

# **Community Viability Committee**

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**Councillor Mike Petryna, Chair  
Councillor Louise Portelance, Vice-Chair**



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www.cfib.ca

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...and growing**

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**AUG 14 2002**

**CLERKS - DEPT.**

August 14, 2002

Mr. Thom Mowry, City Clerk  
Sudbury Regional Municipality  
Greater Sudbury  
Tom Davies Square  
200 Brady St.  
Sudbury, ON  
P3A 5P3

Dear Mr. Mowry:

**Re: Request to Appear before City Council on September 12**

CFIB is a national business organization which represents over 100,000 small- and medium-size enterprises (SME) nation wide, and over 400 of our members do business in Sudbury. As the Mayor and Council will know, small- and medium-size businesses are the backbone of the local economy and the key job creators there.

I will be in Sudbury on September 12 and together with our Ontario Policy Analyst, Minali Prem, will appreciate an opportunity to make a presentation to City Council covering small business issues and concerns that impinge on local economic development. Our presentation will be based on the extensive survey research we conduct with our SME members in respect of local and provincial policies.

My colleague, Stephanie Stoyko will be in further touch regarding the arrangements.

Sincerely,

Judith Andrew  
Vice President, Ontario

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## Ontario

Canadian Federation of Independent Business



### Biography for:

**Judith Andrew**  
**Title:**  
**Vice-President**  
**Ontario**

From June 1982 to date, Judith Andrew has been with the Canadian Federation of Independent Business. Appointed Vice-President, Ontario in January 1999,

Ms. Andrew is the Federation's lead representative before the Ontario government.

Ms. Andrew held several positions in the Federation's research and legislative departments before assuming her current post.

Prior to joining the CFIB, Ms. Andrew pursued a management career in the banking industry.

Judith Andrew holds a B. Comm (University of Toronto, 1979) and an MBA (York University/exchange Laval University, 1982). She completed the Canadian Securities Course (Investment Dealers' Association) in 1983.

Ms. Andrew has also represented CFIB's 40,000 Ontario member businesses through various appointments: Ontario Task Force on Hours of Work and Overtime 1986-87; Small Business Task Force, Advisory Council on Occupational Health and Safety, 1988; Ontario Attorney General's Advisory Committee on Class Actions, 1989; Minister of Consumer and Commercial Relation's Panel on revisions to consumer protection legislation, 1989 and subsequent years; Board of Directors Workplace Health and Safety Agency, 1990-92; Minister's Advisory Committee on Employment Equity, 1992-93; Review Panel on Workplace Health and Safety, 1995; Advisory Committee to Red Tape Review, 1996; Strategic

Advisors for the Ontario Ministry of Education and Training "Building Our New Directions", 1997; Safe Communities Foundation Advisory Committee, 1997 (ongoing).

Ms. Andrew currently holds the position of Vice Chair of the Employers' Council of Ontario, a business coalition on workplace safety and insurance, to which CFIB actively contributes.

Ms. Andrew is the author of numerous CFIB briefs and reports on a wide range of issues affecting small- and medium-sized firms.

CFIB is a non-profit, non-partisan political action organization with 100,000 member businesses across Canada.

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# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	September 11 <sup>th</sup> , 2002				Report Date	August 23 <sup>rd</sup> , 2002			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

## Sub-Committee Check-Off

Please indicate which sub-committee will deal with this issue			
Community Viability	<input checked="" type="checkbox"/>	Public & Intergovernmental Affairs	Financial & Program Accountability

## Report Title

Animal Control By-Law Recommendations

### Policy Implications + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified

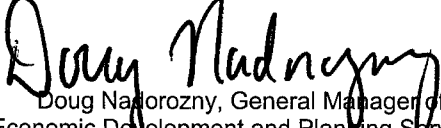
Background attached

### Recommendation

That Council approve staff recommendations contained within this report and direct staff to prepare an Animal Control By-law for Council accordingly, to come into effect January 1<sup>st</sup>, 2003

Recommendation attached

### Recommended by the General Manager

  
Doug Nadrozny, General Manager of  
Economic Development and Planning Services

### Recommended by the C.A.O.

  
Mark Mieto  
Acting Chief Administrative Officer

**Report Authored By**

Bryan Gutjahr  
Manager, By-Law Enforcement Services

**Division Review**

W. E. Lautenbach  
Director of Planning Services

**HISTORY**

At the October 25<sup>th</sup>, 2001 Council Meeting, Council was presented with a draft Animal Control By-Law. It was staff's recommendation that Council enact the draft by-law which had been prepared after reviewing existing by-laws and the Animal Control By-laws of other municipalities. **This by-law would amalgamate the six existing by-laws currently in place.**

Council decided that further review was needed and public input would be of assistance.

A public input meeting was held on Wednesday, December 5<sup>th</sup>, 2001, and the public addressed Council regarding Animal Control and the draft by-law. Approximately 150 people came to the public input meeting, and over 40 people addressed Council. As a result of this public meeting Council established an Animal Control Advisory Panel consisting of members of the public who could offer their assistance in reviewing the draft by-law and advise on improvements.

The panel included members of organizations such as P.A.L.S. (Prevent a Litter Sudbury), Ontario S.P.C.A., The Sudbury Veterinarian Association, a breeder, a kennel owner.

The list of applicants and their resumes were submitted to Council to chose the six citizens to be appointed. Council appointed 15 citizens to the panel as well as requesting Councillor Dupuis to be the Council representative.

The Animal Control Advisory Panel was comprised of the following:

<p>Councillor R. Dupuis, Chair</p> <p>Staff: R. Swiddle, City Solicitor  C. Dawe, Assistant City Solicitor  H. Salter, Deputy City Solicitor  B. Gutjahr, Manager of By-Law Enforcement Services  D. Trottier, Secretary</p>	<p>Members:</p> <p>Elizabeth Dornbush  Natalie Doyon  Norma Fitzgerald  Heather Grigor  Les Henderson  Rod M. Jouppi  Mark Masterson  Alison F. McAllister  Albert Nesseth  Richard Paquette, Sr.  Jill Pessot  Patricia Ross  Darren J. Stinson  Joyce Stromberg  Jeff Vaillancourt</p>
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Over the course of the winter and spring of 2002, five meetings were held with the panel and staff to review the draft by-law and to make recommendations on the key points brought out during the public meeting in December.

The following issues were raised during the public meeting. These issues were discussed by the Animal Control Advisory Panel. Staff recommendations and comments on these discussions were as follows.

**ISSUE: NOISE CONTROL**

Panel Comments

- This issue is addressed well in the draft by-law and should remain.

Staff Comment/Recommendation

- The draft Animal Control By-law #2001-250, Part XII, Section 21 states:

“The owner of a dog or a cat shall not permit or allow the dog or cat to make or continue to make any sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual.”

This section was briefly discussed by the panel and it was decided that the wording should remain.

