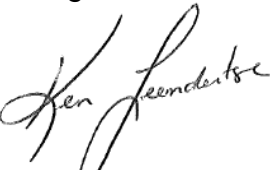





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division
and
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) By-law 17-225 to include the Snow Removal By-law 03-296 (PED21015) (City Wide)
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:	
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the amendment to the Administrative Penalty System (APS) By-law 17-225 to include various regulations contained within the Snow Removal By-law 03-296 described in Report PED21015, 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 PED21015, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

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.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to improve enforcement activities and update various by-laws. This is part of the Licensing and By-law Services continuous improvement efforts to ensure that the City has the most efficient and effective by-laws.

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton Administrative Penalty System (APS) By-law, directing staff to implement an Administrative Penalty System for the City's regulatory by-laws. Staff is seeking approval to include the Snow Removal By-law 03-296 to the APS By-law for property owners failing to remove and clear all snow and ice from sidewalks, roofs and eaves abutting highways, and depositing snow and ice onto highways.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial / Staffing / Legal: N/A

HISTORICAL BACKGROUND

On October 15, 2003 Council enacted the Snow Removal By-law No. 03-296 to provide for the removal of snow and ice from roofs and sidewalks within the City of Hamilton.

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 to enact the City of Hamilton APS By-law, directing staff to implement an Administrative Penalty System for the City's regulatory by-laws. Many of the City's regulatory by-laws has been included in the APS By-law as an effective and efficient method to enforce minor contraventions.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. Bringing the minor by-law contraventions into APS provides an alternative to the formal court trial setting to deal with minor by-law infractions in a manner that is fair, effective and efficient requiring far less resources.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

In 2018 the Municipal Law Enforcement Section (MLE) received 1,874 snow and ice calls of which 698 investigations were for contraventions on sidewalks, 100 on private walkways and 26 for depositing snow and ice onto roadways. In most cases, voluntary compliance was achieved with no further action taken after the initial inspection of the Municipal Law Enforcement Officer (MLEO).

In 2019 MLE received 3,622 calls of which 1,803 Violation Orders were issued. If the property owner fails the voluntary compliance Orders, fees for service applied, followed by City contractors clearing the snow with costs added to the property tax roll. Legal action is commenced when the property owner continues to re-offend.

The current process under *the Provincial Offences Act* involves a formal court procedure involving significant public resources. Whereas, the issuance of Administrative Penalty Notices (APNs) provides a fair, effective and efficient process that is proportionate to encourage compliance to City of Hamilton By-laws.

Issuing APNs under the APS By-law does not include the lengthy formal process found in the Provincial Offences Court. Tickets are reviewed by a Screening Officer over the phone, via email, regular mail or in person without an appointment. Less formal Hearings are conducted providing offenders the opportunity to dispute their APNs in a non-adversarial manner. The enhanced resolution process within APS is an expedient and efficient method that provides excellent customer service for individuals who wish to exercise this option in lieu of a formal trial.

The use of APNs has produced positive impacts to administer and enforce other minor contraventions under the City's regulatory by-laws currently designated in the APS By-law. It has proven to be an important step in the Progressive Enforcement Policy established by Licensing and By-law Services, reserving the formal trial process for egregious or significant events. Staff propose amending the APS By-law to include those minor contraventions of the Snow Removal By-law.

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 26 to Schedule A of the APS By-law 17-225

KL:BH:st