCA, Reptilia has provided homes for many animals who were destined for the illegal pet trade, or were confiscated from poachers and smugglers by authorities. We house these animals at Reptilia for educating the public on the importance of conservation and responsible pet ownership. Over the years, Reptilia's educational programs have encouraged members of the community to practice responsible pet ownership, gain empathy for animal welfare and to partake in ecological and conservation-based initiatives.



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In addition, Reptilia has been operating an Adoption Program since 2012, and has found forever families for more than 250 common pet species. This has been highly successful, with only two animals returning to the program due to unforeseen circumstances; the others appear to be living happy lives with their new families based upon Reptilia's annual check-up on our adopted animals. The adoption program allows animals to have a second chance for a quality of life through our vetting the future owners to ensure they will provide the animals' proper care and health.

Reptilia does not function as an animal wildlife and rehabilitation centre, and does not capture or release any animals/wildlife. In the event Reptilia takes part in captive breeding and reintroduction programs in the future, we will follow all Provincial and Federal legislation, MNR/CAZA and SSP Policies.

2. Venomous bites – anti venom – who has it, how can St. Catharines be assured it is available in case of an emergency?

Reptilia maintains adequate antivenin (anti-venom) onsite to treat a bite from a venomous snake housed in its collection. The antivenin is kept in a climate-controlled refrigerator, and in the unlikely event of a bite would travel with the victim to the closest hospital for administration. All Reptilia facilities develop a relationship with local hospitals and share our snake bite protocols should an emergency arise.

Any employee working with a venomous species is required to wear a lanyard with a species' ID and anti-venom information. Should an incident occur, the required antivenin is easily identifiable via the lanyard. Reptilia also keeps snakebite first aid kits, epinephrine and emergency protocols with our antivenin.

Additional anti venom beyond Reptilia's onsite stock can be obtained from the following: other Reptilia facilities, West Parry Sound Health Centre, Hospital for Sick Kids, Toronto Zoo, Buffalo Zoo, and Toledo Zoo.

Antivenin is sourced at Reptilia's cost from various worldwide vendors and is replaced according to shelf life provided by the manufacturer. Import is regulated by a Special Access Programme.

Cast Members go through an extensive training and clearance before being allowed to work with and have access to venomous species, and this never occurs when they are alone. Cast Members only have access to the specific species they have been cleared on. The public has no access to venomous animals.



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Preventative measures in our training protocols have ensured that in the last 26 years of operations, not a single venomous bite has occurred.

3. Capture plan – what does Reptilia have in place should a reptile escape? Will there be local resources expected to be utilized in a capture plan (e.g. Animal Control, Humane Society, Police, Fire etc.)

For the safety and comfort of the animals, Guests, and Cast Members, Reptilia keeps animals securely in their spacious home enclosures. Animals are homed either on exhibit or in animal holding rooms (for outreach, hospitalization, or quarantine purposes).

Exhibits are designed and built to prevent escape, and are checked regularly for security. Exhibits that have doors that open towards the public house harmless animals used in our educational interaction programming, and are locked unless a zookeeper is present. Exhibits that house dangerous animals have no access from the public areas. Instead, they open into a secured corridor that is accessible only by lock and key to trained and cleared Cast Members. As a third level of protection, corridors are secured so that animals cannot get into public space even if they were to escape their exhibit through the access door. Warning lights outside the corridors inform Cast Members if a dangerous exhibit is currently being accessed, and the corridor cannot be entered at that time. Small, harmless animals remain in their exhibits when being cleaned. In contrast, venomous animals are placed into locked and labelled holding containers and large snakes or crocodilians remain in their enclosures, but with the exhibit doors closed and the corridor on lockdown.

Within animal holding rooms, animals have individual, secure enclosures. Venomous species are locked and labelled as such, with only authorized handlers being able to access them. If an animal were to escape from an enclosure, the room is secure and escape-proof (for example, permanent barriers are placed against the bottom of doors, drains are covered, doors are always kept closed, etc.), so the animal cannot access other areas of the facility.

The facility itself is entirely indoors, has a double door entrance system where the doors are never propped open, making escape from the building unrealistic, even if all other measures were to fail. The facility is inspected daily to ensure no animal holding areas are compromised and that all animals are safely in their habitats. Further, inspections by PAWS serve to affirm our safety measures, as well as animal welfare.

In the event of a minor or major reptile escape of any kind, local resources would not be required, as Reptilia houses the expertise to safely capture, handle and transport any animal species that we maintain. Although never having to employ our skills with our own collection, we have captured loose caiman, pythons, boas and venomous snakes on behalf of Toronto



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Police and Animal Services in the Greater Toronto Area, the event of animals found outside, in buildings or during busts.

4. Spread of Infectious disease (Zoonoses) – what measures does Reptilia take to prevent this?

By definition a zoonoses or zoonotic disease is a disease that can transfer between a nonhuman animal to a human, or vice versa. Much ado has been made about this, but, in reality, onions are about ten times more likely to cause an infectious outbreak than reptiles.

Reptiles are a great species choice for educational outreach programs, as they are so distantly related to humans, that the diseases shared between are far fewer than those shared between humans and other mammals. This protects both Cast Members and Guests, but also the animals as well! Incoming animals must be cleared after strict quarantine to assure they are not transmitting disease to other animals in the facilities.

However this does not mean there is a complete absence of risk. How much of a risk reptiles pose to humans is a source of much debate, but the number of cases reported by the USA CDC pales in comparison to human food. Those who do not like animals or the use of animals in programming often over-inflate the risks, but on the opposite end, animal institutions and reptile hobbyists tend to trivialize or claim that there is no risk at all, where the reality is likely somewhere in the middle.

Zoonotic Risks from Reptiles:

Bacterial – A handful of bacteria only may be passed from reptiles to humans. Reptiles are not the only source of infection, as most infections come from other animals, food, and water sources. Those most at risk are those who consume undercooked reptiles, and those who work with them in close quarters.

Salmonella – This bacteria is the most famous reptilian zoonoses. Almost 1000 serotypes of *Salmonella* have been identified in reptiles, many of which can infect humans and exist without causing disease in the reptile host. Furthermore, *Salmonella* has an amazing ability to sit dormant for long periods, and may be shed transiently from an infected reptile. The bacteria is even known to coat eggs as they are laid, passing on to future offspring. Although most commonly associated with turtles, other reptiles can also be carriers. Infection can be serious, especially in very young children and the immunocompromised. Although symptoms are typically like a nasty bout of the flu, in extreme cases they can lead to meningitis or brain abscesses. Fortunately infection is relatively rare and can be fairly easily mitigated by basic hygienic practices. Although *Salmonella* causes about 1.35 million infections in the USA each



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year, recently turtles have accounted for only 87 infections *total* (not per year), and pet bearded dragons merely 44 *total* (in 25 states!). Thus, the vast majority of reported *Salmonella* cases in humans (>99%) are not related to reptiles.

Other possible but very rarely reported zoonoses include *Aeromonas* spp., *Campylobacter* spp., *Edwardsiella* spp., *Escherichia* spp., *Mycobacterium* spp., *Pasteurella* spp., *Proteus* spp., *Staphylococcus* spp., *Streptococcus* spp.

Fungal – Fungal agents that ca at this point in time, direct transmission has not been documented. These include *Aspergillus* spp., *Dermatophilus* spp. and *Trichophyton* spp.

Viruses – Reptiles may provide reservoirs for some viruses such as West Nile and Equine Encephalitis. However, this would not affect reptiles housed indoors

Accidental intermediate parasite hosts – A few parasites can enter and encyst in humans if they come into contact. These situations are extremely rare and typically do not result in problems. Common exposure is from eating an uncooked reptile or amphibian. Examples *Cryptosporium* spp. and *Coccidia* spp.

Zoonoses Management

Reptilia's animals are typically captive born and bred, and pass through a quarantine before they enter the collection and join outreach programs. This highly diminishes the chance zoonotic disease transmission. Reptilia has strict standards of care including for cleanliness and disinfection, which goes a long way to prevent disease from forming and spreading. Reptilia performs regular health checks and parasite checks on animals in the collection. Sick animals do not travel for programming and animals that test positive for parasites are treated. Reptilia feeds frozen but thawed prey, which reduces the likelihood of zoonoses. Any animal that dies receives a post mortem, which will identify potential zoonotic factors. Reptilia deworms all turtles twice yearly, as these reptiles carry a higher risk of transmission to both humans and other reptiles. Cast Members are supplied with PPE and taught the benefits of using them. They are required to wash their hands and clothing regularly, and always after contact with feces, food items, or hospitalized animals. Guests are asked to wash their hands before and after coming in contact with an animal. They are also asked not to eat during contact, and particularly for little ones, not to touch their face. Reptilia's Cast Members bring sanitizer with them to offsite events, in the event other hand washing opportunities are not readily available. All wounds including scrapes and cuts from outside Reptilia must be properly cleaned, covered and contained during healing.



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5. Education

Zoocheck is the major detractor for a new Reptilia facility in St. Catharines. Their website states one of its goals as being “challenging the fallacy of zoo conservation and education” as far as wild animals are concerned. This anti-educational stance is troublesome, and completely irrelevant to our application because Reptilia does not capture, purchase, or seek wild-caught animals. That said, ...

Ontario’s Wildlife in Captivity Policy WiPo2.5 (updated Jan 2020) states the following:

Section 1.0:

“... zoos can have a role in advancing public understanding and appreciation of wildlife and helping to advance species conservation,” and “[a] zoo with a well-developed educational program can contribute to our understanding of wildlife species.” Reptilia has developed a provincially accepted program for reptiles and amphibians.

Section 2.0:

“O. Reg 668/98 defines a zoo as “a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes”. This definition precludes the zoo licence from being issued to a person who does not have a permanent physical location that is open to the public.”

and

“For many people, a zoo provides the only opportunity to observe wildlife up close and, along with a well-developed educational program, the experience may leave the viewer with a better understanding and appreciation of the wildlife they see. Zoo facilities must be physically open to the public to allow direct viewing of captive wildlife. Indirect approaches for viewing wildlife, such as videos and live webcams, cannot be the only method of displaying wildlife under a zoo licence.”

It is also important to note that the policy and accompanying legislation are not specific to Ontario indigenous species.

Should you have any further questions, please do not hesitate to ask.

Mr. Brian Child, President

**Prof. Robert W. Murphy, Director of
Animal Welfare (volunteer)**



GUIDELINES FOR

ANIMAL EXHIBITS

All animals and reptiles naturally carry a range of micro-organisms, some of which can be transmitted to humans and possibly cause illness. Touching the animals, their food or their environment may be sufficient contact to cause severe illness. Some disease organisms include Salmonella, Campylobacter, Tuberculosis, and E.Coli 0157:H7.

In order to prevent the transmission of harmful organisms from animals and reptiles to people, Niagara Region Public Health has developed these Guidelines for Animal Exhibits. An animal exhibit includes any event where animal contact is encouraged, or where the public is allowed access to animal enclosures. This would include; petting zoos, open farms, and animal rides.

Public Health Inspectors will be expecting to see the items listed below for all animal exhibit operations (permanent, seasonal, or transient). The guidelines are meant to apply to a public place of business, a temporary operation associated with a shopping mall, a special event, a school event, and birthday parties.

1. Notify Niagara Region Public Health at least 2 weeks in advance of starting/opening.
2. Provide written assurance from the municipality in which that the animals are intended for exhibit, are not restricted by local by-laws.
3. Ensure that there are clearly visible signs posted at animal exhibits that include the following messages:
 - After visiting the animals wash hands; with soap and water, with a hand sanitizer (alcohol rinse), or with disinfected hand towelettes
 - Do NOT eat or drink while visiting animals
 - Avoid touching your face and mouth before washing your hands
 - Wash hands again before eating
 - Children under 5 years of age should be supervised
 - Infants less than one year of age should not touch or feed the animals
 - Do not take wheelchairs, strollers, toys, or pacifiers into the animal area
4. Provide sufficient hand cleaning stations in accessible locations near the exit from the animal exhibit. In the case where a petting zoo is part of the animal exhibit, at least one hand cleaning station should be immediately adjacent to the petting zoo area.

5. Ensure that hand cleaning stations are kept clean and fully stocked with supplies;
 - Hot and cold running water, dispensed soap, and paper towels, or
 - Hand sanitizer that contains at least 70% alcohol.
6. Ensure that any manure is quickly and thoroughly cleaned up, and appropriately discarded; The manure storage area is to be;
 - 45 M from a drilled well
 - 90 M from any other well
 - 100 M from a residence
 - 250 M from a residential area
7. Sanitize the animal enclosures, the flooring, and the railings, throughout the day as needed by either;
 - Washing with hot water and soap (or detergent),
 - Washing with steam under pressure,
 - Washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or
 - A combination detergent/disinfectant product that accomplishes the same purpose.
8. Animal enclosures with pens or runs using gravel, sand, or dirt, shall be cleaned by removing contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestations.
9. Ensure that food is not fed to the animals in containers that can be eaten by people (e.g. ice cream cones or other edible products).
10. Do not allow the public to drink unpasteurized milk.
11. Do not display ill animals or those known to be positive for E.coli 157:H7, tuberculosis, salmonella and other infectious zoonotic agents
12. Report all animal bitings to Niagara Region Public Health.
13. Ensure all animals are fully vaccinated, tested, and screened as per recommendations of a veterinarian.
14. Provide an isolation area for ill, injured, or distressed animals. Do not display ill, injured, or distressed animals.

15. Restrict public access to:
 - a. Wastewater runoff
 - b. Animal waste
 - c. Manure storage areas
 - d. Birthing areas
 - e. Areas being cleaned and disinfected
16. The exhibit operator needs to be familiar with health risks of direct and indirect contact with animals. The operator is to assign trained staff to monitor animal public activities and supervise to assure appropriate human-animal contact. This includes;
 - Reporting injuries and biting incidents to public health
 - Instructing guests to cover open wounds
 - Assuring that guests behave calmly in the animal exhibit area
 - Controlling access to prevent overcrowding
 - Not allowing kissing of animals, or hitting, or tormenting, or chasing them
 - Watching for and addressing placing of fingers in mouth
 - Encouraging hand cleaning
 - Removing animal waste immediately and preventing contact with the waste
 - Not allowing water bottles, baby bottles or “sippy-cups” into the animal area
 - Removing sick, injured or distressed animals
 - Addressing missing animal situations
 - Addressing first aid needs and directing guests on where to access to first aid resources.
17. There shall be NO public access to;:
 - Non-human primates
 - Venomous or toxin producing animals- some spiders, snakes and frogs
 - Large carnivores such as wolves, lions, and tigers
 - Mammals with a high risk of transmitting rabies such as bats, foxes, skunks, and raccoons
 - Prairie dogs as they can transmit plague
 - Aggressive or unpredictable animals- wild or domestic
18. Barriers and gates need to be in place to discourage uncontrolled access to animals and animal areas.
19. There needs to be well defined barriers between animal exhibits and food preparation/food service areas. Food and beverages are not to be served or consumed in the animal exhibit areas. Likewise animals are to be barriered from access to the food and beverage areas.

For more information or to notify us about the establishment of an animal exhibit please contact Niagara Region Public Health;

Fort Erie Office:	905-871-6513
Niagara Falls Office:	905-356-1538
Welland Office:	905-735-5697

Niagara Region Public Health

1815 Sir Isaac Brock Way, Campbell East, Thorold, ON

905-688-8248, ext. 7590 or toll free 1-888-505-6074 www.niagararegion.ca

From: Zoocheck <zoocheck@zoocheck.com>

Sent: Thursday, January 6, 2022 2:53 PM

To:

Subject: Deny Reptilia request for exemption to animal bylaw

AGENDA ITEM #6.3
Appendix 3

CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Members of Council:

Thank you for helping to make the City of St. Catharines a municipality that values the welfare of both its human and animal residents. I urge you to make sure it stays that way by rejecting the Reptilia request to amend By-Law 95-212 that would allow the Reptilia business to keep prohibited animals, including large and/or dangerous reptiles and other animals in the City.

By-Law 95-212 was only updated in 2013 when, to further protect public health and safety, new inappropriate animal species were added to the By-Law's prohibited list. There is no compelling reason why the By-Law should be undermined now, especially when doing so will may create human health and safety, animal welfare, environmental and other problems, simply to favour a small business interest that utilized wild animals in a broad range of commercial activities.

The Niagara Region, including the City of St. Catharines, has had a long history of dubious, controversial private zoos and animal attractions. Thankfully most of them are now gone. We should not be turning back the clock by inviting new commercial animal businesses into the City or Region.

I urge you to:

- **Protect public health and safety** by making sure that large, inappropriate, dangerous or venomous reptiles that pose potential physical safety risks to residents are not kept in the City:
- **Protect vulnerable residents, including children and senior citizens**, from being exposed to potential zoonotic disease risks in contact activities onsite or when animals are taken out to children's parties and a broad range of other events and activities throughout St. Catharines and the Niagara Region;
- **Protect animal welfare** by preventing animals that can feel discomfort, pain and suffering, that need to be able to move and behave normally and that should be provided with a lot of space, natural conditions, physical and mental stimulation, and specialized environments from being kept in a building in a St. Catharines shopping mall or from being exposed to stress and/or suffering when they are used in events and other activities;
- **Protect the native wildlife and natural environments** of St. Catharines and the Niagara Region by choosing not to encourage or facilitate activities that may promote the keeping of exotic wildlife as pets, by acting to control the number of exotic animals in the City and, by doing so, reducing the risk of exotic animals being abandoned or released into our wild spaces where they could introduce new diseases or become invasive species;
- **Maintain St. Catharines' existing animal control bylaw and prohibited animal rules** that protect public health and safety, animal welfare, local environments and wildlife and that reduce nuisance and other issues; In recent years the City of St. Catharines has been moving forward toward becoming a more, humane animal-friendly municipality. The days of wild animals being used throughout the Region for entertainment and profit are gradually becoming nothing but a memory. I hope you will not turn back the clock and weaken what has already been accomplished. Please **deny** the request for a Reptilia exemption to By-Law 95-212.

Sincerely,

Petition

Allow Reptilia to Open at Fairview Mall, St Catharines

This Petition will be sent to:

Mayor of St Catharines
mayor@stcatharines.ca

City of St. Catharines
citizensfirst@stcatharines.ca

St. Catharines' Ward Councillors (12)
Various Emails

Our Petition

Dear St. Catharines City Council,

We demand fair opportunities for Reptilia as a new business and attraction to reside in St. Catharines, for the enjoyment of families, support of the economy, and additional wildlife support for the City.

I would like Reptilia to join the St. Catharines Community at Fairview Mall located at 285 Geneva Street. I would like to see a new attraction in St. Catharines that can be enjoyed by families, schools, and businesses.

I understand that there is a concern for public safety issued by Third Parties. I also understand that in 25 years of operating in Vaughan, Ontario, Reptilia has never posed a single instance of threat to the community. In fact, Reptilia has helped communities across the GTA by providing wildlife and rescue services. As such, I believe these claims are non-issues.

In signing this petition, I declare that I stand with Reptilia in allowing them to join the St. Catharines Community.

Thank you.

Sincerely,

The Reptilia Cast & Supportive Citizens

Sign the Petition

Full Name

Phone Number

Email

Phone Number

Email

- ☐ Keep me updated on the status of this Petition.
- ☐ Sign me up to receive news, discounts, and updates.

SIGN THE PETITION

Thank you for supporting us!

YOU are a valued Member of the Reptilia Community. We hope to see you soon!



**STATEMENT OF OBJECTION TO REPTILIA REQUEST FOR EXEMPTION
FROM CITY OF ST. CATHARINES BY-LAW 95-212, BEING A BY-LAW TO
REGULATE THE KEEPING OF ANIMALS**

JANUARY 3, 2022

RECOMMENDATION: Deny request for exemption to By-Law 95-212.

TO:

Mayor and Members of Council
City of St. Catharines
50 Church Street, P.O. Box 3012
St. Catharines, Ontario, L2R 7C2

FROM:

Niagara Action for Animals (NAfA)
Zoocheck Inc.
World Animal Protection
Animal Alliance of Canada
Animal Justice
Born Free USA
Ontario Captive Animal Watch

STATEMENT OF OBJECTION TO REPTILIA REQUEST FOR EXEMPTION TO CITY OF ST. CATHARINES BY-LAW 95-212, BEING A BY-LAW TO REGULATE THE KEEPING OF ANIMALS

BACKGROUND AND SYNOPSIS:

This report is part of our formal request to City of St. Catharines Council to deny the Reptilia application for an exemption to By-Law 95-212 that would allow the keeping, display and use of currently prohibited, inappropriate, large, venomous and/or otherwise dangerous reptiles at a shopping mall location in the City of St. Catharines and any offsite locations within City limits for various activities, including transport of exotic animals to and from those activities. We have numerous concerns about animal welfare, human health, safety, environmental protection and other issues which are outlined in this submission.

Please note that the signatories to this report have worked for decades, both in Canada and around the world, in the scientific, legal, political and public arenas, to protect reptile populations in the wild, to reduce the global trade in reptiles and to improve protections for reptiles and other exotic animals. Collectively, we have been involved in hundreds of initiatives in Canada, including in the Niagara Region, regarding captive wildlife welfare, human health and safety and the development of regulations regarding the keeping of wildlife in captivity, including exotic pets.

Signatories to this report have also conducted an ongoing series of national exotic pet/wildlife in captivity workshops for animal cruelty enforcement officials, fish and wildlife personnel, public health workers, policymakers at all levels of government and animal welfare professionals..

Our request and recommendation to deny the Reptilia exemption request is based on, but not limited to, the following:

1. **No rationale for change:** No compelling case, substantive evidence or comprehensive analysis has been presented that would justify amendments to By-Law 95-212 which was developed primarily in the interest of public health and safety and was amended in 2013 by adding numerous high-risk reptiles known to pose public health and safety risks.
2. **Public safety risks:** The presence of venomous and/or otherwise dangerous reptiles generates an enhanced risk to public safety, including to animal care and other zoo staff,

- first responders attending at emergency situations (e.g., fire, flood) and members of the public.
3. **Zoonotic disease risk:** There will be an enhanced disease risk to members of the public, including children and other persons identified by public health authorities and agencies as being at high risk of infection, who come into contact with live reptiles during onsite and offsite programs that involve interactions with live reptiles or indirect contact with surfaces reptiles may have contaminated.
 4. **Animal welfare impacts:** There are significant animal welfare concerns associated with keeping large numbers of reptiles and other animals with challenging spatial, environmental, physical, psychological and social needs in indoor zoo settings, when transporting those animals to and from offsite commercial activities and when handling or otherwise using animals in presentations, shows or contact activities.
 5. **Creating a massive loophole:** The proposed amendment to allow *“any off-site educational project, training, or authorized special event activities”* could encompass almost any kind of offsite activity, is entirely unenforceable and would undermine the intent of By-Law 95-212. Similar provisions in other jurisdictions have resulted in commercial and entertainment uses (e.g., corporate events, parades) of exotic animals, some involving very high-risk animals, under the guise of education.
 6. **Creating a problematic precedent:** An exemption for Reptilia will set a precedent that may encourage other exotic animal businesses to also seek exemptions to operate with prohibited animals in the City.
 7. **Reptilia unanimously rejected by Toronto Economic Development Committee and City Council:** In December 2021, Toronto City Council and Toronto’s Economic and Community Development Committee both unanimously rejected Reptilia’s application for an exemption to the prohibited animal provisions in the City’s animal control bylaw and the comprehensive, thoroughly researched City staff report cited numerous public health and safety, animal welfare and other issues and concerns associated with Reptilia.
 8. **Increased offsite mobile live animal programs:** The Reptilia business model incorporates a significant program of offsite live animal activities, shows, exhibits and events, many that involve live animal interactions or contact; therefore, the number of these activities that take place in the City would increase, along with any human health, safety and animal welfare issues associated with them.

9. **Responsibility remains with the City:** Ontario does not yet regulate exotic wildlife in captivity, so the City of St. Catharines will be required to shoulder the burden (financial and otherwise) of providing oversight, addressing emergency situations and dealing with exotic animal complaints and issues as they arise.
10. **Accreditation doesn't replace need for oversight:** Canada's zoo association has limited financial and other resources, conducts accreditation inspections only once every 5 years, utilizes largely subjective performance-based standards (instead of prescriptive standards) and does not monitor the offsite mobile live animal activities of their members, so providing meaningful, consistent, ongoing oversight to protect public health and safety will remain the responsibility of the City of St. Catharines.
11. **Changing attitudes and values:** Societal attitudes, sensibilities and values about animal welfare and the captivity of wild animals has substantially shifted in recent years and an exemption would not recognize or be in line with those changes.
12. **Encouraging exotic pet ownership:** Commercial exotic animal businesses that present live animal shows, presentations and other activities to children and adults and who retail exotic reptile pet products may generate interest and growth in exotic pet ownership and undermine longstanding efforts to address exotic pet issues including human health and conservation concerns.
13. **Enhanced risk to native wildlife and environments.** Should the number of reptiles or other exotic animals in the City and Region grow, the potential number of animals that may be released, abandoned or that escape into local environments could increase, along with the risk of new diseases being introduced and/or foreign species establishing themselves and becoming invasive.

1. No Rationale for Amending By-Law 95-212.

No compelling case, substantive evidence or comprehensive analysis that would justify amending By-Law 95-212 has been presented. Animal control bylaws are typically intended to protect human health and safety, prevent nuisance issues and, in more recent years, to address animal welfare concerns. In 2013, numerous high-risk or problematic reptile species were prohibited in By-Law 95-212 specifically to further protect public safety.

Amending animal control bylaws to satisfy private commercial business interests undermines their public safety and other purposes and reverses municipal trends toward greater protections and control of animals, including exotic animals.

In reviewing the Economic Development and Tourism Services (ECTS 205-2021) report dated November 26, 2021 we were disappointed to see that the Reptilia application for a By-Law exemption was considered through a relatively narrow economic lens that has little to do with the By-Law itself which deals with the regulation of animals.

The report failed to provide any examination or analysis regarding the multitude of other pertinent issues associated with the keeping, display and use of challenging, venomous and/or otherwise dangerous reptiles and the use of exotic animals in events and commercial activities within City boundaries. There also appeared to be little or no meaningful consultation conducted with other relevant stakeholders, including animal welfare groups that had contacted staff in early 2021.

Relevant issues not addressed in the report include, but are not limited to:

- elevated risks to public health through exposure of exotic animals to children and others in onsite and offsite events and activities
- enhanced safety risks associated with the keeping of lethally venomous snakes including to zoo staff, emergency first responders (e.g., police, fire, ambulance) and others
- venomous animal management procedures, staff training and procedures, antivenom availability, storage and use, cooperation with local hospitals, etc.
- negative animal welfare impacts
- enhanced risks to local wildlife and environments
- creation of precedent that encourages additional exotic animal businesses to also seek exemptions to By-Law 95-212
- potential increase in number of exotic pets in the City
- ongoing costs to the City for oversight, responding to complaints, emergency situations, legal costs, etc.
- changing attitudes and values about wildlife in captivity.

The report erroneously suggests there are no financial implications and no environmental sustainability implications associated with it. As mentioned above, this is not the case and we have included commentary on those issues later in this communication.

These and other issues and concerns are germane to any discussion about exotic animal bylaws and should have been comprehensively researched and evaluated. We suggest that proper consideration of these issues would result in a recommendation that Reptilia's request for an exemption to By-Law 95-212 be denied.

2. Public Safety Risks

Many exotic animals can pose substantive risk to members of the public due to their physical characteristics, including size, strength, speed, sharp teeth, claws, venom, aggression and other attributes. Physical injuries can range from relatively minor bites, scratches and bruises to severe puncture wounds, deep lacerations, crushing injuries including broken bones and other major trauma. The smaller stature of children and infants allows for animals to more easily cause injuries to their face and neck.

The largest snakes and lizards, crocodilians and many venomous snake species are, given the right circumstances, capable of causing permanent injury or death of an adult human and therefore require specialized housing, conditions and precautionary management regimes.

Large, physically dangerous reptiles and numerous venomous snake species pose a significant risk to human health and safety, including to first responders (e.g., police, fire, ambulance) in emergency situations and to any person responsible for their housing, management and care.

Venomous snake species are particularly problematic as envenomation (bites which result in injection of venom) will often require treatment in a hospital emergency department or intensive care unit and the administration of antivenin, either monovalent (snake-specific) or polyvalent (incorporating antibodies from several species). Antivenins for almost all snake species must be sourced from the United States and are subject to very specific shipping, handling, storage and other conditions and must be administered in the correct way (many hospitals do not deal with antivenins). Depending on the degree of envenomation, up to 10 – 20 vials of antivenin may be required. Upon envenomation, swelling, tissue

necrosis, blood-clotting issues, low blood pressure and shock, and neurological and other damage may commence and can result in death.

3. Zoonotic Disease Risks

“...one or more of our friendly and outgoing Hosts will come to your venue with an assortment of scaly, fantastic creatures prepared to interact with your guests Your attendees will be able to interact and touch, should they wish to, with the reptiles, ...” and offers “live interactions for guests of all ages,” Reptilia website (2021)

The Ontario Ministry of Health and Long-Term Care, provincial and regional public health offices throughout Canada, the US-based Centers for Disease Control (CDC) and nearly all other public health agencies recognize zoonoses (diseases passed between animals and humans) as a risk to human health.

The zoonoses infection risk is enhanced through both direct and/or indirect contact with exotic animals, particularly reptiles, amphibians, birds and young ruminants, as they shed proportionately more potentially pathogenic organisms than other animals. A number of groups have been designated as being at high-risk for infection, including children (particularly under 5 years of age), anyone over 65 years of age, immuno-compromised persons, pregnant individuals and persons with cognitive challenges/intellectual delays.

According to the Ontario Ministry of Health and Long-Term Care *Guidance Document for the Management of Animals in Child Care Centers, 2016*:

- “Children are more vulnerable than adults to acquiring infections from animals...This is due to several factors such as a general lack of awareness of the risk of disease transmission, less than optimal hygiene practices, propensity to put their fingers in their mouths, increased risk of developing disease after exposure to a pathogen and their natural curiosity and attraction to animals.”
- “Exotic animals should not visit facilities with children under five years of age or groups at high risk for infection or child care centers that have shared staff or shared programming areas with children under five years of age or other groups at high risk for infection.”

According to City of Toronto Municipal Licensing and Standards report LS20.1 Prohibited Animals Review (May 31, 2017),

- “Many MLAPs [mobile live animal programs] provide an opportunity to interact, pet and handle animals both permitted and prohibited. This creates a risk for zoonotic disease transmission through direct (feeding, touching, handling of animals) and indirect contact (exposure to animal bedding, flooring, barriers, bowls/dishes and clothing/shoes that have been contaminated by the animal).”
- “Gastrointestinal infections are the most common infections resulting from animal contact and these include Salmonella and E. coli, causing diarrhea and/or vomiting and in some cases more serious illnesses.”

According to renowned reptilian biologist and medical scientist Dr. Clifford Warwick (2021),

- “...at least 40 pathogenic human infections are known to be associated with reptiles, and at least 70 are associated with exotic pets generally. Indeed, reptiles are known as ‘Trojan horse’ animals, because they are often invited into homes and schools on the basis of being presumed benign whereas, in fact, they may harbour a significant raft of pathogens, regardless of whether they are wild-caught or captive-bred.”

Given the enhanced awareness and concern about viral diseases due to the COVID-19 pandemic, the SARS emergency of 2003-4, and the emergence of various other epidemics of animal origin, including BSE, swine flu and others, live animal activities that could create elevated disease risks to children and other vulnerable persons should not be encouraged or facilitated.

4. Animal Welfare Impacts

Reptiles are a diverse group of very complex, largely ectothermic (cold-blooded) animals that typically require specialized conditions and care. They tend to be active and may require very large spaces measuring in the hundreds of square meters to thousands of square kilometers. They engage in a variety of movements on, below and above ground or in aquatic environments and express a very broad range of behaviours, many that are focused on major and minor adjustments to their own body temperatures. Reptiles possess advanced cognitive, emotional and social capabilities similar to those experienced by mammals and birds and can experience stress, discomfort, pain and suffering. In some cases, reptiles may suffer more than other species from the effects of catastrophic injury or debilitating disease as their

onset and progression may reside longer in reptiles due to their lower metabolic rates and may be less obvious to caregivers or onlookers.

Animal welfare groups and independent experts have expressed concerns about reptile exhibit design, minimal space allocation, especially for large, mobile and/or wide-ranging reptiles, provision of very basic thermal environments, lack of privacy and shelter, presence of abnormal behaviours, such as interaction with transparent boundaries, transport and handling of animals in mobile live animal programs (MLAPs), to name several.

Concerns were also expressed in the November 17, 2021 City of Toronto Municipal Licensing and Standards report, “Based on the information received, staff have significant concerns regarding the outcome of past investigation and inspections by PAWS [Provincial Animal Welfare Services]....there are concerns regarding the adequacy of care provided to the animals, as well as poor record keeping of critical information.”

5. Creating a massive loophole:

The proposed amendment to allow “any off-site educational project, training, or authorized special event activities” could encompass almost any kind of activity, is entirely unenforceable and would seriously undermine the intent of By-Law 95-212. Similar provisions in other jurisdictions have resulted in commercial and entertainment uses (e.g., corporate events, parades) of exotic animals, some involving very high-risk animals, under the guise of education.

It should also be noted that there are general concerns about mobile live animal programs and activities, no matter who is conducting them, regarding misrepresentation of animals, conveyance of misleading or inaccurate information and lack of educational value.

6. Creating a Problematic Precedent

Providing a Reptilia exemption to By-Law 95-212 will set a precedent that other types of exotic animal businesses may try to exploit to gain access to the City of St. Catharines and Niagara Region market. Animal welfare organizations have identified more than 70 mobile live animal program businesses in the province.

7. Reptilia Unanimously Rejected by Toronto Economic Development Committee and City Council

Reptilia requested a site-specific exemption to the City of Toronto's prohibited animal provisions contained in Toronto Municipal Code, Chapter 349, Animals. On December 1, 2021, the City's Economic and Community Development Committee unanimously voted against an exemption to Reptilia. On December 15, 2021, Toronto City Council voted unanimously (26 – 0) to deny the Reptilia exemption request.

The comprehensive November 17, 2021 Municipal Licensing and Standards report, written in consultation with Economic Development and Culture, Toronto Public Health and Corporate Real Estate Management, recommended that the Reptilia request be denied.

The report outlined a series of concerns about providing an exemption to Reptilia, including, but not limited to:

- Health and Safety considerations, including:
 - antivenin sourcing, cost, acquisition, transport, storage, oversight, partnering and education of external health service providers and use of antivenin for each of the proposed 23 species of venomous snakes Reptilia planned to keep
 - concerns with the handling of reptiles in general and the potential health risks associated with handling reptiles, including exposure to infectious diseases, injuries and allergies
 - if mobile activities were allowed, the need for strict documentation and trace-back protocols for public health officials to use in order to protect the public from outbreaks.
- Animal welfare considerations including:
 - Concerns regarding the outcome of past investigation and inspections by PAWS [Provincial Animal Welfare Services] and concerns regarding the adequacy of care provided to the animals, as well as poor record keeping of critical information,
 - Animal welfare expert stakeholder concerns about animal welfare.
- Creating a precedent that might encourage other businesses to seek exemptions,
- Exemption would be a departure from animal friendly direction the City is following,
- Potential threats to native wildlife.

8. Increased Offsite Mobile Live Animal Programs

Offsite mobile live animal programs (often referred to as MLAPs) are a facet of the Reptilia business that they promote to businesses, institutions, organizations and individuals. MLAPs are featured online, in printed literature and are well documented on social media platforms. Tracking, assessing conditions and providing meaningful oversight of MLAPs taking place throughout the City of St. Catharines (as well as elsewhere in the Niagara Region) would be challenging, if not impossible, for a city department or contracted animal services provider to achieve.