## **ISSUE: LICENSING/REGISTRATION IMPLEMENTATION**

### Panel Comments

- Review licensing/registration system and work toward internet applications.
- Licensing/registration year to run from January 1<sup>st</sup> to December 31<sup>st</sup>.
- The term licensing to be changed to registration.

### Staff Comment/Recommendation

For uniformity, have licensing/registration run from January 1<sup>st</sup> to December 31<sup>st</sup>. The by-law should address the registration of both dogs and cats and remove any reference to the term licensing of dogs and cats.

In the future, staff will review possibility of having applications for registration of dogs and cats internet accessible.

## **ISSUE: REGISTRATION OF CATS**

### Panel Comments

The registration of cats would be a means of identification and the return to owners which means less euthanization. Owners of cats would be more responsible for their pet.

### Staff Comment/Recommendation

The registration of cats would be a benefit to the community. It allows for better control by way of record keeping and it would mean that registered stray cats would be returned to the owner rather than being impounded and possibly euthanized. The registration fee would partially offset added cost of enforcement and control.

It is recommended that the registration of cats be included in the by-law.

## **ISSUE: REGISTRATION FEES**

### Panel Comments

- Registration fees to be used for spay/neuter program.
- Reduce fee by 50% if purchased after October 1<sup>st</sup>.
- Higher registration fee if dog or cat is not spayed/neutered.
- Exemption for dog and cat foster homes.
- Review implementation of micro-chipping for cats.
- Lower cost for cat registration.

**ISSUE: REGISTRATION FEES...continued**

It was felt by the panel that in order to control animal populations the City should promote the spaying/neutering of dogs and cats. Registration fees should be reduced by 50% upon proof that the dog or cat is spayed/neutered. Reduced rates should also be implemented for seniors and the disabled.

Staff Comment/Recommendation

If one acquires a dog or cat after October 1<sup>st</sup> and applies for registration, then the registration fee should be reduced by 50%. This provision is currently contained in other by-laws and could be implemented in this by-law.

It was felt that some cat owners would not want their pets wearing identification tags therefore an alternative would be to offer micro-chipping as well as a tag. With this alternative staff would be required to be in possession of a scanner and scan all strays found. The downside of micro-chipping is it does not allow the Animal Control Officer the ability to see at a distance if the dog or cat is currently registered and a physical scanning would have to be performed. With the current tag system the officer can observe if an animal is registered simply by driving by. If no tag is observed the owner is advised to purchase a tag. It is recommended that dogs wear a registration tag and cats owners must purchase a tag but have the option of also micro-chipping their pet.

The panel recommended registration fees to be used for spay/neuter program, if implemented this would reduce the amount of revenue used to offset the cost of animal control which translates into increase costs to the city. Staff does not recommend this revenue be used for a spay/neuter program. The City does promote spaying/neutering by way of media and pamphlet distribution. Staff also recommends that a surcharge be added to the cost of registration if purchased after January 31<sup>st</sup> of the registration year.

It is recommended that a yearly registration fee of \$30.00 be implemented with a 50% reduction for spay/neuter animals. A surcharge of \$10.00 be added if renewal purchased after January 31<sup>st</sup> of the licencing year. This will act as an incentive to obtain pet registrations.

**ISSUE: KENNELS**

- Introduce provision in by-law that speaks to individuals who breed dogs and cats in their homes.
- Ministry of Agriculture is responsible for inspection of kennels.
- Deal with people that sell animals through the newspaper.

**ISSUE: KENNELS...continued**

Staff Comment/Recommendation

The Ministry of Agriculture governs kennel operations. If the City began to address kennel operations and conditions, this would be a duplication of provincial responsibility.

The licensing of kennels should be removed from the Animal Control By-law and addressed in the licensing of businesses by-law. There should be a provision in this by-law that kennel operators produce provincial approval before a municipal licence is issued.

Kennel locations are governed by current Zoning By-laws.

**ISSUE: NUMBER OF ANIMALS KEPT**

Panel Comments

- Distinction between rural and urban areas.
- Distinction between single residential and multiple family buildings.
- Combination of animals kept - maximum allowed.
- Care of animals rather than numbers allowed.
- If financially sound and animal well cared for there should be no limits.
- Limit of 2 dogs and 2 cats too restrictive.
- Should have restrictions on numbers.
- Address numbers to protect those citizens who do not own animals.

This topic was thoroughly discussed by the panel and several ideas were brought forward. The panel was split on this topic but the majority favoured introducing a standard of care rather than a limit. Some panel members did see the need for limits.

When discussing this topic, the panel seemed to be concerned more for the animals rights rather than the non-pet owners personal and property rights. They believed that if a standard of care was in the by-law and complied to then an individual should be allowed any number of dogs and cats.

Staff Comment/Recommendation

Currently, in the most areas of the City of Greater Sudbury, the limits are 2 dogs and 2 cats. Walden allows for 3 dogs and 2 cats and Valley East allows for 6 dogs in rural areas. Licensing statistics show that there are very few individuals in Walden or Valley East that have licenced three dogs or six dogs respectively. The majority of owners licence 1 - 2 dogs throughout the city.

**ISSUE: NUMBER OF ANIMALS KEPT**...continued

Staff Comment/Recommendation

Unrestricted numbers will allow individuals to own unlimited dogs and cats. With existing limits the former City of Sudbury is receiving numerous barking dog complaints and if there were no limits the amount of enforcement time needed would increase substantially. As an example, in the former City of Sudbury, in 2001 there were 184 complaints regarding barking dogs and until the end of July this year there have been 156 complaints/

The Animal Control By-law is a by-law to control animals and provide protection for persons and properties. The restrictions on numbers of pets varies greatly throughout the Province, refer to Schedule B (attached) for comparison.

Introducing a standard of care is possible, however the care and protection of animals is a responsibility of the Ontario Society for the Protection and Care of Animals. If City staff observe an instance of animal abuse, the S.P.C.A. is notified immediately. The S.P.C.A. legislation is written to give it substantial powers to correct improper situations.

If a standard of care for every future owner is introduced into the By-law, considerable enforcement tools would be needed.

Staff recommends there be restrictions on the numbers of dogs and cats kept by an individual. The restrictions should stay the same with a combination of dogs and cats allowed to a maximum of 2 dogs, i.e. 2 dogs and 2 cats, 1 dog and 3 cats, 4 cats. An increased number may be feasible in rural areas if used for farming practices, but this is not recommended because of enforcement difficulties.

**ISSUE: GRANDFATHERING OF NUMBERS OF PETS**

Panel Comments

- If an animal is registered now then pet ownership should be grandfathered.
- People shouldn't have to get rid of their pets.
- Some people are in violation of current limits - especially cats.
- Excess numbers should be registered.

Staff Comment/Recommendation

In order to be grandfathered, a pet would have to have been legal prior to passing of the by-law. It is recognized that some people illegally have more pets than are permitted under current restrictions. If limits are continued, then a registration program will have to be implemented to give pet owners an opportunity to register their additional pets with the city. Over time these pet owners must comply with number restrictions in place. The majority of pet owners do comply with current restrictions so this registration will only affect limited owners.

