



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 30, 2019
SUBJECT/REPORT NO:	Amendments to Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 to Include Tree Requirements (PED19088) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 regarding the maintenance requirements for trees and the definition of Directors described in Report PED19088, detailed in the proposed amending by-law attached as Appendix “A” be approved;
- (b) That the amending by-law attached as Appendix “A” to Report PED19088, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to improve enforcement activities and update various by-laws as part of continuous improvement efforts for the most efficient and effective by-laws. Report PED19088 recommends amending the City of Hamilton Property Standards By-law 10-211 (Property Standards By-law) and Yard Maintenance By-law 10-118 (Yard Maintenance By-law) to:

- shift the minor maintenance requirements for trees (limbs and branches) from the Property Standards By-law to the Yard Maintenance By-law; and,
- update the Director’s title change.

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

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The changes recommended in this Report are minor in nature, and do not depart from the general intent and purpose of Council as originally approved.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

On May 28, 2010, City Council enacted the City of Hamilton Yard Maintenance By-law 10-118 to regulate the outdoor maintenance of private property and repeal By-law 03-118. Since its passing, three amendments to the Yard Maintenance By-law were enacted for technical amendments as a matter of housekeeping.

On September 15, 2010, City Council enacted the City of Hamilton Property Maintenance By-law to prescribe the standards for the maintenance and occupancy of property within the municipality and repeal By-law 03-117. Since its enactment, seven amendments to the Property Standards By-law were passed as a matter of housekeeping or to address specific municipal needs.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

The *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting the natural environment, protection of persons and property, and well-being of the inhabitants, and also authorizes municipalities to require the owner or occupant of land to clean and clear of land, not including buildings, and to clear refuse or debris from the land.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report and the draft amending by-law attached as Appendix “A” to Report PED19088.

Excerpts of the current Property Standards By-law and Yard Maintenance By-law, noting the proposed amendments, are attached as Appendix “B” to Report PED19088.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improve processes and to correct obsolete or imprecise language while maintaining the by-laws' original intent and effectiveness.

Trees:

The issuance of an Order under the Property Standard By-law, with the associated procedures and rights of appeal, is the current method to have dead or damaged trees maintained or removed. Amendments to use the less formal method of Municipal Orders under the Yard Maintenance By-law for the minor maintenance of trees, while continuing to apply Property Standards Orders under the Property Standards By-law for trees that may be hazardous or requiring more involved work or removal, provides an efficient and expedient response to public complaint.

Staff propose amending the Yard Maintenance By-law by adding a provision which would require property owners to keep trees free from dead, decayed or damaged limbs or branches. This same approach has been successful for the maintenance of yards with overgrown vegetation. The ability to apply the Yard Maintenance By-law for the removing/trimming of damaged branches or tree limbs is a quick and expedient method for the minor maintenance of trees that does not include the lengthy process and rights of appeal found in the Property Standards By-law.

Director:

The definition of Director in the current Property Standards By-law and Yard Maintenance By-law and corresponding sections are out-of-date and requires amendments to reflect the change of the City Director of Parking and By-law Services, now the Director of Licensing and By-law Services.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Draft amendment to the Property Standards By-law 10-211 and Yard Maintenance By-law 10-118

Appendix "B": Excerpts (proposed amendments noted) of the current Property Standards By-law 10-221 and Yard Maintenance By-law 10-118

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