The potential market for MLAPs is substantial. A 2018 Sales Representative job advertisement on Reptilia's Facebook page provides an idea about who they reach out to for offsite program sales. The ad said they were looking for talented sales people for the GTA and Durham regions with experience making grassroots connections with the public, attending conferences and trade shows, a proven track record of effectively selling to the public and a background, is preferred, in one or more of the following sectors:

- Auto Dealers
- Camps
- Child Care Centres
- Community Centres
- Events Planning
- Fairs, Festivals & Exhibitions
- First Responders
- Hospitals
- Hotels
- Libraries
- Museums
- Religious Organizations
- Retail, Malls & Shopping Centres
- Scouts, Guides, 4-H & Other Youth Groups
- Schools/Schoolboards: Elementary, Secondary & College/University
- Ticket & Corporate Admission Sales
- Wrangling/Film

The full or part-time jobs were commission based, with rates based on the volume of sales and type of programs sold.

According to the November 17, 2021 report *Request to Review Chapter 349, Animals Exception for Reptilia Zoo* from Toronto Municipal Licensing and Standards department, MLAPs are a concern, “Staff also note particular concern regarding mobile live animal programs and other activities that take place offsite....Bringing exotic and potentially dangerous animals offsite can pose significant health and safety risks...and a lack of oversight and other safety features that are contained in the facility itself.”

9. Responsibility Remains with the City

While Ontario’s Provincial Animal Welfare Services inspectorate does address individual instances of animal abuse and neglect, typically after they have occurred, the Ontario government does not license exotic wild animal businesses, zoos, aquariums or exotic wild animals in captivity, nor do they maintain comprehensive standards of exotic animal housing, care, management or safety or provide consistent oversight of activities involving exotic animals.

Therefore, ongoing, meaningful oversight and control of exotic animals is largely the responsibility of the municipalities in which they reside. Unfortunately, few, if any, municipalities (or their animal service providers or local humane societies) have the internal expertise (e.g., biological/behavioural, husbandry, safety) required to provide meaningful oversight of large numbers of reptiles or other exotic animals, nor do they typically have the financial or other resources required to provide regular monitoring of exotic animals, particularly if dozens or hundreds of temporary mobile live animal program activities are being conducted within their boundaries.

10. Accreditation Doesn’t Replace Need for City Oversight and Control

Reptilia frequently highlights the fact that it is an accredited member of Canada’s Accredited Zoos and Aquariums, a zoo industry association. While the peer-review inspection process and accreditation program may be useful as an internal industry performance metric, it should not be viewed as something that should qualify a member business for exemption from exotic animal by-laws or regulations.

Accreditation is not a guarantee that animal welfare or public safety is optimal. A number of accredited facilities in Canada, including Marineland in Niagara Falls, have been subject to complaints, official investigations and provincial animal cruelty charges.

CAZA's accreditation inspections are infrequent, normally occurring just once every five years, inspection results are entirely confidential and offsite live animal programs are not comprehensively examined. In addition, CAZA's standards tend toward being performance-based and subjective, unlike the prescriptive standards of other accrediting bodies, such as the US-based Association of Zoos and Aquariums (AZA) and the Global Federation of Animal Sanctuaries.

11. Changing Attitudes and Values About Animal Welfare

For many decades, the Niagara Region was a hotbed for commercial animal businesses, animal shows, roadside zoos and private menageries. They included Ashley Shannon's controversial backyard zoo in St. Catharines, the Seaway Serpenterium and the Rice Road Greenhouse zoo in Welland, Dragon Farms in Port Colborne, the Endangered Animal Rescue Society in Thorold and the Skylon Tower dolphinarium, to name a few. Most of those commercial zoos and animal attractions are long gone, with only a few, such as the highly controversial Marineland, remaining.

Public attitudes and values about animal welfare and the keeping and use of wild animals in captivity have changed dramatically over the years. Today, commercial exotic animal businesses tend to be controversial and viewed as out of date. In recent years, entertainment-style whale and dolphin shows have been banned nationally, elephant rides prohibited, circus wild animal acts largely vanished in Canada and animal novelty acts that once toured the country have been relegated to the history books.

We are not aware of any exotic animal zoos operating within City of St. Catharines limits. Providing an exemption that would allow a new private commercial zoo business to keep, display and use prohibited exotic animals and that would allow a broad range of MLAPs and entertainment-type activities in the City would be a step backwards.

12. Encouraging Exotic Pet Ownership

A St. Catharines Reptilia would likely include – as does Reptilia's other locations – ancillary activities, such as retail reptile pet supply and food sales, reptile boarding and other services, that support the keeping of reptiles and other exotic pets. On their website, Reptilia states that their reptile stores are, "... a paradise for the reptile enthusiast... with a wide selection of enclosures, lighting, décor, books and supplements for all reptile needs...." Promoting reptile pet product sales and services supports reptile pet keeping and encourages its expansion.

It should be noted that few, if any, other zoos in Canada sell exotic pet products, provide services that support the exotic pet trade or engage in an ongoing, broad range of offsite commercial activities that may help facilitate the normalization of wild animal pet keeping.

In addition, a broader concern exists about the use of exotic animals in entertainment-style activities, as well as online, commercial, television and feature film visual media as they may help normalize and popularize the keeping of exotic animals as pets. High profile examples of that phenomena include increased demand for saltwater clownfish due to the feature film Finding Nemo and increased pet trade demand for owls due to the Harry Potter films.

It should be noted that the exotic pet trade is widely accepted as being a threat to wild animal populations and the survival of many individual species, disruptive to natural ecosystems, a risk to native wildlife populations wherever non-native exotic pets are kept, an infectious disease threat that may impact human health and safety, and a cause of suffering and death to millions of animals annually. The exotic pet trade encompasses tens of millions of captive-bred and wild caught animals throughout the world and is now considered a major animal welfare and conservation issue. No one knows exactly how many exotic animals are currently in Canada or that are imported each year but evidence does indicate the number is substantial. Addressing the multi-faceted problems inherent in the exotic pet trade will require a broad range of actions at the individual, municipal, regional, provincial, national and international level.

13. Enhanced Risk to Native Wildlife and Local Environments

With increasing numbers of exotic pets will come increasing risk of animal escapes and owners releasing or abandoning their pets into the wild when they no longer want them. This can have serious negative consequences for native wildlife species who may be outcompeted by foreign invaders, by habitat alterations or damage they can cause or when they introduce new disease organisms. The Niagara Region has already experienced foreign goldfish, koi and red-eared slider turtles establishing themselves in local waterways. In addition, close to 70 other invasive species of fish and numerous exotic snails, many thought to have come from the aquarium trade, have been found in the Great Lakes. Other non-native exotic animals are encountered from time to time across the province as well.

Here in Canada, several introduced diseases are already threatening native reptile and amphibian species, including Chytridiomycosis and Salamander Chytridiomycosis (caused by chytrid fungus), Snake

Fungal Disease and the viral disease Ranavirus. Chytridiomycosis has already destroyed millions of frogs around the world, wiped out entire populations and caused the extinction of numerous species. The pet trade is recognized as a factor in its spread. A single event, such as when a pet owner abandons their animal into a wild habitat, could result in the introduction of a disease.

Many exotic animal species have survived and established themselves in locations and climates where it was previously believed they could not. As well, with environmental conditions in a state of flux due to climate change, there may be many more exotic species, and new diseases, that will be able to survive in different conditions and environments. City staff should be looking to reduce the number of exotic animals as a way of enhancing the protection of the native plants and animals that already reside in the Region's precious green spaces and wildlife habitats.

RECOMMENDATION:

For the reasons stated in this report, we respectfully request that Reptilia's application for an exemption to By-Law 95-212 be denied.

APPENDICES:

1 - Request to review Chapter 349, Animals Exception for Reptilia Zoo, Municipal Licensing and Standards, City of Toronto, November 17, 2021

SIGNED:

Catherine Ens
Director
Niagara Action for Animals (NAfA)

Rob Laidlaw
CBiol MRSB, Executive Director
Zoocheck

Michele Hamers
MSc, MRSB, EurProBiol
Wildlife Campaign Manager
World Animal Protection

Liz White
Executive Director
Animal Alliance of Canada

Camille Labchuk
JD, Executive Director
Animal Justice

Barry Kent MacKay
Director of Canadian and Special Programs
Born Free USA

Diane Fraleigh
Coordinator
Ontario Captive Animal Watch

Mayor and Members of Council
City of St. Catharines
50 Church Street
PO Box 3012
St. Catharines, ON, L2R 7C2



Dear Mayor and Members of Council

13 January 2022

Reference: Application for Exemption to By-Law 95-212 – Reptilia

On behalf of World Animal Protection and our more than 160,000 supporters in Ontario, I urge you to protect animal welfare and human health and safety by denying Reptilia's request for an exemption to By-law 95-212.

There's a large body of well-supported evidence which shows that the use of reptiles in entertainment settings can be detrimental to their physical and psychological health. The cognitive and social capabilities of reptiles, in combination with their complex behaviours and their need for specific environmental conditions make reptiles utterly unsuitable to be used in interactive programs, whether on-site or at off-site locations.

The health of reptiles may be comprised due to the stress of travelling and handling, which impacts their immune systems making them more prone to falling ill and more likely to shed pathogens that can cause illness in people. Reptile-related nationwide disease outbreaks have occurred in 2014 and 2021.^{1,2} People most at risk of infection from reptiles include children younger than 5 years of age, people over 65 years of age, pregnant individuals or people with compromised immune systems. Hence the Ontario Ministry of Health and Long-Term Care advises people who fall in these categories to avoid keeping and/or interacting with reptiles and that these animals should not be allowed in facilities where people who are at risk convene.^{3,4} Despite these public health warnings Reptilia brings their animals to said facilities and

¹ <https://www.canada.ca/en/public-health/services/public-health-notices/2019/outbreak-salmonella-infections-snakes-rodents.html>

² <https://www.canada.ca/en/public-health/services/food-safety/public-health-notice/2014/public-health-notice-outbreak-salmonella-infections-linked-contact-bearded-dragons.html>

³ https://www.health.gov.on.ca/en/public/publications/disease/salmonella_arfr.aspx

⁴ [Management of Animals in Child Care Centers, 2016](#)

worldanimalprotection.ca

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World Animal Protection is the operating name of World Society for the Protection of Animals Canada.
Charitable Registration # 12971 9076 RR0001

We were known as **WSPA**
(World Society for the
Protection of Animals)



markets their activities (e.g., Gecko Habitatium School Program⁵, Meet & Greets⁶ and birthday parties⁷) to people who are at high risk of falling ill.

The use of dangerous animals like large constrictor snakes, venomous snakes and crocodilians can also pose a public health and safety risk since these animals are capable of severely injuring or killing a person. Crocodilians are known to have one of the strongest bite forces in the animal kingdom. Burmese pythons and other large constricting snakes have rows of needle-sharp recurved teeth and can exert enough pressure to eat prey like young deer and cattle. Thus, it is recommended to have at least two trained adults present when handling large snakes. Handling venomous snakes is extremely dangerous, these snakes are often very agile and can strike in a split second. As per the images below, Reptilia encourages young children being in close proximity or contacting these highly dangerous animals. Most zoos do not conduct interactive sessions with dangerous animals.

For more information about the zoonotic disease risk in reptiles please see the enclosed letter from highly renowned infectious disease expert Professor J. Scott Weese, who is also the Director for the Centre for Public Health and Zoonoses at the University of Guelph. Also attached are several images that show the interactions that occur with potentially dangerous animals during events organized by Reptilia.

While we have numerous other concerns with the Reptilia request, we are disconcerted about the exceptionally narrow focus of the Economic Development staff report EDTS 205-2021. On April 13th, 2021, World Animal Protection had a preliminary conversation with staff resulting from a news article⁸ announcing a Reptilia zoo in the City. We indicated our desire to be consulted if this issue moved forward. In subsequent emails, staff indicated that the issue had not progressed. We were extremely surprised when EDTS 205-2021 was brought forward and that, despite our communications, no consultation occurred with our organization or with other members of the wildlife protection sector. We expect that if consultations occurred with the various relevant stakeholders, the recommendation brought forward would have been very different.

⁵ <https://reptilia.org/gecko-habitium-school-program/>

⁶ <https://reptilia.org/meet-greet-appearances/>

⁷ https://reptilia.org/birthday-party/?_ga=2.181886574.855656833.1641912008-1360529121.1641912008

⁸ <https://www.stcatharinesstandard.ca/local-st-catharines/news/2021/02/19/fairview-mall-in-st-catharines-continues-to-have-active-negotiations-with-potential-tenants.html>



In summary, World Animal Protection opposes the granting of an exemption to Reptilia due to the serious animal welfare and public health and safety issues associated with this kind of commercial zoo business.

If you have any questions about this submission, please reach out to 416-369-0044 x 115 or to MicheleHamers@worldanimalprotection.ca.

Yours sincerely

A handwritten signature in black ink that reads "Michele Hamers".

Michèle Hamers
MSc, MRSB, EurProBiol
Wildlife Campaign Manager
World Animal Protection

A colorful brochure for Reptilia parties. The top left section, titled "HAVE YOUR BIRTHDAY AT REPTILIA!", lists party inclusions: a birthday host, a private live animal show, plates and cutlery, a visit from the mascot Sir Chompsalot, a special gift, and unlimited free time in the zoo. It also mentions a Flashlight Zoo Tour. The top right section, titled "OR WE CAN COME TO YOUR PLACE", describes an interactive show at home or a chosen location, featuring snakes, lizards, and arachnids. A central "PARTY UPGRADES" section lists options like pizza packages, a custom cake, loot bags, photo opportunities, feeding animals, behind-the-scenes tours, alligator encounters, and a supersize animal upgrade. The bottom of the brochure features a large photo of children holding a long yellow snake, with a cartoon lizard mascot on the left.

Figure 1. Recent Reptilia Party Brochure



Figure 2. Advertisement targeting children from 18 months to 30 months old, this is contrary to public health advisory



Figure 3. Children being encouraged to come close to and interact with a venomous snake



Figure 4. Visitor interacting with a crocodilian at one of Reptilia's zoo locations

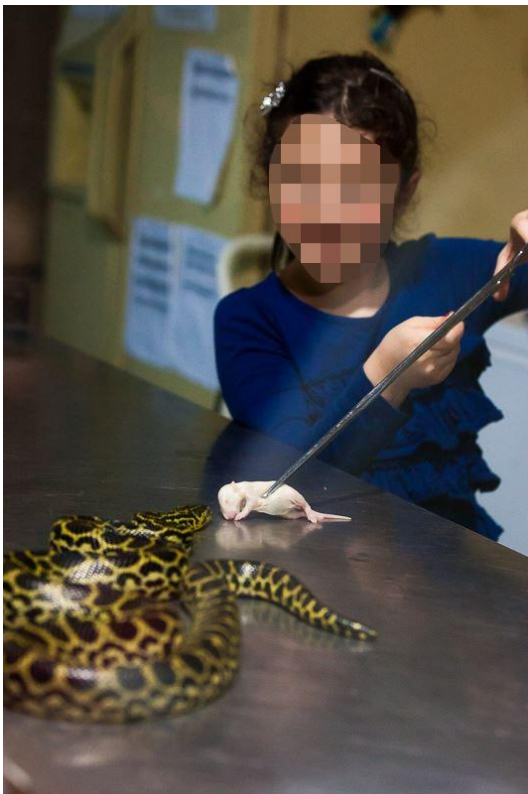


Figure 5. Child feeding snake by triggering striking behaviour



Figure 6. Interaction between toddler and crocodilian

Niagara Region
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L2S 3A1 Canada
T 905-688-5550 Ext 4369
jsorenson@brocku.ca

January 10, 2022

To: Mayor; Council Members, St. Catharines

Re: Reptilia, Requested amendment of By-Law 95-212

As a Professor at Brock University, I am writing to urge you to reject the requested amendment to By-Law 95-212, made by Reptilia company so that they can open a commercial zoo at Fairview Mall. Such an amendment would run counter to virtually everything I encourage my students to consider in my courses on human relations with animals. Reptilia is part of the global wildlife trade, which has far-reaching negative effects on biodiversity and the environment. The proposed amendment would allow this company to traffic in dangerous, prohibited animals such as constricting and venomous snakes, large lizards and crocodilians, and to transport them for entertainment purposes at children's parties, corporate events and other commercial activities. By-law 95-212 was intended to protect public safety and to address animal welfare issues; removing these protections will put the public at risk and subject animals to stress and suffering from confinement and transport. As we experience the Covid-19 pandemic, we must be more aware of the dangers of zoonotic disease transmission. Reptiles are recognized as a source of infections such as salmonella, botulism, leptospirosis, E.coli, campylobacter and many other serious diseases. Closely confining large numbers of reptiles of various species together and then transporting them around the community is a spectacularly bad idea, threatening public health and is a particular risk for young children, seniors and immunosuppressed individuals. Many reptiles are carnivorous and are fed rodents or other prey animals, compounding zoonotic risks. Additional problems exist with contaminated waste. As well as being dangerous to the public, contamination, disease and escape threaten the environment and local wildlife. Amending this progressive by-law would set a bad precedent, encouraging others to seek similar exemptions, further promoting the exotic pet trade. As you know, Toronto City Council and its economic development committee recently rejected Reptilia's attempt to set up shop there. Reptilia is obviously hoping St. Catharines City Council will be less well-informed and less concerned about public safety and animal welfare. Once again, I urge you to reject their request. Thank you.

Sincerely,



John Sorenson, PhD
Professor
Department of Sociology



ONTARIO VETERINARY COLLEGE
Department of Pathobiology

Jan 7, 2022

To Whom It May Concern:

This letter is to highlight concerns regarding public health risks associated with reptile contact events and a proposal to provide exemptions that would increase public contact with reptiles in various settings. While every human-animal encounter poses some risk of negative outcome (e.g. bite, zoonotic infection), it is well established that those risks are not homogenous across animal species. Further, it is well established that reptiles are important sources of *Salmonella* exposure in people, particularly children. *Salmonella* is a bacterium that is commonly found in healthy reptiles of various species, and which can cause serious disease in people. It is generally recommended to assume all reptiles are *Salmonella* carriers because of the high rates of *Salmonella* carriage and there are no methods to eliminate *Salmonella* carriage in reptiles.

Reptile contact is a clear risk factor for salmonellosis,¹⁻⁴ and this is particularly high for young children, which also have increased risk for severe disease (including death) from salmonellosis. The burden of disease is not well understood but a 2004 study estimated that reptile contact was associated with ~ 74,000 human infections annually in the US.⁵ It is reasonable to assume that this has increased in the interim, as reptile ownership and contact has increased.

Overall, zoonotic disease risks are highest amongst children <5 years of age, the elderly, pregnant women and people with compromised immune systems. The US Centers for Disease Control and Prevention recommends “Children younger than 5 years of age, people with weak immune systems, and adults older than 65 years of age should not handle or touch amphibians or reptiles or their environment because they are at a higher risk for serious illness and hospitalization from *Salmonella*”. (<https://www.cdc.gov/healthypets/pets/reptiles.html>)

Guidelines from the UN National Association of State Public Health Veterinarians (<http://nasphv.org/Documents/AnimalContactCompendium2017.pdf>) highlight the risk to young children from contact with high risk species, which includes all reptiles. These guidelines also recommend that reptiles be prohibited from school or childcare settings. Similarly, Ontario Ministry of Health petting zoo guidelines (https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/reference/Petting_Zoos_2018_en.pdf) indicate that children < 5 years of age should not have contact with reptiles or their immediate environment and that reptiles should not be included in events in nursing homes, schools, daycares, or other situations where higher risk groups are expected to be present. Yet, within-facility or traveling reptile encounter events typically involve many people in those high risk groups, particularly young children. An outbreak of salmonellosis in people attending a reptile exhibit at a zoo affected 65 people, mainly children, as the median age of affected individuals was 7 years.⁶

Organized encounters in homes, schools, childcare facilities and other situations (e.g. longterm care facilities, libraries) create the potential for indirect exposure of many other (including high risk) individuals from contaminated surfaces. There are numerous reports of indirect exposure in households resulting in salmonellosis, sometimes with serious or fatal outcomes.⁷⁻⁹

Venomous snakes pose additional challenges and offer little benefit. Handling risks can be greatly reduced through proper training, housing and protocols; however, there is always some risk of accidental envenomation. This has occurred even in highly respective zoos, such as was seen in 2021 when an African bush viper bit an experienced handler at a zoo. (<https://www.usatoday.com/story/news/nation/2021/04/13/snake-bites-zoo-employee-san-diego/7202344002/>) The potential severity varies greatly amongst the proposed species. While antivenins are available, they may not be readily available when and where needed unless there is a plan to secure, maintain and provide antivenin in real time when needed. Escape of venomous snakes is unlikely with proper housing and management, but escapes have occurred, even from well run zoos (e.g. Bronx Zoo, 2019). The cost-benefit of maintaining venomous snakes must be considered. There is little benefit of displaying venomous species versus non-venomous species, yet there are inherent risks that cannot be avoided. While these risks are low, events have substantial impacts.

It is clear that reptiles pose an increased risk compared to most common domestic animals and that animal contact events pose a risk to public health. There is clear guidance from Ontario and beyond that supports restriction of reptiles from animal contact activities that involve high risk individuals, a group that is often a focus of these programs. Animal contact events can have useful educational, social and entertainment value; however, use of appropriate animal species is important to minimize the risks and maximize the benefits. Activities that increase contact of the general population, particularly high-risk groups, with reptiles create an unnecessary risk.

Sincerely,



J Scott Weese DVM DVSc DipACVIM FCAHS
Professor, Dept of Pathobiology
Director, Centre for Public Health and Zoonoses
Ontario Veterinary College

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Dr Clifford Warwick
 PGDip(MedSci) PhD CBiol CSci EurProBiol FRSB
Biologist & Medical Scientist



On the matter of:

‘Reptilia’

OPINION STATEMENT

Submitted to:

Mayor and Members of Council
 City of St. Catharines
 50 Church Street, P.O. Box 3012
 St. Catharines, Ontario, L2R 7C2

Remit and professional introduction

At the request of Zoocheck Canada I have been asked to provide a brief commentary regarding certain activities associated with the operations of ‘Reptilia’, with a focus on general welfare issues and some of the zoonoses risks associated with onsite handling experiences and offsite mobile live animal programs (MLAPs).

By way of professional introduction, my relevant qualifications include Chartered Biologist (primarily reptile biology), Chartered Scientist (primarily reptile biology), Registered European Professional Biologist (primarily reptile biology), Fellow of the Royal Society of Biology (primarily reptile biology), and a doctorate (reptile welfare biology) (University of Portsmouth School of Pharmacy and Biomedical sciences). I also graduated from the University of Leeds Medical School, where I qualified in human primary healthcare and medical science, having specialised in zoonoses - diseases transmissible between animals and people. My research and publishing background extend to over 150 peer-reviewed papers, book chapters, books (including as contributing editor for the definitive scientific reference volume on reptile welfare), and other scientific publications in reptile biology, animal welfare, human medical science, and control of infectious diseases. Aside from scientific research, publication,

and education, I am also a regular lecturer on all related topics to the international community, and further, my work involves acting as a formal consultant on exotic animal welfare, public health and safety, and ecological issues to numerous governments.

Issues and statement

1. *Reptilia*

‘Reptilia’ is a commercial enterprise that, as examples of its operations, offers both onsite (zoo facilities, animal exhibitions, products) and offsite (mobile live animal programs [MLAPs], stage shows, animal rentals).

2. *Joint letter*

3. At the request of Zoocheck Canada, I have read several reports by St. Catharines City officers (dated 27th August, 2013 [CSS-275-2013]; 10th September, 2013 [CSS-293-2013]; 26th December, 2021 [EDTS-205-2021]), as well as a joint NGO statement dated 3rd January, 2022, that was jointly provided to the City of St. Catharines by Niagara Action for Animals (NAfA), Zoocheck Inc., World Animal Protection, Animal Alliance of Canada, Animal Justice, Born Free USA, and Ontario Captive Animal Watch, which outlined numerous concerns regarding the activities of Reptilia. I considered the points raised in all reports and the NGO statement with regard to their objectivity and scientific robustness. In particular, the joint NGO statement sets out several concerns that expansion of certain of Reptilia’s activities would significantly increase animal welfare and public health and safety problems. I can confirm that in my professional opinion the contents of the joint NGO statement are strongly justified and supported by widely available robust scientific evidence, which demonstrates that both animal welfare and public health and safety problems are strongly endemic to captive animal welfare as well as animal interactions with the public, in particular regarding mobile activities, and moreover especially where children and other vulnerable groups are involved.

4. At the request of Zoocheck Canada, I also viewed numerous (246) still and moving images depicting husbandry and other conditions and practices at Reptilia zoo facilities. While a number of images showed vivaria conditions that are consistent with general zoo standards, there were also numerous examples that depicted problematic captive-stress-related behaviours and poor husbandry, including:

- a. perimeter tracking behaviour, assessed via occupancy evaluation showing particular activity routes recorded in the substrate;
- b. probable co-occupant harassment behaviour;
- c. stress-related interaction with transparent boundaries (ITB) behaviour;
- d. exploratory escape/ITB behaviour;
- e. spatially overly-restrictive conditions that do not permit snakes to fully stretch in all three dimensions (which is contrary to the latest scientific evidence-based recommendations) ⁽¹⁾;
- f. general spatial restrictions that do not permit essential normal behaviour such as swimming;
- g. lack of diversity of thermal zones;
- h. lack of habitat diversity;
- i. lack of suitable substrates.

The various issues listed above are well-established indicators of captivity-stress and poor husbandry, for which further general background information is provided below under '*Animal welfare*'.

5. *Zoonoses, public health and safety, epidemics and control*

Reptiles are a notorious source of human salmonellosis and are also increasingly recognised as being causally-related to other infections ^(2,3). Approximately 70,000 cases of pet reptile-associated human salmonellosis occur in the US annually, and around cases 6,000 in the UK annually - equal to approximately 6% of all salmonella infections ^(2,4). Although it can be argued that certain human foods present a greater source of salmonella infection, reptiles constitute a disproportionately great source; for example, research shows that 27% of all children hospitalised with salmonellosis acquired their infections from pet reptiles ⁽⁵⁾.

Moreover, at least 40 pathogenic human infections are known to be associated with reptiles, and at least 70 are associated with exotic pets generally ⁽²⁾. Indeed, reptiles are known as 'Trojan horse' animals, because they are often invited into homes and schools on the basis of being presumed benign whereas, in fact, they may harbour a significant raft of pathogens, regardless of whether they are wild-caught or captive-bred. Furthermore, because the mechanisms of supply of exotic animals for display/pet purposes involves diverse sourcing and intermingling of animals at many hubs,

opportunities for cross-pollination of microbes is a major and growing concern ⁽⁶⁾. The typical worrying presence of exotic pathogens in reptiles and other wild animals (whether wild-caught or captive-bred) is compounded by the common fact that animals in trade and keeping are frequently in poor or highly uncertain health states, and their origins become obscured by the intermingled supply process. Relatedly, zoonosis often superficially resemble everyday conditions such as fever, gastrointestinal disease, dermatitis, and influenza, thus their incidence and prevalence are likely relatively common and under ascertained.

These various factors result in significant unpredictability regarding what types of pathogens may be occupying any individual animal. Trace-back of pathogenic sources is also frequently thwarted by these supply hub obscurities. Consequently, epidemics or pandemics become extremely difficult to control.

6. *Animal welfare*

Welfare science relevant to reptiles is a highly complex issue, and increasingly recognised as out of scope for those not fully qualified in both animal welfare and herpetological science. Frequently, many presumptions are made that imply that basic spatial, dietary, thermal, lighting, and humidity ranges are adequate, behavioural needs are simple, and that reptiles are easy to keep. All of those claims are entirely false, and promoted by commentators who lack appropriate scientific credibility. It has become clear during research over the past several years in particular that all provisions such as those mentioned above must be present in abundance - whether space, habitat diversity, temperature variation, and others, and that reptilian sentience and behaviour rivals if not exceeds that of many traditionally appreciated animals. In addition, reptiles are biologically highly innate, meaning that whether wild-caught or captive-bred, they have specific psychological and behavioural needs (such as space and constant habitat diversity) that are linked to ancestral biological traits ^(7,8).

Accordingly, the needs of reptiles in captivity are rarely if ever fully met, and this phenomenon is known as 'controlled deprivation' ⁽⁷⁾. Controlled deprivation is associated with the best zoological facilities; thus, it can be presumed that all sub-zoo standard settings (which includes all onsite handling experiences and offsite MLAPs) further and significantly degrade animal welfare.

There are now numerous high-level, peer-reviewed, scientific reports that confirm the sensitivity of reptiles to captivity-associated stressors (including handling) ^(9,10). These reports make clear that many (at least 30) documented signs of stress are regularly observable in captive reptiles, but that often these signs are only readily recognised by specifically qualified and experienced reptile behaviourists. Therefore, it is likely that neither animal handlers nor local authority inspectors would possess the scientific knowhow to make objective informed assessments of the welfare states of reptiles at events where their welfare is likely to be at risk.

7. *Static zoos versus onsite handling experiences and offsite MLAPs*

Static zoos are not free from criticism in terms of animal welfare. However, animals at static zoos are proportionately better insulated against human disturbances associated with sound, vibration, light, smell, and visual confrontation than animals at onsite handling experiences and offsite MLAPs - which are strongly exposed to all such disturbances. These disturbances are now well-known to impose significant stressors of reptiles and other animals ^(9,11,12,13).

Although an animal may cope relatively well with a single stressor event (such as a single sound disturbance or movement), repeated or multiple stressor events (known as 'microstressors') may be considered harmful both in the short and long terms. These negative situations arise because microstressors probably do not allow animals to fully recover before the next stressor event, resulting in cumulative stress, maladaptation, and disease.

Furthermore, specific biological factors such as common nocturnalism mean that for many species, being moved or handled during their normal rest periods (our 'awake' periods) compounds disturbance issues. Also, welfare assessments cannot usually be well performed for nocturnal species (which includes many snakes) because their activity patterns and behaviours signalling health states are not observed due to the contrary diurnal behaviour patterns of humans.


Static zoos are known to be sources of zoonotic outbreaks involving reptiles and other animals, including some relatively large episodes involving hundreds of people from a

single reptile exhibit ⁽²⁾. Nevertheless, infection risks at static zoos can be strongly mitigated in part due to the established architectural layout and thus the predictability of circumstances and events. In contrast, MLAPs manifest at highly diverse sites that are significantly beyond public health and safety managemental predictability, and therefore present a disproportionately great risk both of zoonotic disease and (where potentially dangerous animals such as large snakes, large lizards, large turtles, and crocodilians are involved) of human injury. Of note, contrary to common claims that certain large snake and large lizard species can be ‘tame’ or not aggressive, many incidences exist of highly injurious attacks and some deaths from perceived docile individuals.

Significantly, a new scientific and veterinary report by a panel of 22 experts for the International Association of Human Animal Interaction Organisations (IAHAIO) looking at diverse aspects (including animal welfare and zoonotic risk) associated with relevant events such as mobile handling experiences, concluded that: *“1.7 Wild animals and exotic species, including those kept as pets, must not be involved in AAI as their needs cannot be met. Their stress signals are poorly understood, they rarely remain in good health, usually have a shortened lifespan in captivity, and they pose a high zoonotic risk. There are also serious concerns about high mortality during transit, and ecological species depletion.”* ⁽¹³⁾

Summary conclusion

It is my view that while various activities within the Reptilia framework present constant risks to animal welfare and public health and safety, the issue of onsite handling experiences and offsite MLAPs present particular risks that are almost certain to result in many incidences of animal suffering and human illness, as well as numerous events that will culminate in highly tragic circumstances. These risks should, and can, be avoided. Accordingly, I share the recommendations of others, that responsible authorities should act decisively with interventions to cease any expansion of relevant Reptilia programs, and further seek to limit activities within existing Reptilia operations to safeguard animal welfare and public health and safety.



Dr C Warwick

11th January, 2022

Citations

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Ronald Orenstein, Ph.D., LL.B.



12 January 2022

Mayor and Members of Council
City of St. Catharines
50 Church Street, P.O. Box 3012
St. Catharines, ON, L2R 7C2

Dear Mayor and Council Members:

Re: Application for Exemption to By-Law 95-212 – Reptilia - Council January 17, 2022

I am writing this letter to ask you to deny the request for an amendment to City of St. Catharines By-Law 95-212 in order to allow Reptilia to establish a facility for the public display of exotic animals in the City of St. Catharines and to transport reptiles elsewhere within the city.

I am a zoologist and lawyer with over thirty-five years' experience in issues surrounding the international trade in wildlife, including participation as a Registered Observer since 1987 at meetings of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). I am the author of twelve books on wildlife and wildlife conservation, including *Turtles, Tortoises and Terrapins: A Natural History* (2012, Firefly Books). I am also a member of three Species Specialist Groups of the Species Survival Commission of the International Union for the Conservation of Nature (IUCN), including the Tortoise and Freshwater Turtle Specialist Group.

My concern about the present application relates to two interrelated issues of increasing public interest and importance. The first is the role of exotic animals in the spread of communicable disease. Although reptiles have not as yet been identified as the source of epidemic-causing pathogens that can be transferred from person to person, exotic reptiles are well-known sources of salmonella and other diseases. Concern over such diseases is a major reason why juvenile turtles are no longer displayed for sale as pets in department stores and similar venues.

Today we are increasingly aware of the risks of disease transmission from animals to humans, including transmission by contact with exotic pets including reptiles. According to one recent review¹, "Exotic pets (e.g., small mammals, reptiles, amphibians, fish, and birds) may be carriers of several zoonotic viruses (e.g., Crimean-Congo hemorrhagic fever virus, West Nile virus, arenaviruses), bacteria (e.g., *Salmonella* spp., *Yersinia pestis*), and parasites (e.g., *Giardia duodenalis*, *Cryptosporidium parvum*, *Toxoplasma gondii*, *B. procyonis*). For example, zoonotic

¹ Bezerra-santos, M. A., Mendoza-Roldan, J. A., Thompson, R. C. A., Dantas-Torres, F., & Otranto, D. (2021). Illegal Wildlife Trade: A Gateway to Zoonotic Infectious Diseases. *Trends in Parasitology*, 37(3), 181–184. <https://doi.org/10.1016/j.pt.2020.12.005>

Salmonella enterica serotypes, previously associated with human outbreaks of reptile-related salmonellosis, were detected in tortoises (*Testudo graeca*) illegally imported from North Africa to Italy, bringing risks of human infection with pathogenic *Salmonella*.”

The second issue of concern, closely related to the first, is that the international trade in exotic pet animals, and particularly in reptiles and amphibians, presents a major threat to the survival of many rare species². Much of this trade is known to be illegal and unsustainable, including trade in animals falsely claimed to have been bred in captivity but actually taken from the wild. Mortality in the course of capture and shipment is often high, and animals may arrive at their end markets already diseased.

The exotic pet trade is driven by demand. Buyers of exotic pet reptiles or amphibians are often unaware of the ultimate source of their animals. They may not know how to take care of them properly, especially when they grow large. This can lead to accidental or purposeful attempts to ‘dump’ unwanted animals into the wild. For hardier species such as some turtles, this could lead to the establishment of exotic populations that could potentially transmit diseases to native animal populations. Trade in exotic frogs has been identified as a major source of the spread of chytridiomycosis to native amphibians³. This and related diseases have already been blamed for the extinction of at least 200 amphibian species worldwide.

Steps to reduce the risk to both public health and species survival posed by the trade in exotic pets are being increasingly taken worldwide. By allowing the proposed exemption, and potentially increasing the possible risks of disease transmission to both people and native wildlife by promoting, directly or indirectly, the demand for exotic pet reptiles and amphibians, St. Catherine’s would be moving in the opposite direction. I urge you to recommend against taking such a retrograde step.