**ISSUE: GRANDFATHERING OF NUMBERS OF PETS...continued**

Staff Comment/Recommendation

Staff recommends a grandfathering clause be included in the by-law for legal pets (amount permitted as per existing by-laws) only and pet owners be given an opportunity to register their pets with the city until the end of this year.

**ISSUE: IMPOUND PERIOD**

Panel Comments

- The Animal Research Act calls for a minimum 72 hour impound period. This allows owners sufficient time to claim their pets.
- The City can apply to the Ministry for an extension of this time limit.
- Most owners intend to redeem their pets and do so within 72 hours.
- Favour 5 day impound period.
- Pounds should not be permitted to adopt animals unless spayed/neutered.
- Cost of keeping animals should be covered by adoption fees.
- Veterinaries should be consulted prior to euthanization.

Staff Comment/Recommendation

The current impound period used by the City is 72 hours. After this time the City signs over the animal to the pound keeper. The pound keeper then decides to adopt the animal or euthanize it. It is up to the pound keepers to decide the fate of the animal. Not all animals are fit to be adopted such as vicious dogs or cats, or old or sick animals.

Most animals are claimed by their owners within the 72 hour impound period. Increasing the impound period is possible however there is an added cost of \$10.00 a day per animal (boarding fee).

This would be an increased cost to the City of approximately \$10,000.00 per year/per added day of impound.

Staff recommends that the impound period for animals remain at 72 hours.

**ISSUE: EUTHANIZATION**

Panel Comments

- Veterinarian should examine animals prior to euthanization
- Agencies permitted to adopt animals prior to euthanization.

**ISSUE: EUTHANIZATION** ...continued

Staff Comment/Recommendation

Currently, pounds are responsible for euthanization and disposal of animals. Pound keepers make the decision whether to adopt or euthanize. Having a veterinarian examine each animal prior to adoption or euthanization will be a major additional city expense.

Staff recommend that the signing over of animals continue. The pound keeper then has the opportunity to adopt this animal out. If the pound keeper does not choose to adopt then other agencies such as PALS may have the opportunity to adopt these animals at a cost set by the pound keeper.

Looking at a program that would allow special interest groups the first opportunity to adopt unwanted animals could be addressed in pound contract. It is recommended that this occur.

**ISSUE: SPAY/NEUTER**

Panel Comments

- Larger difference in registration fees.
- If impounded animal is not spayed/neutered then a larger impound fee.
- Spay/neuter should be compulsory.
- Use registration fees to assist with spay/neuter program (PALS).
- Animals must be spayed/neutered prior to adoption.

Staff Comment/Recommendation

- Implement a fee structure to reflect a difference between altered and unaltered dogs and cats.
- The fee should be such that it is an incentive to have dog or cat altered. Other municipalities such as Hamilton, Timmins and Ottawa have the fee structure in place. (*REFER TO "SCHEDULE A".....attached*)

Council should be aware that current licence fees do not cover the cost of administration and enforcement of animal control. Current costs are in the area of \$400,000.00 while licensing fees generate approximately \$130,000.00.

Increasing licensing fees for unaltered dogs and cats may have a negative effect on revenue generation. If fees are too high fewer licences will be sold.

Council could consider subsidizing special interest groups such as P.A.L.S. (Prevent a Litter Sudbury) to assist in their spay/neuter programs. The more animals spayed/neutered means more control over animal populations.

**ISSUE: SPAY/NEUTER**...continued

### Staff Comment/Recommendation

After the required 72 hour impound period, the City signs over possession of dogs and cats to the pound keeper. The pound keeper then decides whether to adopt this animal or euthanize. The panel discussed that perhaps it be mandatory that all dogs and cats be sterilized prior to adoption. This would mean the cost of sterilization would be added to any adoption cost. This idea will have to be addressed when pound services are tendered out.

It is recommended that a fee structure be created to reflect a 50% reduction for the registration of dogs and cats that are altered. Registration fees should not be increased substantially for unaltered dogs or cats as this may be a deterrent to purchase a registration tag. The City currently promotes the benefits of spaying/neutering of pets by way of brochures and pamphlets and it is recommended that this continue with a possibility of enhancement if funds become available.

### **ISSUE: EDUCATION**

#### Panel Comments

- City should pay to advertise information on noise control, Stoop and Scoop and care of animals.
- Rabies is under the jurisdiction of the Health Unit.
- Include Animal Control on City web site
- Educate children in schools on animal care and humane treatment.
- OSPCA has this program but no staff to provide service.

#### Staff Comment/Recommendation

Currently the City distributes flyers with information on animal care. These flyers are distributed by mail, newspapers and city Animal Control Officers. There is insufficient staff and funding to introduce educational programs in schools.

It is recommended that the City continue to distribute flyers and use the media to promote animal care, animal registration and spaying/neutering.

Introducing Animal Control information on the By-Law Enforcement Website is possible and will be reviewed with the Information Technology Section.

### **ISSUE: HUMANE CARE OF ANIMALS**

#### Panel Comments

- Should the city set standard of care for animals?
- Animal shelters are already mandated by the Pounds Act.
- City should inspect shelters to ensure standards.
- Care provisions should be included in by-law.

Report: Animal Control By-law Report

Date: September 11<sup>th</sup>, 2002

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### **ISSUE: HUMANE CARE OF ANIMALS...continued**

Staff Comment/Recommendation

Kennel inspections are done by the Ministry. There are provisions in the Pounds Act to ensure kennels are kept at certain standards.

The panel suggested some provisions of care could be introduced into the by-law such as providing shelter, and food and water.

The Ontario Society for the Prevention of Cruelty to Animals is currently mandated to provide protection for animals in need of care. They will investigate instance of abuse or lack of care. Inspectors with the O.S.P.C.A. are empowered to take strict action against anyone found abusing animals.

Care provisions could be introduced into the by-law, however this will be a major enhancement of current enforcement and would be major additional costs.

It is recommended that kennel inspections remain the responsibility of the Province. If however Council decides the City should become involved, then provisions might be included in the Licensing By-law that set a certain standard for kennels.

**ISSUE: PROHIBIT VARIOUS BREEDS**

Panel Comments

- Very difficult to do.
- Should deal with dangerous dogs.
- Exotic species to include, ie., tigers

Staff Comment/Recommendation

At the current time there has not been a problem experienced with certain breeds of dog. Other municipalities have introduced prohibitive legislation restricting certain breeds.

Council may wish to review this subject in the future. No prohibitions on dog or cat breeds are recommended. However it is recommended that a dangerous dog provision be reviewed and introduced into the by-law.

## CONCLUSION

If Council provides direction on the passage of a by-law as outlined in this report, staff will commence an advertisement campaign advising members of the public to register any animals that need to be grandfathered in various portions of the City. The by-law would come into effect on January 1<sup>st</sup>, 2003 under the provisions of the new *Municipal Act*. Over the next few months Council will review options on the delivery of Animal Control Services. These options for service delivery will include:

### 1) SERVICE TO REMAIN THE SAME

The current animal control service is delivered within the former City of Sudbury within two municipal staff and contracting pound service. The area municipalities are serviced by Wenrick Kennels, Walden Animal Clinic and Berclair Kennels.

