

6. 2019-2022 BY-LAW REVIEW WORK PLAN

PLAN DE TRAVAIL DE L'EXAMEN DES RÈGLEMENTS MUNICIPAUX
2019-2022

COMMITTEE RECOMMENDATIONS, AS AMENDED

1. That Council approve the 2019-2022 By-law Review Work Plan set out in Document 1 and as further outlined in this report, as amended by the following:
 - a) that the repeal of the ByWard Market By-law (2008-449, as amended) and the Parkdale Market By-law (2008-448, as amended) be added to the 2019-2022 By-law Review Work Plan as an item for the Planning, Infrastructure and Economic Development department in Q4 2020, in consultation with Legal Services, and representatives from Ottawa Markets (MSC).

2. That Council approve the following:
 - a) that the *Vehicle-For-Hire By-law* (2016-272, as amended) be amended as follows:
 - i. Amend Subsection 83(1) to reduce the number of taxicab inspections from two (2) per year to one (1) per year for taxicabs that are older than five (5) model years, so that all classes of taxicabs only require one (1) taxicab inspection per year (subject to the Chief License Inspector requiring additional inspections for particular vehicles for public health and safety or consumer protection purposes, in accordance with the by-law);
 - ii. Amend Section 54 to allow the prescribed taxicab identification number located on the side of the taxicab to be removed from the taxicab when it is not in service;

- iii. Amend Schedule B (Taxicab Tariff) to augment the tariff for cleaning of the taxicab from \$50 to \$150, to be paid by the customer in circumstances when the customer has caused the taxicab to be soiled so that it must be taken out of service in order to be cleaned; and,

- b) that the *Vehicle-For-Hire By-law (2016-272, as amended)* be amended to authorize the Chief License Inspector to:
 - i. Approve the use of alternative technologies for taximeters to allow the implementation of flexible pricing for taxicab service when an app is used, in accordance with Section 90 of the by-law, provided that the alternative technology in question:
 - a. ensures an accurate reading of the trip and fare to be charged to the customer;
 - b. is secure and tamper-proof; and
 - c. meets any other necessary conditions prescribed by the Chief License Inspector for consumer protection; and
 - ii. Waive any by-law requirements related to taximeters, as necessary, to implement the alternative technology that meets the Chief License Inspector's requirements.

- 3. That the General Manager, Emergency and Protective Services, prepare the required amending by-laws in consultation with the City Solicitor for enactment by Council as soon as possible.

- 4. That the General Manager of Emergency and Protective Services
 - a. Review the feasibility of conducting a study of the complaints and concerns expressed regarding the quality, availability, and costs on-demand accessible taxicab services, including their

causes, and recommending any potential solutions for improvements; and

- b. In advance of the 2020 Budget process, report back to the Community and Protective Services Committee on the potential scope of work to undertake such study of accessible taxicab services, including the costs associated with such review, the capacity for staff to undertake this review, and the anticipated timelines for the review.

RECOMMANDATIONS DU COMITÉ TELLES QUE MODIFIÉES

1. Que le Conseil approuve le Plan de travail de l'examen des règlements municipaux 2019-2022 contenu dans le document 1 et décrit dans le présent rapport, dans sa version modifiée par la motion suivante :
 - a) que l'abrogation du Règlement sur le marché By (2008-449, dans sa version modifiée) et du Règlement sur le marché Parkdale (2008-448, dans sa version modifiée) soit ajoutée au Plan de travail de l'examen des règlements municipaux 2019-2022 en tant que point devant être étudié par la Direction générale de la planification, de l'infrastructure et du développement économique au quatrième trimestre de 2020, en consultation avec les Services juridiques et les représentants des Marchés d'Ottawa.
2. Que le Conseil approuve ce qui suit :
 - a) que soient adoptées les modifications ci-dessous au Règlement sur les véhicules de location (n° 2016-272, dans sa version à jour) :
 - i. Paragraphe 83(1) – réduction du nombre d'inspections annuelles des taxis de plus de cinq (5) ans de deux (2) à une (1) afin que les taxis de toutes catégories soient