I am aware that Reptilia does not offer live reptiles for sale. Nor do I mean to suggest that Reptilia is in any way directly associated with the illegal trade in live wildlife. However, by allowing the sale of pet supplies as part of its activities it may promote demand for the keeping of exotic reptiles as pets, including species that are prohibited under the existing bylaw and others that, although they are not currently prohibited, could pose a risk to public health. This risk may be of special concern under circumstances that allow (and even encourage) young children to come into physical contact with live reptiles.

In my view concerns such as these outweigh the arguments that have been presented in favour of granting the exemption requested by Reptilia.

² Auliya, M., Altherr, S., Ariano-Sanchez, D., Baard, E. H., Brown, C., Brown, R. M., Cantu, J., Gentile, G., Gildenhuys, P., Henningheim, E., Hintzmann, J., Kanari, K., Krvavac, M., Lettink, M., Lippert, J., Luiselli, L., Nilson, G., Quang, T., Nijman, V., ... Ziegler, T. (2016). Trade in live reptiles, its impact on wild populations, and the role of the European market. *Biological Conservation*. <https://doi.org/10.1016/j.biocon.2016.05.017>

³ Hanlon, S. J. O., Rieux, A., Farrer, R. A., Rosa, G. M., Waldman, B., Bataille, A., Kosch, T. A., Murray, K. A., Brankovics, B., Fumagalli, M., Martin, M. D., Wales, N., Alvarado-Rybak, M., Bates, K. A., Berger, L., Böll, S., Brookes, L., Clare, F., Courtois, E. A., ... Bosch, J. (2018). Recent Asian origin of chytrid fungi causing global amphibian declines. *Science*, 360(6389), 621–627. <https://doi.org/10.1126/science.aar1965>

I would be glad to provide you with further information on these issues, including further reference to recent scientific studies. I hope, however, that for the reasons expressed in this letter you will recommend against creating an amendment to By-Law 95-212 for Reptilia or, indeed, for any similar facility in future.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Orenstein", with a stylized, flowing script.

Ronald Orenstein



January 27, 2022

The Animal Assistance Society of Niagara is a 100% volunteer based registered charity founded over 40 years ago to help the residents and animals in the Niagara Region.

Our volunteers are predominantly St. Catharines residents and St. Catharines is our main catchment area also. The AAS and other local animal welfare charities are stakeholders in your upcoming decision regarding the requested by-law exemption by Reptilia;

On behalf of The Animal Assistance Society of The Niagara Region, we would like to join the other welfare charities, such as Zoocheck, Animal Alliance, Niagara Action for Animals, etc in expressing our opposition to the proposed exemption to By-Law 95-212 to allow Reptilia to conduct business housing currently prohibited exotic animals.

The existing By-Law was put in place for very good reasons – To protect residents and animals alike;

Exotic reptiles displayed in a zoo / exhibition type setting, regardless of assurances of being provided the best possible care, are according to many experts subjected to inherent suffering and stress induced from living in an unnatural environment, being displayed, being touched by unfamiliar people, and/or travelling to exhibits.

Allowing such a business also indirectly encourages ownership of exotic reptiles as pets.

Exotic animals such as reptiles or snakes are exceedingly challenging to care for and often end up being neglected, abused, abandoned, surrendered to all ready over-whelmed local animal welfare charities, or if the reptile is illegal they can end up being euthanized.

Very sadly, there have even been cases of people sourcing free kittens and pet rabbits from places like Kijiji and using them to feed their reptiles.

According to many experts, close contact with exotics carries a risk of zoonotic disease transmission to segments of public that are particularly at risk, including young infant children, seniors and other compromised groups of individuals. Given that Reptilia appears to conduct children's birthday parties and services that can involve animal interactions, there is also an inherent risk to public health.

We believe the presence of a business such as Reptilia, will negatively impact the efforts of The Animal Assistance Society by directly or indirectly encouraging exotic reptile ownership resulting in the type of previously mentioned strains to our already overburdened services provided by local volunteers, such as increased calls for assistance.

In the interest of the animals and residents, we encourage that your vote will strongly echo the recent decision by Toronto City Council – by unanimously denying an exemption to By-Law 95-212 which would allow Reptilia to house currently prohibited exotic animals.

Sincerely,
Brian Smale
Director

The Animal Assistance Society of Niagara, founded over 40 years ago, is a 100% volunteer based registered charity that provides:

- Veterinary care, spay/neuter procedures and shelter to stray companion animals
- Emergency veterinary assistance and spay/neuter assistance to companion animal guardians who are financially limited
- Foster, PetSmart & Pet Valu adoption programs to secure suitable permanent homes for unwanted or abandoned companion animals
- Where domestication is not possible, spay/neuter release programs for feral cat colonies combined with continued long-term veterinary care, shelter and food
- Public awareness/education of best practices in companion animal care; including a focus on the importance of spay/neutering and on the many outdoor dangers cats are needlessly subjected to whenever they are let outside to roam
- Advocacy of much needed improvements to existing Canadian animal cruelty legislation

MISSION:

Each year hundreds of healthy companion animals are “euthanized” at local Humane Societies, primarily due to a lack of funding and cages. The Animal Assistance Society believes that euthanizing healthy animals is neither a humane nor an effective form of controlling unwanted/abandoned animal populations.

Alternatively, we hold that spay/neuter programs and encouragement of pet guardians to employ an indoor lifestyle for their cat, is the answer.

The Animal Assistance Society has a “no kill” policy and helps to effectively reduce the burden on local Humane Societies through our Foster, PetSmart Adoption and Spay/Neuter initiatives.

EFFICIENT AND EFFECTIVE:

Salary and wage expenses can be a substantial diversion of funds away from the stated mandate of many registered charities.

Consisting entirely of volunteers, The Animal Assistance Society has only minimal administrative costs and is thus able to direct virtually every dollar raised toward helping animals.

Even a small donation can make a significant difference to the welfare of an animal - as little as \$100 can save an animal's life.



January 10, 2022

Mayor Walter Sendzik
And Members of Council
City of St. Catharines

Via Office of the City Clerk
clerks@stcatharines.ca

SUBJECT: Reptilia request to amend Exotic Animals By-Law 95-212 (Report EDTS 205-2021)

It has recently been brought to our attention that Reptilia, a heavily commercialized private reptile zoo, is seeking an exception to the City of St Catharines By-Law 95-212 in order to set up a private, commercial exotic zoo at Fairview Mall which would house and display a range of currently prohibited animals such as giant constricting snakes. Crocodilians, and venomous snakes and lizards. This proposal raises a number of serious animal welfare and human health and safety concerns, and **we urge you to deny Reptilia's request for an exception to By-Law 95-212.**

IFAW believes that wild animals belong in the wild and should not be kept as pets. We are in agreement with the concerns outlined by Niagara Action for Animals, Zoocheck Inc., World Animal Protection, and other organizations in their formal request on this matter to you, dated January 3, 2022

Given the heightened public awareness of viral transmission from animals to humans due to COVID-19, it seems rather unfitting for the City of St Catharines to be considering exceptions to By-Law 95-212 that would facilitate the expansion of activities involving hands-on interactions with exotic animals. Amending animal control bylaws to satisfy private commercial business interests undermines the purpose of such legislation, and poses a risk to public safety, an increased risk of zoonotic disease transmission, and creates a loophole and precedent for other exotic animal industries to follow suit. It also places increased demands on the city for oversight and monitoring of exotic animals

You are no doubt aware that Reptilia's recent request for exemption from the City of Toronto's prohibited animal provisions was unanimously voted against by both the City's Economic and Community Development Committee and Toronto City Council. The comprehensive Municipal Licencing and Standards report (which recommended that the exemption be denied) outlined many public health concerns, including the necessary sourcing, storing, and administration of antivenins, the documented health and disease concerns associated with handling reptiles, and the need for strict documentation and trace-back protocols for public health officials.

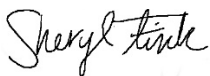
Reptilia is a private, commercial zoo business that profits from the display of wild animals in captivity, with ancillary activities including Mobile Live Animal Programs / “travelling zoos” that involve close interaction and handling of exotic animals (particularly aimed at children), as well as activities that encourage and promote the keeping of reptiles as pets, such as pet supplies and food sales, “rescue/adoption” and other services. Their business benefits financially if the number of reptiles kept as pets increases. Legitimate zoos and sanctuaries do not sell exotic pet products, do not provide services that support the exotic pet trade and do not engage in an ongoing, broad range of offsite commercial activities that facilitate the popularization and normalization of keeping wild animals as pets.

The exotic pet trade – which is directly and indirectly supported by commercial enterprises such as Reptilia – is widely accepted as being a threat to wild animal populations, disruptive to natural ecosystems, a risk to native wildlife populations wherever non-native exotic pets are kept, and poses an infectious disease threat to human health and safety. In addition, there are significant animal welfare concerns with private ownership of reptiles, including lack of space, inability to ensure appropriate environmental conditions such as space, temperature, humidity and diet, and stress due to transportation and public handling and display.

Undermining By-Law 95-212 because a commercial zoo business wants to display dangerous “attraction” animals in a shopping mall doesn’t make any sense, particularly during a pandemic when our public health systems are already strained. The normalization, popularization, and expansion of keeping exotic animals as pets, or displaying them for profit, is not a desirable path from a public health or regulatory perspective.

For the reasons outlined above, and on behalf of IFAW Canada and our 86,0000 supporters, I ask that you deny the request by Reptilia for exemption to By-Law 95-212.

Sincerely,



Sheryl Fink
Director, Canadian Wildlife Campaigns
IFAW

The International Fund for Animal Welfare (IFAW) is a global non-profit helping animals and people thrive together. We are experts and everyday people, working across seas, oceans, and in more than 40 countries around the world. We rescue, rehabilitate, and release animals, and we restore and protect their natural habitats. The problems we’re up against are urgent and complicated. To solve them, we match fresh thinking with bold action. We partner with local communities, governments, non-governmental organizations, and businesses. Together, we pioneer new and innovative ways to help all species flourish.



January 28, 2022

Mayor and Members of Council
City of St. Catharines
50 Church St., PO Box 3012,
St. Catharines ON L2R 7C2

Re: Release of Exotic Pet Species into the Wild

The Canadian Wildlife Federation's mission is to conserve and inspire the conservation of Canada's wildlife and habitats for the use and enjoyment of all. The Canadian Wildlife Federation conducts its activities through a cooperative approach – working with people, business, non-government organizations, and government to inspire collaboration in achieving wildlife conservation. CWF uses the best available science-based information to develop policies, programs and communications. CWF has over 300,000 supporters and reaches over 2.5 million Canadians each year.

We are writing with regard to the need to protect the local environment from exotic pet species who escape captivity or are released into the wild. While many exotic animal species are often sold as small hatchlings or juveniles, they can grow to a relatively large and unmanageable size and live for decades. Many exotic animal species are difficult to maintain in captivity and, as a result, are commonly released into the wild. To date, exotic species have been found in the wild in all provinces, including Ontario, and they are reproducing in many areas. Consequently, many of these former "pets" are now considered among the top 100 most invasive species in the world.

Many exotic animal species pose a risk to native wildlife and their ongoing release into the wild also risks spreading exotic pathogens that may be lethal to wildlife. The sale and promotion of species that pose a risk to native wildlife should be halted to reduce these risks.

Other options to reduce the release of unwanted exotic animal species are unlikely to succeed. Education has not worked. Waterways and terrestrial areas can be posted with signs to tell people the release of unwanted pets is prohibited, but exotic species have been found in numerous sites with such signs. Clearly signage is not sufficient to deter people from releasing pets into the wild.

There is clear evidence that exotic species are commonly released into the wild in Canada. On iNaturalist, a citizen science platform led by the Canadian Wildlife Federation, there have been thousands of confirmed observations of exotic animal species in the wild in regions of Canada, including Ontario.

Yours sincerely,

Pierre Sadik
Legal Director

cc: City Council Members



160 Fourth Avenue, St. Catharines, ON L2S 0B6
www.nras.ca

December 17, 2021

The Corporation of the City of St. Catharines
50 Church Street, P.O. Box 1531
St. Catharines, ON L2R 7C2

Attention: Mrs. Bonnie Nistico-Dunk
City Clerk

RE: Report EDTS-205-2-21 Application for Exemption to By-Law 95-212

Further to a request to provide feedback regarding the above application, we respectfully provide the following.

The current City of St. Catharines exotic by-law and many others in use today across Ontario municipalities were designed to protect citizens from the dangers of some exotic creatures, by removing or prohibiting them from being present in our communities.

On occasion, individuals chose to still own these animals and the Lincoln County Humane Society and Niagara Region Animal Services have had a number of occasions to obtain dangerous or illegal exotic animals. Once in our custody, or stemming from an investigation, we have reached out to our professional partners, one of them being Reptilia, for assistance.

Including Reptilia, these organizations have assisted us with removing, housing and adopting exotic animals, whether they are dangerous or not. These partnerships have provided us with exposure to educated and professional organizations who recognize the challenges individuals face when acquiring such animals. To this end, we support the work these organizations perform and support Reptilia in their efforts to educate the public about exotics, share knowledge, experience and expertise with everyone.

In our opinion, the inclusion of Reptilia in St. Catharines will be a positive addition to our community. The education component of the work they do will provide considerable insight to individuals who wish to learn about exotic creatures. We understand that animals will not be available for sale and we support this decision.

In closing, we thank you for the opportunity to provide comment on this report and we agree with its contents and the recommendation contained therein.

Regards,

Kevin Strooband, President



160 Fourth Avenue, St. Catharines, ON L2S 0B6
www.nras.ca

January 27, 2022

The Corporation of the City of St. Catharines
50 Church Street, P.O. Box 1531
St. Catharines, ON L2R 7C2

Attention: Mrs. Bonnie Nistico-Dunk
City Clerk

Dear Bonnie,

Based on further information that I have received regarding Reptilia, I am writing to modify my earlier position.

While we recognize that Reptilia has assisted the LCHS with the housing of exotic animals taken into our care, we feel that, from an animal welfare perspective, displaying some of these animals to educate the public, is generally not in the best interests of the animal's wellbeing.

From a review of Reptilia's website, they actively sell the Ultimate Birthday Party for kids, with additional options of using animals such as "Large Snakes", "Large Lizards", "Baby Alligators" and "Tarantula's", to enhance the experience. This exposure may also contribute to additional stress on the animals, along with a potentially increased risk for the safety of those handling or touching the animals. We encourage you to visit their website and specifically their event brochure for their Vaughan Facility: https://reptilia.org/wp-content/uploads/2017/12/reptilia_venue_rental_brochure.pdf.

Most of the animals rehomed to exotic rescue organizations have been sent there due to the potential for harm. Specifically, we have taken in a Gaboon Viper, Moray Eel and a 10' Reticulated Python, all capable of causing harm or death to a human. Permitting these animals and others to reside in St. Catharines could be detrimental to the residents.

Our organization is tasked with providing animal control for St. Catharines and protecting the residents from animal related concerns and we also take the best interests of the animals into consideration.

Therefore, I respectfully amend our position and recommend that Reptilia not be permitted an exemption of the St. Catharines by-law 95-212 and its amendment.

Regards,

Kevin Strooband, President

ontariospca.ca

Charitable Registration #88969 1044 RR0002

January 28, 2022

The Corporation of the City of St. Catharines
50 Church Street, P.O. Box 1531
St. Catharines, Ontario, L2R 7C2
Attention: Mrs. Bonnie Nistico-Dunk, City Clerk

Via email: clerks@stcatharines.ca

Dear Bonnie:

Re: Application for Exemption to By-law 95-212

We are aware that Council will review staff report EDTS-205-2021, following input from the public meeting on January 17, 2022. Council is being asked to consider a request for an exemption to By-law 95-212 to allow the operation of a commercial exhibition and mobile live animal displays, including special events and educational tours. We strongly encourage Council deny the request for an exemption to By-law 95-212, as recommended by the Lincoln County Humane Society (Niagara Region Animal Services).

The mission of the Ontario SPCA and Humane Society is to ensure all animals are free from abuse and neglect. The Ontario SPCA has experience in municipal and provincial laws and regulations and believes the regulation of exotic animals is vital to animal well-being and community safety.

The keeping of exotic animals poses many serious threats to public safety, such as transmission of disease, risk of escape and injury to handlers or the public who interact with them. Exotic animals require specialized housing facilities, veterinary care, diet and knowledgeable and experienced handlers or care providers. Even with many safeguards in place, and where an exotic animal has no previous history of aggressive or erratic behaviour, there are countless examples of situations where these wild animals have escaped and/or caused injury to handlers and the public.

Staff reports prepared in 2013 during the development of By-law 95-212 included extensive consultation with interest groups, the public and bylaw enforcement agency. Those reports clearly outlined the risks that keeping exotics, including crocodilians and venomous snakes, posed to the health, safety and well-being of residents, the animals and the environment.

The limited economic benefit of travelling exotic shows, circuses and exhibitions has been well documented and should not outweigh the risk to public safety and animal well-being.

The Ontario SPCA and Humane Society urges Council to deny any exemption to By-law 95-212.

Sincerely,



Doug Brooks
Chief Executive Officer
Ontario SPCA and Humane Society

City of St. Catharines
50 Church Street
P.O. Box 3012
St. Catherine ON L2R 7C2
c/o: City Clerk

Via: email

Re: Reptilia Status in CAZA

To City of St. Catharines,

As some may be aware, a key purpose for the existence of Canada's Accredited Zoos and Aquariums (CAZA) is our accreditation program. Our Canadian program has been developed over the past 35 years and continues to evolve.

CAZA's mission is to inspire excellence in our members using science-based animal welfare, conservation, and education. We advocate for Canadian zoos, aquariums, museums, and science centers, speaking with one voice with stakeholders.

Our standards are recognized by municipal, provincial and a federal government agency. This largely explains why we take our brand, the accreditation program by extension, seriously.

Every five years each accredited facility is required to re-apply for accreditation; between those years they are required to submit an annual attestation to their compliance.

Our peer reviewed accreditation program is shaped in a way that it is outcome based requiring 100% compliance. If a facility is not 100% compliant, they will likely lose their accreditation status. Decisions are made on a case-by-case basis.

Reptilia is an accredited CAZA facility and like any other member is part of the 5-year cycle.

A copy of our standards and supporting guidance documents can be found on our website.

I hope this letter provides the necessary information for City Council and Reptilia's status in CAZA and their CAZA accreditation obligations.

Best Regards,



Jim Facette
Executive Director & CEO

c.c. Mr. Brian Child, CEO, Reptilia Inc.



March 15, 2022

Re: Reptilia

To Whom it May Concern,

Economic Development at the City of Vaughan is happy to attest to the high level of corporate citizenship demonstrated by Reptilia and its founder, Brian Childs, since its establishment in 1996. Since its founding, Reptilia has grown from a 4,000 square foot operation to one that features 25,000 square feet and employs 70 people. Its services include training first responders in responsible animal management, assisting with abandoned animals, and supporting education for the Canadian military.

Some highlights of Reptilia's corporate citizenship include:

- Taking in scores of animals from Vaughan and York Region which have been abandoned by their owners
- Holding annual special weekends for all employees and their families of Vaughan and York Region by waiving admission fees for guests who donate items to the Vaughan Food Bank
- Supported the Christmas drive and providing free shows for the Fire Department's activations
- Helped local Animal Services when called upon to manage reptile related issues while also training York Region First Responders

As Reptilia grows, Vaughan Economic Development is proud to help this local company as they give back to the community. I am happy to discuss Reptilia with any of my colleagues in other jurisdictions.

Regards,

A handwritten signature in black ink, appearing to read 'Raphael Costa', with a stylized flourish at the end.

Raphael Costa

Director, Economic Development

Office of the Chief Communications and Economic Development | City Manager's Office

905-832-8585 Ext. 8891

Raphael.Costa@Vaughan.ca



Creating thriving
urban neighbourhoods

First Capital Asset Management ULC

85 Hanna Avenue, Suite 400, Toronto, ON, M6K 3S3
T: 416.504.4114 F: 416.941.1655

Date: December 10, 2021

To: Mayor and Council of the City of St. Catharines, Ontario

RE: Fairview Mall, St. Catharines - Reptilia

I am writing to you as the owner for the above-mentioned property. First Capital's focus is on creating thriving urban neighbourhoods to generate value for businesses, residents, and communities. Fairview Mall is a strong regional mall in St. Catharines and has been a community hub in this community since 1961. Our commitment is to ensure that we continue this tradition and help to create an environment for families, businesses, tourists, and all other stakeholders to prosper.

As you may be aware, there have been challenges for quite some time as it relates to the future of the enclosed retail shopping mall experience. One of the reasons for this is due to the changes in how consumers prefer to shop in today's technological world. We have seen the demise of many large anchor tenants such as Target, Sears, Zellers, for example, that were not able to adapt effectively to these changes. These anchor tenants typically draw consumers to a mall and ultimately those consumers may shop at other retailers to create a hub of retail activity.

Owners of regional malls have been challenged for many years in trying to determine the future of the enclosed shopping experience. Retailers are continuing to adapt and create more experiential reasons for customers to visit their stores. Across North America, many owners are looking to add uses that cater to everyday needs, daycare, fitness, medical uses, and entertainment. The reason for this is that many of these experiences cannot be accomplished online and therefore bring the community together to create a thriving environment.

Adding to an already challenging situation is the current global pandemic. During this time the enclosed mall has been severely impacted as this environment is not conducive to social distancing. Many retailers are considering changing how they operate and are moving away from the enclosed mall and considering outdoor shopping centres or insisting on exterior access only. It is becoming extremely challenging to attract new retailers to the enclosed shopping centre. To create a thriving environment there must be many elements at play such as entertainment, culinary experiences, arts, education, interaction, etc.

Reptilia is one such use that we believe will be a draw for the community and tourists in search of an educational and exciting experience. Bringing more people to Fairview Mall will also benefit the other retailers. It is our belief that we can continue to improve the retail offering at Fairview Mall and ultimately contribute to this thriving hub within the City of St. Catharines.

Kind Regards,

A handwritten signature in black ink, appearing to read "Terry Ledamun".

Terry Ledamun
Vice President, Leasing Central
First Capital

Prof. Robert W. Murphy, Ph.D.
GTA, Ontario

STATEMENT OF SUPPORT TO REPTILIA'S REQUEST
FOR EXEMPTION FROM THE CITY OF ST.
CATHARINES BY-LAW 95-212, WHICH REGULATES
THE KEEPING OF ANIMALS

18 January 2022

RECOMMENDATION: Approve the request for exemption to By-Law 95-212

TO:

Mayor and Members of City Council
City of St. Catharines
50 Church Street, P.O. Box 3012
St. Catharines, ON, L2R 7C2

Background and perspective:

First, please allow me to briefly highlight my background because I am writing this letter of support for Reptilia's request for exemption to By-law 95-212, and as a private citizen only; I am not representing my employer. As a scientist, educator and student, I have worked with amphibians and reptiles since 1964. To date, I have authored or co-authored about 400 peer-reviewed science publications. As a professional educator, I taught The Biology of Amphibians and Reptiles at UCLA and the University of Toronto, among other courses, and have sponsored

many graduate students at the UofT and in China. I have served on graduate student committees in the University of Guelph, Mexico, Chinese Academy of Sciences and elsewhere. I am an elected member of the Executive Council of the World Congress of Herpetology (the study of amphibians and non-avian reptiles), serve on the Council of the Vertebrate Genomes Project as the coordinator for reptiles and hold various editorial positions. Some of my former students now hold faculty positions in Canadian, US and Chinese universities, and one former student is the Vice president for Protected Area Establishment and Conservation in Parks Canada. Three of my former students have worked at Reptilia, and I maintain a close friendship and professional association with two of them. This certifies that I am familiar with Reptilia's operations and educational goals.

My research mostly involves amphibians and non-avian reptiles, but also extends to virology, all other vertebrate groups, and invertebrates. Some publications center on conservation, biodiversity, methods of data gathering and analysis, and also other topics. I hold a faculty appointment in Canada and three appointments in China. As a field-based biologist, I have worked extensively in North America, including Mexico, as well as Australia and Southeast Asia. I am an Ontario Court-certified witness in cases involving amphibians and reptiles, and have worked with the IUCN. I am extremely familiar with CITES as I use their permits often multiple times each year. I have served as the Chair of an Animal Care Committee. On the academic website ResearchGate, I am normally the most frequently read member from the Department of Ecology and Evolutionary Biology at the University of Toronto.

This training and experience leads to my perspectives on Reptilia's application.

Education value: Like Reptilia, I do not support keeping large snakes, venomous reptiles\ and wild-caught animals as pets.

That said, Reptilia and zoos serve the public by maintaining and displaying these incredible animals, and Reptilia effectively delivers the critical message that such species should not be purchased and kept as pets. Given social media outlets such as YouTube, and many online sources to purchase animals, there is no hiding these animals from public view and access. Indeed, it is estimated that about 3% of 122.8M American households (ca. 3.7M households) keep amphibians and reptiles as pets. Knowledge allows for informed decision-making.

There is great educational and emotional value in touching a reptile. The eyes of a child's first touch of a snake open wide in amazement, and so do those of many adults. Touching builds empathy for the animals, which is invaluable in the current plight of all species. Reptiles are not cold and slimy. Such experience can eliminate fear and gain respect for wildlife, which can

preclude decapitating or stoning a garter snake to death. This is where local conservation begins. It's great to see pictures of animals in books, or videos on YouTube, but there's nothing quite like personalizing experiences. Public engagement and awareness are essential for local conservation initiatives, and this starts with hands-on experience. Reptilia's message of "leave it alone" provides one avenue for appreciating much-maligned species.

Reptilia is also involved in bio-survey monitoring in GTA, and at their own cost. They, and their volunteers, support the conservation by providing and monitoring cover for reptiles and amphibians. Other initiatives do the same.

Previous feedback: I have read the feedback and reports submitted to Toronto re. Reptilia's request for a similar exemption. I assume the same group of people will submit similar feedback to your Council as well, so I will offer my alternative perspective on two of the greatest concerns for which I have knowledge.

Zoonotic disease: Much ado has been made by those who do not support Reptilia about the potential for zoonotic disease associated with reptiles and amphibians, but this was not put into scientific perspective. The absence of perspective suggests biased, yellow journalism that relies on old data. Such is very unbecoming of "experts" because science should be objective.

Previous concerns about salmonella, a bacterial disease, provide an example of non-objective feedback. Consider only the following publically available data from USA's Center for Disease Control (CDC): "CDC estimates *Salmonella* bacteria cause about 1.35 million infections, 26,500 hospitalizations, and 420 deaths in the United States **every year** [emphasis added]. Food is the source for most of these illnesses" (<https://www.cdc.gov/salmonella/index.html>).

Taken alone, the numbers are quite alarming, but they pale when put it into perspective. Nowadays, annual infections from all sources including food involve about 0.4% of the US population. In comparison, guns (ca. 38k), automobile accidents (>38k) and drug overdoses (>70k) kill far more people. Nowadays, data reveal 44 cases linked to bearded dragons (lizards) and 87 cases to small turtles in total during the past 5 years, and only one other lizard and no snake has been linked to infections. In comparison, onions (892 cases) are a far greater source of infection than reptiles, as are backyard poultry (1135 cases). This occurs even though up to 90% of reptiles carry some form of *Salmonella*. (The infection rate in herbivorous lizards and terrapins will not change because babies must eat adult feces to inoculate themselves with the gut flora needed to digest plant materials—sorry). Thus, the number of cases in reptiles pales in the light of the danger posed by food.

Further to this, Reptilia estimates that almost 1M people have been involved in their educational initiatives involving controlled touching of reptiles and without a single linked

case of infection. Thus, Reptilia's scientifically protocols have successfully minimized the possibility of infection.

This unbiased perspective suggests that concerns about zoonotic occurrences via Reptilia constitute a red herring, perhaps put forth as a scare tactic designed to suppress the expansion of Reptilia and its concomitant education programmes. In fact, Reptilia emphasizes the need for cleanliness when handling animals. Their programmes are an effective form of educating the public on conservation, the keeping of pets and how to avoid a zoonotic infection.

Animals care: Reptilia has a staff veterinarian. In fact, Reptilia provides feedback and advice to Ontario's only veterinarian training centre at the University of Guelph. Here, again, Reptilia provides a public service. Note that CAZA has accredited Reptilia, and both CAZA and Provincial AWS inspectors provide welcomed feedback. Reptilia seeks this feedback and responds positively and rapidly to their suggestions.

Reptilia provides relatively large housing for their species, and this usually provides more space than similar housing at Toronto Zoo. Display animals are kept in simulated native habitats and attention is paid to the potential needs of species. For example, most snakes have sufficient space to stretch themselves. Nutrition is monitored closely and in a way that precludes growth abnormalities, such as "domed shells" in turtles. Caloric intake and water are designed to simulate each species' occurrence in nature. For example, desert species are not given open access to water, but rather water is offered to them occasionally (and most often they do not drink it).

Reptilia occasionally rehomes abandoned pets. The alternative is for the public to release them where they may compete with native species, or euthanize them, neither of which Reptilia supports. Venomous animals are never rehomed to the public, but rather only to CAZA accredited institutions. In such cases, the animals may be housed temporarily in restricted yet adequate caging while in quarantine.

In summary, Reptilia safely fills a curiosity-driven, educational niche. Its success attests to public interest in its services and overall support. I encourage you to be responsive to this need by granting the exemption to By-law 95-212.

Sincerely,





Corporate Report City Council

Report from: Financial Management Services

Report Date: March 30, 2022

Meeting Date: April 11, 2022

Report Number: FMS-061-2022

File: 10.57.33

Subject: Budget Standing Committee Report – Meeting of March 21, 2022

Strategic Pillar: This report does not relate to the Strategic Plan.

Recommendation

That the [minutes of the March 21, 2022 Budget Standing Committee](#) meeting be received; and

That the following recommendations be approved:

9.1 Financial Management Services
Capital Project Report for the Fourth Quarter ended December 31, 2021
[Report FMS-B006-2022](#)

That Report FMS-B006-2022, regarding the Capital Project Report for the fourth quarter ending December 31, 2021, be received for information.

10.1 Financial Management Services
2021 Year-End Report and Reserve Update
[Report FMS-B004-2022](#)

That the Report FMS-B004-2022, regarding 2021 Year-End Report and Reserve Update, be received for information; and

That the estimated 2021 year-end surplus in the amount \$2.42 million be transferred to the Tax Rate Stabilization Reserve; and

That the creation of the FAIR (Fee Assistance in Recreation) Program Reserve, to be funded from expired credit revenue from the City's Recreation Programs, be approved; and

That the amount of \$29,961 be transferred to the FAIR Program Reserve; and

That \$100,000 from the uncommitted Hydro Reserve be allocated towards the Port Dalhousie Piers Reserve; and

That the remaining \$422,000 from the Hydro Reserve be allocated as per the existing policy; and

Further that, the updated Infrastructure Levy Policy, attached as Appendix 6, be approved.

Report

The items noted in this report were discussed and approved by the Budget Standing Committee at its meeting of March 21, 2022, and are now being brought forward to City Council for approval.

In addition to the above recommendation, the Budget Standing Committee also received [Report FMS-B003-2022](#), regarding Elected Officials Remuneration. Based on the Committee's direction, minor revisions will be made to this report before being brought forward for Council's consideration at a future date.

Prepared by

Sarah McWilliams
Council and Committee Coordinator

Submitted and Approved by

Lucia Chen
Manager, Budgets and Procurement

Kristen Sullivan
Deputy Clerk



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: March 31, 2022

Meeting Date: April 11, 2022

Report Number: LCS-060-2022

File: 10.12.1

Subject: Council Correspondence

Strategic Pillar:

Recommendation

That Council receive and file the items listed within the report; and

That Council endorse the resolution from the Niagara Region regarding Ontario's Entrepreneurial Wine Industry; and

That Council receive and file additional correspondence distributed for the meeting held April 11, 2022, which is available upon request.

Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of March 18, 2022 to March 31, 2022.

Resolutions

1. Prince Edward County – re. Renovictions
2. Town of Fort Erie – re. Climate Change Action
3. Niagara Region – re. Ontario's Entrepreneurial Wine Industry

Correspondence

4. AMO Watchfile – March 24, 2022
5. AMO Watchfile – March 31, 2022

Niagara Region

6. Regional Transitional Incentive Timelines. Report: PDS 3-2022

Reports Requested by Council

7. Outstanding Reports List – updated March 31, 2022

Prepared by

Evan McGinty and Sarah McWilliams
Council and Committee Coordinators

Submitted and Approved by

Bonnie Nistico-Dunk
City Clerk

February 23, 2023

Please be advised that during the regular Council meeting of February 22, 2022 the following motion regarding request for action related to "Renovictions" and other bad faith evictions was carried:

RESOLUTION NO. **CW-41-2022**

DATE: **February 10, 2022**

MOVED BY: **Councillor MacNaughton**

SECONDED BY: **Councillor Hirsch**

WHEREAS tenants in Prince Edward County and throughout Ontario need stable homes and predicable rents;

WHEREAS the Covid-19 pandemic has had a profound destabilizing effect on both the job market and the rental housing market;

AND WHEREAS Citizens and communities are hurt by unscrupulous practices such as bad faith "Renovictions" and false "personal use" evictions which can, and do directly impact the affordable housing crisis, as well as inflict damage (both financial and mental) particularly on our most vulnerable citizens;

THEREFORE BE IT RESOLVED THAT the Corporation of the County of Prince Edward requests that the Government of Ontario:

1. take additional and meaningful steps to address the ever-increasing problem of "Renovictions" and other bad-faith evictions;
2. extend rent control to all tenancies including those first occupied after November 2018 which are currently exempt from rent control restrictions; and

THAT this resolution be circulated to Hon. Doug Ford, Premier of Ontario, MPP Todd Smith, and the Hon. Steve Clark, Minister of Municipal Affairs & Housing, all Ontario Municipalities, and AMO.

CARRIED AS AMENDED

Yours truly,

Catalina Blumenberg, **CLERK**



Community Services

Legislative Services

March 29, 2022

File #120203

The Right Honourable Justin Trudeau
Prime Minister
House of Commons
Ottawa, ON K1A 0A6
Justin.trudeau@parl.gc.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sirs:

Re: Climate Change Action

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of March 28, 2022 passed the following resolution:

Whereas extreme weather events have become more frequent and intense with rising sea levels, prolonged droughts, food shortage and daily extinction of animal and plant species; and

Whereas leading climate scientists have issued a “code red for humanity” warning that changes necessary to keep warming below 1.5 degrees celsius will be our last chance to avoid the most dangerous impact of climate chaos; and

Whereas Climate Change is now an emergency; and

Whereas Canada is the only G7 country whose emissions have increased since the Paris Agreement was signed; and

Whereas the Government of Canada is working with the provinces and territories to implement the Pan-Canadian Framework on Clean Growth and Climate which includes emissions reduction targets, investing in infrastructure, development of new Building Codes that increase building and infrastructure resiliency, addressing the effects of Climate Change on the health of Canadians; supporting regions that are vulnerable to Climate Change; and working to ensure the long-term health and resilience of our ecosystems and natural environment are protected; and

Whereas the Government of Canada’s plan falls short on timelines for effective changes; and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 4:30 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

Whereas Municipalities have the ability to influence change to 50 per cent of emissions within Canada; and

Whereas the Town of Fort Erie has not incorporated Climate Change into its Official Plan; and

Whereas Report No. CAO-17-2020 authored by Bev Bradnam, Manager, Strategic Initiatives was received at the Council-in-Committee Meeting held on October 5, 2020, for information purposes, regarding Climate Change contained action items; and

Whereas the land within our community and its infrastructure is finite;

Now therefore be it resolved,

That: Council declares a Climate Change Emergency; and further

That: The Town of Fort Erie take Climate Change Action and that staff be directed to provide a report to Council outlining the resources required to create and implement a Climate Change Adaptation Plan, including but not limited to human resources, policies and policy changes and financial resources; and further

That: The Town of Fort Erie establish an Advisory Climate Change Adaptation Team and a Climate Change Plan that includes external and internal stakeholders including the Indigenous Community, business, service and manufacturing sectors and members of the community; and further

That: The Town of Fort Erie join Brock University's "Niagara Adapts"; and further

That: Climate Change be strongly considered as a main pillar in the 2022 - 2025 strategy plan; and further

That: The Town of Fort Erie request staff to:

1. Submit a report to Council on the incorporation of new standards that will prevent clear cutting forests for new developments;
2. Consider broadening the scope of Building Codes to include the use of new, greener technologies, as opposed to fossil fuel systems; and
3. Review the ability to attract condominium and apartment builds in available open spaces, or the demolition of existing buildings in the Town's downtown and surrounding core areas; and further

.../3

The Right Honourable Justin Trudeau
The Honourable Doug Ford

Page three

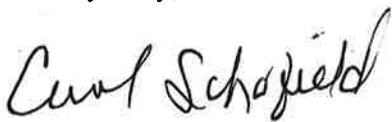
That: The Town of Fort Erie send a letter to the Right Honourable Prime Minister Justin Trudeau, the Honourable Doug Ford, Premier of Ontario, and the Honourable Steven Guilbeault, Minister of Environment and Climate Change, to tighten their timelines for Climate Change Plans to be reflective of the urgency it demands for immediate and meaningful action; and further

That: A copy of this resolution be circulated to all Members of Parliament, all Members of Provincial Parliament and all Ontario Municipalities, and request that those municipalities that do not have plans in place to step up and put resolutions of their own in place to effect positive change and implement an affirmative Climate Change Action Plan.