### 2) CONTRACT TOTAL SERVICES

Administration of the service would remain with By-law Enforcement Services however animal control and pound services would be tendered.

### 3) ANIMAL CONTROL WITH MUNICIPAL STAFF AND TENDER POUND SERVICES

Animal control and enforcement would be done by municipal staff. The pound services however would be tendered.

Staff would prepare tenders for the operation of Pound Services. This work could not be done until Council had decided upon an Animal Control By-Law. These tenders will be awarded by Council.

Staff has prepared this report keeping in mind the issues brought forward by the public and the Animal Control Advisory Panel. With Council direction, staff will prepare an Animal Control By-law that will incorporate some of the panel recommendations all the while attempting to work within the budget set by Council. It is important for Council to understand that no Animal Control By-law, no matter how enlightened or how well intended will be universally accepted.

**“SCHEDULE A”  
 DOG AND CAT LICENSING FEES**

CITY	DOGS AND CATS REGULAR FEE	SPAYED/NEUTERED	WITH RABIES VACCINATION	WITH A MICRO-CHIP	DOG OR CAT SPAYED/NEUTERED AND IDENTIFIED WITH A MICROCHIP
TORONTO	\$50.00	\$15.00 \$10.00 - seniors		\$25.00 \$15.00 - seniors	\$10.00
NORTH BAY	\$30.00 By-law reviewed in 2001 and will be reviewed in 2003		\$20.00		
SAULT STE. MARIE	\$50.00 No cat by-law	\$10.00			\$5.00
TIMMINS	\$30.00 No cat by-law	\$15.00			
OTTAWA	\$25.00 No cat by-law but a \$5.00 lifetime ID tag can be purchased	\$15.00 under 6 months of age			
HAMILTON	\$60.00 \$30.50 - seniors	\$26.00 - seniors \$26.00 for dogs under 6 months of age			

<b>SUDBURY (Proposed)</b>	<b>\$30.00</b> \$10.00 surcharged if purchased after Jan 31st	<b>\$15.00</b> \$15.00 - seniors		To be determ To be determ
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Report: Animal Control By-law Report

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Date: September 11<sup>th</sup>, 2002

## “SCHEDULE B”

### LIMITS ON THE NUMBER OF DOGS AND CATS

The limits on the number of dogs and cats per household within communities are as follows:

Cumberland	3 dogs in a rural area; 2 dogs in an urban area
Gloucester	a combination of 3 dogs and/or cats
Kanata	a combination of 3 dogs and/or cats in an urban area
Nepean	a combination of 5 dogs and/or cats
Ottawa	a combination of 3 dogs and/or cats
Vanier	a combination of 3 dogs and/or cats
Timmins	4 dogs/6 cats (single dwelling) 2 dogs/4cats (multiple dwelling)
Hamilton	1 cat/1 dog
North Bay	unlimited
Barrie	2 dogs/6 cats
Parry Sound	3 dogs
Sault Ste Marie	No limit
Thunder Bay	No by-law
Windsor	2 dogs/4 cats

**SUMMARY**

<b>ISSUE</b>	<b>STAFF RECOMMENDATION</b>
1. Noise Control	<ul style="list-style-type: none"> <li>The wording in the draft by-law should remain the same</li> </ul>
2. Licencing/Registration Implementation	<ul style="list-style-type: none"> <li>Licencing/registration to begin January 1<sup>st</sup> and end December 31<sup>st</sup></li> <li>Both dogs and cats are to be registered and remove any reference to the term "licencing"</li> </ul>
3. Registration of Cats	<ul style="list-style-type: none"> <li>The registration of cats be included in the by-law</li> </ul>
4. Registration Fees	<ul style="list-style-type: none"> <li>A yearly registration fee of \$30.00 for dogs and cats</li> <li>50% reduction upon providing proof dog or cat is spay/neutered</li> <li>Penalty fee of \$10.00 if renewing registration after January 31<sup>st</sup></li> <li>50% reduction if dog or cat is acquired and registered after October 31<sup>st</sup></li> </ul>
5. Kennels	<ul style="list-style-type: none"> <li>Remove licencing of kennels from Animal Control By-law</li> <li>Address kennel licencing in the licencing of Business By-law</li> <li>Ensure there is a provision that kennels must be inspected and approved by the Ministry prior to a municipal licence being issued</li> <li>Kennel locations to be confined by zoning by-laws</li> </ul>
6. Numbers of Animals Kept	<ul style="list-style-type: none"> <li>That there be restrictions on numbers of animals kept</li> <li>Combination of dogs and cats allowed with a maximum of 2 dogs</li> <li>i.e. 2 dogs, 2 cats 1 dog, 3 cats 4 cats</li> </ul>

**SUMMARY.. continued**

ISSUE	STAFF RECOMMENDATION
7. Grandfathering	<ul style="list-style-type: none"> <li>• A grandfathering clause be included in by-law for legal pets only</li> <li>• Owner given opportunity to register their pets with City</li> </ul>
8. Impound Period	<ul style="list-style-type: none"> <li>• The impound period remain at 72 hours</li> </ul>
9. Euthanization	<ul style="list-style-type: none"> <li>• Current procedures to continue</li> <li>• Create a procedure that would allow special interest groups the first opportunity to adopt unwanted animals</li> <li>• This could be addressed during tender for Pound Services</li> </ul>
10. Spay/Neuter	<ul style="list-style-type: none"> <li>• 50% reduction on registration fees for altered animals</li> <li>• City to continue to promote the benefits of spay/neuter by way of brochures</li> <li>• Enhancement of this program if funds available</li> </ul>
11. Education	<ul style="list-style-type: none"> <li>• City staff to continue to distribute flyers and use the media to promote Animal Care, Animal Registration and spay/neutering</li> <li>• Introduce Animal Care and control information on City website</li> </ul>
12. Humane Care of Animals	<ul style="list-style-type: none"> <li>• Kennel inspections remain the responsibility of the Province</li> <li>• City animal Control Offices will report to the OSPCA any instances of animal neglect of abuse</li> <li>• Animal welfare should remain responsibility of OSPCA</li> </ul>
13. Prohibit Various Breeds	<ul style="list-style-type: none"> <li>• No prohibition in dog and cat breeds are recommended</li> <li>• Council may revisit to review in the future</li> <li>• That a dangerous dog provision be reviewed and introduced in the by-law</li> </ul>

# Request for Recommendation Priorities Committee



## Type of Decision

Meeting Date	September 11, 2002				Report Date	September 3, 2002			
Recommendation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input type="checkbox"/>	High	<input checked="" type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

## Sub-Committee Check-Off

Please indicate which sub-committee will deal with this issue					
<input checked="" type="checkbox"/>	Community Viability	<input type="checkbox"/>	Public & Intergovernmental Affairs	<input type="checkbox"/>	Financial & Program Accountability

