



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Parking and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 11, 2015
<b>SUBJECT/REPORT NO:</b>	Community-Based By-law Enforcement Strategy Update (PED08263(b)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Marty Hazell (905)546-2424 Ext. 4588
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the updated By-law Enforcement Priority Framework outlined in Appendix "A" to Report PED08263(b) be approved.

**EXECUTIVE SUMMARY**

On November 26, 2008, City Council, approved a Comprehensive By-law Enforcement Strategy which prioritizes by-law enforcement activity. The Strategy is used to comprehensively manage performance by focusing staff's efforts on the enforcement issues deemed by Council to be most important to the Community.

This Report recommends updating the strategy in accordance with new initiatives and By-law changes approved by Council since it was last revised in 2011.

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

Financial: N/A

Staffing: N/A

Legal: N/A

## **HISTORICAL BACKGROUND (Chronology of events)**

On November 26, 2008, City Council approved a Comprehensive By-law Enforcement Strategy including By-law prioritization, more effective enforcement efforts, minimizing non-value added work to allow more focus on priority issues and a public awareness campaign.

The By-law Enforcement Strategy was last updated by City Council on May 11, 2011.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

N/A

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

**(Include Performance Measurement/Benchmarking Data if applicable)**

In the interest of quality of life and public health and safety, the Parking and By-law Services Division enforces over 50 by-laws/illegal activities such as:

- |   |                     |                  |
|---|---------------------|------------------|
| - Anti-Idling   | - Fences            | - Zoning         |
| - Property Standards  | - Trees             | - Water          |
| - Yard Waste/Maintenance  | - Heat              | - Waste          |
| - Lodging Homes   | - Taxis             | - Signs          |
| - Business Licensing  | - Lottery Licensing | - Parks          |
| - Motorized Snow Vehicles   | - Noise             | - Vital Services |
| - Residential Care Facilities   | - Fire Arms         | - Pigeons        |
| - Snow & Ice  | - Store Hours       | - Graffiti       |
| - Streets/Traffic By-laws (mud tracking, encumbrances, game playing, etc) |                     |                  |

It is not practical to focus proactive enforcement efforts on all of these By-laws all of the time with current staff resources. Therefore, it is critical that some form of prioritization system be adopted and implemented so that staff can focus on the enforcement issues deemed by Council to be most important to the Community.

It is necessary to update the By-law enforcement priorities to reflect adjustments between the enforcement teams and a number of new initiatives and By-law changes since the priorities were last updated in 2011, including:

- Enforcement of the Solid Waste By-law regulations respecting “*one bag limit*” is now deemed to be a lower priority given the success of the “*trash tag*” program which came into effect in 2013 and the public education campaign.

- Enforcement of the Forestry By-law has been given a higher priority with respect to trees infected with Emerald Ash Borer.
- City Council rescinded the former Store Hours By-Law R79-202 on Sept 28 2011.
- On September 25, 2013, Council approved the creation of a permanent enforcement team to proactively enforce rental housing conditions.
- On May 14, 2014, Council approved, through Report PED13037(b) (Enforcement of Businesses Operating Without a Licence) (Item 5 of Audit, Finance and Administration Committee Report 14-004), additional staff resources and more proactive enforcement of unlicensed businesses.
- As part of the 2015 budget process Council approved:
  - an additional Vehicle License Inspector” for mobile enforcement of taxis, limousines, food trucks and the more transient licensing areas; and
  - a one-year pilot using a Special Duty Police Officer and a Municipal Law Enforcement Officer to respond to noise complaints between 9:00 p.m. and 5:00 a.m. Thursdays, Fridays and Saturdays; and
  - making Vital Services a permanent program.

Other minor wording changes have been made to update the document, but no material changes are included which were not approved by City Council.

Finally, the Council approved enforcement pilots for illegal dumping and swales expire in late 2015. Recommendations to adjust the priorities further will accompany the upcoming reports evaluating those pilot enforcement programs.

**ALTERNATIVES FOR CONSIDERATION (Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)**

N/A

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Community-Based By-law Enforcement Strategy Framework