Research sources:

1. This Changes Everything written by Naomi Klein published in 2014 by Vintage Canada a division of Random House Canada
2. Climate Change written by Robert Henson, published in 2008 by Rough Guides Ltd
3. David Suzuki Foundation. Site: <https://davidsuzuki.org/>
4. Government of Canada: Canada's Climate Plan. Site: <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan.html>

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk

c.c. The Honourable Steven Guilbeault, Minister of Environment and Climate Change Steven.Guilbeault@parl.gc.ca
All Members of Parliament
All Members of Provincial Parliament
Ontario Municipalities

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

March 25, 2022

CL 6-2022, March 24, 2022***DISTRIBUTION LIST******SENT ELECTRONICALLY*****RE: Motion respecting Ontario's Entrepreneurial Wine Industry**

Regional Council, at its meeting of March 24, 2022, passed the following motion:

WHEREAS the Ontario wine industry supports directly and indirectly over 18,000 full-time equivalent jobs; and Niagara is Ontario's largest wine growing region responsible for over 90% of Ontario's grape production;

WHEREAS, with 2.4 million annual visitors, Niagara's wine sector has developed unique experiential destination tourism, enhanced by the proximity to Niagara Falls;

WHEREAS to build back a stronger, more sustainable economy, there is a need to unlock the potential of Ontario's grape and wine industry; and

WHEREAS Regional Council passed a similar motion in February 2021; however, the issues still remain unresolved.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region once again **CALLS** on the Province of Ontario to create a level playing field and to provide Ontario's entrepreneurial wine industry with opportunities to invest more into innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;

2. That the Regional Chair **BE DIRECTED** to send another letter to the Province again urging the following be undertaken:

- a. Eliminate the 6.1% wine basic tax applied to VQA wines (100% Ontario-grown) on sales at onsite winery retail stores;
- b. Enable Ontario wines to offer direct delivery, with margin, to grocery stores;
- c. Establish long-term VQA wine support programs at the LCBO that would increase shelf space for VQA wines and;

- d. Uncap the VQA Wine Support Program through the Ontario Ministry of Agriculture, Food and Rural Affairs; and

3. That this motion **BE CIRCULATED** to municipalities in Niagara, the Premier of Ontario, Minister of Finance, and Minister of Agriculture, Food and Rural Affairs.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2022-053

Distribution List: Hon. Premier Doug Ford
 Hon. Peter Bethanfaly, Minister of Finance
 Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
 Local Area Municipalities



March 24, 2022

In This Issue

- PJ Marshall Awards - Call for submissions for 2022 now open.
- Seniors Community Grant Funding announcement.
- Community engagement for IESO Long-Term RFP.
- Call for Nominations to Stakeholder Advisory Committee.
- AMO/LAS *Municipal Energy Symposium* March 31 - April 1.
- Webinar: Breaking down barriers - Accessible digital solutions for your community.
- NEW Canoe category: Tree maintenance equipment.
- Canoe webinars: Johnson Controls, Legal/Procurement update.
- ONE Investment Spring 2022 webinar: Why Proxy Votes Are Important for ESG.
- Register to vote in the 2022 Ontario Municipal and School Board Elections.
- Careers: Orillia, Hamilton, New Tecumseth, Burlington and Huron East.

AMO Matters

Every year at the AMO Conference the PJ Marshall Awards recognize municipal excellence and innovation in capital projects, operating efficiencies, and new approaches to service delivery. If you have something you are proud to share, the deadline for 2022 submissions is May 27, 2022.

Provincial Matters

The Ministry for Seniors and Accessibility announced that the province is doubling the Seniors Community Grant Funding. Applications to the Grant are open until April 28.

Municipal and Indigenous engagement activities are underway as part of IESO's Long Term RFP for new and expanded facilities to meet Ontario's emerging reliability needs. Details on engagement for communities, stakeholders and interested parties throughout the process are available here.

IESO is calling for a municipal representative to join its Stakeholder Advisory Committee. Nominees could include elected officials, municipal staff, and other members of the municipal landscape.

Eye on Events

AMO and LAS are excited to host a virtual *Municipal Energy Symposium* March 31 - April 1. This leading edge event takes a critical look at the intersection of climate change, land use planning and energy post-COP26. Explore examples of how municipalities are planning for the future and what this means to daily operations. Register here.

eSolutionsGroup, AMO's barrier-free website partner, offers members cost-effective digital solutions that meet accessibility requirements. [Join us for a free webinar](#) on March 30 from 11 am to 12 pm ET, where we discuss various web solutions that will help you engage and serve your community effectively.

LAS

We're pleased to welcome Vermeer and Morbark to the [Canoe Procurement Group](#). They are the approved suppliers under the NEW Tree Maintenance Equipment category. Trees make a community picturesque but aren't always low-maintenance - keep them beautiful by using the right tools for the job. [Contact Simon](#) for more information.

Join us for the last two [Canoe Procurement Group](#) webinars before we wrap up for the summer. On April 6 hear from Johnson Controls, supplier of high-tech facility monitoring, security systems and fire alarms - [register here](#). On April 20 we will host our annual Legal/Procurement Update, providing information to keep your purchasing compliant with the law – [register here](#).

ONE Investment

ONE Investment is hosting a Spring webinar on April 12, collaborating with our external portfolio manager Guardian Capital to discuss "Why Proxy Votes Are Important for ESG Principles (Environmental, Social and Governance)." To register and know what will be covered in the webinar, [click here](#).

Municipal Wire*

The upcoming year will be a busy one for Ontario voters, with the Ontario Provincial Election and Municipal and School Board Elections happening just a few months apart. Make sure you are on the list to vote in the 2022 Municipal and School Board Elections on October 24. Register at [voterlookup.ca](#). Download [Toolkit](#).

Careers

[Senior Financial Planning Analyst - City of Orillia](#). Participate in the development and implementation of policies / procedures and internal control processes. [Apply online](#) by April 4.

[Development Services and Engineering Department - City of Orillia](#). Maintain compliance with Ontario Regulation 588/17 and other regulations pertaining to asset management. [Apply online](#) by April 6.

[Program Analyst, Corporate Asset Management - City of Hamilton](#). Responsible for supporting the engagement of asset owners from across the organization. [Apply online](#) by March 30.

Project Manager – Development Engineering - Town of New Tecumseth. Some responsibilities include: reviewing drawings, plans, reports, and specifications and providing advisory support. Apply to arthur@wmc.on.ca by April 19.

Strategic Workspace Planner - City of Burlington. The Planner plays a critical role in the City's property strategy to deliver corporate facilities that optimize workspace experience. Apply online by April 8.

Finance Manager-Treasurer - Municipality of Huron East. Responsible for performing all statutory duties of the Treasurer in accordance with the *Municipal Act* and other legislation. Apply to cao@huroneast.com by April 22.

About AMO

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](https://twitter.com/AMOPolicy) on Twitter!

AMO Contacts

AMO Watchfile Tel: 416.971.9856

Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

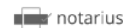
MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

AMO's Partners



*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



March 31, 2022

In This Issue

- PJ Marshall Awards - Call for submissions for 2022 now open.
- ROMA Board seeking member input on Attainable Housing in Rural Ontario.
- AMO 2022 important information - Room block release and registration launch
- Canoe vendor spotlight: Gradall.
- Road & Sidewalk Assessment info sessions.
- Don't miss Canoe's final spring webinars.
- ONE Investment Spring 2022 webinar: Why Proxy Votes Are Important for ESG.
- Register to vote in the 2022 Ontario Municipal and School Board Elections.
- Careers.

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ROMA Matters

The ROMA Board has established a Rural Attainable Housing Task Force to develop policy solutions and strategies that consider the realities of rural Ontario and to implement the housing recommendations found in the Opportunities for Rural Ontario in a Post-Covid World action plan. The Board is asking members to take 5 minutes to complete a survey that will provide valuable information to support the work of the Task Force.

Eye on Events

AMO's first in-person conference in two years officially launches next week! Book your hotel rooms in the beautiful City of Ottawa April 4 at 10 am and take advantage of early bird registration on April 11 at 10 am. Questions? Contact events@amo.on.ca.

LAS

We're pleased to welcome Gradall to the Canoe Procurement Group. This contract offers hydro vac, sewer jet, industrial vacuums, and combination jet & vac machines. With over 200 contracts, Canoe makes buying what you need quicker and cheaper. Contact Simon to learn more.

The LAS Road & Sidewalk Assessment Service brings modern technology and intelligent asset management to your streets and sidewalks. Join us on April 21 to learn how this program helps you save money while improving your infrastructure. [Register Here](#).

Join us for the last 2 Canoe Procurement Group webinars before summer. On April 6 we'll hear from Johnson Controls, provider of security systems, fire alarms, building automation, and many more technologies. [Register here](#). On April 20 the Canoe legal team will provide an update to make sure your purchases are done in full compliance with laws and trade agreements. [Register here](#).

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Careers

Regional Program Manager - The Ministry of Labour, Training and Skills Development. The Ministry is looking for 3 strong transformational leaders (Central, East, West) to take on the role to lead the Employment Service Transformation implementation and delivery. [Apply online](#) by April 6.

Planner - Township of Douro-Dummer. Provides planning services to address the corporate strategic objectives and guide growth and development. Apply to hr@dourodummer.on.ca by April 22.

Treasurer - Haldimand County. The incumbent will execute the statutory duties of the position, ensure the Corporation adheres to all acts, regulations, policies and procedures in carrying out its financial responsibility. [Apply online](#) by April 18.

Chief Administrative Officer - Township of Adjala-Tosorontio. Responsible for the strategic leadership and efficient delivery of all the municipality's administrative and operational services. Apply to careers@waterhousesearch.ca by April 15.

Chief Administrative Officer - Municipality of Chatham-Kent. Develops and implements operational plans and ensures the coordination of services which align to and support strategic priorities. Apply to careers@waterhousesearch.ca by April 22.

Director of Finance - South Nation Conservation. The South Nation Conservation is seeking an experienced professional, with the knowledge, skills, and abilities to provide financial leadership and risk management. Apply to careers@nation.on.ca by April 19.

Advisor Continuous Improvement - Region of Peel. Provides expertise supporting the capability and effectiveness of the Human Services processes, including analysis, interpretation and development. Apply online by April 13.

Grants Specialist & Treasury Administration - Town of Wasaga Beach. Responsible for researching and coordinating applications in pursuit of grant opportunities at the Federal. Apply online by April 19.

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**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

March 31, 2022

CL 6-2022, March 24, 2022**PEDC 2-2022, March 9, 2022****PDS 3-2022, March 9, 2022****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Regional Transitional Incentive Timelines

PDS 3-2022

Regional Council, at its meeting held on March 24, 2022, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 3-2022, dated March 9, 2022, respecting Regional Transitional Incentive Timelines, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the timelines and transitions for Niagara Region incentive programs outlined in this Report **BE APPROVED**; and
2. That Report PDS 3-2022 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report PDS 3-2022 is enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2022-045

cc:

M. Sergi, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant, Planning and Development Services

M. Bannerman, Program Manager, Grants and Incentives, Planning and Development Services

Subject: Regional Transitional Incentive Timelines

Report to: Regional Council

Report date: Wednesday, March 9, 2022

Recommendations

1. That the timelines and transitions for Niagara Region incentive programs outlined in this report **BE APPROVED**; and
2. That Report PDS 3-2022 **BE CIRCULATED** to the Local Municipalities.

Key Facts

- This report fulfills Council direction in PDS 31-2021 as amended that “staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates.” Expiry dates, sunset clauses, and transitions for these programs are outlined below and in Appendix 1.
- The programs which did not have expiration dates otherwise mandated by Council through PDS 31-2021 include the following incentives in the Smarter Niagara Incentive Program (SNIP): Affordable Housing, Agricultural Feasibility Study Grant, Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/Secondary Plan Grant, Public Domain Grant, Residential Grant, Environmental Assessment Study Grant, Brownfield Tax Assistance Program Grant.
- Two grants listed above either have never been operative (SNIP Affordable Housing) or have already been replaced by another program (SNIP Public Domain replaced in 2016 by the Public Realm Investment Program). They are included here as both programs will be officially discontinued.
- For two programs -- the SNIP Property Rehabilitation and Revitalization Tax Increment Grant (SNIP TIG) and the Smart Growth Regional Development Charge (RDC) Reduction – Council established an expiry date of October 1, 2024. This report provides a transition for the Smart Growth RDC program currently set to expire with the RDC bylaw on August 31, 2022 to Council's new expiration date of October 1, 2024.

Financial Considerations

The financial impact of delivering these incentives consists of:

(1) Regional staffing costs to administer the programs

Staff across Planning and Development Services, Economic Development, Housing Services, and Financial Management and Planning work to administer the various incentive programs offered by Niagara Region. SNIP incentive administration is led by Planning and supported by Finance staff. Continuing SNIP incentives until proposed program expiry in 2023, in conjunction with delivering new Niagara Region Incentive Policy programs, will lead to increased administrative costs. The intent is to manage these costs within the existing operating budget.

(2) Regional budget for the programs

SNIP incentives are budgeted differently depending on the program.

- The budget for the SNIP Affordable Housing Grant, Agricultural Feasibility Study Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/ Secondary Plan Grant, Public Domain Grant, Residential Grant, and Environmental Assessment Study Grant incentives is determined annually. For 2022 this budget is \$300,000. Program budget will need to be maintained in 2023 per proposed timelines outlined in this report and then is anticipated to be repurposed to support Affordable Housing incentives within the Niagara Region Incentive Policy.
- The Brownfield Tax Assistance Program Grant (BTAP) results in a freeze or cancellation of Regional taxes for a specified period. Annual budget requirements for the program vary depending on the approved projects and timing of development. The 2022 budget of \$38,000 was funded through assessment growth as part of the annual budget process.
- The SNIP Agricultural Buildings and Facilities Revitalization Tax Increment Grant would be funded like other Regional tax increment grants, with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. To date there has been no uptake for this program.

-
- The SNIP TIG incentive is funded with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. The 2022 budget for SNIP TIGs is \$2.2 million. It is anticipated this amount will increase annually based on existing and anticipated SNIP TIG grants through at least 2027. Estimated total Regional commitment for SNIP TIGs is over \$40 million.
 - The Smart Growth RDC reduction is funded through the annual RDC grant budget. The total budget RDC grants for 2022 is \$7.8 million. Annual budget requirements vary depending on the approved projects and timing of development. Average annual Smart Growth RDC payments from 2018-2021 were \$273,447, with reductions ranging from \$23,000 to \$531,000. It is anticipated the average annual payment 2022-2027 will increase based on project completions, Smart Growth RDC reduction program extension, and the proposed Smart Growth RDC reduction transition policy.

Analysis

Background

In its October 2021 approval of the Niagara Region Incentive Policy (PDS 31-2021) as amended, Regional Council provided two specific directions regarding incentive expiration dates:

1. a) That the current Regional Tax Increment Grant and Smart Growth Development Charge programs be maintained in municipal Community Improvement Plan (CIP) districts until October 1, 2024, or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation;
2. That staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates.

Incentives with Mandated Expiration Dates

In item 1(a) above, Council directed that the SNIP Property Rehabilitation and Revitalization Tax Increment Grant (SNIP TIG) and the Smart Growth RDC reduction remain operative through October 1, 2024, or until new programs meeting certain criteria are approved by Council. Options for new programs with the criteria indicated by

Council were not approved in 2021. This report addresses the need to clarify implications of Council's extension of the SNIP TIG and Smart Growth RDC grants for program partners and participants. Appendix 1 outlines proposed timelines and transition policies for these two programs.

- (1) **SNIP TIG** – This program will have an expiration date of October 1, 2024 for submission of complete applications, with sunset clauses as outlined in individual agreements between the local municipality and applicant for each project.
- (2) **Smart Growth RDC grant** – This program will have an expiration date of October 1, 2024 for receipt of complete applications OR execution of a transition agreement with Niagara Region. Applications received prior to August 31, 2022 will be processed under the existing Smart Growth RDC program outlined in Schedule E of the Regional DC bylaw (2017-98). This report proposes Council approve the delivery and transition of this incentive under the parameters outlined here from September 1, 2022 until the expiry date of October 1, 2024 mandated by Council through PDS 31-2021. Criteria for a transition agreement for this grant include the following:

To qualify for the Smart Growth RDC reduction of a maximum of 50% of the Regional DC payable after demolition credits are applied, a project must be located within the Designated Exemption Areas indicated in Appendix 2 OR be a brownfield development located within the in the urban area of a local municipality as defined by the Regional Official Plan, AND by October 1, 2024:

- Have met with Regional staff to discuss a preliminary assessment under the Smart Growth RDC program. Assessment will be based on the Smart Growth criteria in place at the time of the assessment, which may be amended.
- Have obtained a building permit and initiated construction for the development.
- Have entered into a Smart Growth RDC transition agreement with Niagara Region.

Projects meeting these criteria will be subject to the following program parameters:

- Under the Smart Growth RDC program, applicants are required to pay all DCs at the time of building permit issuance. Any eligible reduction of RDCs is paid after confirmation that program criteria have been met.
- Projects must be completed by the date indicated in the transition agreement or within five years of execution of the transition agreement, whichever is first.
- Complete applications must be submitted within one month of project completion.

As noted above in PDS 31-2021 item 2, Council directed “That staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates.” These “currently approved” programs include the following SNIP incentives: Affordable Housing, Agricultural Feasibility Study Grant, Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Community Improvement Plan/Secondary Plan Grant, Public Domain Grant, Residential Grant, Environmental Assessment Study Grant, Brownfield Tax Assistance Program Grant. Two of these 10 programs either have never been operative (SNIP Affordable Housing) or have been replaced by another program (SNIP Public Domain was replaced in 2016 by the Public Realm Improvement Program).

Recommendations for sunset and expiry options were put forward by staff during consideration of PDS 31-2021 and related report PDS 37-2021. With these deliberations as background, Appendix 1 outlines proposed expiry dates, sunset clauses, transitions and related information regarding SNIP programs with no expiration dates otherwise directed by Council.

In summary, it is recommended that:

- The SNIP incentives Affordable Housing Grant, Agricultural Feasibility Study Grant, Environmental Assessment Study Grant, Façade and Building Improvement Grant, Heritage Restoration and Improvement Grant, Public Domain Grant, and Residential Grant have an expiration date of October 1, 2023 for submission of complete applications, with a sunset clause of October 1, 2024 for completion and invoicing of all projects
- The SNIP Agricultural Buildings and Facilities Revitalization Tax Increment Grant, Brownfield Tax Assistance Program (BTAP) Grant, and Community Improvement Plan/Secondary Plan Grant have an expiration date of October 1, 2023 for submission of complete applications, with sunset clauses as outlined in agreements and approval letters for each project

These dates are proposed as they take into account: Council’s mandated expiration date of October 1, 2024 for the SNIP TIG and Smart Growth RDC reduction; Council discussion of other program timing options during the incentive review process; Council direction regarding ongoing incentive program delivery; the nature and timing of projects in these programs; and the need to confirm clear, reasonable dates as quickly as possible to support project planning and funding by partners and stakeholders. Further considerations regarding these proposed dates are outlined below.

Rationale

Clear, reasonable timelines and transitions are vital for incentive providers and recipients to effectively plan and budget. Council mandated specific expiry dates for two incentive programs (the SNIP TIG and Smart Growth RDC reduction) but requested that staff provide recommendations for expiry dates and sunset clauses for the remaining SNIP programs. Previous reports identified a number of timeline options for incentive programs, and discussions around these timelines in conjunction with additional direction by Council including to “REVIEW and REPORT to Regional Council prior to October 2024 on the effectiveness, challenges and any recommended changes to the Region’s Incentive Programs, after consulting with the local area municipalities” have been taken into consideration in putting forward the proposed dates in this report.

These proposals:

- provide clear and reasonable timelines for developers and local municipalities to apply for and complete projects, to enhance project planning and financing
- provide sunset clauses in alignment with most local municipal programs and with average completion rates for most program projects
- provide timely information for local municipalities working to update their CIPs and incentive programs
- align with Council direction to provide expiry dates and sunset clauses for these programs, and to target incentive spending by redirecting program funding into priority areas
- provide time for staff to collate data and fulfill Council direction to review, engage with local municipalities and report on incentives by October 2024 while continuing to deliver existing and new Regional incentive programs

Though there are advantages and disadvantages to earlier or later dates, many of them have been discussed previously and have not been accepted by Council. The proposals here are recommended as providing the most reasonable dates with the greatest number of overall advantages while still providing opportunity for continued program delivery and preparation for additional program review.

Next Steps

If approved by Council, this report will be circulated to local municipalities, and Regional staff will also communicate timelines and transition policies through meetings with local municipal staff partners and on the Regional website.

Alternatives Reviewed

Several alternatives regarding expiry dates and sunset clauses for incentive programs were considered by Council during incentive review deliberations in 2021. The options put forward here take into account Council's comments and actions during those deliberations and provide the strongest alternative per Council direction to put forward expiry and sunset clause dates and for staff to continue administering parallel sets of incentives while preparing to consult with local municipalities, review, and report to Council on the effectiveness and recommendations for Regional incentives.

Relationship to Council Strategic Priorities

The recommendations in this report support the following Council strategic priorities:

Priority 1: Supporting Businesses and Economic Growth

- Objective 1.1: Economic Growth and Development

Priority 4: Sustainable and Engaging Government

- Objective 4.1: High quality, efficient and coordinated core services
- Objective 4.2: Enhanced Communication
- Objective 4.3: Fiscally Sustainable

Other Pertinent Reports

- Regional Development Charges By-law 2017-98
- PDS 31-2021 Niagara Region Incentives Policy
- PDS 37-2021 Regional Incentives Information and Alternatives

Prepared by:

Marian Bannerman, PhD
Program Manager, Grants and
Incentives
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with the Regional Incentive Review team (CAO Ron Tripp; Community Services: Donna Woiceshyn, Director, Niagara Housing Services, CEO of Niagara Regional Housing; Corporate Services: Todd Harrison, CPA, CMA, Commissioner of Corporate Services,/Treasurer; Helen Chamberlain, CPA, CA, Director, Financial Management and Planning/Deputy Treasurer; Margaret Murphy, CPA, CMA, Associate Director, Budget Planning & Strategy; Lyndsey Ferrell, Program Financial Specialist; Economic Development: Valerie Kuhns, Associate Director; Ken Scholtens, Manager, Business Development and Expedited Services; Planning and Development Services: Michelle Sergi, MCIP, RPP, Commissioner of Planning and Development Services; Diana Morreale, Acting Director, Community and Long-Term Planning; Marian Bannerman, Program Manager, Grants and Incentives).

Appendices

Appendix 1 Regional Incentive Dates

Appendix 2 Designated Exemption Areas for Smart Growth RDC Reduction Eligibility

Appendix 1: Regional Transitional Incentive Dates**A. Smarter Niagara Incentive Program (SNIP) Timeline Proposals**

Projects must have submitted complete application packages by the expiry date indicated. Application submission in advance of expiry date is recommended to ensure applications are complete.

Program	Expiry Date	Sunset Clause	Transition	Notes
Affordable Housing Grant	October 1, 2023	N/A	N/A	Never operative
Agricultural Buildings and Facilities Revitalization Tax Increment Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified in individual agreements	None	No uptake to date
Agricultural Feasibility Study Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	No uptake to date
Brownfield Tax Assistance Program Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified in individual agreements	None	None

Community Improvement Plan/ Secondary Plan Grant	October 1, 2023 Complete application must be received	Project completion and invoicing as specified through individual project approvals	None	Secondary plans mandated by Regional policy or deemed to have significant Regional interest will be considered for funding on a case by case basis
Environmental Assessment Study Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	Studies will be considered eligible costs under Regional brownfield incentive programs
Façade and Building Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None
Heritage Restoration and Improvement Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	None

Public Domain Grant	October 1, 2023	N/A	N/A	Replaced by Public Realm Investment Program in 2016
Residential Grant	October 1, 2023 Complete application must be received	October 1, 2024 Project completion and invoicing	None	Replaced by Small Building Rental grant program

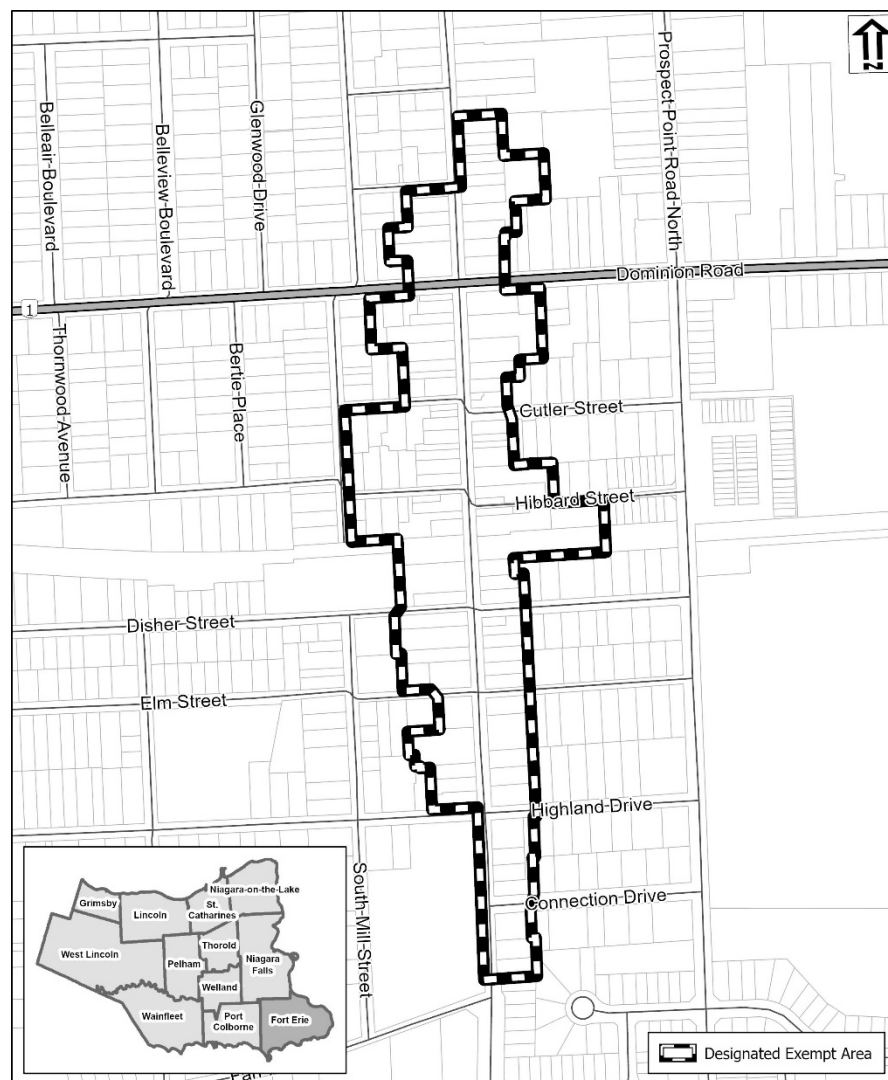
B. Council-Mandated Incentive Dates

Program	Expiry Date	Sunset Clause	Transition	Notes
SNIP Property Rehabilitation and Revitalization Tax Increment Grant	October 1, 2024 Complete application must be received	Project completion and invoicing as specified in individual project agreements	None	Replaced by Brownfield and by Niagara Business Attraction Tax Increment Grant programs
Smart Growth Regional Development Charge Reduction	October 1, 2024 Complete application received OR transition agreement executed	Project completion and invoicing as specified in individual project agreement	October 1, 2024 For eligible projects meeting criteria outlined in this report	Current program expires with Regional DC Bylaw August 31, 2022; transition to October 1, 2024 expiry provided through this report

Appendix 2: Designated Exemption Areas for Smart Growth RDC Reduction

A maximum 50% reduction in Regional Development Charges (RDCs), after any demolition credits are applied, not to exceed total RDCs payable, may apply to eligible projects provided the Smart Growth Design Criteria endorsed by Council of the Region and/or any level of LEED certification are achieved, in the following Designated Exemption Areas or to brownfield developments within Urban Areas of local municipalities as defined under the Regional Official Plan from September 1, 2022, provided that transition policy requirements outlined in PDS 3-2022 are met by October 1, 2024.

Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (1)



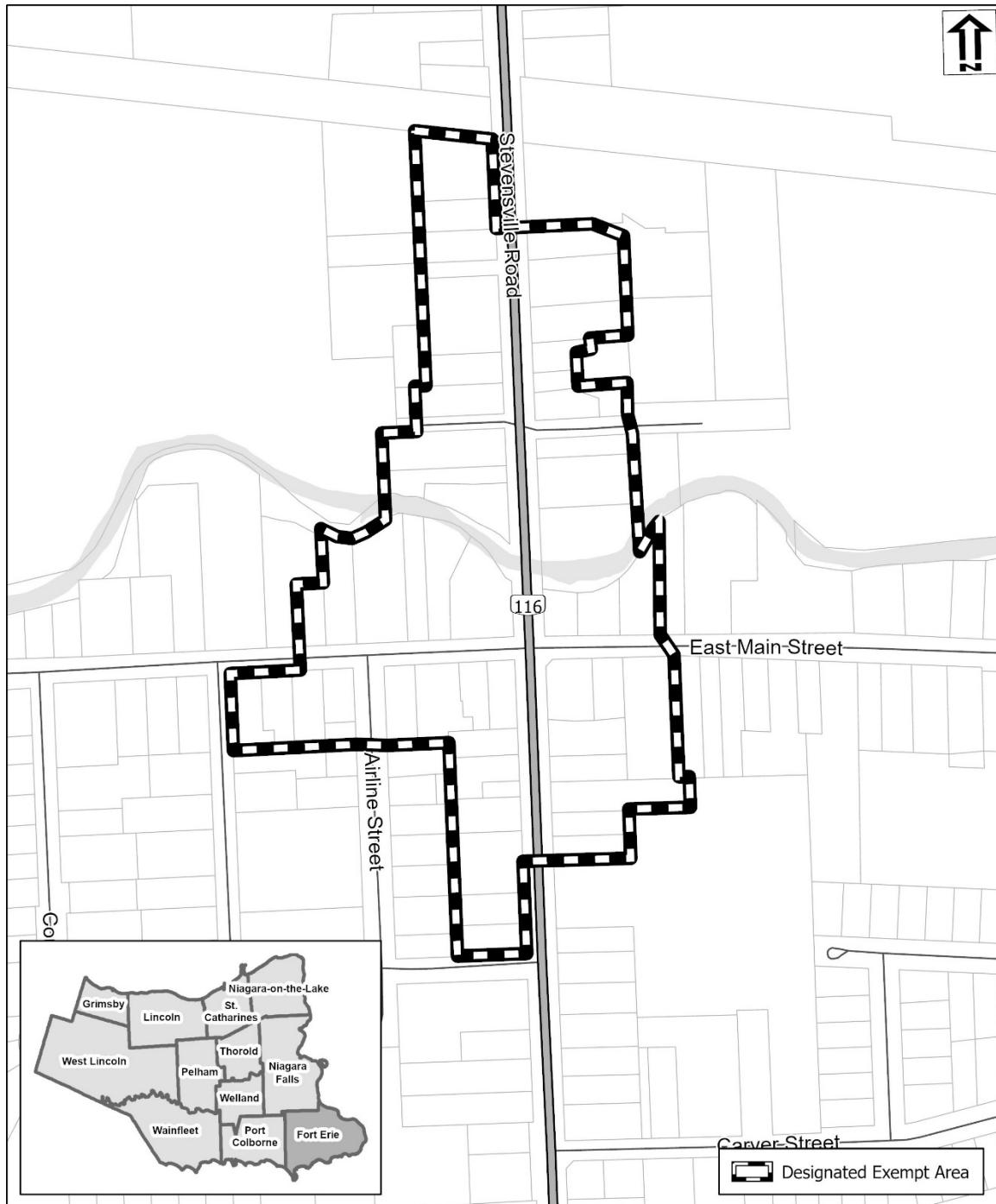
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (2)



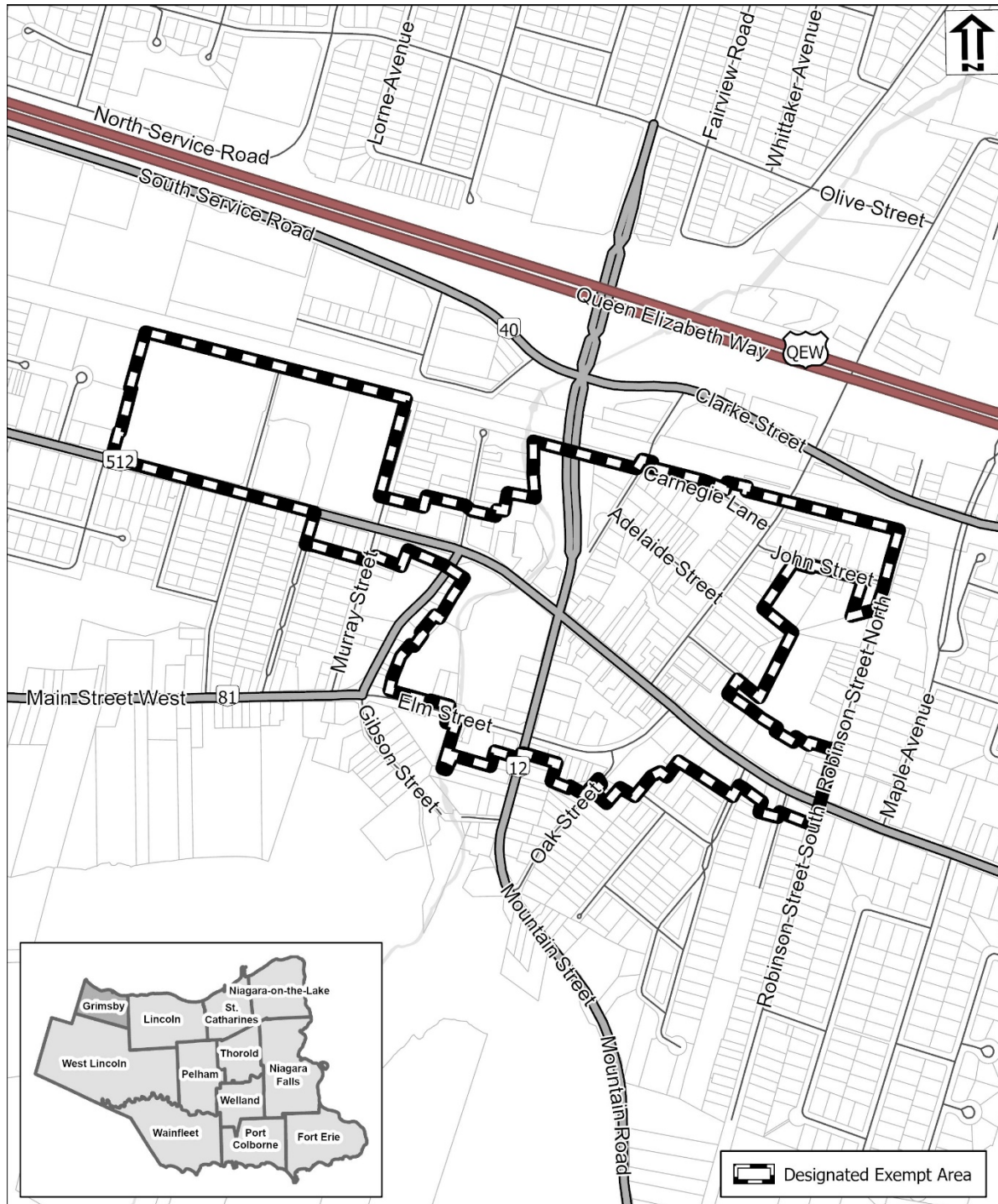
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Fort Erie (3)