## Report Title

Proposed Coat of Arms and Motto for the City of Greater Sudbury

### Policy Implications + Budget Impact

<input checked="" type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
<b>Policy Implications:</b>	
None at this time. Once Council agrees (in principle) on the elements to be included in a new Coat of Arms a Policy will be required respecting the use of the Coat of Arms, Flag and Badge.	
Once a final design has been formally approved by Council a by-law will be required to adopt the Coat of Arms.	
<b>Budget Impact:</b>	
None. The costs required to complete this process are included in the current budget of the Solicitor and Clerk's Services.	
The Elizabeth Fry Chapter for the IODE has agreed to cover the cost of the flag design, which is part of the grant of a Coat of	
<input checked="" type="checkbox"/>	Background attached

### Recommendation

<p><b>THAT the Canadian Heraldic Authority be requested to proceed with artwork for the design of a Coat of Arms, Flag and Badge for the City of Greater Sudbury based on the preliminary description set out in the Report of the General Manager of Corporate Services;</b></p> <p><b>AND THAT the motto for the City of Greater Sudbury be "COME, LET US BUILD TOGETHER" and that same be translated into Latin;</b></p> <p><b>AND FURTHER THAT the City Clerk be directed to prepare a Policy respecting the use of the Corporate Coat of Arms, Flag and Badge.</b></p>	
<input type="checkbox"/>	Recommendation attached

### Recommended by the General Manager

Mr. Doug Wuksinic, General Manager Corporate Services and Acting General Manager, Emergency

### Recommended by the C.A.O.

Mr. Mark Mieto, Acting Chief Administrative Officer

# Request for Recommendation Priorities Committee



Recommendation <i>continued</i>	X	Background
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Please indicate if the information provided below is a continuation of a Recommendation or Background

**Council Background:**

In April, 2001 Council passed Resolution 2001-165 petitioning the Office of the Chief Herald of Canada for armorial bearings for the City of Greater Sudbury. This petition was approved by the Chief Herald in December, 2001 and as a result of various discussions and correspondence between the City Clerk's Office and the Office of the Chief Herald a consensus on a preliminary description of the elements to be included in the Coat of Arms has been achieved.

The purpose of this Report to the Priorities Committee is to firstly, seek approval *in principle* for these elements so as to permit an artist to proceed with a design and secondly, to approve a motto to be included as part of the Coat of Arms.

**Design Elements:**

The Herald's Office has recommended that the design be kept as basic as possible and be heavily influenced by the natural, as opposed to the developed features of the Greater Sudbury area. This approach has many advantages. First, a cost of arms is not meant to be a depiction of a City or Region, but rather an emblematic representation. Often, the best such symbols are distinctive and at the same time embody something very basic for the area.

Sometimes, when buildings or detailed items related to industry are chosen as symbols, they become dated and come to represent only a part of the City. Flora and fauna, which get to the origins of the place in question, are timeless and inclusive of all parts of a community. The trillium symbol of Ontario, a symbol taken from nature, shown in a stylized way, is a basic way to represent the Province and as such has the greatest resonance from all the populace.

1. Colours

The primary colours will be green and gold. The *Corporate Visual Identity Standards Manual* states: "Green is a colour which traditionally conveys "growth" and "harmony". It is also appropriate seeing as Sudbury has positioned itself on the world stage as a leader in greening."

2. Star

The four point star currently used in the City's logo will be included in the top left corner. Again, the *Corporate Visual Identity Standards Manual* states: "One can interpret the star as also meaning "bright", "new", "dynamic", diverse", "spirit of community" or "star of the north". In addition, having a four-point star suggests that Greater Sudbury is the "hub of the north" and an "ever-expanding community".

# Request for Recommendation Priorities Committee



Recommendation <i>continued</i>	X	Background
Please indicate if the information provided below is a continuation of a Recommendation or Background		
3.		Shield Elements
<p>The elements to be included in the Shield will include a stylized coniferous tree division. This will represent the original old growth white pine forests that once covered this area of Northern Ontario. It also symbolizes, the lumber industry, one of the original industries of the area and also the regreening efforts of the past quarter century, the effect of which will be most evident in the next quarter century. The bottom portion of the crest design would include a rocky area with blueberry plants. These last two elements would represent the other two industries which attracted settlement in the area, namely, mining and agriculture.</p>		
4.		Supports
<p>The two supports on either side of the shield will be moose, with unique collars. Its is recommended that one moose have a collar of maple leaves representing all the immigrant communities that settled in the Greater Sudbury Area. The second moose would have collar of fleur de lis representing the Francophone populace and the bilingual nature of the new City.</p>		
5.		Crest
<p>The Herald's Office has recommended a mural crown, which is often used by municipalities, out of which a moose head is emerging. This particular item could change as the design develops.</p>		
<p><b>Flag:</b></p>		
<p>As indicated above, the Elizabeth Fry Chapter for the IODE has agreed to cover the cost of the flag design, which is part of the grant of a Coat of Arms. The flag would have to be a rectangular version of the shield, which is called a banner of arms, rather like the flags of British Columbia, Nova Scotia or New Brunswick.</p>		
<p><b>Badge:</b></p>		
<p>As part of the design of the Coat of Arms, it is also recommended that Council include a civic badge with the formal grant of patent. The badge is essentially an alternative symbol separate from the arms. It can use symbols found in the arms, so the badge might be the four pointed star within a wreath of pine branches.</p>		
<p>A formal copy of the Armorial Bearings as proposed by the Herald's Office is attached for the information of Members of the Priority Committee.</p>		
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# Request for Recommendation Priorities Committee



<b>Recommendation</b> <i>continued</i>	X	<b>Background</b>
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Please indicate if the information provided below is a continuation of a Recommendation or Background

**Motto:**

A motto is defined as an expression of conduct (or, maxim) adopted as a guiding principle.

The suggested motto for the new City is taken from the Book of Nehemiah: *“Come, let us build together”*.

In this particular passage Nehemiah was asked by God to rebuild the city walls of Jerusalem which had crumbled. After appraising the damage, Nehemiah appreciated that the job could not be done by one person alone but would require the collective efforts of Jerusalem’s citizens.

It has been said that Nehemiah was the first practitioner of the politics of inclusion.

The suggested motto is one that would serve to recognize that building and maintaining a community is an never ending task and one that we, as citizens, are obligated to contribute and continue. This motto also is a recognition of all those who have, over the last 100 years, settled and built the community we have inherited through their efforts.

It is also recommended that this motto be translated into Latin.

**Approval in Principle**

The recommendation proposed for Council’s consideration should be considered as approval in principle only for the design elements in order to permit the graphic artist to proceed with designs for a crest. The final approval for a design will be Council’s and Council’s alone.

All of which is respectfully submitted for the consideration of the Members of the Priorities Committee.