- inspectés à la même fréquence (à l'exception des inspections supplémentaires ordonnées par l'inspecteur en chef des permis pour les véhicules qui pourraient représenter un danger pour la santé et la sécurité du public ou des clients, conformément au règlement municipal);
- ii. Paragraphe 54 – autorisation pour les chauffeurs de taxi de retirer leur numéro d'identification du côté de leur véhicule lorsqu'ils ne travaillent pas;
- iii. Annexe B (Tarifs) – hausse de 50 \$ à 150 \$ des frais de nettoyage facturés aux passagers qui salissent suffisamment le taxi pour qu'il doive être mis hors service pour nettoyage;et
- b) que le Règlement sur les véhicules de location (n° 2016-272, dans sa version à jour) soit modifié pour donner à l'inspecteur en chef des permis le pouvoir :
- i. d'approuver l'utilisation de technologies autres que le taximètre pour proposer des tarifs variables aux utilisateurs d'applications, conformément au paragraphe 90 du règlement municipal, dans la mesure où ces technologies :
- a. permet de déterminer avec précision le coût du trajet à facturer au client;
- b. sont sécuritaires et ne peuvent pas être modifiées;et
- c. répondent à tous les autres critères de protection du consommateur établis par l'inspecteur en chef des permis;et

- ii. d'invalider toute exigence du règlement municipal concernant les taximètres qui nuit à la mise en œuvre d'une technologie de remplacement approuvée par l'inspecteur en chef des permis;
3. Que le directeur général, Services de protection et d'urgence élabore le règlement municipal modificatif nécessaire avec l'aide de l'avocat général, puis le remette au Conseil pour promulgation le plus rapidement possible;
4. que le directeur général des Services de protection et d'urgence :
 - a. évalue la possibilité de mener une étude sur les plaintes et les préoccupations exprimées au sujet de la qualité, de la disponibilité et du coût des services de taxi accessible sur demande, ainsi que sur leurs causes, et de suggérer des solutions pour améliorer la situation;
 - b. fasse part au Comité des services communautaires et de protection, en prévision du processus budgétaire de 2020, de la portée qu'aurait l'étude sur les services de taxi accessible, ainsi que des coûts et de l'échéancier prévus et de la capacité du personnel à réaliser l'exercice.

DIRECTION TO STAFF

1. Direct Planning, Infrastructure and Economic Development staff, in collaboration with Emergency and Protective Services and Transportation Services staff, to consider the feasibility of a new ByWard Market by-law that would include provisions such as the regulation of noise, parking, encroachment, patios and private property signs for the ByWard Market Public Realm report expected to be before Council in Q2 2020.

2. Direct staff to evaluate the feasibility of amending the Noise By-law, vis-à-vis the provisions set out in the *Highway Traffic Act*, and include any potential amendments as part of the minor

INSTRUCTIONS AU PERSONNEL

1. Demander au personnel de la DGPIDE, en collaboration avec celui de la Direction générale des services de protection et d'urgence et de la Direction générale des transports, d'étudier la possibilité d'adopter un nouveau règlement sur le marché By qui comprendrait des dispositions sur le bruit, le stationnement, l'empiètement, les terrasses et les enseignes sur les propriétés privées, aux fins du rapport sur le domaine public du marché By qui doit être présenté au Conseil pendant le deuxième trimestre de 2020.
2. Demander au personnel d'évaluer la possibilité de modifier le *Règlement sur le bruit*, d'après les dispositions du *Code de la route*, et d'inclure toute modification au rapport sur les modifications mineures présenté dans le plan de travail de l'examen du règlement.

DOCUMENTATION/DOCUMENTATION

1. General Manager's report, Emergency and Protective Services dated 7 August 2019 (ACS2019-EPS-GEN-0009).

Rapport du Directeur général, Services de protection et d'urgence, daté le 7 août 2019 (ACS2019-EPS-GEN-0009)

2. Extract of draft Minutes, Community and Protective Services Committee, 29 August 2019.

Extrait de l'ébauche du procès-verbal, Comité des services communautaires et de protection, le 29 août 2019

**COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
REPORT 5
11 SEPTEMBER 2019**

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**COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION RAPPORT 5
LE 11 SEPTEMBRE 2019**

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
29 August 2019 / 29 août 2019**

**and Council
et au Conseil
11 September 2019 / 11 septembre 2019**

**Submitted on August 7, 2019
Soumis le 7 août 2019**

**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-EPS-GEN-0009

SUBJECT: 2019-2022 By-law Review Work Plan

OBJET: Plan de travail de l'examen des règlements municipaux 2019-2022

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend that Council approve the 2019-2022 By-law Review Work Plan set out in Document 1 and as further outlined in this report.

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil d'approuver le Plan de travail de l'examen des règlements municipaux 2019-2022 contenu dans le document 1 et décrit dans le présent rapport.

EXECUTIVE SUMMARY

On April 24, 2019, Council approved the By-law Review Framework ("Framework") to establish key components and requirements to guide the review of the City's regulatory by-laws in the future. A key component of the approved Framework is the development of a 4-year By-law Review Work Plan ("work plan") to determine and prioritize which by-laws require development or amendments over the Term of Council, and to plan that work each year in the term.