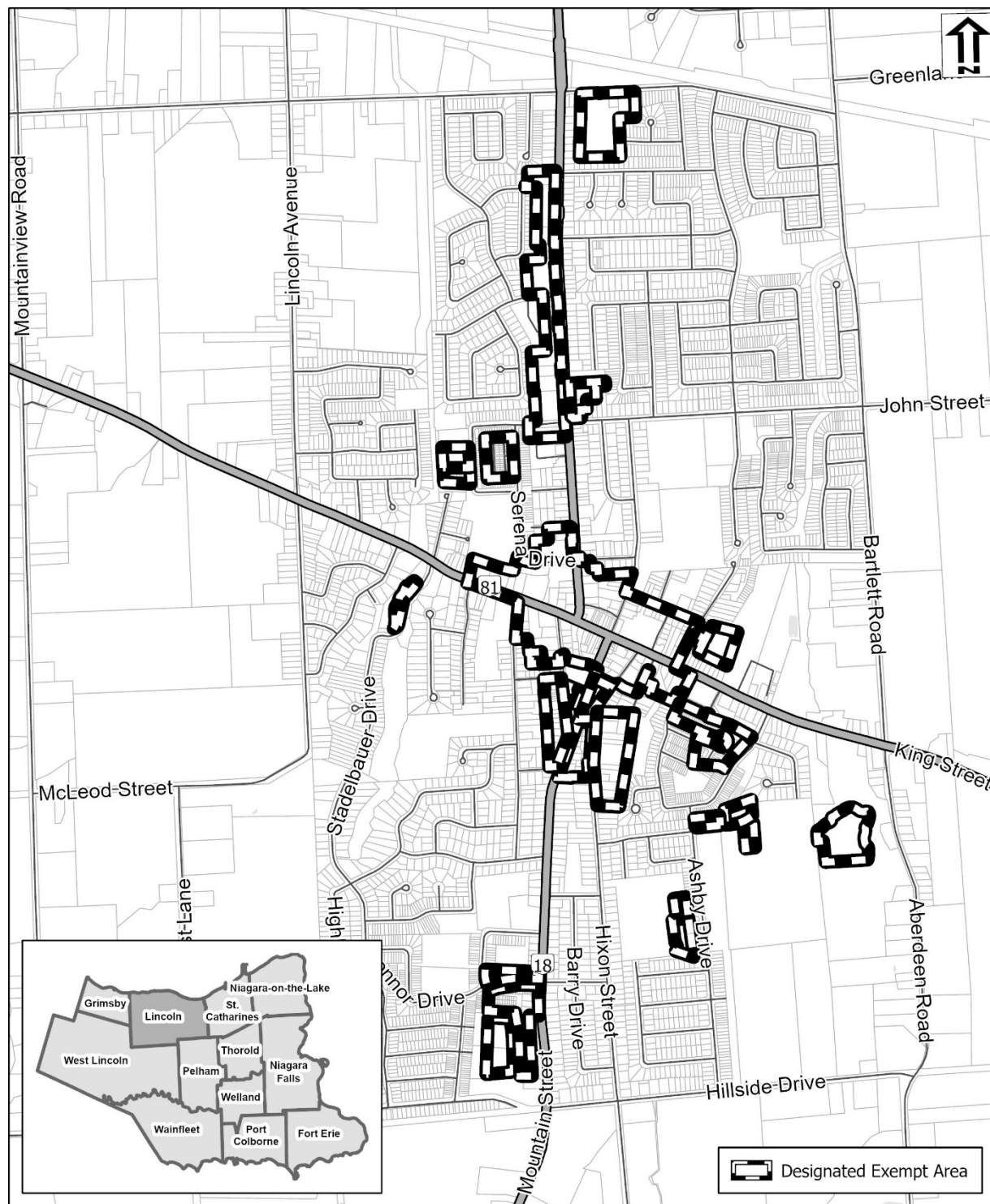
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Grimsby



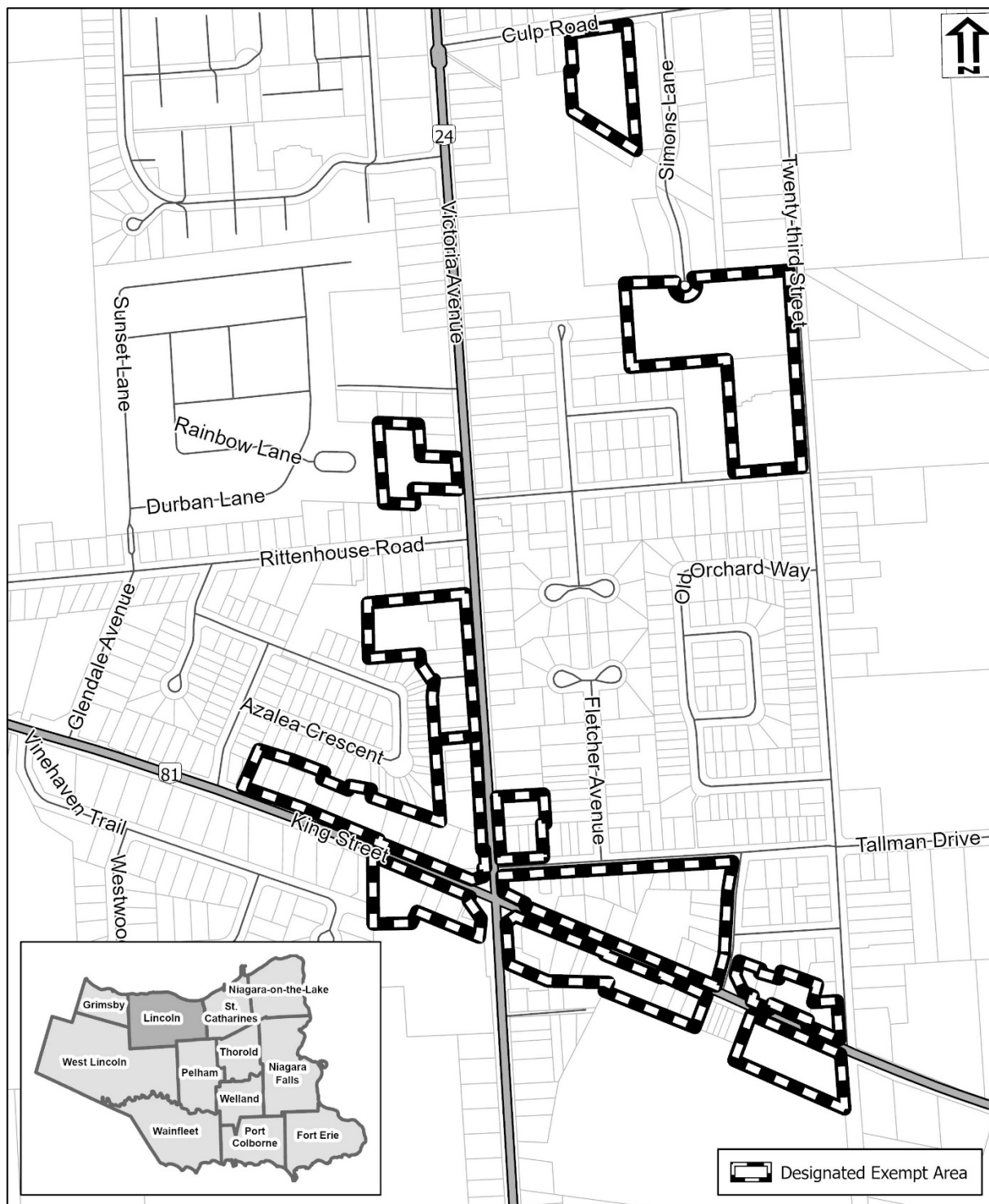
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (1)



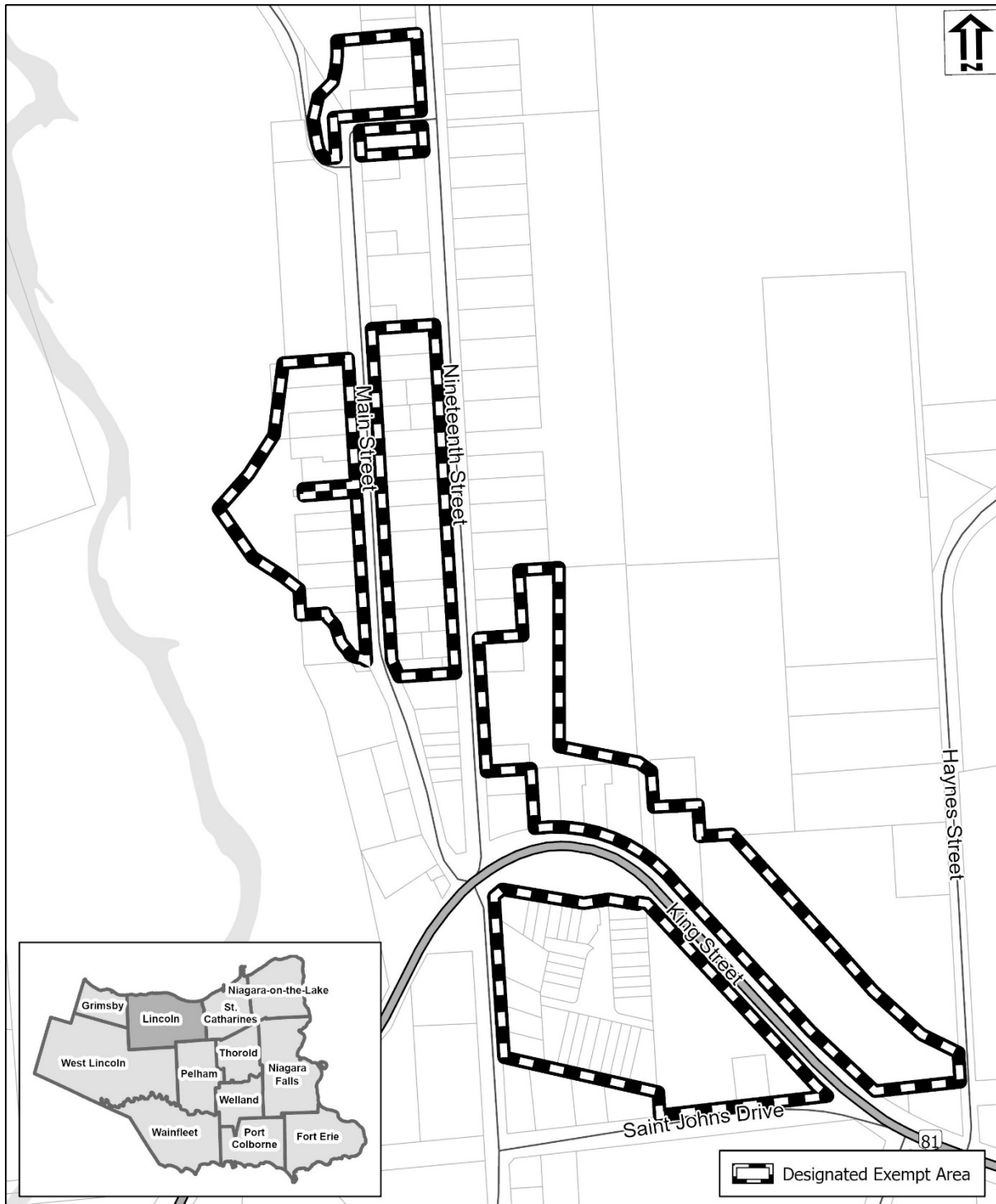
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (2)



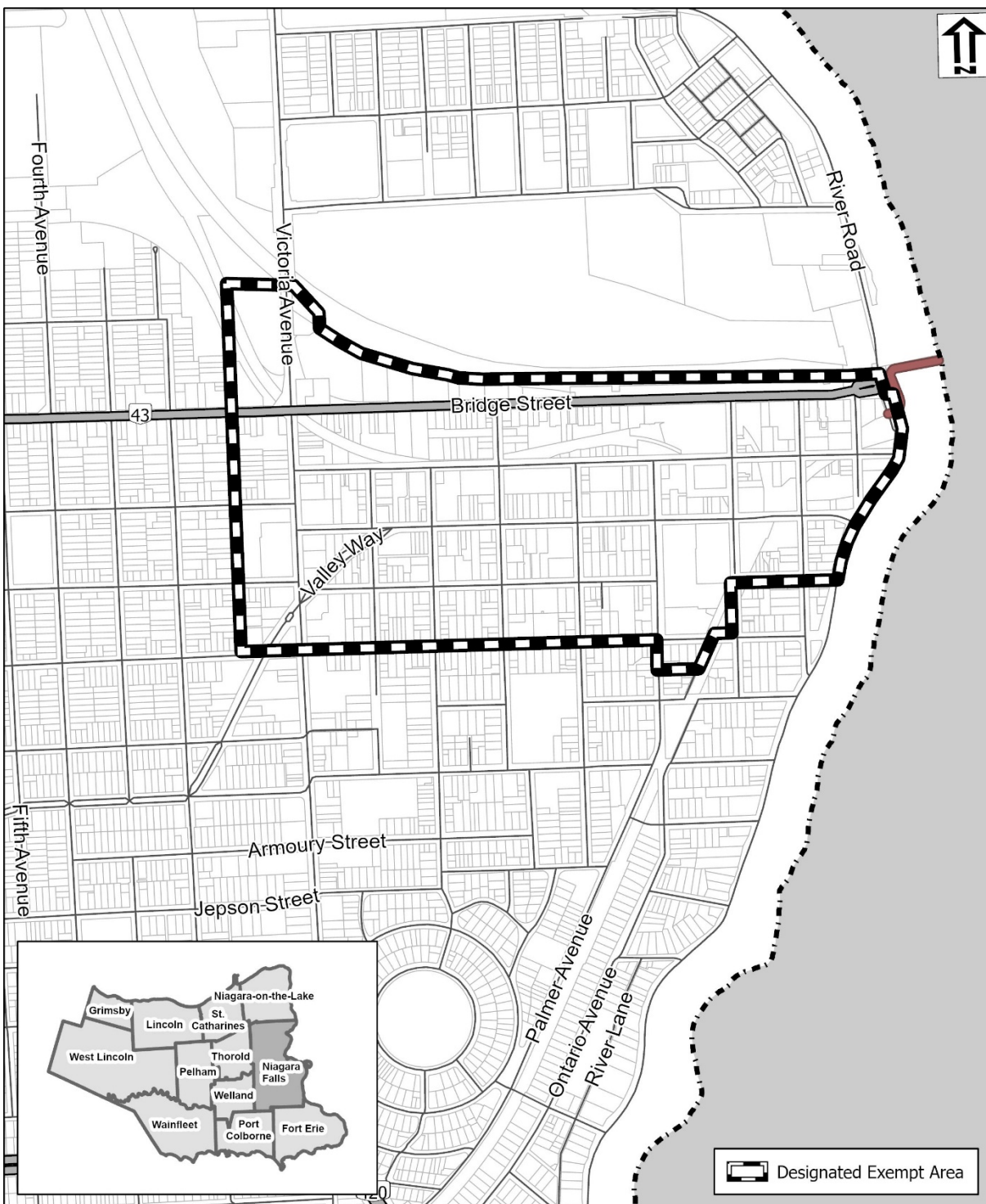
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Lincoln (3)



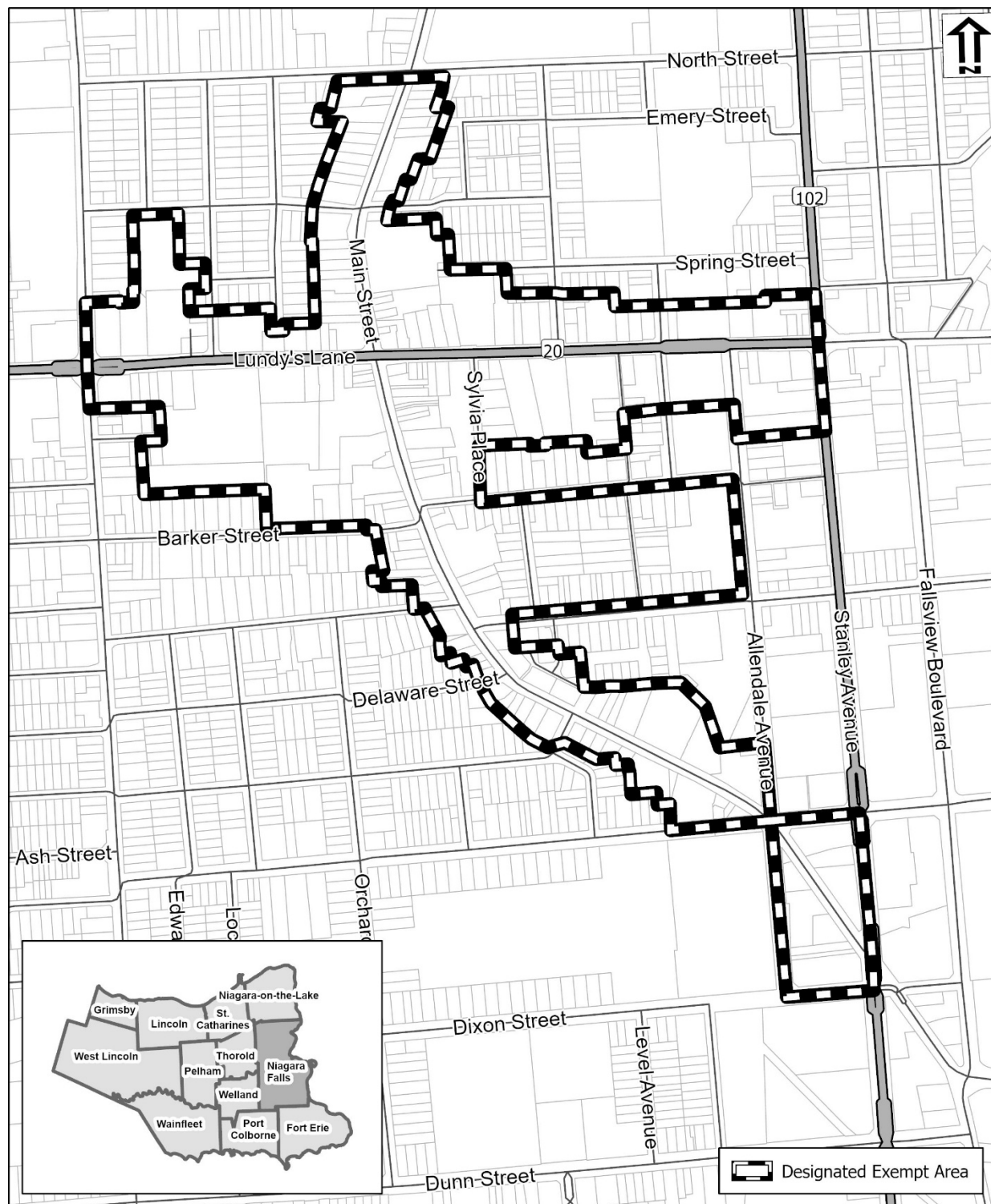
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Niagara Falls (1)



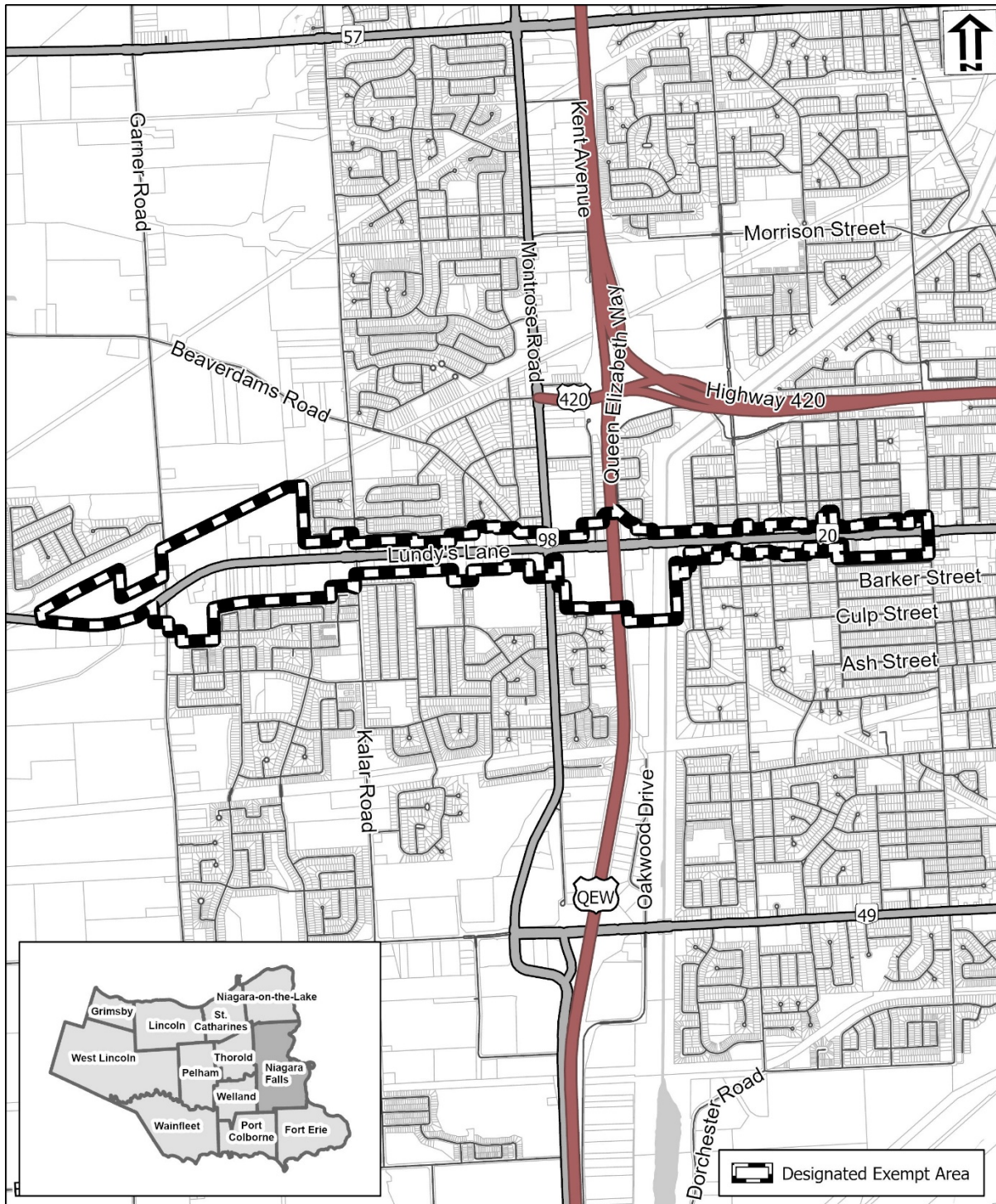
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Niagara Falls (2)



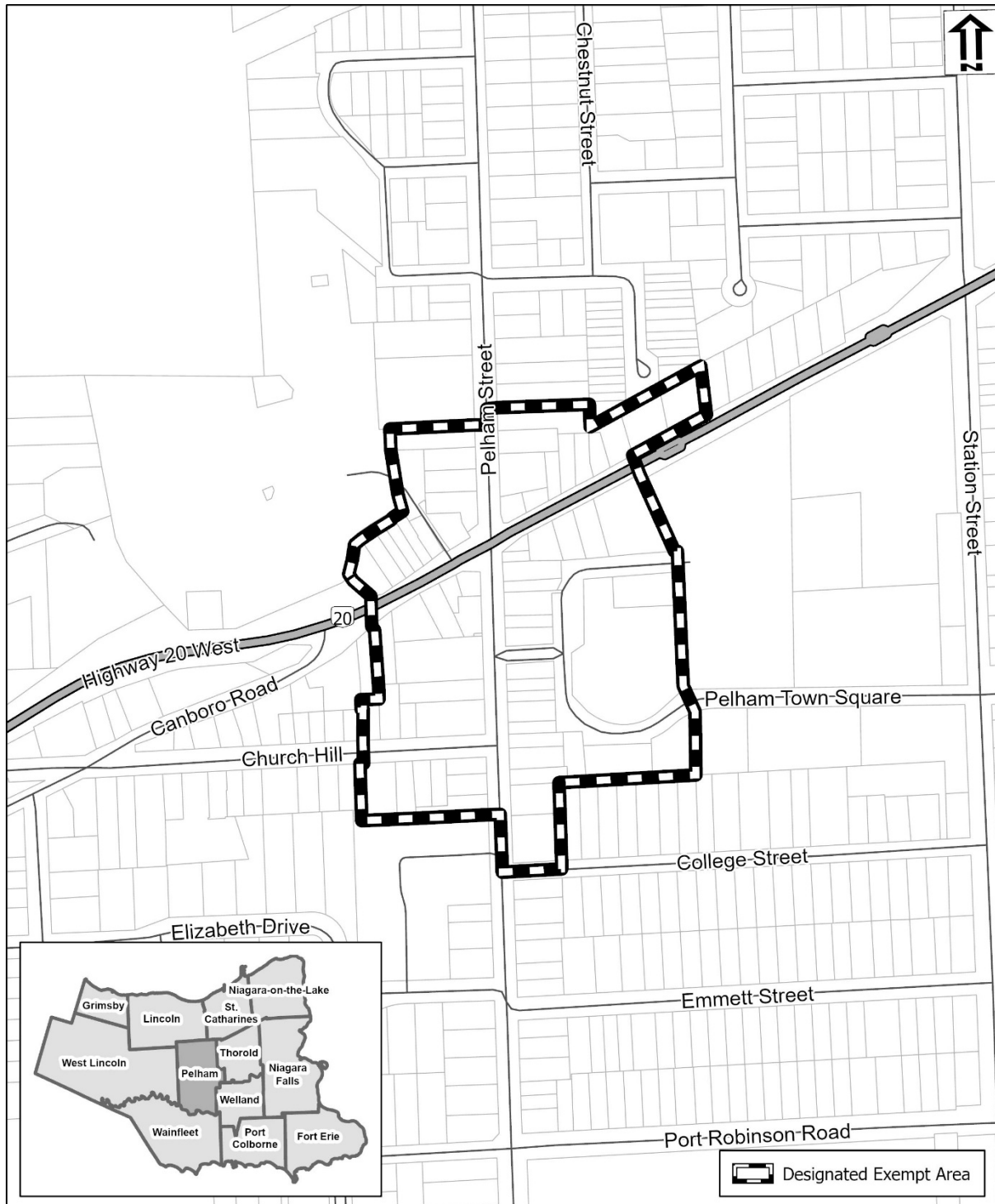
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Niagara Falls (3)



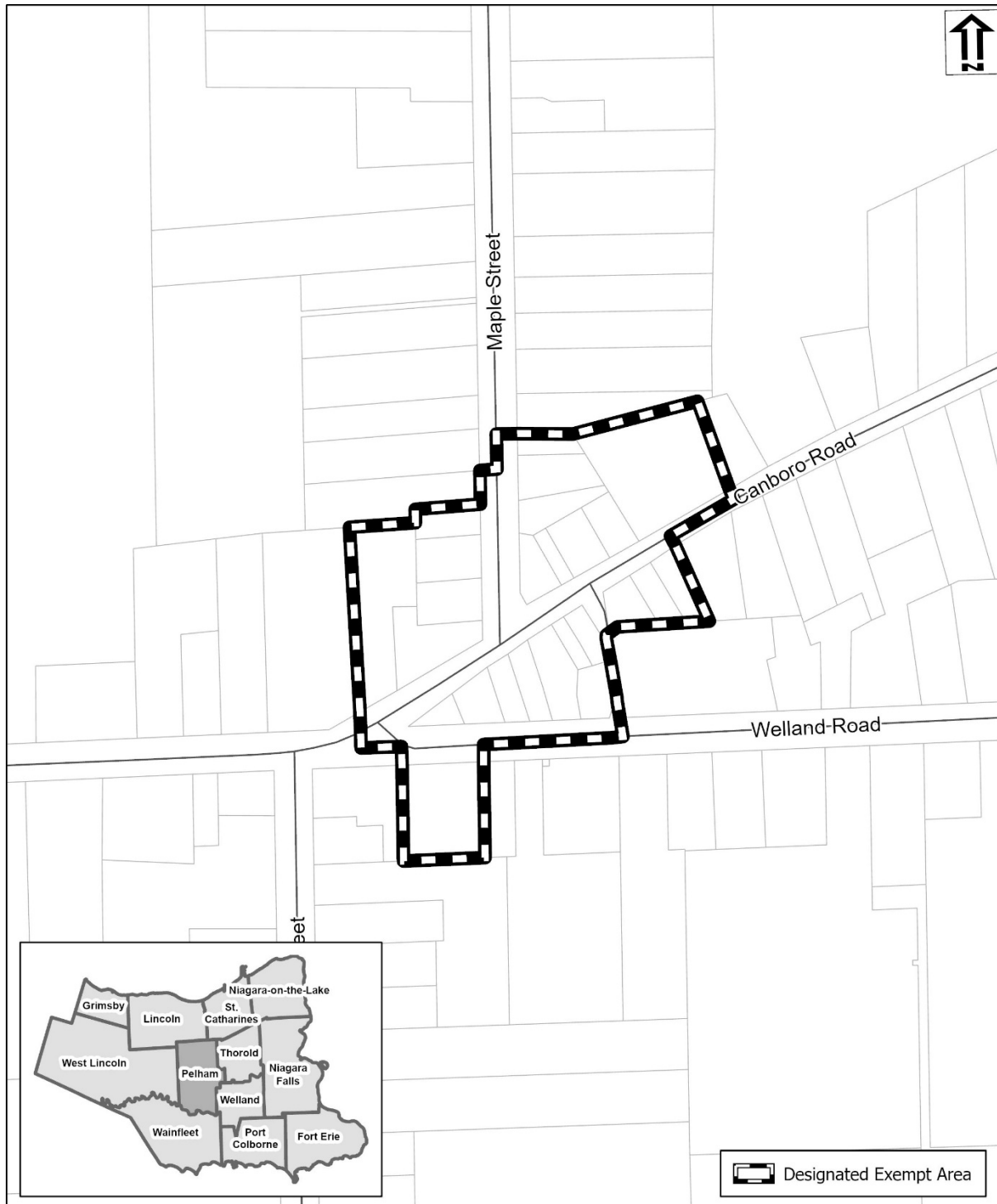
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Pelham (1)



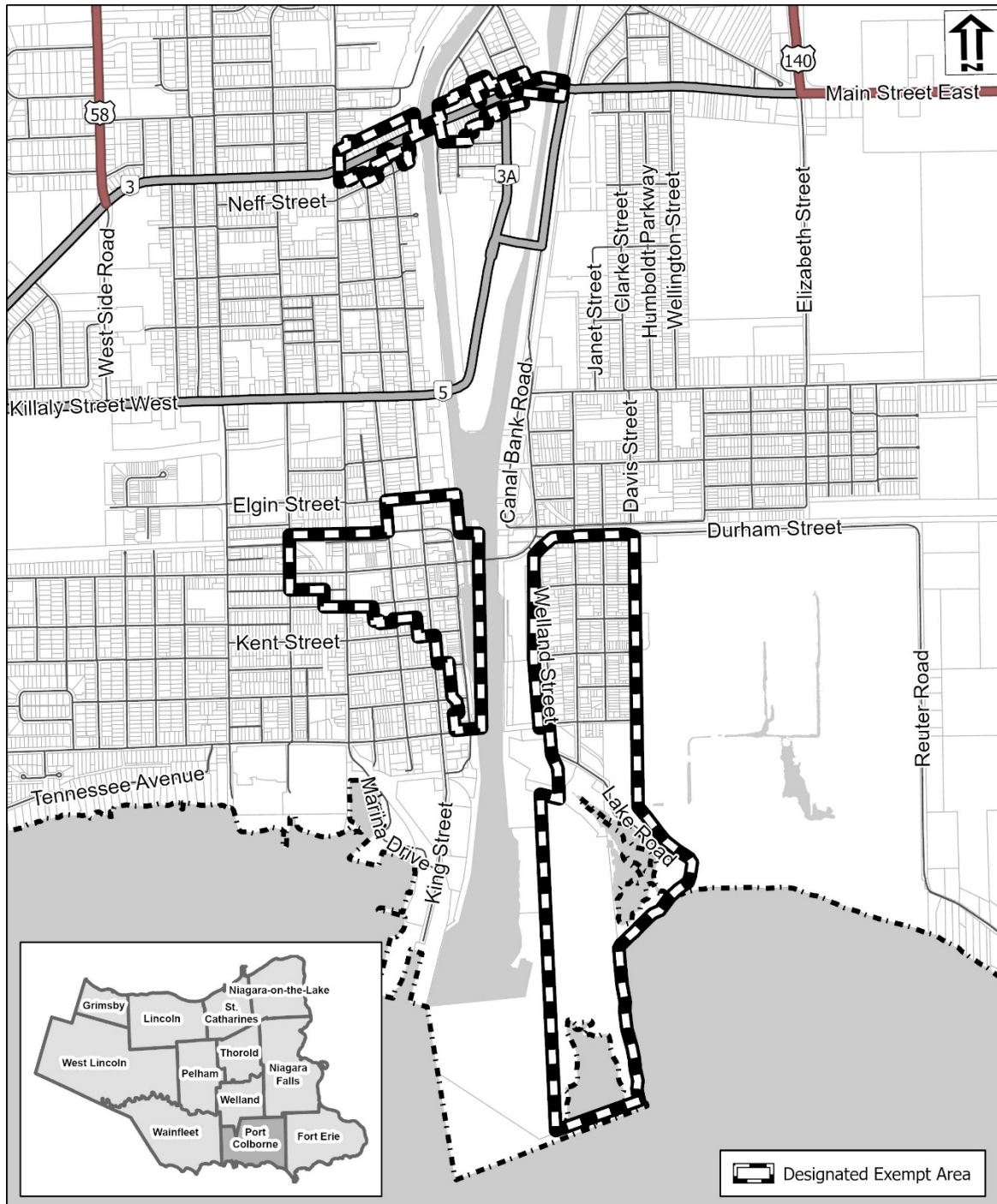
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Town of Pelham (2)