*Attachment.*

# Armorial bearings proposed for the City of Greater Sudbury / la Ville de Grand Sudbury

by Bruce Patterson, Saguenay Herald, 19 August 2002

## Technical Description (in blazon, the language of heraldry)

- Arms (shield):** Per fess sapiné Vert and Or, in dexter chief a mullet of four points Or;
- Crest (above the shield):** On a wreath Or and Vert, this Crest: Issuant from a mural crown Vert, a moose head Or;
- Supporters:** On each side a moose Or standing on a rocky compartment set with blueberry flowers proper;
- Motto:** *To be determined.*
- Badge:** *Optional*
- Flag:** A banner of the Arms (*suggested*).

## Description and Symbolism

**Arms:** The shield is divided horizontally in two by a line of stylized coniferous trees, green above and gold below. In the upper right hand corner is a star of four points.

The green and gold colours are those used by the City. The division line indicates the original vegetation of the region and the fact that much of it has been re-forested in recent years. The green colour furthers the image of the forests, whereas the gold can represent the agricultural riches of the region. The star, inspired by the current symbol of the City, represents the north star and the fact that the City is the main urban centre in northeastern Ontario. It can also represent dynamism, technology, and the future.

**Crest:** Within a wreath of twisted cloth in gold and green is a green crown made of masonry, out of which is a gold moose head.

The “mural crown” is a traditional symbol of municipal authority, and the moose is a prominent local animal. These are shown in the main colours of the arms.

**Supporters:** On each side of the shield is a gold moose standing on a rocky outcrop set with blueberry plants.

The moose are prominent local animals as well as being one of the supporters of the arms of Ontario, and are here shown in gold, one of the colours of the arms. The rocky compartment indicates the importance of mining in the area, and the blueberries are a distinctive feature of local vegetation.

**Motto:**

**Badge:**

**Flag:** The shield of arms is arranged in a rectangular format.

# Request for Recommendation Priorities Committee



Type of Decision									
Meeting Date	September 11, 2002				Report Date	August 30, 2002			
Recommendation		Yes	<input checked="" type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High		Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Sub-Committee Check-Off		
Please indicate which sub-committee will deal with this issue		
<input checked="" type="checkbox"/>	Community Viability	Public & Intergovernmental Affairs
		Financial & Program Accountability

Report Title
Minimum Maintenance Standards for Municipal Highways, Regulation 239/02

Policy Implications + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified
n/a	
<input checked="" type="checkbox"/>	Background attached

Recommendation	
<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Recommendation attached

Recommended by the General Manager
 D. Bélisle General Manager of Public Works

Recommended by the C.A.O.
 M. Mieto Acting Chief Administrative Officer

HS

Date: August 30, 2002

**Report Authored By**



D. Bélisle  
General Manager of Public Works

**Division Review**

In 1996, the Province passed Bill 86, "An Act to provide for better local government by updating and streamlining the Municipal Election Act, the Municipal Act and related Statutes". Bill 86 intended to provide liability protection for municipalities with respect to damages to persons or property as a result of the condition of roads and bridges. A municipality would not be liable if it adopted a set of minimum standards prescribed by the Province, and maintained its roads to these standards. The minimum standards were to be established by the Minister of Transportation, in the form of a Regulation under the Municipal Act.

From 1996 to 1999, the Province engaged all possible stakeholders to develop these new minimum standards. All municipalities participated, as did Association of Municipalities of Ontario, Ontario Good Roads Association, Association of Ontario Road Superintendents, Municipal Engineers Association, and Regional Solicitors Association. In general terms, the standards were thought to be too stringent, and most medium and small municipalities could not conceivably afford to meet the proposed standards.

Nothing more occurred since 1999, until recently when the Province passed Regulation 239/02 under the Municipal Act, setting "Minimum Maintenance Standards for Municipal Highways". A copy of the Regulation is enclosed.

The standards in the Regulation are greatly relaxed from what was proposed in 1999, with one exception, that of Routine Patrolling Frequency. This alone will cost the City of Greater Sudbury considerably more than is currently spent on monitoring road conditions.

There are a number of questions, legal and otherwise, that arise as a result of the new regulation.

- If a municipality adopts these standards, should the municipality abandon all other standards that may be in place? For example, the Provincial standards are silent on pavement safety markings, guide posts and guide rails. Does this mean that we are not liable for any damages resulting from failure to adequately maintain these safety structures.
- If a municipality has higher standards than the Provincial standards, and retains these higher standards, is it liable in law if it exceeded the Provincial standards, but fell short of its own higher standards?
- It would appear that a municipality can shift a roadway from one classification to another simply by changing the speed limit. Similarly, a roadway may be classified into two or more classifications, depending on varying traffic counts as one travels up or down the same road.

Date: August 30, 2002

The new Regulation takes effect November 1, 2002. The City of Greater Sudbury may elect or not elect to adopt the new Provincial minimum standards. They are not mandatory, but failure to adopt and meet the standards weakens the City's position during future litigations. We need more time to interpret the new standards so that we can advise Council on the cost implications of adopting the standards, and whether or not Council should adopt these standards and only these standards for the maintenance of roads.

Attachment

**Publications under the Regulations Act  
Publications en vertu de la Loi sur les règlements**

2002—08—24

**ONTARIO REGULATION 238/02**

made under the

**ARTHUR WISHART ACT  
(FRANCHISE DISCLOSURE), 2000**

Made: August 2, 2002

Filed: August 6, 2002

Amending O. Reg. 9/01  
(Exemption of Franchisors under  
Subsection 13 (1) of the Act)

Note: Since the end of 2001, Ontario Regulation 9/01 has been amended by Ontario Regulation 114/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

**1. Section 1 of Ontario Regulation 9/01 is amended by adding the following items:**

Apple Auto Glass Limited

The Great Atlantic & Pacific Company of Canada, Limited

TIMOTHY PATRICK HUDAK  
*Minister of Consumer and Business Services*

Dated on August 2, 2002.

34/02

**ONTARIO REGULATION 239/02**

made under the

**MUNICIPAL ACT**

Made: July 23, 2002

Filed: August 8, 2002

**MINIMUM MAINTENANCE STANDARDS  
FOR MUNICIPAL HIGHWAYS**

INTERPRETATION AND APPLICATION

**Definitions**

1. (1) In this Regulation,

“cm” means centimetres;

“day” means a 24-hour period;

“motor vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*, except that it does not include a motor assisted bicycle;

“non-paved surface” means a surface that is not a paved surface;

"paved surface" means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;

"roadway" has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*;

"shoulder" means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;

"surface" means the top of a roadway or shoulder.

(2) For the purposes of this Regulation, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average annual daily traffic on it.

(3) For the purposes of subsection (2) and the Table to this section, the average annual daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined,

- (a) by counting and averaging the daily two-way traffic on the highway or part of the highway for the previous calendar year; or
- (b) by estimating the average daily two-way traffic on the highway or part of the highway in accordance with accepted traffic engineering methods.