Regulatory by-laws will be reviewed by the appropriate department at least once every 10 years, if not sooner. Each department having regulatory by-laws in its purview will determine which by-laws require development (new) or review (existing). As set out in the Framework, the work plan will take into consideration emerging issues arising from new areas of business, legislative changes, issues arising from program and service changes, community issues, or other areas requiring either new or amended regulations. Year 3 has been targeted as a logical time to address these in order to provide sufficient time for the issues to become known and identified during a Term of Council. As a result, the proposed work plan allows space to address any emerging issues that have been identified by departments or Committee and Council. Each department will be responsible for determining its work to address emerging issues and for informing Committee and Council of any by-law reviews undertaken to address them, as required. Year 4 has been reserved to begin the by-law review work plan for the next Term of Council, and to complete work that may be left over from reviews commenced earlier in the year.

The proposed work plan for 2019-2022 have been selected for review based on Council-approved criteria, departmental priority and staff capacity to undertake the reviews. If a new by-law review is added to the work plan, an existing by-law review on the work plan will need to be removed in order to ensure that there is sufficient capacity to undertake the work, and individual departments will be responsible for considering

and addressing any capacity issues caused by the addition or removal of a planned review, including the effect that additional items may have on the department's capacity to address emerging issues in Year 3, as applicable.

The proposed 2019-2022 By-law Review Work Plan is attached as Document 1, and Document 2 provides background information supplied by each department having identified by-laws requiring review during this Term of Council. As described in this report, the work plan was built based on internal assessments by departments and consultations with Members of Council.

BACKGROUND

On April 24, 2019, Council approved a comprehensive By-law Review Framework to guide the corporation's review of its regulatory by-laws (ACS2019-EPS-GEN-0003). The purpose of the By-law Review Framework is to provide a consistent and efficient process to develop new by-laws and review existing by-laws that ensures sound public policy development and evidence-based decision-making. The Framework requires that all existing regulatory by-laws are reviewed at least once every ten years (if not sooner) based on a set of approved criteria (noted below) in order to ensure that the by-laws and regulations they contain are still meeting Council's objectives.

Need for By-law Review Work Plan

One key component of the Framework is the development of a consolidated, corporate-wide By-law Review Work Plan, to be approved by Council, to identify by-law reviews to be undertaken during the Term of Council. This report therefore recommends the By-law Review Work Plan for 2019-2022, which is set out in Document 1. All departments of the City having regulatory by-laws have had input into the work plan. Once approved, each department having by-law reviews scheduled on the work plan will be responsible for executing the by-law reviews and projects identified in it and reporting out on the results of their work including reporting to the appropriate Standing Committee of Council, if required.

Minor Amendments Report

As noted in the Framework, the By-law Review Work Plan will also include a minor amendments report to address any issues which do not require a full by-law review, and

are of a minor, administrative nature, but that still require a by-law amendment. Each department will be responsible for bringing forward any minor amendments to the appropriate Standing Committee of Council. Staff recommend that minor amendment reports be brought in Q1 2021, as noted in Document 1. Also as required by the Framework, part of the third year of the By-law Review Work Plan is designated to address emerging or unforeseen issues that might have arisen as well as any reviews that were unable to be completed in the initial two-year timeframe.

Limited to Regulatory By-laws

The By-law Review Work Plan only addresses public-facing or regulatory by-laws. Other types of by-laws are not included, such as administrative by-laws which are typically reviewed as part of the Governance process or when the administrative process in question requires it. By-laws with existing processes (e.g. those regulated by provincial legislation such as the *Planning Act*) are also not included in the Framework or the work plan as they are reviewed and amended in accordance with those processes.

Criteria to Determine Prioritization

The Framework created Council-approved criteria to assist in determining the priority and planning of by-law reviews. These were used by departments to assess their regulatory by-laws and build the By-law Review Work Plan for 2019 – 2022. The criteria are as follows:

- Committee or Council direction to staff to consider or require a review;
- Change in legislation at the Provincial or Federal level requiring corresponding amendments to a by-law;
- Legal cases or challenges resulting in decisions that require changes to a by-law;
- Staff initiated or interdepartmental requests (multiple departments) - identifying a need for potential amendments due to gaps in the regulations, process changes, new initiatives, program/service updates, technology improvements, or emerging issues in the regulatory environment.
- Community identified issues or concerns of significance, that could have an impact on an existing by-law;

- Enforcement issues arising after the by-law has been implemented, such as the need for new offences and penalties, gaps in regulations, or clarifications required to definitions or regulations; and,
- A significant number of complaints received associated with a specific by-law, where further analysis reveals that by-law amendments are required.