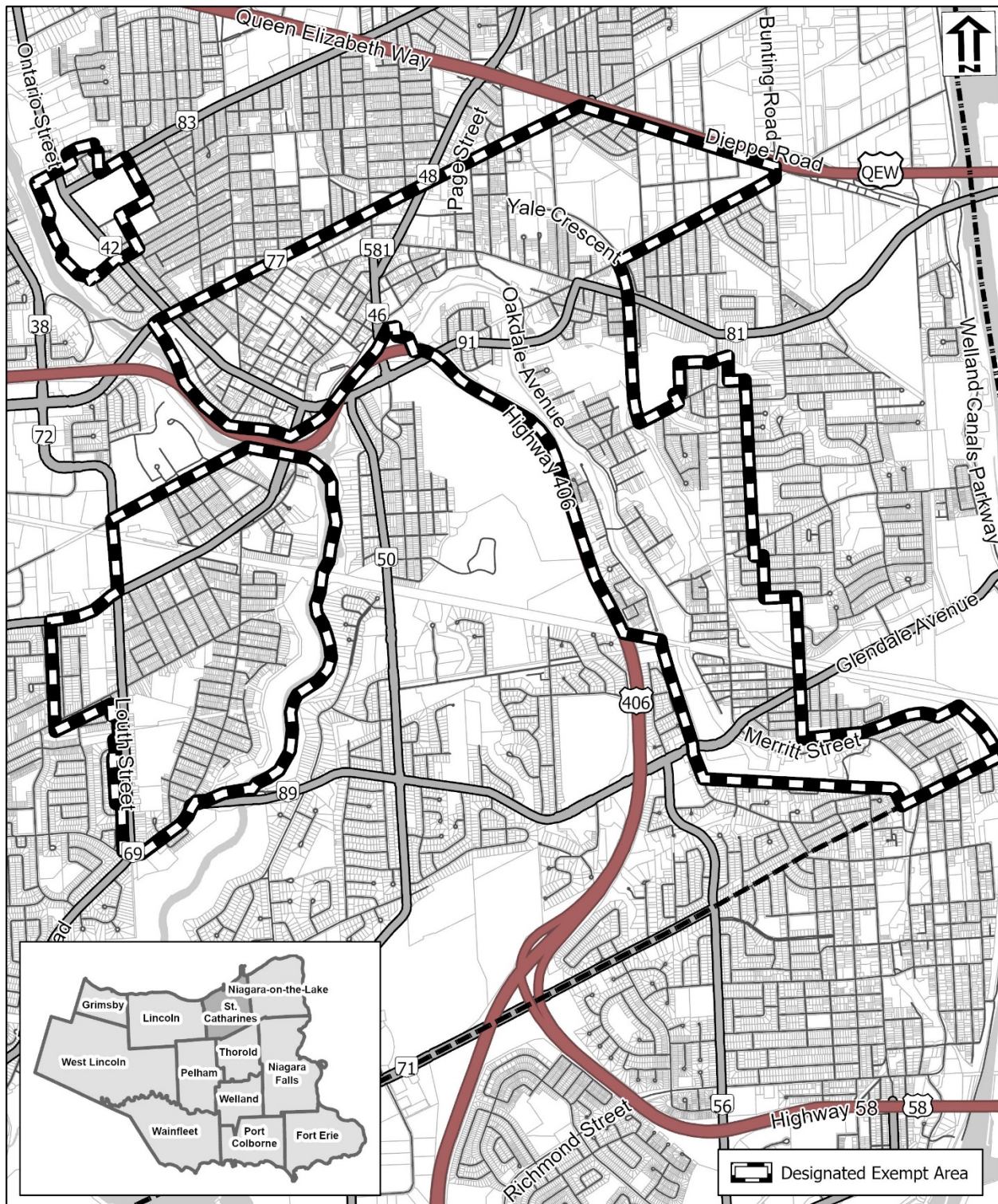
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Port Colborne



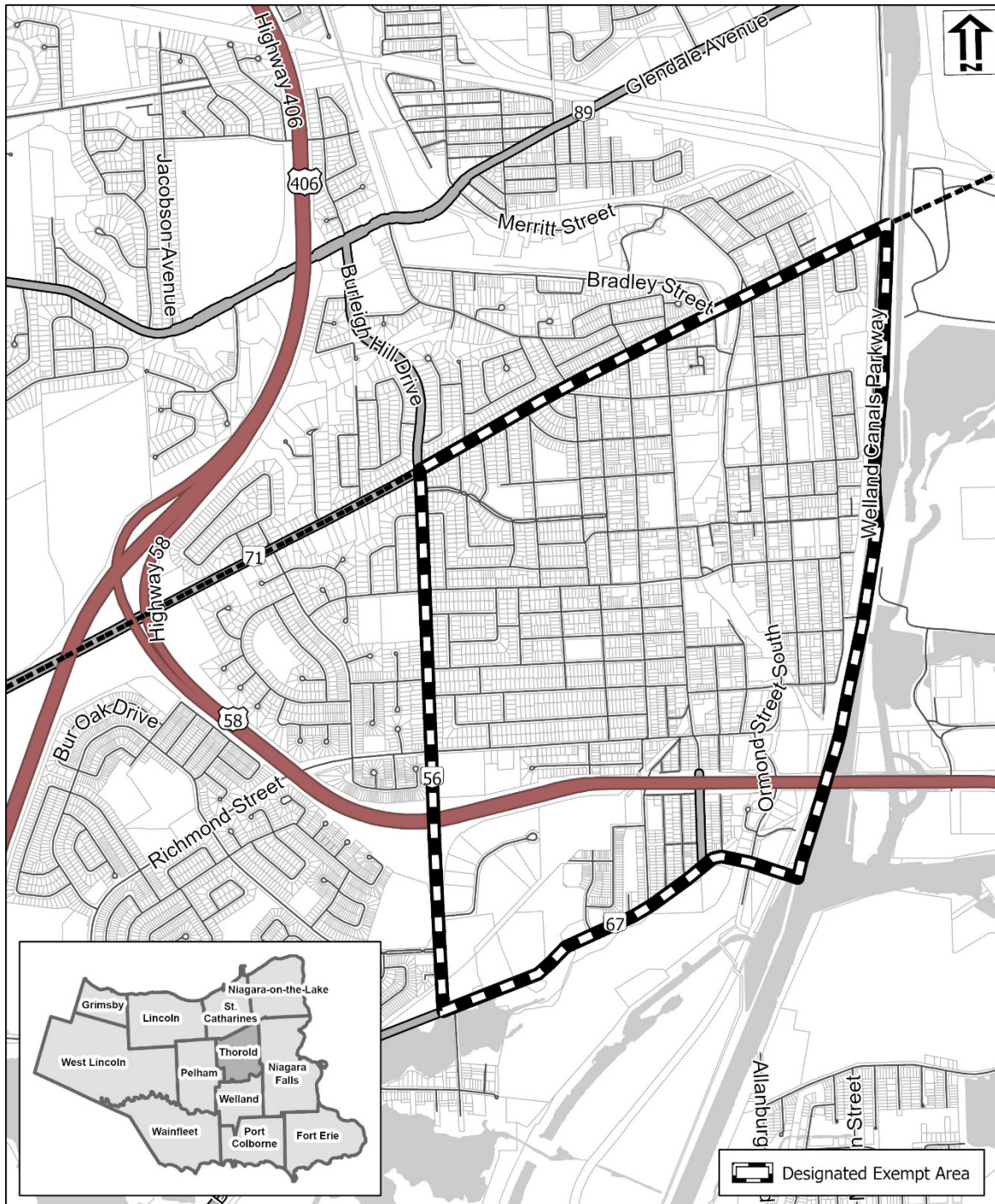
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of St. Catharines



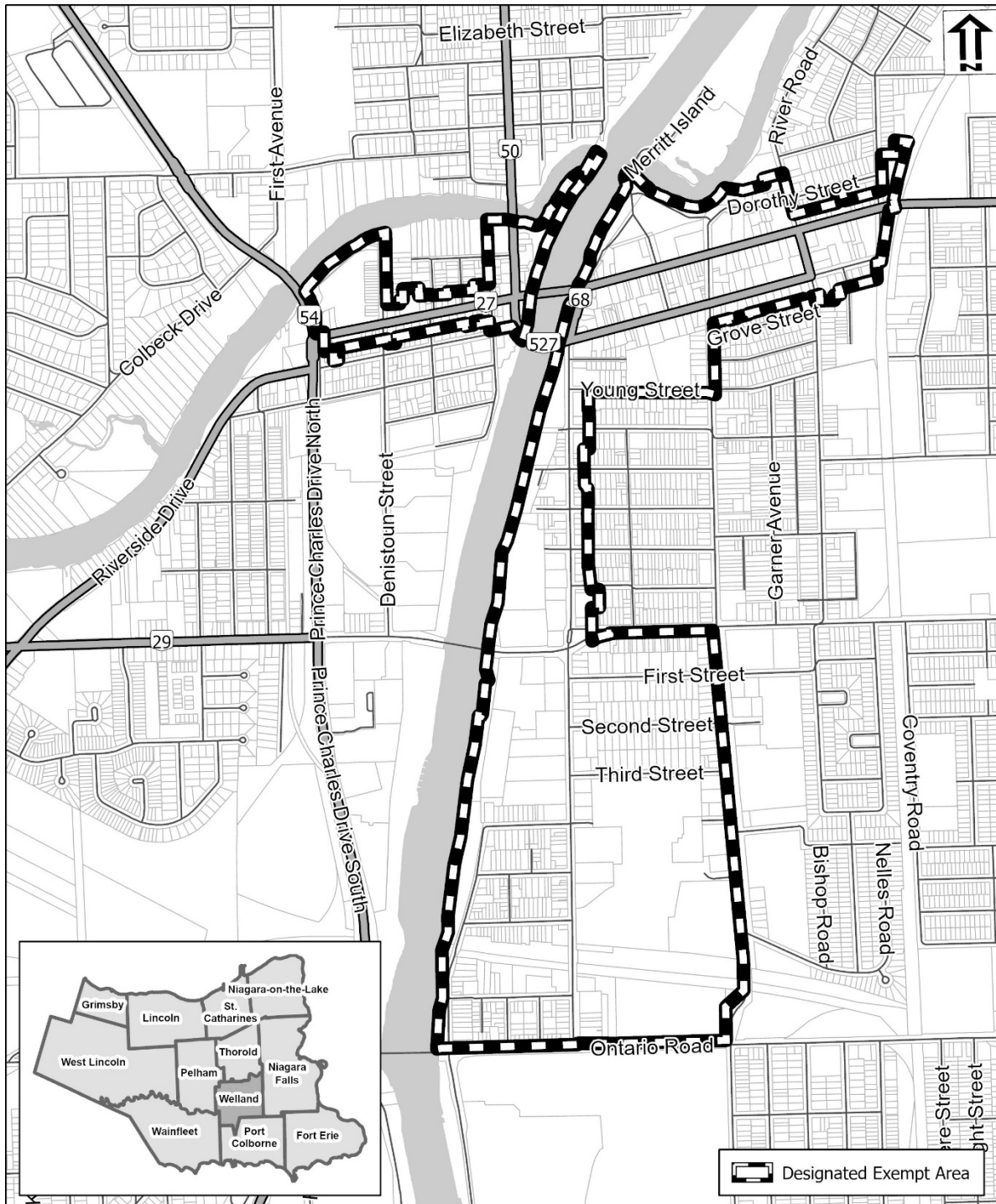
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Thorold



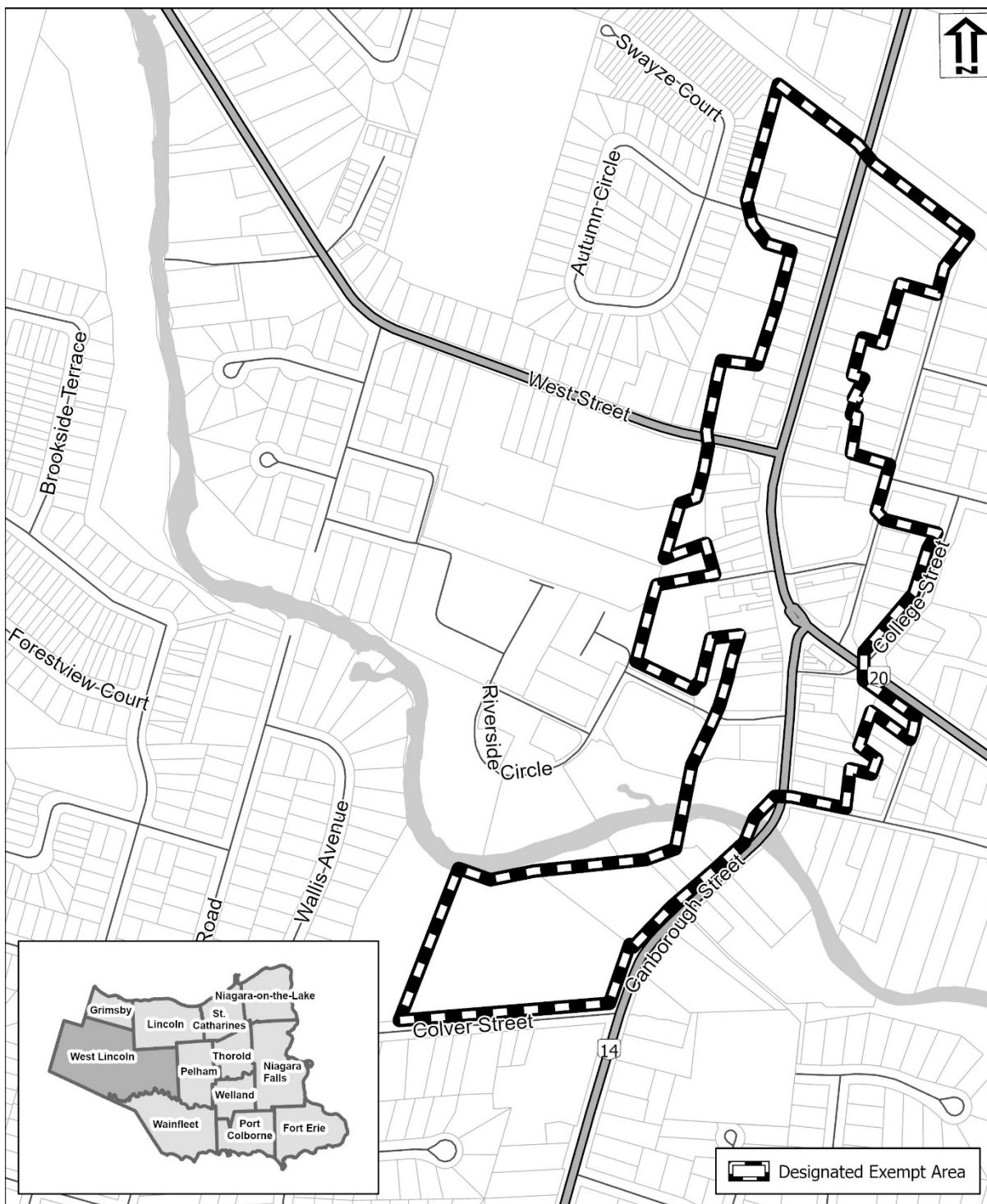
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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for City of Welland



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Designated Exemption Areas for Smart Growth Regional Development Charge Reductions for Township of West Lincoln



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Appendix 2

PDS 3-2022

March 9, 2022



City Council Outstanding Reports List

Reports by Strategic Pillar

Cultural	1	Economic	6
Environmental	3	Social	23

Reports Related to Strategic Plan	33
Reports Unrelated to Strategic Plan	3

Updated: April 1, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Cultural	2020-15	19-Oct-20	Littleton / Siscoe / Harris	Report back on excluding 101 Oakdale Avenue, 25 Duke Street and 160, 168, 174, 176 St. Paul Street from the register of non-designated cultural heritage properties. Report to include update on the request for the property owners of 101 Oakdale Avenue and 25 Duke Street to attend a Heritage Committee meeting about their request to be excluded. Report to include update on correspondence from 160, 168, 174, 176 St. Paul Street requesting exclusion from the register.	PBS	Q2 2022	Follow-up report to PBS-111-2020. See General Committee minutes from October 19, 2020. Due to the effects of the COVID-19 pandemic on downtown businesses, staff will report back to Council once the downtown economic climate strengthens. Staff will report back on 25 Duke Street upon completion of renovations at the property
Economic	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	May 30, 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
Economic	2021-11	10-May-21	Social Pillar / Garcia	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	Q3 2022	Council approved a complementary motion from Cllr Garcia at the meeting of February 28, 2022. See Council Minutes Item 10.1 from February 28 for full motion
Economic	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	Q2 2022	
Economic	2021-15	14-Jun-21	Miller	Report back on the City's current remuneration formula for members of Council, including how and when the formula was developed, as well as the remuneration for Councillors at comparator municipalities.	FMS	Q2 2022	Include information on reimbursement for committee chairs and administrative supports for Councillors at other municipalities. Report went to March Budget Standing Committee Meeting - coming to Council in Q2 2022.
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	Q2 2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Feasibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	April 2022	Information will be provided as a memo
Social	2019-12	15-Apr-19	Porter	Review of Citizen Appointments to Boards and Committees Policy	LCS	May 30, 2022	Report postponed due to COVID-19. See Council Minutes of April 15, 2019, Item 8.2, for original motion.
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed to a later date due to the COVID-19 pandemic
Social	2019-29	09-Sep-19	Littleton	Report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process	PBS	Q2 2022	Delayed due to COVID.
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	Q2 2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	Q2 2022	See Council Minutes of January 18, 2021 for what is to be included in the report
Social	2021-12	10-May-21	Social Pillar	Amend the current by-law for the erection of signs and other advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	Q2 2022	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	Q2 2022	

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	Q2 2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
Social	2021-19	30-Aug-21	Phillips	That staff be directed to prepare a report on the possibility of capturing grey water from municipal facilities, such as splash pads and the St. Catharines Kiwanis Aquatics Centre, into cisterns in order to irrigate municipal sports fields and gardens as well as hanging baskets and planters.	EFES / PBS	2022	In the report include information on the timing, locations and costs associated with capturing grey water.
Social	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Required studies can only be done in the Spring / Summer
Social	2021-22	4-Oct-21	Miller	Prepare a report exploring options for improving accessibility for those with invisible disabilities, including, but not limited to, providing closed captioning on livestreamed videos and identification options for those with invisible disabilities who are working at or otherwise accessing City facilities	CAO	2022	Consult with the Accessibility Advisory Committee in the creation of the report.
Social	2021-26	15-Nov-21	Social Pillar	Prepare a report regarding the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 45, for the Committee's recommendations on a Racist / Hate Incident Response Protocol.
Social	2021-28	15-Nov-21	Social Pillar	What Council can do to support the initiatives in the motion from the Anti-Racism Advisory Committee, and referred by the Social Sustainability Committee, regarding Calls to Action in the Wake of the London Islamophobic Attack.	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 40, for the Committee's recommended Calls to Action in the Wake of the London Islamophobic Attack.
Social	2021-30	29-Nov-21	Siscoe	Traffic calming on Dufferin Street East	EFES	Q3 2022	Required studies can only be done in the Spring / Summer
Social	2021-31	29-Nov-21	Dodge	Prepare a report on the suitability of modifying Bylaw 89-2000 to permit vehicles to legally park within the confines of a residential driveway apron subject to specific safety and operational constraints	EFES	Q4 2022	
Social	2022-04	17-Jan-22	Porter	Report back on a policy for warming / cooling centres	CRCS / EFES	Q3 2022	Required studies can only be done in the Spring / Summer
Social	2022-05	07-Mar-22	Littleton	Alternatives to current road configuration on Oakdale Avenue, including crosswalks, traffic calming, traffic humps and bike lanes.	EFES	Q3 2022	Required studies can only be done in the Spring / Summer
Social	2022-07	28-Mar-22	Porter / Garcia	Prepare a report regarding the item of correspondence from the Friends of 12 Mile Creek with information on the questions posed in the item of correspondence.	CAO	Q2 2022	See Council Correspondence Report from March 28, 2022, Sub-Item 6, for the item of Correspondence.
None	2021-27	15-Nov-21	Williamson	Respond to the issues raised in the item of correspondence from Marianne Murray regarding Regional Road 87, including the legal questions raised by Ms.	LCS	2022	Item of correspondence included as additional correspondence from meeting of November 15, 2021
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS	2022	
None	2022-06	07-Mar-22	Porter	Information on a lobbyist registry for St. Catharines and the possibility of a fee-for-service agreement with the Niagara Region	LCS	2022	Information will be provided as a memo

Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2020-16	09-Nov-20	Garcia	That staff report back in 2021 on remediation costs for applications that are a minimum of 5% of total past and future project costs.	PBS	April 25, 2022	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020. Information will be included in annual CIP report
Economic	2020-17	09-Nov-20	Mayor Sendzik	That Council bring back the Accessory Dwelling Unit Program in 2022 to come back as part of an update on the overall CIP program annual report.	PBS	April 25, 2022	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020. Information will be included in annual CIP report
Environmental	2021-16	28-Jun-21	Siscoe	Report back in Q4 2021 on the Ontario Street Secondary Plan launch including scope, preliminary workplan, public engagement strategy, and study partnership options	PBS	May 30, 2022	
Social	2020-07	24-Feb-20	Porter	Revised Graffiti Program: Consult with the community, the relevant cultural committees and downtown stakeholder groups to modernize the graffiti program and by-law by 2021.	PBS	Q2 2022	Follow up report. Initial report (PBS-010-2020) approved February 10, 2020. Delayed due to COVID.
Social	2022-01	27-Sep-21	Littleton	That staff be directed to report to Council the funding requirements for recognition within the park for Richard Pierpoint, the Indigenous community and the history behind Canada's Centennial and the creation of the park.	CRCS	April 11, 2022	Follow up report to CRCS-151-2021. See Council minutes of September 27, 2021.
Social	2022-02	17-Jan-22	Phillips	Report back to Council with information from the Resident Beach Parking Permit Expression of Interest (EOI) for the 2022 Beach Season and that the report include information on an incentive for using transit to commute to the beaches.	CAO	April 11, 2022	Follow up report to CAO-004-2022. See Council minutes of January 17, 2022
Social	2022-03	17-Jan-22	Phillips	That staff report back with additional information on the boat launch	CAO	2022	Follow up report to CAO-004-2022. See Council minutes of January 17, 2022



Corporate Report City Council

Report from: Municipal Works, Operations

Report Date: December 31, 2021

Meeting Date: March 28, 2022

Report Number: MW-010-2022

File: 10.13.12

Subject: Bylaw to Regulate Use of Boulevards and Unopened Road Allowances

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Social



Recommendation

That the Staff Recommendation in Report MW-010-2022, regarding a proposed bylaw to Regulate Use of Boulevards and Unopened Road Allowances, be referred to City Council for consideration of the Staff Recommendation after the public meeting scheduled for April 11, 2022, for which notice will be duly given.

Staff Recommendation

That Council approve the Bylaw to Regulate Use of Boulevards and Unopened Road Allowances, attached as Appendix 1; and

That Council approve the companion Policy: MW-P-01-2022, which outlines how the subject bylaw will be implemented, attached as Appendix 2; and

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

Summary

To date, unauthorized works have taken place on both boulevards and unopened road allowances across the city. At best, these incumbrances can be problematic from a liability perspective, while others can compromise public safety. These unauthorized installations are also frequently a catalyst for neighbour disputes. To address these concerns, staff is proposing that Council adopt a new bylaw (attached as Appendix 1) that clarifies what activities are prohibited on these public lands. The bylaw also provides a process for removing unauthorized modifications that are problematic.

Relationship to Strategic Plan

This bylaw will provide the public with clear guidelines with respect to what is allowed to be located on the boulevard portion of a public road allowance.

Background

Pursuant to the Municipal Act, the City has the ability to regulate occupancy of both open and unopened road allowances including, modifications, installations and/or construction on these lands. As the owner of these properties, the City can also be found liable by courts for damages and/or injuries arising from activities and fixtures (both natural and built elements) it allows to occupy these areas.

Unauthorized fixtures and/or ground treatments on boulevards of open roads are particularly problematic. For example, landscape bricks located too close to a sidewalk edge will often be clipped by a sidewalk blower or plow. The best case is minor to severe damage occurs to City equipment and a trip hazard results from the heaved brick. The worse case is a dislodged brick can become a projectile and injure the worker, passing pedestrian or motorist. Another common issue is vegetation that is planted in the boulevard that is not trimmed and obstructs sightlines. Numerous other examples of boulevard hazards could be cited.

To date, the City has not regulated alterations on boulevards nor unopened road allowances in a comprehensive manner. Rather, the City has allowed certain things to be installed in boulevards (i.e. signs, driveways) by exception or with stipulations where provided for by other statutes (i.e. hydro and gas utilities). Unopened road allowances have been altered by the construction of built elements by proponents in a number of locations in the municipality without any permissions or requirements being sought from the City.

The City's inconsistent approach to managing these public lands can be frustrating for individuals and companies that seek to do things in a responsible and safe fashion. Furthermore, the lack of a clear corporate process or internal authority to address alterations in these areas makes removal of problematic and/or unsafe built elements unnecessarily time consuming and costly.

Report

In response to the current situation, staff in Municipal Operations and Transportation Services reviewed bylaws in a number of other municipalities intended to deal with similar challenges. City staff found there is a wide range of approaches. Models that were administratively cumbersome and would require additional staff resources / budget were dismissed and at this time, staff is proposing a passive regulatory approach.

In this regard, staff has drafted both a bylaw (Appendix 1) and an internal policy (Appendix 2) for implementing the provisions of the bylaw. The bylaw focusses on specifying a series of basic prohibitions, while the policy speaks primarily to how non-compliance will be dealt with.

In terms of boulevards, the new bylaw includes the following key provisions:

- Landscaping and built elements within the boulevard must be limited to 1.0 meters in height. This will provide better sightlines for local car and cycle traffic.
- A sodded boulevard cannot be replaced with hard surfaces and/or artificial turf. This will limit the cost of restoration and claims for damages in the case of utility installations and repairs. This does not preclude natural ground cover that meets the other requirements of the bylaw.
- Landscape features or built elements, must be set back at least 1.5 metres from the sidewalk or where no sidewalk exists, 3.0 metres from the shoulder; In locations where the property line is closer than the setbacks specified, the property line will govern, as this bylaw will not regulate anything on private property. This will help ensure that existing sidewalks are not compromised, and where no sidewalks are in place, that area is preserved for future active transportation corridors. Furthermore, this will also help ensure compliance with the Minimum Maintenance Standard Regulation (O. Reg. 239/02) which requires the City to maintain a minimum clear zone of at least 0.45 metres adjacent to a sidewalk. Finally, the setbacks specified reflect the practical reality that decorative elements located close to the sidewalk and/or pavement are subject to damage from routine operations, in particular winter maintenance, and these will not be reinstated by the city if damaged.

Staff note that tree planting by City forces, as part of the City's annual program, are exempt from the prohibitions in this bylaw. Similarly, other public infrastructure such as transit shelters are also exempt.

With regards to implementation, as per the attached implementation policy, intervention will be based primarily on a complaint basis or where municipal staff experience a problem. The relevant Departments are not resourced sufficiently to administer an enhanced permitting or patrol-based compliance model, nor do staff believe that those types of approaches are necessary.

Staff would note that penalties under this bylaw will be integrated into the City's non-parking Administrative Monetary Penalties (AMPs) system, authorized pursuant to the Municipal Act (s.434.). Therefore, for more routine matters, instead of proceeding via the Provincial Offences Act, contraventions of the bylaw may be dealt with by issuing a penalty notice directly to the party in contravention. Appeals will be made locally to a Screening Officer and subsequent appeal to a Hearing Officer. This process is generally much more expedited and less costly than the Provincial Court system.

Finally, if complaints are received, and upon investigation it is determined to the satisfaction of the Director of Municipal Works that the condition does not negatively impact operations and/or public safety, the bylaw and companion policy contain provisions to allow minor non-compliant elements to remain.

Financial Implications

As noted above, this bylaw will be integrated into the City's non-parking Administrative Monetary Penalties (AMPs) system. If approved, a schedule of fines for routine offences will be prepared and brought to Council for approval as part of a future report.

Environmental Sustainability Implications

There are no direct environmental implications associated with this report.

Conclusion

Currently, the City lacks a clear tool to exert both its rights and responsibilities over boulevards and unopened road allowances. Enacting the draft bylaw (Appendix 1) and operations policy (Appendix 2) will provide clarity for City residents as to what is acceptable on these municipal lands. It also prescribes staff the necessary authority to deal with problematic and/or unsafe alterations of these City lands.

Prepared and Submitted by

John Kukalis, C.E.T.
Manager of Operations

Approved by

Darrell Smith, P.Eng.
Director of Municipal Works

Appendices

- Appendix 1 – Draft Bylaw to Regulate Use of Boulevards and Unopened Road Allowances
- Appendix 2 – Draft Implementation Policy for Administration of Bylaw No. ### - Boulevards and Unopened Road Allowance

CITY OF ST. CATHARINES
BY-LAW NO. _____

A by-law to govern and regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways known as boulevards, and unopened road allowances under the jurisdiction of the City of St. Catharines.

WHEREAS section 11(3)1. of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Municipal Act”), authorizes a municipality to pass by-laws respecting highways;

AND WHEREAS section 63 of the Municipal Act authorizes a municipality to pass by-laws providing for the removal and impounding or restraining and immobilizing any object or vehicle on or near a highway;

AND WHEREAS section 425 of the Municipal Act authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 434.1 of the Municipal Act authorizes a municipality to require a person, subject to certain conditions, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed by the municipality;

AND WHEREAS section 444 of the Municipal Act provides that if a municipality is satisfied that a contravention of one of its by-laws has occurred, the municipality may make an order requiring the person who contravened the by-law or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

NOW THEREFORE the Council of the Corporation of the City of St. Catharines enacts as follows:

1. TITLE

1.1 Short title. This by-law may be cited as the “Boulevard By-law”.

2. DEFINITIONS

2.1 Meaning. In this by-law, the following definitions shall apply:

“**Boulevard**” means the portion of a Highway between the Street Line and the outside edge of the curb or, where there is no curb, the outside edge of the pavement, granular shoulder, asphalt, or portion of the Highway which is travelled or designed to be travelled. A Boulevard may or may not contain a sidewalk.

“**City**” means the Corporation of the City of St. Catharines.

“**Director**” means the department head responsible for maintenance and operation of City Highways, or his or her designate.

“**Driveway Apron**” means that portion of any driveway, parking lot, or other hard surface, whether paved, poured, laid or otherwise constituted, which extends from private property onto the Highway.

“**Fixture**” means any structure or other fixture affixed or appurtenant to the Boulevard including signs, posts, benches, planters, fixed lighting, and underground irrigation or sprinkler systems.

“**Hard Surface**” means an area covered in whole or in part with asphalt, concrete, interlocking brick or block, crushed or solid stone, gravel, slag, ground asphalt, wood or any non-porous material.

“**Highway**” has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

“**Landscaping**” means vegetation in the form of shrubs, hedges, ornamental plantings, decorative rocks, stones or any combination thereof but, does not include Hard Surfaces or Trees.

“Officer” means a municipal law enforcement officer employed by the City.

“Owner” means the registered owner but also includes a lessee, tenant, mortgagee in possession or occupant who appears to have care and control of a Property or Fixture, whichever the case may be.

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives of the Person to whom the context can apply according to law.

“Property” means any land, including the buildings and structures thereon, registered to a Person on title in the Land Registry Office or Land Titles Division, as the case may be.

“Street Line” means the boundary between a lot and the Highway upon which the lot abuts provided that, where a lot abuts a 0.3 metre reserve, the outer edge of the Highway shall be deemed to be the boundary between the 0.3 metre reserve and the Highway upon which the 0.3 metre reserve abuts.

“Tree” means a woody perennial plant or part thereof which has reached, or is expected to reach based on the *Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses* (Michael A. Dirr), a height of at least 3m at physiological maturity, and includes the whole or parts of the roots, branches, trunk and crown.

“Unopened Road Allowance” means any strip of land reserved by the Crown, or identified in a registered plan, for the purpose of establishing a road regardless of whether it exists on the ground, and has not been closed or conveyed by the City.

“Vehicle” has the same meaning as in the Highway Traffic Act, R.S.O. 1990, c. H.8.

3. **ADMINISTRATION**

3.1 Administration. This by-law shall be administered by the Director.

4. **APPLICATION**

4.1 Jurisdiction. This by-law applies to all Boulevards, and Unopened Road Allowances under the jurisdiction of the City.

4.2 Public use exemption. Any Property whose primary purpose is to provide public services and goods, including those lands in ownership, care and control of the City, the Regional Municipality of Niagara, the Province of Ontario, the Government of Canada, school boards or agencies thereof, and government owned utilities, are exempt from the application of this by-law.

4.3 Permitted use. The Director may grant permission to an Owner to perform one of the regulated items listed under sections 5.1 and 5.2, where the Director is satisfied that such permission would maintain the general intent and purpose of this By-law. The Director may impose such conditions as the Director determines are appropriate in relation to such permission, including a requirement for the Owner to enter into a formal encroachment agreement with the City.

5. **REGULATIONS**

5.1 Prohibited occupancy.

5.1.1 no Landscaping, Tree, or Fixture shall be permitted:

(a) where a sidewalk is located on the Boulevard, within 1.5m of the outside edge of the sidewalk nor between the sidewalk and edge granular shoulder or where no granular shoulder exists, the edge of asphalt; or

(b) where no sidewalk is located on the Boulevard, within 3m from the outside edge of the curb, pavement, or granular shoulder, whichever the case may be.

5.1.2 no Landscaping, Tree, Fixture, or other thing exceeding 1m in height above the grade of the Boulevard shall be permitted on any Boulevard; or

5.1.3 nothing shall be installed, constructed, built, erected or maintained on any Boulevard which is protruding, sharp, dangerous in any way, or which may otherwise injure a Person.

5.2 Prohibited alterations. No person shall:

5.2.1 alter a Boulevard by adding or maintaining any Hard Surface material or artificial turf, in whole or in part, to the surface;

5.2.2 alter a roadside drainage ditch in a Boulevard, in anyway, including by installing Landscaping, Hard Surface, and Fixtures;

5.2.3 cut, alter, or extend in any manner whatsoever, a concrete curb, or open or contain an culvert or culvert overpass; or

5.2.4 damage any portion of a Boulevard including Landscaping, Trees, light poles, street signs, or other objects within the Boulevard.

5.3 Non-prohibition. This By-law shall not be interpreted as preventing or prohibiting anything that would otherwise be permitted under an agreement with the City, anything done pursuant to the City's written approval, or under any applicable law.

5.4 Boulevard maintenance standards. Every Owner shall maintain the Boulevard that abuts that Owner's Property (hereinafter called the "Abutting Boulevard") by doing the following:

5.4.1 maintaining existing Landscaping on any Abutting Boulevard so that it does not encroach to within 0.5m of the adjacent sidewalk; or if no sidewalk exists to within 0.5m of the outside edge of the curb, pavement, or granular shoulder, whichever the case may be;

5.4.2 maintaining all Landscaping on the Boulevard to a height not exceeding 1m;

5.4.3 maintaining or restoring Landscaping and Hard Surface areas on the Boulevard; and;

5.4.4 maintain in a good state of repair, the paved portion of a Boulevard that forms part of a Driveway Apron in front of, alongside, or at the rear of the property;

5.4.5 keep the Boulevard free from holes, ruts, divots, hazardous objects or materials, and excavations;

5.4.7 any motorized equipment, containers, trailers, or motorized tools on the Boulevard removed by the City may, at the discretion of the Director, be deposited on the property from which it originated from, relates to, or was created for, or be stored at a City facility for sixty (60) days at the owner's expense.

5.4.8 any item in subsection 5.4.7 that is stored at a City facility for more than sixty (60) days and for which the owner, having been identified, has failed to pay the applicable expenses and claim the item, may be disposed of pursuant to the provisions of the Repair and Storage Liens Act, R.S.O. 1990, c.R.25;

5.4.9 Any item in subsection 5.4.7 shall only be related to its owner after the owner has shown proof of ownership and paid the City any applicable expense for the removal and storage of the item;

5.4.10 Any item in subsection 5.4.7 that is stored at a City facility for more than sixty (60) days and for which an owner has not been identified may be disposed of by the City in any manner it deems appropriate.