TABLE  
CLASSIFICATION OF HIGHWAYS

Average Annual Daily Traffic (number of motor vehicles)	Posted or Statutory Speed Limit (kilometres per hour)						
	100	90	80	70	60	50	40
15,000 or more	1	1	1	2	2	2	2
12,000 - 14,999	1	1	1	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	3	3
5,000 - 5,999	1	2	2	3	3	3	3
4,000 - 4,999	1	2	3	3	3	3	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	4	4
1,000 - 1,999	1	3	3	3	4	4	5
500 - 999	1	3	4	4	4	4	5
200 - 499	1	3	4	4	5	5	5
50 - 199	1	3	4	5	5	5	5
0 - 49	1	3	6	6	6	6	6

**Application**

2. (1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of subsection 284 (1.4) of the Act.

(2) The minimum standards of repair set out in this Regulation are applicable only in respect of motor vehicles using the highways.

(3) This Regulation does not apply to Class 6 highways.

MINIMUM STANDARDS

**Routine patrolling**

3. (1) The minimum standard for the frequency of routine patrolling of highways is set out in the Table to this section.

(2) Routine patrolling shall be carried out by driving on or by electronically monitoring the highway to check for conditions described in this Regulation.

(3) Routine patrolling is not required between sunset and sunrise.

**TABLE**  
**ROUTINE PATROLLING FREQUENCY**

Class of Highway	Patrolling Frequency
1	3 times every 7 days
2	2 times every 7 days
3	once every 7 days
4	once every 14 days
5	once every 30 days

**Snow accumulation**

4. (1) The minimum standard for clearing snow accumulation is,

(a) while the snow continues to accumulate, to deploy resources to clear the snow as soon as practicable after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in the Table to this section; and

(b) after the snow accumulation has ended and after becoming aware that the snow accumulation is greater than the depth set out in the Table to this section, to clear the snow accumulation in accordance with subsections (2) and (3) or subsections (2) and (4), as the case may be, within the time set out in the Table

(2) The snow accumulation must be cleared to a depth less than or equal to the depth set out in the Table

(3) The snow accumulation must be cleared from the roadway to within a distance of 0.6 metres inside the outer edges of the roadway.

(4) Despite subsection (3), for a Class 4 highway with two lanes or a Class 5 highway with two lanes, the snow accumulation on the roadway must be cleared to a width of at least 5 metres

(5) This section,

(a) does not apply to that portion of the roadway designated for parking; and

(b) only applies to a municipality during the season when the municipality performs winter highway maintenance.

(6) In this section,

“snow accumulation” means the natural accumulation of new fallen snow or wind-blown snow that covers more than half a lane width of a roadway.

**TABLE**  
**SNOW ACCUMULATION**

Class of Highway	Depth	Time
1	2.5 cm	4 hours
2	5 cm	6 hours
3	8 cm	12 hours
4	8 cm	16 hours
5	10 cm	24 hours

**Icy roadways**

5. (1) The minimum standard for treating icy roadways is,

(a) to deploy resources to treat an icy roadway as soon as practicable after becoming aware that the roadway is icy; and

(b) to treat the icy roadway within the time set out in the Table to this section after becoming aware that the roadway is icy.

(2) This section only applies to a municipality during the season when the municipality performs winter highway maintenance.

**TABLE**  
**ICY ROADWAYS**

Class of Highway	Time
1	3 hours
2	4 hours
3	8 hours
4	12 hours
5	16 hours

**Potholes**

6. (1) If a pothole exceeds both the surface area and depth set out in Table 1, 2 or 3 to this section, as the case may be, the minimum standard is to repair the pothole within the time set out in Table 1, 2 or 3, as appropriate, after becoming aware of the fact

(2) A pothole shall be deemed to be repaired if its surface area or depth is less than or equal to that set out in Table 1, 2 or 3, as appropriate.

**TABLE 1**  
**POTHoles ON PAVED SURFACE OF ROADWAY**

Class of Highway	Surface Area	Depth	Time
1	600 cm <sup>2</sup>	8 cm	4 days
2	800 cm <sup>2</sup>	8 cm	4 days
3	1000 cm <sup>2</sup>	8 cm	7 days
4	1000 cm <sup>2</sup>	8 cm	14 days
5	1000 cm <sup>2</sup>	8 cm	30 days

**TABLE 2**  
**POTHoles ON NON-PAVED SURFACE OF ROADWAY**

Class of Highway	Surface Area	Depth	Time
3	1500 cm <sup>2</sup>	8 cm	7 days
4	1500 cm <sup>2</sup>	10 cm	14 days
5	1500 cm <sup>2</sup>	12 cm	30 days

**TABLE 3**  
**POTHoles ON PAVED OR NON-PAVED SURFACE OF SHOULDER**

Class of Highway	Surface Area	Depth	Time
1	1500 cm <sup>2</sup>	8 cm	7 days
2	1500 cm <sup>2</sup>	8 cm	7 days
3	1500 cm <sup>2</sup>	8 cm	14 days
4	1500 cm <sup>2</sup>	10 cm	30 days
5	1500 cm <sup>2</sup>	12 cm	60 days

**Shoulder drop-offs**

7. (1) If a shoulder drop-off is deeper, for a continuous distance of 20 metres or more, than the depth set out in the Table to this section, the minimum standard is to repair the shoulder drop-off within the time set out in the Table after becoming aware of the fact.

(2) A shoulder drop-off shall be deemed to be repaired if its depth is less than or equal to that set out in the Table.

(3) In this section,

“shoulder drop-off” means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder.

TABLE  
SHOULDER DROP-OFFS

Class of Highway	Depth	Time
1	8 cm	4 days
2	8 cm	4 days
3	8 cm	7 days
4	8 cm	14 days
5	8 cm	30 days

**Cracks**

8. (1) If a crack on the paved surface of a roadway is greater, for a continuous distance of three metres or more, than both the width and depth set out in the Table to this section, the minimum standard is to repair the crack within the time set out in the Table after becoming aware of the fact.

(2) A crack shall be deemed to be repaired if its width or depth is less than or equal to that set out in the Table.

TABLE  
CRACKS

Class of Highway	Width	Depth	Time
1	5 cm	5 cm	30 days
2	5 cm	5 cm	30 days
3	5 cm	5 cm	60 days
4	5 cm	5 cm	180 days
5	5 cm	5 cm	180 days

**Debris**

9. (1) If there is debris on a roadway, the minimum standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris.

(2) In this section,

“debris” means any material or object on a roadway,

(a) that is not an integral part of the roadway or has not been intentionally placed on the roadway by a municipality, and

(b) that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle.

**Luminaires**

10. (1) For conventional illumination, if three or more consecutive luminaires on a highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(2) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the minimum standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact.

(3) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(4) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires.

(5) Luminaires shall be deemed to be repaired,

(a) for the purpose of subsection (1), if the number of non-functioning consecutive luminaires does not exceed two;

(b) for the purpose of subsection (2), if more than 70 per cent of luminaires on any kilometre of highway are functioning;

(c) for the purpose of subsection (3), if one or more of the luminaires on consecutive poles are functioning;

(d) for the purpose of subsection (4), if more than 50 per cent of luminaires on any kilometre of highway are functioning.

