



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 18, 2019
<b>SUBJECT/REPORT NO:</b>	Expanding Administrative Penalty System (APS) to Include the Lottery Licensing By-law 15-051 (PED19102) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Luis Ferreira (905) 546-2424 Ext. 3087
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SUBMITTED BY:</b>  <b>SIGNATURE:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department

**RECOMMENDATION(S)**

That the Administrative Penalty System By-law 17-225 (APS) be amended to include regulations contained within the Lottery Licensing By-law 15-051 as Table 18 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19102 to 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 seeking approval to include the Lottery Licensing By-law 15-051 to deal with minor by-

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law infractions such as conducting lottery events without a licence, adherence to proper financial reporting procedures and the use of bona fide members.

Applying APS to the Lottery Licensing By-law will provide the Municipal Law Enforcement Officers (MLEOs) with an option to encourage compliance to regulations contained in the Lottery Licensing By-law. The prescribed regulations provide offences for non-compliance if an organization fails to conduct themselves according to all laws with honesty and integrity.

The issuance of Administrative Penalty Notices (APNs) is a fair, effective and efficient process supported by the Enforcement Officers of the Planning and Economic Development Department to achieving a healthy, vibrant and fun lottery experience.

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**HISTORICAL BACKGROUND**

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

In November 2017, Staff introduced the first of several City By-laws into the APS program and today there are 17 By-laws of which 7 are for vehicular violations which was introduced in 2015 and the additional 10 are for various other by-laws enforced by Animal Services, Licensing and By-law Service staff.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The APS By-law 17-225 will be amended to include the Lottery Licensing By-law 15-051 as Table 18 to Schedule A.

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton APS By-law currently holds seven Parking By-laws, two Animal Services By-laws, one Licensing By-law and seven Municipal By-laws. The APS By-law has been

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written in a manner to allow for other Municipal By-laws to be added as additional tables to Schedule A to By-law 17-225.

In 2018 licensing staff issued a total 405 lottery licences for Bingos, Bazaars, Nevada and Raffle events generating approximately \$370,000 in licence revenue. The total cost of a lottery licence includes an up-front application fee for new applicants (not for renewals) and a three percent charge of total prize awarded. This means that lottery licences can range from less than \$100 to several \$1000's of dollars depending on the total prize value.

Throughout the year licensing staff receive, review and issue lottery licences. They must ensure that proper documents are submitted and calculate the cost of the initial licence. The Licensing Compliance Officers role is to ensure participants adherence to regulations before, during and after the event. There is also a financial reconciliation process at the end of the event to ensure adherence to all federal, provincial and municipal regulations.

Licensing staff take great care to ensure the organization conducts themselves in a transparent manner with honesty and integrity. The use of APNs will promote and foster positive relationships as minor noncompliance issues can be dealt with quickly without heavy punitive action. Bringing the Lottery Licensing By-law into APS will deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources to achieve desired behaviour.

This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001* as well as support our mission statement of providing high quality cost conscious public service that contributes to a healthy, safe and prosperous community, in a sustainable manner.

## **ALTERNATIVES FOR CONSIDERATION**

N/A

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

### **Community Engagement and 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.

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": By-law Adding Table 18 to Schedule A of the APS By-law 17-225

KL:BH:st