- 5.5 Unopened road allowances. No person shall place, put, plant, or otherwise permit any Landscaping, Tree, Fixture, or other thing on an Unopened Road Allowance.
6. **ENFORCEMENT**
- 6.1 Orders. The Director or an Officer who finds that a Boulevard, Unopened Road Allowance, or a Fixture does not conform to any of the standards prescribed in this By-law may make an Order to an Owner or a Fixture Owner:
- 6.1.1 stating the municipal address of the Property which abuts the Highway or Unopened Road Allowance, or in the case of a Fixture, the municipal address closest to that Fixture;
 - 6.1.2 giving reasonable particulars of the repairs, restoration or maintenance to be made to the Boulevard, Unopened Road Allowance, or Fixture;
 - 6.1.3 indicating the time frame for complying with the terms and conditions of the Order;
 - 6.1.4 giving notice that if the Order is not complied with within that time, the City may carry out the work at the Owner's or Fixture Owner's expense; and
 - 6.1.5 every person who fails to comply with an order made under section 6.1 is guilty of an offence
- 6.2 Effective date. Any notice or document respecting this by-law may be given in writing in any of the following ways and is effective:
- 6.2.1 when a copy is personally delivered to the Person to whom it is addressed;
 - 6.2.2 on the fifth (5th) day after a copy is sent by registered or regular mail to the Person's last known address;
 - 6.2.3 on the same day of the transmission of a copy by electronic transmission, to the Person's last known electronic transmission number, including electronic mail and facsimile transfer, if it was sent before 4 p.m., otherwise, it is deemed to be given the day after; or
 - 6.2.4 immediately upon posting a copy of the document at or on a conspicuous location on the Property, or on the Property.
- 6.3 Compliance with order. Every Owner and Fixture Owner shall comply with an Order issued pursuant to this by-law within the time provided for therein.
- 6.4 Remedy and disposition. Where the Owner is in default of doing the matter or thing required to be done in an order under this by-law, the Director or an Officer may direct an agent or employee to do anything or combination of things that is necessary to bring the Property into compliance with any section of this by-law. Anything removed in accordance with this section may be immediately disposed of by the City.
- 6.5 Recovery of costs. The City shall recover the costs in doing a matter or thing referred to in section 6.4 by action, or in like manner as municipal taxes from the person named in the order. The costs include interest calculated at a rate of fifteen (15) percent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including interest, are paid in full. The amount of costs, including interest, constitutes a lien on the land upon the registration in the land registry of an order of lien. The lien shall be in respect of all costs that are payable at the time the order is registered plus interest accrued at the rate of fifteen (15) percent to the date the payment is made in full.
- 6.6 Obstruction of Duties. No Person shall hinder or obstruct the Director or an Officer, who is carrying out an inspection of the Property for the purpose of enforcing this by-law, nor shall any Person hinder or obstruct any employee or agent of the City directed to carry out work to bring the Property into compliance with any section of this by-law.

7. **OFFENCES**

- 7.1 **Offence.** Every Person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33 and the Municipal Act, 2001, S.O. 2001, c. 25.
- 7.2 **Director or officer of corporation.** A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, is subject to the penalties as set out in this by-law.
- 7.3 **Administrative penalties.** An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice pursuant to the City's Non-Parking AMPS By-law.
- 7.4 **Continuing offence.** A contravention of the requirements set out in this By-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.
- 7.5 **Additional penalties.** If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- 7.5.1 prohibiting the continuation or repetition of the offence by the Person convicted; and
 - 7.5.2 requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

8. **GENERAL**

- 8.1 **Severability.** If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 8.2 **Compliance with other by-laws and regulations.** This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 8.3 **Gender and number.** In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- 8.4 **Measurements.** The abbreviation "mm" stands for millimetres, "cm" stands for centimetres, and "m" stands for metres.
- 8.5 **And/or.** The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".
- 8.6 **Delegation.** For the purposes of subsection 23.2(4) of the Municipal Act Act, 2001, S.O. 2001, c. 25, it is the opinion of Council that the powers delegated pursuant to this By-law are minor
- 8.7 **Legislation.** Any reference to legislation in this by-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

- 8.8 Conflict. Where this by-law conflicts with any previous City by-law or policy pertaining to matters related to encroachments on Highways, including road allowances, this by-law shall prevail.
- 8.9 Effective date. This by-law shall come into force on the date of passage by Council.

Read and passed this day of 2022.

CLERK

MAYOR

DRAFT

Subject: Administration of Bylaw No. XXXX - Boulevards and Unopened Road Allowance

Prepared by: Municipal Works

Approved by: Darrell Smith, Director Municipal Works

Issue Date: February 28, 2022

Policy #: MW-P-01- 2222

Review Date: February 28, 2022

Revision Date:
N/A

Policy

Purpose

The purpose of this policy is to outline when and how staff will implement the provisions of the subject bylaw.

Scope

The primary purpose of the subject “Boulevard Bylaw” is to govern and regulate public occupancy, use of, and maintenance of boulevards and unopened road allowances in the City of St. Catharines.

Application

When the City receives a complaint and/or experiences a problem, including risks to public safety related to use, alteration and/or occupancy of a boulevard or unopened road allowance, it will be investigated by relevant staff in Municipal Works Department to determine if a contravention of the bylaw has occurred.

Where a contravention of the bylaw is found that in the opinion of the Director of Municipal Works does not conform to the standards of the bylaw and warrants repair, removal and/or modification, a “notice of non-compliance” may be issued to the party responsible for the non-conformance, specifying a reasonable time frame for response and/or removal of the non-conformance. If the non-conformance is not addressed as per the notice, the matter will be escalated to the By-law Enforcement Unit for pursuit and resolve in accordance with the full provisions of the bylaw.

Notwithstanding the above, the Director of Municipal Works may effect removal of any alteration and/or occupancy of a boulevard that contravenes the bylaw and that their opinion, constitutes an imminent risk to public safety. Costs incurred for removals and restoration of public lands will be pursued in accordance with the provisions of the bylaw.

Where a contravention of the bylaw is found that in the opinion of the Director of Municipal Works does not represent a risk to safety, nor contravenes another regulatory, code or guideline requirement, and/or does not compel immediate repair and/or removal, the Director of Municipal Works may issue a Letter of Tolerance (LOT) to the current owner. The LOT will be issued to the current owner and will expire at a time deemed appropriate by the Director. In no case, will an LOT extend beyond transfer of ownership. An LOT will not be used where a formal Encroachment Agreement is deemed necessary by the Director.



Corporate Report

City Council

Report from: Office of the Chief Administrative Officer

Report Date: March 23, 2022

Meeting Date: March 28, 2022

Report Number: CAO-044-2022

File: 68.32.111 & 77.34.1

Subject: 2022 City of St. Catharines Beaches Strategy and Amendments to Rates and Fees

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic, social, and environmental.



Recommendation

That the Staff Recommendation in Report CAO-044-2022, regarding the 2022 City of St. Catharines Beaches Strategy and Amendments to Rates and Fees, be referred to City Council for consideration after a public meeting to be scheduled as part of the next regular meeting of City Council for which notice will be duly given.

Staff Recommendation

That Council adopt the City's 2022 Beaches Strategy regarding Residential Beach Parking Permits; and

That Council approve the proposed amendment to By-law 2021-101, 2022 Rates and Fees By-law, to include a residential parking permit during the months of May, June, July, August and September at Sunset Beach and Lakeside Park, to be set at an annual rate of \$15.00; and

That Council approve the proposed amendment to By-law 2021-101, 2022 Rates and Fees By-law, to include a Commercial / Overnight parking permit during the months of May, June, July, August and September at Sunset Beach and Lakeside Park, to be set at a rate of \$20.00 per 24 hours; and

That Council amend By-law 2021-101, 2022 Rates and Fees By-law, to include a Seasonal Boat Launch Parking Pass rate in the Special Provision Areas during the months of May, June, July, August and September for Non-Residents, at an annual rate of \$100.00, with a replacement fee of \$20.00 for lost Boat Launch Parking Passes; and

That Council approve the City's 2022 Beaches Strategy budget, as detailed in the Financial Implications of this report, including the addition of one full-time staff complement in the 2023 Parking Budget; and

That staff be directed to report back to Council before the 2023 beach season on the success of the 2022 beach strategy, residential beach parking permits and any recommended amendments to the beach strategy; and

Further, that the City Solicitor be directed to prepare or amend the necessary by-law(s).

Summary

At the January 17, 2022 meeting of Council, staff indicated a report would come back to Council with information resulting from an Expression of Interest (EOI) process to manage resident beach parking permits and an incentive for using transit to commute to City beaches.

After reviewing EOI submissions and meeting with vendors, staff have initiated a 2022 Pilot Project to implement digital parking permits for residents through a web-based platform provided by TicketTracer / Blinky Technologies. Residents will be able to create a parking permit profile online and apply for their parking permits by providing proof of residency. Staff will approve or decline applications based on the information provided.

It is estimated that the cost to implement the pilot project for 2022 will be \$112,371, which includes the custom permit platform; Licence Plate Recognitions scanner (LPR) for handhelds; training; associated fees; implementation costs; and one full-time employee to support the program and the ongoing and future needs of parking. Through this report, staff are recommending a \$15 per resident parking permit with a maximum of two parking permits (vehicle licence plates) per residence. Both vehicles will not be able to be parked in either beach lot at the same time and the parking permit does not guarantee a spot. The \$15 fee will assist in offsetting costs to manage the parking program.

Staff are also recommending the addition of a \$20/day (24 hours) commercial / overnight parking permit in the 2022 Rates and Fees for beach lots. This new rate will assist staff with managing overnight business accommodations as well as other permitting needs at the discretion of City management staff.

This report contains information from the St. Catharines Transit Commission regarding providing patrons with a family pass at a discounted rate of \$3.00, in comparison to the usual \$8.00, on Saturdays and Sundays. The family pass could be offered through the Transit App as an incentive to use transit to commute to City beaches. According to the St. Catharines Transit Commission, there is no way to restrict the number of passes sold to an individual user, which could result in a significant usage in this fare category and an estimated \$12,500 per month in lost revenue that the Transit Commission did not budget for in 2022.

Relationship to Strategic Plan

The St. Catharines Beaches strategy supports social well-being by giving both resident and non-residents the opportunity to visit St. Catharines – it is a strategy that is equal and fair to all

patrons. It encourages a more respectful beach visit and active transportation, which connects people with places and neighbourhoods.

The strategy supports economic sustainability for City operations and beaches, the community, and local businesses.

Providing digital parking permits to residents over paper permits supports the City's environmental stewardship pillar.

Reporting back to council with updates on the Beach Strategy and any recommended amendments and motions passed at Council allows Council to make decisions on the future of beaches that align with the City's Strategic Plan.

Background

At the January 17, 2022 Meeting of Council, staff provided an update on the 2021 City Beaches Strategy through Report [CAO-004-2022](#), which explored alternative options to offer resident beach parking permits through an Expression of Interest (EOI) process. During that meeting, the following motion was passed by council for staff to report back on for the 2022 Beach Season:

“That staff report back to Council with information from the Resident Beach Parking Permit Expression of Interest (EOI) for the 2022 Beach Season and that the report include information on an incentive for using transit to commute to the beaches”

This report provides Council with the results from the EOI process, a recommended path forward to implement residential beach parking permits and information on an incentive to use transit to commute to the beaches.

Report

For the 2021 beach season, providing free beach parking permits to residents in a short turn-around time with no additional resources proved to be a challenge for staff as well as residents. The internal solution was inefficient, not economically- or environmentally-friendly, and is not sustainable for the 2022 Beach Season. A total of 14,607 people applied online for a beach parking permit and 500 people mailed-in applications for a permit. City staff manually issued approximately 13,800 permits out of the total received. Within the first two days of implementation, 4,485 resident parking pass applications were received by staff.

In fall 2021, recognizing that the City is not resourced or equipped to verify and distribute a large volume of parking permits, staff initiated an EOI process to collect solutions from vendors on how to properly manage large volumes of parking permits and identify permits for enforcement purposes.

The EOI requested that vendors provide a solution for resident beach parking permits that met the following criteria:

- Provided parking permits that are easily visible to parking enforcement staff;
- Durable permits that will last through high heat and UVA/UVB exposure;
- Automated process;

- Validation of residency; and
- All-encompassing process

The EOI closed on Tuesday, October 19, 2021. Staff then began reviewing submissions and setting up meetings with vendors to present their solution.

Results from the EOI Process

Staff met with three vendors to discuss their solutions and evaluate each vendor based on the following:

- Flexibility and ease-of-use to provide a digital parking permit solution for St. Catharines residents with the ability to expand permitting to meet future parking needs;
- Verified a valid St. Catharines address in a more automated and streamlined process;
- Ability to eliminate duplicate applications;
- Could limit the number of vehicles in beach parking lots from each household;
- Could integrate with other City parking technology; and
- Used licence plates as the digital parking permit.

Based on the presentation provided by the vendors, City staff have agreed to launch a 2022 Pilot Project on digital residential beach parking permits through TicketTracer / Blinkyay Parking solutions.

The solution offered by the vendor Ticket Tracer included a digital parking permit solution for residents that was managed and applied for by the resident online.

Digital Residential Permitting Solution Details

Ticket Tracer's Blinkyay Permit module is designed to make parking enforcement at beaches more manageable, efficient and less resource-intensive than last year's print-and-mail solution.

The web-based parking permit approach includes a public portal that allows residents to apply for and manage their parking permits online, while the City defines which parking uses and permissions apply to beach parking lots. These rules can then be factored into the specific terms of each permit, including location, permissible usages (such as resident, contractor, or business owner) and limits on day / time usage.

TicketTracer would utilize the Licence Plate Reading (LPR) software on existing City handheld devices within an integrated platform that handles parking rule enforcement, ticket issuance, digital permitting and automated LPR. There is the ability to integrate with the current parking meters installed at City beaches that are provided by Precise Parklink.

How Digital Permits Work

Residents will create a profile on the TicketTracer/Blinkyay web-based platform using their email and password. Residents will be required to enter the following information:

- First and Last Name
- Address (must be St. Catharines)
- Phone Number
- Proof of Residency

- Owners will be required to enter their tax roll number and vehicle registration as proof of residency
- Tenants can provide proof of residency through vehicle registration or current utility bill or lease agreement
- Vehicle Licence Plates for a maximum of two vehicles per household at \$15 per vehicle. Note: If a resident purchases two parking permits (one for each vehicle) both vehicles cannot be in the beach parking lots at the same time as this would be considered a share violation. This method leaves spaces open for other patrons.
- Vehicle Make and Model and optional nickname for vehicles (e.g. “Mom’s car”)

The resident will add the annual beach permits to their vehicle and checkout using their credit card.

Rules and regulations for resident parking permits remain the same as 2021. Parking permits are limited to a maximum of two vehicle parking permits per household (must live at address) and only one account can be registered for each residence to limit duplication and abuse of permits. There would be the ability to have one parent account for each residence with the ability to purchase two vehicle parking permits. The parking permit does not guarantee a parking spot.

Internal Office Process

City staff will review applications and either approve or deny applications based on the above criteria. There will be some automation created by the parking permit vendor to approve applications as well as reduce duplicate applications.

Staff are currently estimating that initial approval of permits can be turned around in five business days in comparison to 10 days in 2021. Once approved, the parking permit is valid instantly and the resident is notified by email. This process eliminates the additional time of manually printing and mailing permits that was experienced last year.

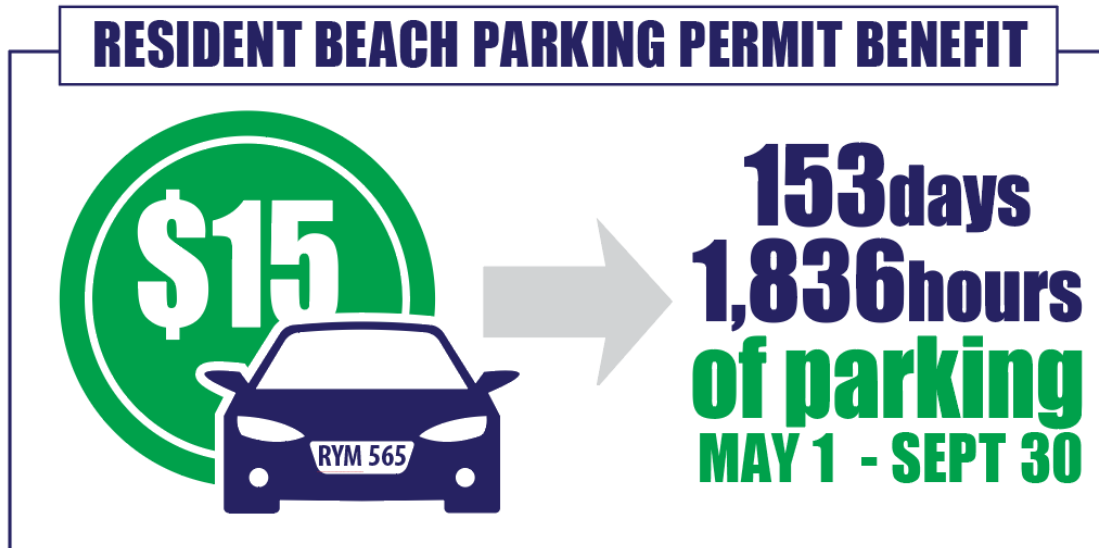
Benefits of a Digital Parking Permit Solution

- More efficient and environmentally friendly, as the permit is now digital and no longer requires hang tags or mailing;
- The process is more automated with the ability for staff to review applications more efficiently;
- The Digital Permit is the License Plate;
- The resident will provide all proof of residency and vehicle registration via the web and is in control of their application and profile;
- All information submitted will be made available for internal-office review;
- Once approved, the license plate is live immediately for enforcement validation;
- Scalable solution so City can control number of permits allowed to be sold online per parking lot;
- Staff can manage and review all permits active in the system and can define rules for permits for new fiscal year and set new rates;
- Allows Enforcement Officers to scan license plates for enforcement;
- TicketTracer / Blinkay has the ability to work with other City parking interfaces;

- The vendor solution has the ability to provide ticketing services for future administrative monetary penalties.

Resident Benefit

For a nominal annual cost of \$15 per parking permit, residents will receive the benefit of parking at City Beach lots for the full 153 days, or 1,836 hours, of when the Beach Strategy parking provisions are in affect. Additionally, residents are not subject to the three-hour maximum. If residents were to pay the \$3.00 per hour rate, it would cost them \$5,508 for the full time that the Beach Strategy Parking provisions are in place.



Sunset Beach Non-Resident Boat Launch Permits

In 2021, only one non-resident boat launch pass was distributed. The fee for the non-resident boat launch was \$100. For 2022, non-resident boat launch passes can be available for purchase through the TicketTracer / Blinkyay Permit application for \$100. For residents, the ability to launch a boat is included in the recommended \$15 residential beach parking permit fee.

Permits for Businesses in Port Dalhousie

In 2021, a total of 100 beach parking permits were given to 38 businesses in Port Dalhousie at no cost; however only two were utilized throughout the season. For 2022, due to the very low utilization rate in 2021, combined with the limited parking availability in the Lakeside Beach parking lot, staff do not recommend providing parking passes to businesses. This will free-up parking spaces for customers and visitors, which is especially needed for the 2022 Canada Summer Games and the hopeful return of events at Lakeside Park after the COVID-19 pandemic.

Commercial / Overnight Parking Pass

Staff recommend the rates and fees schedule include a commercial / overnight fee at a cost of \$20 per day (24 hours). This permit will be managed by City staff and reviewed by the Manager of Revenue or Director of Financial Management Services / City Treasurer to ensure the requested parking permit is for reasonable business and commercial purposes.

Staffing for Implementation of Residential Parking Passes

At the January 17, 2022 meeting of Council, staff informed Council through report [CAO-004-2022](#) that implementing and verifying residential parking permits at City beaches in 2021 was equivalent to approximately two full-time positions. The City had to temporarily utilize staff members from other areas in the interim to assist with the sudden additional administrative workload, which at high-volume times included up to 20 City staff members involved in the overall process.

Staff have included the addition of one full-time staff complement for the months of May to December 2022 in the financial implications section of this report to lead the process of implementing and managing digital beach parking permits. The position would also assist with the increased volume of violations, screening and customer service duties. In 2021, beach parking screening appointments continued into the late fall of 2021. There was total of 3,857 violations and 507 screening appointments stemming from beaches alone. The full-time staff complement will be included in the 2023 parking budget.

Looking at the long-term goals and needs of City parking, the intent of this position would be to assist with the future planning and vision of parking across the city. This may include planning for a more efficient and digital method to manage City parking lots and spaces and their enforcement.

Future of Resident Beach Parking Permits

After the 2022 Beach Season, staff will report back to Council on the success of the 2022 Beach Strategy as well as any recommendations for changes. This will include the feasibility of continuing resident beach parking permits at Lakeside Park, as the Lakeside Park parking lot serves more than just patrons attending the beach or walking the pier. There are a variety of services and businesses in Port Dalhousie, such as restaurants, bars, hotels and boating, and Lakeside Beach will soon be in close proximity to a number of large developments which could make offering Resident Parking Permits beyond 2022 unrealistic and create an issue with the wide variety of uses that the Lakeside Beach Parking Lot is intended for.

In 2021, the Lakeside Beach Parking Lot experienced an average of 20-30% usage of resident beach parking permits. By comparison, Sunset Beach experienced an average of 40% resident beach parking permit usage. This usage is indicative of Lakeside Beach being more of a tourist destination compared to Sunset Beach. The volume of out-of-town patrons at Lakeside Beach was also realized during parking violation screenings.

Public Engagement

Gathering feedback from the public was a key piece to building the 2021 Beaches Strategy. On March 5, 2021, through the [engagestc.ca](#) platform, City staff released a survey, "Beach Strategy Survey: getting the best out of beaches," to collect information on how the public uses City beaches and what they would like to see moving forward. The survey was completed by 701 people with the results provided to Council through Report [CAO-058-2021](#) at the April 26, 2021 meeting of Council.

To further engage with the public, but not to duplicate previous efforts, CAO David Oakes, Corporate Executive Administrator Trish Sorrenti and City Councillors Dawn Dodge and Bill

Phillips attended the Port Weller Residents Association meeting of February 24, 2022. Staff presented a summary of the results of the 2021 Beach Strategy as well as plans for the 2022 Beach Strategy, which included digital parking permits for residents and the future decommissioning of the Sunset Beach Boat Launch. No questions were asked regarding the Beach Strategy, but three residents had questions regarding the decommissioning of the Sunset Beach Boat Launch.

Incentive for Using Transit to Commute to City Beaches

At the January 17, 2022 meeting of Council, a motion was passed seeking information on an incentive for using transit to commute to the beaches.

St. Catharines Transit was engaged to review options to provide an incentive to use public transit to travel to Sunset and Lakeside Park beaches. As discussed in 2021, it is difficult to provide a free or discounted fare to one area in the city. The St. Catharines Transit Commission provided information to Council through a memo in report [CAO-077-2021](#) at the May 10, 2021 Council meeting and as part of report [CAO-004-2022](#) at the January 17, 2022 meeting of Council, which outlined the difficulty in free or discounted fare to one area in the city.

Transit staff have further examined options with their mobile ticketing app vendor and have determined that a lower cost family pass can be proposed for Saturdays and Sundays. The current family pass sells for \$8.00 and provides unlimited transit for two adults and up to three children. This pass could be offered at a discounted rate of \$3.00 on the Transit App as an incentive to use transit to City beaches.

Unfortunately, with this solution there would be no way to restrict the number of passes sold to an individual user which could result in a significant usage in this fare category. The result will be a low-cost family pass every Saturday and Sunday with no restriction as to where people travel. There will also be the lost revenue from the existing family pass sales that are regularly purchased on weekends.

The financial impact of the program is estimated at \$12,500 per month. The Transit Commission can provide a full report on sales to determine the final cost. There was no allocation for this in the Commission's 2022 operating budget.

Recognizing the upcoming transfer of St. Catharines Transit Commission to Niagara Regional Transit and that the financial impact wasn't accounted for in the 2022 budget, the implementation of this incentive would require approval by the St. Catharines Transit Commission and could only be implemented for 2022.

Financial Implications

The chart below (see next page) outlines an estimate of the expenses and revenues related to implementing the 2022 Residential Beaches Parking Permit Pilot Project. Estimates are based on 10,000 resident parking permit applications. Staff will report back to Council on additional costs if the 2022 Pilot Project is deemed to be successful and continuing into 2023.

The annual \$15 resident parking permit fee is both reasonable and beneficial to residents. For a nominal annual cost of \$15 per parking permit, residents will receive the benefit of parking at City Beach lots for the full 153 days, or 1,836 hours, of when the Beach Strategy parking provisions are in effect.

Description	Expense	Revenue
Vendor Configuration, training and setup	\$4,579	
Blinkay Permit Platform	\$5,078	
Plate scanning software for devices	\$1,013	
Payment Interface	\$3,562	
Cost per permit (\$2.50 x 10,000 permits) plus taxes Note: this cost will increase to \$3.00 per permit for 2023	\$25,440	
Fulltime Staff Resource May-December (implementation, violations, screening, customer service, future parking program execution) Note: The fulltime staff complement is recommended to be added to the 2023 parking budget and estimated at \$85,000 for the full year.	\$61,700	
Credit Card Transaction fee estimated 4% for 10,000 permits	\$6,000	
Misc. Implementation Expenses (signage, advertising, etc)	\$5,000	
Residential Parking Permit Revenue (estimated 10,000 permits at \$15.00 each)		\$150,000
Commercial Permit Revenue Estimate		\$9,180
Total	\$112,371	\$159,180
Variance		\$46,809

Environmental Sustainability Implications

While there are no environmental implications associated with this report, staff are supportive for charging for parking to both residents and non-residents to encourage the use of active and public transportation. Although the charge for resident parking permits is nominal, it encourages pay-for-use parking and carpooling.

Additionally, implementing digital parking permits reduces paper consumption and the waste associated with printed parking permits, therefore introducing a more environmentally-friendly approach to parking permits.

Conclusion

Staff is seeking Council's approval for a new Annual Residential Parking Permit at a rate of \$15.00 for Sunset Beach and Lakeside Park for the months of May to September and a new Commercial / Overnight parking permit at a rate of \$20.00 per 24 hours for Sunset Beach and Lakeside Park for the months of May to September.

Based on the results of the 2021 Beach Strategy, staff have moved forward with an automated approach to administer the City's 2022 beach parking permit system as a way to optimize the performance of the permit program. The \$15 fee for residents to visit City beaches with no times limitation is a very reasonable benefit in comparison to \$3 per hour for non-residents. Residents will receive the benefit of parking at City Beach lots for the full 153 days, or 1,836 hours, of when the Beach Strategy parking provisions are in effect.

The St. Catharines Transit Commission can offer a subsidized fare as an incentive for beachgoers to use public transit to travel to the beach. A discounted family pass valid on Saturdays and Sunday can be made available at a rate of \$3.00; however, there is no way to restrict the number of passes sold to individual users, which could result in a significant usage in this fare category. The St. Catharines Transit Commission estimates this could result in \$12,500 monthly in lost revenue that is not accounted for in the Transit Commission's 2022 budget.

Staff will report back to Council with the results of the 2022 Beach Strategy in advance of the 2023 beach season.

Prepared and Submitted by

Trish Sorrenti
Corporate Executive Administrator

Approved by

David Oakes
Chief Administrative Officer



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: April 5, 2022

Meeting Date: April 11, 2022

Report Number: LCS-068-2022

File: 10.12.1

Subject: Filling a Vacancy on Regional Council – George Darte

Strategic Pillar: This report does not align with the St. Catharines Strategic Plan

Recommendation

That Council provide a recommendation on how the vacant seat at Regional Council for the City of St. Catharines should be filled; and

That Council request that the City Clerk advise the Regional Clerk of its decision.

Summary

On March 31, 2022, Regional Council declared the seat of George Darte vacant following his resignation. Regional Council has requested that City Council advise of its preferred method of filling the vacancy by April 29, 2022; correspondence from the Regional Clerk on this matter is attached as Appendix 1. This report provides an overview of the legislation, regional policy and city policy regarding the filling of a vacancy on Council.

The City has a policy for Filling a Vacancy on Council (appendix 2). This policy states that “If a vacancy occurs within the last year of a new Regional and City Council’s term, the next place finisher shall be appointed if this individual received 70% of the votes that were achieved by the sixth place finisher in the case of Regional Council...” Mike Britton was the next place finisher in the 2018 municipal election, and received 93.5% of the votes of the seventh-place finisher.

At its meeting of December 13, 2021, City Council expressed concerns with this policy and directed that it be reviewed; it is for this reason that staff have not brought forward a recommendation with this report. Following the policy, City Council would recommend to the Region that Mike Britton be appointed to fill the vacancy on Regional Council.

Relationship to Strategic Plan

This report is legislative in nature, and not related to the City’s strategic plan.

Background

On October 22, 2018, George Darte was elected as a Niagara Regional Councillor representing St. Catharines. On March 30, 2022, George Darte provided written notice to the Regional Clerk of his resignation, and on March 31, 2022, Regional Council declared George Darte's seat vacant. In accordance with regional policy, Regional Council has now requested that City Council advise the Region of its recommendation to fill the vacancy.

Report

The *Municipal Act* and the *Municipal Election Act* have provisions that impact the resignation of a councillor, council vacancies and eligibility of a person to hold office as a member of Council. Both the City and the Region have also adopted policies to support decision making when a vacancy occurs. An overview of the provincial legislation and the City and Regional policies is provided below. As explained as part of Council's discussion regarding the filling of a vacancy on Regional Council on December 13, 2021, as the body that adopted the Filling a Vacancy on Council policy, City Council retains the authority to apply the policy or make a decision that does not align with the policy. Any recommendation from City Council would be provided to the Region for consideration.

Legislation related to Council Vacancies

The *Municipal Act* states that "A member of council of a municipality may resign from office by notice in writing filed with the clerk of the municipality" (section 260) and "The office of a member of council of a municipality becomes vacant if the member,.....(d) resigns from his or her office and the resignation is effective under section 260" (section 259).

Section 262(1) of the Act states that "If the office of a member of a council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant..." On March 31, 2022, Regional Council declared George Darte's seat vacant.

In accordance with section 263(1) of the Act, if a vacancy occurs the municipality shall

- a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- b) require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act.

There are two exceptions to the requirement to fill a vacancy, neither of which applies in this situation. These exceptions are:

- If a vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy (section 263(5)(3) of the Act). This exception does not apply as the vacancy occurred more than 90 days before voting day.
- No by-election shall be held to fill an office that becomes vacant after March 31 in the year of a regular election (section 65(2) of the MEA). This exception does not apply as the office was not declared vacant **after** March 31.

As neither of these exceptions apply, the *Municipal Act* requires the Region of Niagara to fill the vacancy, either by appointment or by-election. Section 263(5) of the *Act* requires that, within 60 days after a declaration of vacancy, the municipality appoint a person to fill the vacancy or pass a by-law requiring a by-election be held to fill the vacancy.

Section 257 of the *Municipal Act* outlines the qualifications for a person to hold office as a member of a council of an upper-tier municipality; these are any person “(a) who is entitled to be an elector in a lower-tier municipality within the upper-tier municipality under section 17 of the Municipal Elections Act, 1996; and (b) who is not disqualified by this or any other Act from holding the office.”

Region Policy

The Niagara Region has adopted a policy respecting the Filling of Vacancies for the Position of Regional Councillor (Policy C2-001). In a memo dated March 31, 2022 (attached as part of Appendix 1), the Regional Clerk advised that “in the event of a vacancy in the Office of Regional Councillor in any municipality in Niagara Region...:

1. Regional Council shall request the local municipality to advise the Region of their recommendation on whether a qualified elector should be appointed or if a by-election should be held; and
2. Regional Council would approve the recommendation of the local municipality provided it was in compliance with all provisions in the Municipal Act and the Municipal Elections Act.”

In accordance with this policy, Regional Council has requested that City Council advise of its preferred method of filling the vacancy on Regional Council by April 29, 2022.

City of St. Catharines Policy

In 2014, City Council approved a policy respecting Filling a Vacancy on Council; this policy was then updated in 2018. The current policy is attached as Appendix 2. On December 13, 2021, Council directed staff to review / update the policy in consultation with the City’s equity seeking committees. This review has not yet taken place.

The City’s policy states that “If a vacancy occurs within the last year of a new Regional and City Council’s term, the next place finisher shall be appointed if this individual received 70% of the votes that were achieved by the sixth place finisher in the case of Regional Council...”

Following the appointment of Jim Bradley as Regional Chair, Kelly Edgar, the seventh place finisher in the election, was appointed to Regional Council. The next place finisher in the 2018 election was Mike Britton who received 93.5% of the votes of the seventh-place finisher, and 80.2% of the votes of the sixth-place finisher. Staff have reached out to Mike Britton to confirm his interest in filling the seat and his eligibility to be appointed

in accordance with the *Municipal Elections Act*. Mike Britton stated he continues to be eligible in accordance with the *MEA* and would be pleased to accept the seat on Regional Council.

Financial Implications

There are no financial implications if the vacancy is filled by appointment. If a by-election were to be held, it is estimated that the cost would be approximately \$450,000 as this election would need to be run across the entire City. The Region of Niagara would be responsible for any costs associated with a by-election.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with the recommendations of this report.

Conclusion

This report provides information regarding the legislation, regional policy and city policy that impact the filling of the vacancy created on Regional Council by the resignation of George Darte.

Notifications

The City Clerk will notify the Regional Clerk of Council's decision; this decision will then be shared with Regional Council.

Prepared by

Kristen Sullivan, Deputy City Clerk

Submitted by

Bonnie Nistico-Dunk, City Clerk

Approved by

Heather Salter, Director of Legal and Clerks Services / City Solicitor

Appendices

1. Correspondence from Regional Clerk re: Declaration of Vacant Regional Council Seat (CL-C 21-2022)
2. City Policy on Filling a Vacancy on Council

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

1

April 1, 2022

Council Session CL 7-2022, March 31, 2022

Ms. Bonnie Nistico-Dunk
 City Clerk
 City of St. Catharines
 PO Box 3012
 St. Catharines, Ontario
 L2R 7C2

SENT ELECTRONICALLY

**RE: Declaration of Vacant Regional Council Seat
 CL-C 21-2022**

Regional Council, at its meeting held on March 31, 2022, passed the following resolution:

That Correspondence Item CL-C 21-2022 being a memorandum from A.-M. Norio, Regional Clerk, dated March 31, 2022, respecting Declaration of Vacant Regional Council Seat, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That, pursuant to Section 262(1) of the Municipal Act, 2001, the seat held by George Darte, Regional Councillor for the City of St. Catharines, **BE DECLARED** vacant; and
2. That Regional Council **REQUESTS** the City of St. Catharines advise of its preferred method of filling the vacancy on Regional Council by April 29, 2022.

A copy of Correspondence Item CL-C 21-2022 is attached for your information.

Yours truly,

Ann-Marie Norio
 Regional Clerk
 CLK-C 2022-054

MEMORANDUM**CL-C 21-2022****Subject: Declaration of Vacant Regional Council Seat****Date: March 31, 2022****To: Regional Council****From: Ann-Marie Norio, Regional Clerk**

As a result of the resignation of Regional Councillor Darte received by the Regional Clerk on March 30, 2022, and in accordance with section 259 of the Municipal Act, 2001 (the Act), the Regional Council seat held by Councillor Darte is now considered vacant. Section 262(1) of the Act requires that Regional Council declare the office vacant at its next meeting.

Regional Council has a policy (C2-001) that, in the event of a vacancy in the Office of Regional Councillor in any municipality in Niagara Region (except in Wainfleet where said vacancy would coincide with a vacancy in the Office of the Mayor in this municipality):

1. Regional Council shall request the local municipality to advise the Region of their recommendation on whether a qualified elector should be appointed or if a by-election should be held; and
2. Regional Council would approve the recommendation of the local municipality provided it was in compliance with all provisions in the Municipal Act and the Municipal Elections Act.

