



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Expanding Administrative Penalty System (APS) to include the Parks By-law 01-219 (PED18071) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Luis Ferreira (905) 546-2424 Ext. 3087
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the Administrative Penalty By-law 17-225 (APS) be amended to include By-law 01-219 being a By-law to Manage and Regulate Municipal Parks (Parks By-law) by adding Table 12 to Schedule A, in accordance with the amending by-law attached as Appendix “A” to Report PED18071 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**EXECUTIVE SUMMARY**

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is now ready to include the Parks By-law as Table 12 to the Administrative Penalties By-law.

Municipal Law Enforcement (MLE) Officers issued 176 Part I Provincial Offence Tickets and one Part III Summons while patrolling Albion Falls from July to October of last year.

Including the Parks By-law to the APS By-law will transfer Part I tickets issued annually under the *Provincial Offence Act* to the municipality as an Administrative Penalty Notice.

This approach aids in reducing congestion in the courts, as well as providing a more local, accessible and less adversarial dispute resolution process.

***Alternatives for Consideration – Not Applicable***

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

## **HISTORICAL BACKGROUND**

In 2007, amendments to the *Municipal Act, 2001* provided statutory authority for municipalities to implement Administrative Penalties for the enforcement of Parking and Licensing By-laws.

On May 30, 2017, Bill 68 was passed cementing the application of APS to all by-laws enacted under the *Municipal Act, 2001*.

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The APS By-law 17-225 will be amended to include the Parks By-law 01-219 as Table 12 in Schedule A.

## **RELEVANT CONSULTATION**

N/A

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Administrative Penalty System has been adopted by numerous municipalities across Ontario. The benefits of this system include: improving service excellence, enhancing staff efficiencies and effectiveness, supporting operational cost recovery and autonomy over infraction penalty amounts as contained in *s. 434.1(3) of the Municipal Act, 2001*.

The inclusion of the Parks By-law into the APS By-law will introduce approximately 527 violations to ensure the safety and enjoyment of all persons who visit, explore and play in our parks.

In 2017, between the months of July to October approximately 49,925 individuals visited Albion Falls resulting in 176 tickets issued for various violations of the Parks By-law which if disputed must be addressed through the Provincial Court System.

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APS provides a better customer experience with regards to the dispute resolution process of Administrative Penalty Notices (APN) through a quasi-judicial process with Hearing Officers having final and binding authority over the matter.

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton's APS By-law has been written as such to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the Parks By-law as Table 12 to the APS By-law.

This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001*.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": By-law Adding Table 12 – Parks By-law

KL/LF/st