(6) Subsections (1), (2) and (3) only apply to,

(a) Class 1 and Class 2 highways; and

(b) Class 3, Class 4 and Class 5 highways with a posted speed of 80 kilometres per hour or more.

(7) In this section,

“conventional illumination” means lighting, other than high mast illumination, where there are one or more luminaires per pole;

“high mast illumination” means lighting where there are three or more luminaires per pole and the height of the pole exceeds 20 metres;

“luminaire” means a complete lighting unit consisting of,

(a) a lamp, and

(b) parts designed to distribute the light, to position or protect the lamp and to connect the lamp to the power supply.

TABLE  
LUMINAIRES

Class of Highway	Time
1	7 days
2	7 days
3	14 days
4	14 days
5	14 days

**Signs**

11. (1) If any sign of a type listed in subsection (2) is illegible, improperly oriented or missing, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign.

(2) This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.
10. Two-Way Traffic Ahead.
11. Wrong Way
12. Yield.
13. Yield Ahead
14. Yield Ahead, New.

**Regulatory or warning signs**

12. (1) If a regulatory or warning sign other than a sign listed in subsection 11 (2) is illegible, improperly oriented or missing, the minimum standard is to repair or replace the sign within the time set out in the Table to this section after becoming aware of the fact.

(2) In this section,

“regulatory sign” has the same meaning as in the *Manual of Uniform Traffic Control Devices* published in 1985 by the Ministry of Transportation;

“warning sign” has the same meaning as in the *Manual of Uniform Traffic Control Devices* published in 1985 by the Ministry of Transportation

TABLE

REGULATORY AND WARNING SIGNS

Class of Highway	Time
1	7 days
2	14 days
3	21 days
4	30 days
5	30 days

**Traffic control signal systems**

13. (1) If a traffic control signal system is defective in any way described in subsection (2), the minimum standard is to deploy resources as soon as practicable after becoming aware of the defect to repair the defect or replace the defective component of the traffic control signal system

(2) This section applies if a traffic control signal system is defective in any of the following ways:

1. One or more displays show conflicting signal indications.
2. The angle of a traffic control signal or pedestrian control indication has been changed in such a way that the traffic or pedestrian facing it does not have clear visibility of the information conveyed or that it conveys confusing information to traffic or pedestrians facing other directions.
3. A phase required to allow a pedestrian or vehicle to safely travel through an intersection fails to occur.

4. There are phase or cycle timing errors interfering with the ability of a pedestrian or vehicle to safely travel through an intersection.
5. There is a power failure in the traffic control signal system.
6. The traffic control signal system cabinet has been displaced from its proper position.
7. There is a failure of any of the traffic control signal support structures.
8. A signal lamp or a pedestrian control indication is not functioning.
9. Signals are flashing when flashing mode is not a part of the normal signal operation.

(3) Despite subsection (1) and paragraph 8 of subsection (2), if the posted speed of all approaches to the intersection or location of the non-functioning signal lamp or pedestrian control indication is less than 80 kilometres per hour and the signal that is not functioning is a green or a pedestrian “walk” signal, the minimum standard is to repair or replace the defective component by the end of the next business day

(4) In this section and section 14,

“cycle” means a complete sequence of traffic control indications at a location;

“display” means the illuminated and non-illuminated signals facing the traffic;

“indication” has the same meaning as in the *Highway Traffic Act*;

“phase” means a part of a cycle from the time where one or more traffic directions receive a green indication to the time where one or more different traffic directions receive a green indication;

“power failure” means a reduction in power or a loss in power preventing the traffic control signal system from operating as intended;

“traffic control signal” has the same meaning as in the *Highway Traffic Act*;

“traffic control signal system” has the same meaning as in the *Highway Traffic Act*.

**Traffic control signal system sub-systems**

14. (1) The minimum standard is to inspect, test and maintain the following traffic control signal system sub-systems every 12 months:

1. The display sub-system, consisting of traffic signal and pedestrian crossing heads, physical support structures and support cables.
2. The traffic control sub-system, including the traffic control signal cabinet and internal devices such as timer, detection devices and associated hardware, but excluding conflict monitors
3. The external detection sub-system, consisting of detection sensors for all vehicles, including emergency and railway vehicles and pedestrian push- buttons.

(2) The minimum standard is to inspect, test and maintain conflict monitors every five to seven months and at least twice a year.

(3) In this section,

“conflict monitor” means a device that continually checks for conflicting signal indications and responds to a conflict by emitting a signal.

**Bridge deck spalls**

15. (1) If a bridge deck spall exceeds both the surface area and depth set out in the Table to this section, the minimum standard is to repair the bridge deck spall within the time set out in the Table after becoming aware of the fact.

(2) A bridge deck spall shall be deemed to be repaired if its surface area or depth is less than or equal to that set out in the Table.

(3) In this section,

“bridge deck spall” means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge.

TABLE  
BRIDGE DECK SPALLS

Class of Highway	Surface Area	Depth	Time
1	600 cm <sup>2</sup>	8 cm	4 days
2	800 cm <sup>2</sup>	8 cm	4 days
3	1,000 cm <sup>2</sup>	8 cm	7 days
4	1,000 cm <sup>2</sup>	8 cm	7 days
5	1,000 cm <sup>2</sup>	8 cm	7 days

**Surface discontinuities**

16. (1) If a surface discontinuity, other than a surface discontinuity on a bridge deck, exceeds the height set out in the Table to this section, the minimum standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact.

(2) If a surface discontinuity on a bridge deck exceeds 5 cm, the minimum standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the surface discontinuity on the bridge deck.

(3) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge.

TABLE  
SURFACE DISCONTINUITIES

Class of Highway	Height	Time
1	5 cm	2 days
2	5 cm	2 days
3	5 cm	7 days
4	5 cm	21 days
5	5 cm	21 days

REVIEW OF REGULATION

**Review**

17. (1) The Minister of Transportation shall conduct a review of this Regulation every five years.

(2) The first review shall be started before the end of 2007.

COMMENCEMENT

**Commencement**

18. This Regulation comes into force on November 1, 2002.

NORMAN W. STERLING  
Minister of Transportation

Dated on July 23, 2002.

34/02

ONTARIO REGULATION 240/02

made under the

EDUCATION ACT

Made: August 9, 2002  
Filed: August 9, 2002

Amending O. Reg. 400/98

(Tax Matters — Tax Rates for School Purposes)

Note: Since the end of 2001, Ontario Regulation 400/98 has been amended by Ontario Regulation 138/02. Previous amendments are listed in the Table of Regulations published in *The Ontario Gazette* dated January 19, 2002.

1. Section 9 of Ontario Regulation 400/98 is amended by adding the following subsection:

(5.1) Despite subsections (3), (4) and (5), the tax rates for school purposes for 2002 for the purposes of section 257.7 of the Act for the Region of Durham and the City of Hamilton are the tax rates for the property classes set out in Table 12 opposite the name of each municipality.

2. The Regulation is amended by adding the following section: