



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include the Streets By-law 86-077 (PED19095) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That the Administrative Penalty System By-law 17-225 (APS) be amended to include various regulations contained within the Streets By-law 86-077 as Table 17 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19095 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 Streets By-law 86-077 to deal with minor by-law

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.

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infractions such as fouling and obstructing City Highways, including the hundreds of complaints received regarding mud tracking.

Applying APS to the Streets By-law will provide the Municipal Law Enforcement Officers (MLEOs) with an option to encourage compliance. The prescribed regulations contained within the Streets By-law ensures the health and safety of our residents and reduce the City's exposure to possible liability.

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.

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. The first APN was issued in January 2018 and by year end, a total of eight By-laws were enacted resulting in 2,632 APN's issued and \$114,893 collected in penalties for minor contraventions.

There were also 826 Screenings conducted which provided appellants the opportunity to dispute their APN's in a non-adversarial manner. In some cases the penalty amount was reduced to address extenuating circumstances and financial hardship.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended to include the Streets By-law 86-007 as Table 17 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 six Municipal By-laws. The APS By-law has been 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 MLEOs responded to approximately 231 mud tracking calls, 326 calls for objects left on the road or road allowance and 90 calls for oil and fluid spill for a total of 647 investigations.

In most cases compliance was obtained voluntarily while others had to be persuaded through tactical communication and in some cases legal action before adherence to the By-law was obtained.

In the cases of mud tracking, MLEOs were required to reattend on multiple occasions during construction, to remind the person in charge of the site of the requirement to keep the roadways clean. The MLEOs who responded to these types of complaints did not initiate legal action as the offence is considered minor in nature and not warranted a summons to appear in court.

The current court process for disputing these types of charges by way of summons under *the Provincial Offences Act* mirrors a criminal trial, which involves significant public resources such as, the requirement of a Justice of the Peace, a Prosecutor, court support staff, security and the MLEO who provides evidence. There is also the time spent by Enforcement Staff (Officers and Clerks) who prepare case files and other court documents.

Bringing the Streets By-law into APS will deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources. 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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: By-law Adding Table 17 to Schedule A of the APS By-law 17-225

KL:BH:st