Section 263(5) of the Act requires that within 60 days after a declaration of vacancy is made the municipality shall appoint a person to fill the vacancy or pass a by-law requiring a by-election be held to fill the vacancy. As this is the last year of the term, in accordance with the Municipal Elections Act, a by-election shall not be held to fill an office that becomes vacant after March 31.

In accordance with Policy C2-001 it is recommended that Council adopt the following motion at the Special Regional Council meeting being held on March 31, 2022:


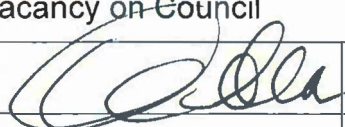
That, pursuant to Section 262(1) of the Municipal Act, 2001, the seat held by George Darte, Regional Councillor for the City of St. Catharines, **BE DECLARED** vacant; and

That Regional Council **REQUESTS** the City of St. Catharines advise of its preferred method of filling the vacancy on Regional Council by April 29, 2022.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

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 CITY OF ST. CATHARINES	Legal and Clerks Services - Office of the City Clerk Division		
	Subject:	Filling a Vacancy on Council	Policy #: LCS 2015-9
	Approved by L.C.S:		
	Issue Date:	April 25, 2014	Revision Date: July 4, 2018
	Review Date:	July 4, 2018	Page: 1 of 2

Policy:

The Corporation of the City of St. Catharines must comply with the provisions within the *Municipal Act, 2001*, Section 263, Filling Vacancies, when a vacancy occurs on City or Regional Council.

Purpose:

To provide Council with options that may be followed when a vacancy occurs.

Scope:

This policy shall apply to members of Council for the purpose of filling vacancies on Regional and City Council.

Procedures

Application:

Within the first three years:


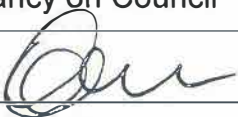
If a vacancy occurs within the first three years of a new Regional and City Council's term, the next place finisher may be appointed if this individual received 70% percent of the votes that were achieved by the sixth place finisher in the case of Regional Council; and the second place finisher in the case of City Council.

Within the last year:

If a vacancy occurs within the last year of a new Regional and City Council's term, the next place finisher shall be appointed if this individual received 70% percent of the votes that were achieved by the sixth place finisher in the case of Regional Council; and the second place finisher in the case of City Council.

If the next place finisher does not receive 70% of the votes:

Council may hold a by-election or commence the appointment process to fill the vacancy. If the vacancy occurs after March 31st of a regular election, Section 65(2) of the *Municipal Election Act, 1996* does not allow a by-election to be held. The next place finisher may submit an application for appointment.

 CITY OF ST. CATHARINES	Legal and Clerks Services - Office of the City Clerk Division				
	Subject:	Filling a Vacancy on Council		Policy #:	LCS 2015-9
	Approved by L.C.S:				
	Issue Date:	April 25, 2014	Revision Date:	July 4, 2018	
	Review Date:	July 4, 2018	Page:	2 of 2	

Appointment process:

1. Advertisements to be placed in at least (2) two local newspapers and on the City of St. Catharines web site.
2. The advertisements will request that qualified individuals interested in sitting on Council submit an application and résumé to the Office of the City Clerk within a prescribed time.

Qualified individuals: for the purpose of this policy, *qualified* will mean as it is prescribed by the *Municipal Election Act, 1996*.

3. An interview committee will be struck by Council and will include the Mayor, two Councillors, and the one remaining Councillor in the Ward with the Vacancy.
4. The interview committee will develop, in consultation with Human Resources, the criteria and questions for the interview.
5. The interview committee will establish the shortlist of candidates.
6. The shortlisted candidates may make a presentation before Council.
7. Once the interviews and presentations are done, the interview committee will report back to Council in a confidential manner on each candidate and Council will recommend a candidate for appointment.

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

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www.niagararegion.ca

March 25, 2022

CL 5-2022, March 24, 2022

LOCAL AREA MUNICIPALITIES**SENT ELECTRONICALLY**

Re: Report PW 15-2022 – Moving Transit Forward – Initial Transition Activities and Next Steps

Regional Council, at its meeting held on March 24, 2022, passed the following motion:

That Report PW 15-2022, dated March 24, 2022, respecting Moving Transit Forward - Initial Transition Activities and Next Steps, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Report PW 15-2022, specifically page 7, provides additional information regarding the number of nominees that can be put forward for your municipality, term, orientation as well as preferred experience that should be considered when your Council is selecting a nominee(s).

A copy of Report PW 15-2022 is attached for your reference. If you require additional information, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

CLK-C 2022-052

Subject: Moving Transit Forward – Initial Transition Activities and Next Steps

Report to: Regional Council

Report date: Thursday, March 24, 2022

Recommendations

1. That Regional Council **REQUEST** the local area municipalities submit their recommendations for representatives for the transitional Transit Commission Board, based on the criteria outlined in Report PW 15-2022, to the Regional Clerk no later than April 29, 2022; and
2. That the Linking Niagara Transit Committee **BE DISSOLVED** effective immediately, with thanks to the Members, having completed the mandate for which it was established.

Key Facts

- The purpose of this report is to provide an update regarding the work underway to implement the consolidation of region-wide transit, following the successful achievement of triple-majority approval in February 2022 (see Clerks Memorandum CWCD 2022-41); and initiate the process of securing nominations for the transitional Niagara Transit Commission Board from the local area municipalities (LAMs).
- A report will be brought forward at a Special Regional Council meeting on May 5, 2022 to seek Council approval to formally establish the Niagara Transit Commission as a Municipal Services Board (MSB) of the Region.
- In keeping with the Transit Governance Strategy outlined as part of the triple-majority process (PW 55-2021), LAMs will be asked to provide their recommended nominations for the transitional Niagara Transit Commission Board, for appointment by Regional Council to coincide with the establishment of the MSB.
- Given that the Linking Niagara Transit Committee (LNTC) has successfully completed its mandate to guide the development of and obtain approval for a recommended governance strategy for consolidation, and with the appointment of the new Commission Board imminent, it is appropriate for the LNTC to be dissolved forthwith.

Financial Considerations

There are no direct financial implications arising from the recommendations of this report.

The operating budget for transition activities associated with this report, including encumbrances and grant funding, is approximately \$3.1M. This is comprised of an operating consulting services budget of \$2.23M, additional \$0.5M in encumbered consulting budget from 2021, \$0.2M in dedicated internal staffing budget, and \$0.15M available to support the project from a successful application to the Province of Ontario's Audit and Accountability Fund. The transition to the new Commission will include a dedicated staff complement of 2 FTE's (Program Financial Specialist and GO Implementation Office Transportation Lead) plus additional Steering Committee and Working Group internal staff support.

Analysis

Achievement of Triple-Majority

In order for Niagara to realize the enormous benefits of a single transit system and move forward with the creation of a new Transit Commission, triple-majority approval was required to transfer the necessary legislative authority for the operation of transit to the Region under the *Municipal Act*.

This process formally commenced on November 25, 2021, when Niagara Region Council approved report PW 55-2021, adopting By-law No. 2021-96 providing "The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region." Following Regional Council approval, each of Niagara's twelve municipalities were asked to similarly support moving forward into consolidation.

With a strong majority of municipal Councils supporting consolidation, with a number of unanimous votes, the required criteria for triple-majority approval was achieved (see Council Weekly Correspondence Distribution CWCD 2022-41 February 18, 2022) and By-law 2021-96 came into effect on February 2, 2022.

The consolidation proposal put forward as part of the triple-majority process included a series of core financial, service, and governance strategies that had been developed and recommended by the CAO Governance Steering Committee (GSC) and

unanimously endorsed by LNTC. These recommendations reflected years of collaborative work, were based on two rounds of direct consultation with municipalities, and reflective of input from interested parties and the public.

City of Welland Resolution

At its meeting of December 9, 2021, Welland City Council adopted a resolution “THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...” contingent on satisfactory responses to certain concerns they identified with the core strategies. This City’s resolution further requested that other LAMs present an amended resolution to their Councils supporting the City of Welland’s position. This resolution did not receive support from any other municipalities during the consideration of By-law No. 2021-96 enacting the triple majority. Positive progress is being made on the asset transfer agreement, with cooperation from all municipalities. Based on this outcome, a memo outlining this position and subsequent path forward sent to the City of Welland is attached as Appendix 1.

It is therefore on the basis of the strategies outlined in PW 55-2021 that the creation of the new Niagara Transit Commission and implementation of the consolidation of transit is underway, reflecting the strong support these proposals received through the triple-majority process.

Transit Commission Steering Committee (TCSC)

Governance Structure

To guide this transition, the Region has established the Transit Commission Steering Committee (TCSC).

The mandate of the TCSC is to support the creation of the new transit Commission, including its legal establishment, appointment of the transitional Board and senior leadership, and the transfer of personnel and assets, necessary for the Commission to assume operational responsibility for transit in Niagara on January 1, 2023.

The TCSC is Chaired by the Commissioner of Public Works and is comprised of extensive senior Regional staff (Commissioner and Director levels) from a diverse and strategic cross-section of the entire organization to support the successful establishment of the new Commission. The local area municipalities are also key

partners in this transition work. Active participation from LAM transit GMs and their senior staff, as well as LAM CAOs and legal counsel involved in the transfer of assets are assisting in guiding key deliverables outlined in the Transition Plan.

Resourcing

Significant internal Regional resources will be required to deliver the extensive scope of work for the transition to the Commission, including subject matter experts in areas such as finance, human resources, legal, information technology, and communications. The TCSC will be responsible for ensuring that sufficient corporate resources are allocated to the project and identifying the specific resources required to support the Transition Plan, including ensuring representation from other lines of business that will be impacted.

Successful transition will also require direct engagement with LAMs, in particular those who operate the independent transit systems that will form the basis for the new Commission. Areas of focus will include but not be limited to: negotiation of asset transfer agreements, human resources/labour relations, and the harmonization of operational policies and procedures.

Additional external resources have also been secured to support specific needs related to legal requirements and transit operations. External legal expertise has been secured with Dentons LLP who are supporting many aspects of the establishment of the Commission, along with leading and/or supporting and number of employee and labour relations considerations. Additionally, Eric Gillespie, retired former GM of both Grand River Transit in Waterloo Region and the St. Catharines Transit Commission, has been retained to lead the harmonization and implementation of transit operations, in close partnership with the LAM transit GMs.

These external resources are funded through the transition project budget as referenced in the Financial Considerations section and approved in the 2022 budget.

Progress to Date

With less than ten months to full transition and to ensure a successful hand off to the new Commission on January 1, 2023, accelerated and necessary work in support of the new Commission is well underway.

Leveraging provincial funding secured through the Audit and Accountability– Phase 3 program, KPMG has been retained to examine and develop a recommended shared services relationship between the Region and Commission. This assignment will look at best practices and comparator transit Commissions/municipalities (i.e. London, Ottawa, Edmonton, Durham) to examine reporting relationships, undertake financial analysis, and arrive at a preferred model. This KPMG work significantly advances the early work Regional staff undertook as presented in PW 9-2021 and will also take into account the tenets of the independent Commission model recommended in the *Niagara Transit Governance Study*. The results of KPMG's work will be incorporated in the next report to Council outlining the recommended model for shared services to support the new Transit Commission. This will also provide insight into the extent of future and/or additional staff resources which may be required either by the new Commission or by the Region as part of the 2023 budget submission related to new FTEs to support transit.

As noted throughout this report, *Niagara Transit Commission* has been identified as an interim name as the MSB is established, in advance of the completion of a forthcoming branding strategy that will recommend a public-facing name for the transit service. That future brand will be subject to approval of the Commission Board and Regional Council.

Given the ambitious timeframe and to ensure an effective and seamless integration, staff are predicating some of the Commission's underpinning systems (e.g. for financial reporting and human capital management) on platforms already in use by the Region and/or commonly used or preferred by many municipalities in Niagara to ensure ease of implementation, consistency and familiarity for the Commission (e.g. Peoplesoft).

As a result of extensive transitional activities in 2022, in addition to the assumption of operational control by the new Commission in January 2023, staff are proceeding on the basis that appointing the Public Advisory Committee post-municipal election would present a more strategic fit for the Board to successfully focus on transition activities, and to better align with the forthcoming municipal election cycle.

To ensure a broad cross-section of lessons learned, successful implementation practices, and insight into the relationship between transit commissions and their municipal/regional corporations, outreach beyond just the City of St. Catharines to other transit Commissions has also occurred with counterparts in Ottawa, London, Edmonton, and Durham to gather as much information as possible to compare and contrast best practices and successful policies and procedures.

Given the accelerated pace at which the transition is moving to ensure a successful operational hand off to the new Commission on Jan. 1, 2023, it has been necessary for Staff to leverage single-source assignments in compliance with the Procurement By-law, to enable appropriate, strategic and rapid onboarding of appropriate resources. For example, in the case of the shared services review being undertaken by KPMG, deadlines within the program delivery criteria required an accelerated path to ensure compliance with the reporting requirements, as well as to ensure integration of the outcomes in relation to other transition activities (i.e. establishment of the MSB). A competitive process was not possible given the pace at which information and resourcing is required to deliver the Commission transition by Jan. 1, 2023.

Establishment of Municipal Services Board (MSB)

Creating the Niagara Transit Commission will require the establishment of a new MSB of the Region, in accordance with Sections 196 to 198 of the *Municipal Act*, 2001, Council will be asked to consider and adopt a by-law that will create the new Board and formalize aspects of the relationship between the Commission and the Region at a special Council meeting being held on May 5, 2022. Key considerations will include:

- Formalizing the transitional Board and Advisory Committee structure;
- Establishment of the corporate and administrative services relationship between the Commission and Region;
- Setting requirements for procedural matters regarding meetings and a Code of Conduct/Integrity Commissioner in accordance with the Municipal Act, 2001 requirements for local boards;
- Outlining the Commission's requirements with respect to the Region's budget approval process;
- Establishing the requirement for specific policies such as disposition of land, hiring of employees, and procurement of goods and services as is mandatory under s. 270(2) of the *Municipal Act*; and
- Establishing the roles, responsibilities, and authority to be delegated to the Commission Board, the General Manager, and Auditor.

Appointment of Transitional Board Members

In anticipation of the establishment of the Commission as a MSB by Regional Council at its Special meeting being held on May 5, 2022, this report recommends that each LAM be asked to forward their nomination(s) for their elected official(s) for the transitional Niagara Transit Commission Board to the Regional Clerk, no later than April 29, 2022.

The LAM appointment recommendations will subsequently be brought forward to Regional Council for approval in parallel with the report establishing the new MSB. This will allow for the establishment of the MSB and appointment of the initial transitional Board members to occur simultaneously at the meeting on May 5, 2022.

In keeping with the Governance Strategy developed through the triple-majority process:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipally should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
 - (3) St. Catharines
 - (2) Niagara Falls
 - (1) All Other Municipalities

The transitional Niagara Transit Commission Board will have significant responsibility for the administration of the Commission, including the hiring of a General Manager, oversight of the transfer of personnel and assets from the current municipal transit providers, and the harmonization of service and policies. In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas related to these objectives, such as business, finance, strategic planning, or transit operations. As all transitional Board positions will be elected officials, it is recommended that while eligible for expense reimbursement such as mileage, Members serve without remuneration.

All transitional Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

The term of the initial transitional Commission Board Members appointed by Regional Council in Q2 will end on January 31, 2023. This date has been recommended on the basis of ensuring continuity through the full transition and overlapping with the assumption of operations by the Commission on January 1, 2023.

Given the requirement that Board Members be elected officials, in the event that any of the Members appointed in Q2 lose their seat as a result of the 2022 Municipal Election their appointment will automatically be rescinded at that time. Board Members who are re-elected through the 2022 Municipal Election will complete the remainder of the term to January 31, 2023.

A subsequent round of nominations will occur through December 2022 and January 2023 for Regional Council to appoint new Board Members for a term starting February 1, 2023 and that will continue until the future permanent Board structure is put in place coinciding with the next Municipal election in 2026.

It is anticipated that the Public Advisory Committee for the Niagara Transit Commission would also be established following the 2022 Municipal Election.

As outlined in the Governance Strategy in PW 55-2021, the mandate of the Transitional Board structure will end with the establishment of a future permanent Board structure that will coincide with next municipal election cycle (2026). This will be informed by an external third-party review of the Transitional Board structure and governance that will revisit and make recommendations regarding the total Board size and representation complement. Regional Council will ultimately need to approve the recommended permanent Board structure.

Municipal Transfer Agreement

The MTA will govern how current municipal transit personnel, contracts and assets will transfer to the Region and/or Commission to support the assumption of operations on January 1, 2023.

Staff have initiated the negotiation of the MTA in accordance with the terms outlined in Report PW 55-2021; specifically the principles outlined in Appendix 3. This subset of work is consistent with the principles agreed to by the CAO GSC, unanimously endorsed by the LNTC, and which received triple majority approval. At this point, there is consensus among the LAMS to proceed on the basis of a single agreement that all parties will sign; with any specific or unique needs of municipalities to be addressed under defined schedules to the agreement.

Subject to the successful conclusion of negotiations, staff are working towards seeking Regional Council approval for the finalized MTA as part of the forthcoming report seeking establishment of the MSB; or at the very least, staff will seek Council's authority to conclude the process based on defined delegated authority at that time.

A comprehensive Human Resources Implementation Plan has been prepared which includes all matters associated with the transfer of municipal transit Union and Non-Union personnel. Discussions with the Amalgamated Transit Union (ATU) Locals (who represent all unionized transit employees in Niagara Falls, St. Catharines, and Welland)

are a key part of the Transition Plan; and as such, are planned to commence in the March/April timeframe.

Conclusion of Linking Niagara Transit Committee

The LNTC was established in 2017 following the unanimous municipal triple-majority approval to proceed with the creation of a new governance model for a consolidated transit system. Its primary mandate was to develop and advance a recommended consolidated governance model for Niagara, as well as in the interim, harmonize the operations and policies of the existing transit systems.

A significant number of interim milestones and successes have been achieved by the LNTC and are summarized in Appendix 2. With the development of a recommended governance strategy and the successful attainment of triple-majority approval for consolidation based on LNTC's unanimous recommendation, LNTC's mandate has now been successfully achieved.

It is therefore recommended that the LNTC be dissolved forthwith, with sincere thanks to its members and leadership of its Chair and Vice-Chair, as primary responsibility for transit decisions in Niagara will shift to the transitional Niagara Transit Commission Board once established and appointed.

Next Steps

The next significant milestone in the transition to the new Commission will be the report that Regional Council will consider on May 5, 2022 that will make recommendations for Council's consideration respecting:

- Enactment of a by-law to establish the Commission as a MSB of the Region, including confirming Regional policies to be adopted.
- Establish remuneration policies for the Board;
- Establish corporate and administrative services relationship between the Commission and Region.
- Bring forward the LAMs' transitional Board member nominations for appointment by Regional Council; and
- Seek Regional Council approval of the MTA, subject to successful completion of the negotiations and/or seek delegated authority to complete.

With the Commission Board established, focus in the next phase of transition activities will include the hiring of a General Manager and senior leadership team, development and approval of Commission policies, facilitating the transfer of assets and personnel to the Commission on the basis of the MTAs, and a branding strategy – all in support of assumption of service by the Commission on January 1, 2023.

Alternatives Reviewed

Consideration was given to not appointing Board members to coincide with the establishment of the Municipal Services Board, however this was not recommended given the need for an accelerated pace of transition and having the Board in place at the earliest opportunity to advance future operational decisions.

The alternative of not dissolving the Linking Niagara Transit Committee was also considered, but not recommended as the mandate of LNTC as defined in its Terms of Reference has been achieved and given that the Commission Board will now provide strategic direction to the transition.

Relationship to Council Strategic Priorities

The consolidation of transit services across Niagara into a new Transit Commission directly aligns with the Council Strategic Priority: Responsible Growth and Infrastructure Planning (Objective 3.1) through advancing regional transit and facilitating the movement of people and goods.

Other Pertinent Reports

PW 55-2021	Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission
LNTC-C 5-2021	Niagara Transit Governance – Phase 2 Consultation Results and Triple-Majority Initiation
LNTC-C 4-2020	Niagara Region Transit Governance Study
CAO 8-2017	Niagara Region's Transit Service Delivery and Governance Strategy

Prepared by:

Matt Robinson
Director, GO Implementation Office
Public Works

Prepared by:

Donna Gibbs
Director, Legal and Court Services
Corporate Services

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Franco Meffe, Director, Human Resources; Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer; Ann-Marie Norio, Regional Clerk; Scott Fraser, Transportation Lead, GO Implementation Office, and external legal counsel Mary Ellen Bench, Dentons LLP.

Appendices

Appendix 1 City of Welland Response – Triple-Majority Achieved

Appendix 2 Linking Niagara Transit Committee - Achievements

MEMORANDUM

Subject: City of Welland Response – Transit Triple-Majority Achieved

Date: March 7, 2022

To: Steve Zorbas, CAO – City of Welland

From: Ron Tripp, P.Eng., CAO

The purpose of this memorandum is to provide Welland City Council with an update regarding the conclusion of the triple-majority process and the next steps as the transition to the new transit Commission begins.

Achievement of Triple-Majority

On November 25, 2021, Niagara Region Council approved report PW 55-2021 which, through the adoption of By-law No. 96-2021, initiated the triple-majority process for the creation of a new transit Commission by providing “The Regional Municipality of Niagara...the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.”

Following Regional Council approval, Niagara’s twelve municipalities were required to consider the bylaw by January 31, 2022. We confirm that as a result, the required criteria for triple-majority as identified under the *Municipal Act* has now been achieved (see Attachment 1 – CWCD 2022-4).

City of Welland - Report TRANS-2021-19

We do understand that at its meeting of December 9, 2021, Welland City Council adopted a resolution “*THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems...*” provided that certain concerns were addressed.

Given that the resolution did not receive support from any of the other local area municipalities, the transit governance proposal in its current form, which achieved triple-majority approval, shall be used to govern the path forward.

March 7, 2022
Page 2

Transition

Having achieved triple-majority, the transition to the new Commission has now begun. The Region will seek to establish the Commission on the basis of the core financial, service, and Board composition strategies presented in PW 55-2021, reflecting the strong support for these proposals received through the triple-majority process.

In the coming months, Regional Council will legally establish the new Commission, the Linking Niagara Transit Committee will be dissolved, and the formalization of required asset agreements will occur. Initial milestones for the City of Welland will include:

- The negotiation and execution of MTAs, on the basis of the principles outlined in Appendix 3 of PW 55-2021. Discussions between Regional and City of Welland senior staff and respective Legal Counsel commenced in February 2022. Welland's CAO Steve Zorbas is participating in these discussions, along with external legal counsel for the City of Welland.
- In April 2022, the City of Welland will be asked to nominate its recommendation for an elected representative to the Commission Board; and
- The initiation of collective bargaining discussions between the Region and the three existing Amalgamated Transit Unions, will be conducted in coordination with City of Welland staff. Welland Transit's Manager Edward Zahra is a member of the Operations Group tasked with ensuring a successful transition to the new Commission of all transit operations effective January 1, 2023.

Region Staff look forward to working collaboratively with Welland staff to ensure a smooth transition occurs whereby operational responsibility for transit will transfer to the new Commission on January 1, 2023 as required by By-law 96-2021.

Respectfully submitted and signed by,



 Ron Tripp, P. Eng
 Chief Administrative Officer

Appendices

Appendix 1	Niagara Region Memorandum CWCD 2022-41 - Triple Majority Achieved for By-law 2021-96 being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara
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March 7, 2022
Page 3

Copy to: Bruce Zvaniga, Commissioner of Public Works (Interim)
 Matt Robinson, Director, GO Implementation Office

MEMORANDUM**CWCD 2022-41**

Subject: Triple Majority Achieved for By-law 2021-96 being a By-law to establish, operate and maintain a consolidated passenger transportation system for The Regional Municipality of Niagara

Date: February 18, 2022

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

Regional Council, at its meeting held on November 25, 2021, passed By-law No. 2021-96, being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara.

In accordance with section 115(5) of the *Municipal Act, 2001* a by-law passed under subsection 115(1) of the *Act*, shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

This memorandum confirms that all of the above provisions have been met, and the effective date of By-law No. 2021-96 was February 2, 2022.

For your reference a summary of the local area municipal responses and By-law No. 2021-96 are attached.

With the transfer of exclusive authority to the Region to establish, operate and maintain a single consolidated transit system now complete; Staff will be moving forward with necessary steps to implement the direction of Regional Council in accordance with Report PW 55-2021, dated November 25, 2021. More specifically Staff will proceed to advance the creation of a Regional Transit Commission and negotiate municipal asset

transfer agreements with the City of Niagara Falls, City of St. Catharines and the City of Welland.

Council will note that the City of Welland in their letter dated December 10, 2021, (attached), expressed support for the future state of Regional Transit subject to certain issues outlined therein being addressed, including but not limited to, seeking compensation for the transfer of assets; whereas Report PW 55-2021 (specifically Appendix 3) provides that assets will be transferred at no cost. Given the support of ten local area municipalities demonstrated by the achievement of triple majority approval **on the basis of the terms outlined in Report PW 55-2021**; Staff intend to proceed with the negotiation of the municipal asset transfer agreements in accordance with the terms outlined in Report PW 55-2021, including the principles outlined in Appendix 3.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

December 9, 2021

Ann-Marie Norio
Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio

Sent via email: ann-marie.norio@niagararegion.ca

Re: Niagara Transit Governance
Our File 35.23.11, 10.4.19

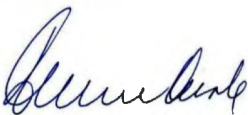
Please be advised that the Council of the City of St. Catharines, at its meeting held on December 8, 2021 passed the following motion:

That the Council of the City of St. Catharines consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

That staff begin to negotiate municipal asset transfer agreements for the Corporation of the City of St. Catharines with representatives of the future Regional Transit Commission on the basis of the principles in Report PW 55-2021 - Appendix 3 Municipal Transfer Agreements – Summary Sheet (attached as Appendix 1 to this report) and in a form satisfactory to the City Solicitor; and

That staff provide subsequent reports to Council regarding and impacts to the 2023 Capital and Operating Budgets in the creation of a Regional Transit Commission, as described in this report and the attached appendices.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:mb

PO Box 3012, 50 Church St., St. Catharines, ON L2R 7C2



City of Welland
Office of the Chief Administrative Officer
 Office of the City Clerk
 60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 10, 2021

File No. 21-19

SENT VIA EMAIL

Attention: Regional Clerk & Clerks of Local Area Municipalities

Dear Clerks:

Re: ACTION REQUIRED - December 9, 2021 – CITY OF WELLAND SPECIAL COUNCIL MEETING

At its meeting of December 9, 2021, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***

- d) *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.*

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

"That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:

- a. *City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.*
- b. *The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,*
- c. *Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,*
- d. *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further*

That a copy of this resolution be sent to the Niagara Region and local municipalities."

Yours truly,



Tara Stephens
City Clerk

TS:bl

From: Heather Ruzyllo <hruzyllo@niagarafalls.ca>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>
Subject: City of Niagara Falls Council: Support for: - Regional Report PW 55-2021 re Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Ann-Marie:

Please be guided by the following motion that was passed by the Niagara Falls Council at its meeting on December 7, 2021:

MOTION:

ORDERED on the motion of Councillor Victor Pietrangelo, Seconded by Councillor Wayne Thomson that the Council of the City of Niagara Falls consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. Carried Unanimously (Councillor Ioannoni not present for the vote).

Kind regards,
 Heather

Heather Ruzyllo | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls
 4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | hruzyllo@niagarafalls.ca



Community Services

Legislative Services

December 14, 2021

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: Moving Transit Forward in Niagara:
Creation of a Consolidated Transit Commission**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 13, 2021 passed the following resolution regarding "Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission":

That: The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. K. Walsh, Director, Infrastructure Services kwalsh@forterie.ca
M. Robinson, Director, GO Implementation Office, Niagara Region Matt.Robinson@niagararegion.ca
S. Frasser, Transportation Lead, GO Implementation Office, Niagara Region scott.fraser@niagararegion.ca

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

January 18, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold Ontario
L2V 4T7

Via email: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Niagara Region - Transit

At their special meeting of January 17, 2022 Council of the Town of Pelham received the Niagara Region's presentation with respect to the future of transit, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Transit presentation from Mr. Matt Robinson, Scott Fraser and Heather Talbot, for information.

Council also received your report, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Report CL 22-2021 and PW 55-2021, dated November 25, 2021, for information.

For your information, Staff Report 2022-0007 Future of Integrated Transit Report was also considered by Council and the following motion approved:

**BE IT RESOLVED THAT Council receive Report #2022-0007 Future of Integrated Transit Report, for information purposes;
AND THAT Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to**

establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

On behalf of Council, thank you for your presentation and report. The Town of Pelham looks forward to the new transit system.

Yours very truly,



Holly Willford, BA
Town Clerk

HW/jm

cc: Matt Robinson, Director, GO Implementation Office
Scott Fraser, Transportation Lead, GO Implementation Office
Heather Talbot, Financial and Special Projects Consultant, GO Implementation Office
David Cribbs, Chief Administrative Officer
Vickie vanRavenswaay, Director, Recreation, Culture and Wellness



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1

905-563-8205

January 25, 2022

SENT VIA EMAIL: annmarie.norio@niagararegion.ca

Region of Niagara
Ann-Marie Norio, Clerk
1815 Sir Isaac Brock way
Thorold, ON L2V 4T7

RE: Town of Lincoln Council Resolution - Transit Consolidation: Moving Transit Forward in Niagara

Please be advised that Council of the Corporation of the Town of Lincoln at its Special Council Meeting held on January 24, 2022, passed the following motion in support of the Niagara Region's Transit Consolidation

Resolution Number: SC-2022-05

Moved by: Councillor Lynn Timmers; Seconded by: Councillor Adam Russell

That Council receive and file Report AD-01-22 regarding Transit Consolidation: Moving Transit Forward in Niagara; and

That Town of Lincoln Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated transit system for the Niagara Region.

CARRIED

A copy of Report AD-01-22 is attached for your reference.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,


Julie Kirkelos
Town Clerk

jkirkelos@lincoln.ca

JK/dp



Township of Wainfleet

"Wainfleet - find your country side!"

January 27, 2022

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Niagara Regional Transit

Please be advised that, at its meeting of January 25, 2022, the Council of the Corporation of the Township of Wainfleet considered the following motion:

"THAT the Council of the Township of Wainfleet consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

DEFEATED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

SENT ELECTRONICALLY

January 31, 2022

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Transit Governance

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 20, 2021, approved the following resolution:

"Council consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being the by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

A copy of the staff report is attached for information. If you have any questions or require further information, please contact our office at 905-468-3266.

Yours sincerely,

Colleen Hutt
Acting Town Clerk



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

February 2, 2022

SENT VIA E-MAIL

Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio,

**RE: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on December 13, 2021 passed the following resolution:

C-21-292

*Resolved that Report CAO 21-21 dated December 13, 2021, be received;
and*

That the Council of the Town of Grimsby consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If you require additional information, please do not hesitate to reach out.

Regards,

Sarah Kim
Town Clerk



PORT COLBORNE

Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

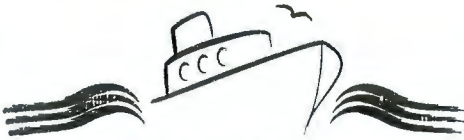
A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,



Amber LaPointe
City Clerk

cc: Niagara Local Municipalities



Where Ships Climb The Mountain...

February 3, 2022

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

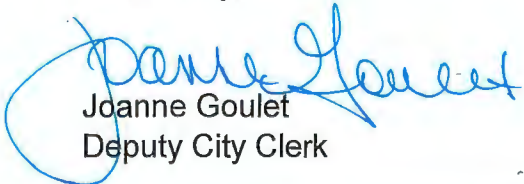
Re: Niagara Transit Governance Recommendations

Please be advised Thorold City Council, at its December 21, 2021 meeting, adopted the following motion:

1. That the information presented by Niagara Region staff be received, and,
2. That the Council of the City of Thorold consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

CARRIED

Yours truly,


Joanne Goulet
Deputy City Clerk

ec: M. Dilwaria, Chief Administrative Officer

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.ca

CLERK'S DEPARTMENT

February 10th, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission - Niagara Region Report PW 55-2021

This correspondence is to confirm that on January 31, 2022, West Lincoln Township Council adopted the following resolution regarding the Township's consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara regarding the creation of a consolidated passenger transportation system for the Niagara Region:

That the Council of the Township of West Lincoln consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If any further information is required, please contact the undersigned at 905-957-3346, Ext 6720.

Yours truly,



Jessica Dyson
Deputy Clerk

cc: Matt Robinson, Niagara Region, Director GO Implementation
Leah Tracey, Project Coordinator, GO Implementation Office

X:\cl-Clerks\Council-2022\Letters\Niagara Region – Go Implementation – Consolidated Transit Commission

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No. 2021-96


Authorization Reference: CL 22-2021;
Minute Item 5.1

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

Linking Niagara Transit Committee – Achievements

The following is a brief summary of the significant milestones achieved by the Linking Niagara Transit Committee during its term, including those from the Inter-Municipal Transit Working Group, operating under its direction:

- Established a single digital mobile platform – Transit App – providing real-time bus tracking for all Niagara Region Transit (NRT), Niagara Falls Transit, St. Catharines Transit and Welland Transit fleets.
- Standardized on-bus customer service policies and consolidated all after-hours customer service call handling to a single external provider across all four major systems.
- Completed the Specialized Transit in Niagara Study which examined ridership, demand projections, a scan of jurisdictional comparators and industry best practices.
- Implemented a Universal Support Person Pass common to all Niagara transit systems to enable those with mobility limitations to travel with an approved support person with valid identification.
- Secured Annual U-Pass agreements with Niagara College and Brock University Student Unions.
- Procured, in partnership with our municipal operators, 14 new buses to meet the NRT fleet requirements for recent service enhancements, ensuring the utilization of the reduced operating rate.
- Confirmed the recommended single fare technology (Masabi) that will provide a seamless customer experience across Niagara and that will enable the launch of region-wide mobile ticketing.
- Joint application for Provincial and Federal grant programs, i.e. ICIP, to facilitate the upgrade to a common fare payment technology. While still underway, this program has been refocused to align with the consolidation of transit into a single operating entity.
- Developed, launched, and expanded the Niagara Region Transit On-Demand pilot project, providing a new and dynamic approach to the delivery of transit in West Niagara.
- Successfully coordinated the response to COVID-19 across Niagara's major transit providers, implementing shared safety and operational responses throughout the pandemic.

- Completed the Niagara Transit Governance Study, providing the initial recommended governance model for the consolidation of transit.
- Conducted significant consultation with municipalities, interested parties, and the public to refine and further develop the recommended governance, financial and service strategies.
- Unanimous approval of the final transit consolidation strategies, recommending the initiation of the triple-majority process.

By-law List – April 11, 2022

- (a) A By-law to amend By-law No. 2002-81 entitled “A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers.” (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) 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 of Powers and Duties By-law No. 2020-156.)
- (c) 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 – Dundee Drive. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to govern and regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways known as boulevards, and unopened road allowances under the jurisdiction of the City of St. Catharines. (One reading – with respect to boulevards and unopened roads. To be considered by Council, April 11, 2022.)
- (e) A By-law to amend By-law No. 2021-68 entitled “A by-law to establish a system for non-parking related administrative penalties. (One reading – with respect to penalties for contravention of the Boulevard By-law. To be considered by Council, April 11, 2022.)
- (f) A By-law to amend By-law No. 2021-101 entitled “A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters.” (One reading – with respect to addition of Residential Parking Permits, Commercial/Overnight Parking Permits and Non-Resident Seasonal Boat Launch Parking Passes at Sunset Beach and Lakeside Park. To be considered by Council, April 11, 2022.)
- (g) A By-law to confirm the proceedings of council at its meeting held on the 11th day of April 2022. (One reading - with respect to confirming the proceedings of the meeting held on April 11, 2022.)