Consistent By-law Review Process

Another component of the Framework is the application of a consistent by-law review process resulting in sound public policy development and evidence-based decision-making. The process provides staff with the overall roadmap for conducting by-laws reviews but allows for flexibility among each department to adapt the review process to the nature of each by-law or project.

The suggested by-law review process was presented to Council in 2017 (ACS2017-EPS-GEN-0009) and includes six phases and 40 steps. The phases and steps of the by-law review process are as follows:

1. Scoping Phase

The first step involved in this process is to determine that a by-law review is required by weighing it against the by-law review criteria outlined in the Framework. This requires a preliminary identification of key issues involved in the matter, including an assessment of the problems, concerns, developments or other relevant issues within the domain under examination. This phase includes scope setting and identification of stakeholders. Once this has been done, a detailed work plan can be developed along with a communications plan, if necessary.

2. Research and Analysis Phase

The first step of this phase is to review the legislative history of the matter through an examination of the existing relevant internal by-laws and policies, as well as any applicable legislation and regulations at other levels of government. Once this has been completed, a further issues and gaps analysis can be undertaken. Jurisdictional or environmental scans and benchmarking reviews can be undertaken to inform future work. A review of applicable technology and trends, as well as any legal issues and legislative requirements or changes impacting the issue may also occur at this stage. Consideration of dependencies with other by-laws, departments, and external agencies must be taken into consideration in advance of developing the draft options for regulations, which also form part of this phase of the review. This phase will provide evidence needed to inform staff's recommendations for new regulations or amendments, or other approaches, to the issues identified in the review.

3. Engagement Phase

As part of the engagement phase, engagement documents are prepared to collect input from stakeholders and the public. Both internal and external engagement activities are conducted, as required, in keeping with the City's Public Engagement Strategy. Methods are determined when applying the Public Engagement Strategy and may include use of an online survey, public opinion research, focus groups, community meetings, among others. Staff will also consult internally with the By-law and Regulatory Services (or any other department/service undertaking enforcement, as applicable) to ensure that any enforcement issues related to the review are thoroughly vetted and reviewed. Once this has been completed, the reviewers prepare and analyze the summary of findings from the engagement activities to further inform the by-law review and staff's recommendations.

4. Development of By-law/Regulations and Associated Report Phase

This phase includes the formulation of the recommended regulations and by-law amendments based on the evidence gathered in the previous phases of the review, including all relevant research, input and feedback, as well as public and stakeholder consultations. Input from the City Solicitor (Legal Services), By-law and Regulatory Services (for operational and enforcement input), Public Information and Media

Relations, City Clerk and other areas of the City having required expertise, is obtained on the proposed amendments and regulations as required. Once regulatory proposals are developed, staff will prepare the report and final recommendations. Applicable corporate process for report preparation are followed during this phase, including obtaining required internal approvals, preparing documents in both official languages, and using approved accessible formats.

5. Committee and Council Phase

The first step includes briefing Committee Chair(s) and Members of Council, as required, and preparing any required supporting documents such as briefing notes, communications products and presentations. The final step in this phase is to obtain Committee and Council approval.

6. Implementation Phase

The final phase includes proceeding with required updates to administrative forms, guidelines, Standard Operating Procedures, Knowledge Based Articles (for 3-1-1), IT systems, policies, and public communication and education materials, as required, to implement the new or revised regulations. In addition, a consolidation of any amended by-law should be prepared by the appropriate department as well as developing any applicable set fine applications for approval by the Province. Consultation with Legal Services, as required and By-law and Regulatory Services (or other internal enforcement staff, as applicable) on enforcement-related implementation issues is ongoing. Relevant general information pages on the City website should also be updated in both English and French. During this phase, implementation details should be communicated with stakeholders as well as completing any required follow up arising from Committee or Council. The final step of this phase is to address any technical issues or amendments that may be required.

DISCUSSION

Process to Develop Proposed By-law Review Work Plan

Following approval of the overall By-law Review Framework by Council on April 24, 2019, departments having regulatory by-laws undertook an internal assessment of the by-laws within their purview. The departments having regulatory by-laws are:

Emergency and Protective Services (EPS), Planning, Infrastructure and Economic Development (PIED), Public Works and Environmental Services (PWES), Recreation, Culture and Facilities Services (RCFS), Transportation Services, and Corporate Services. The purpose of this initial phase of work was to assess each by-law against the Council-approved criteria (noted above) in order to determine which regulatory by-laws required review and, for those identified as needing review, to determine the priority and timing of that review over the 2019-2022 Term of Council.

Based on this first assessment performed by departments in May, a preliminary by-law review work plan for this Term of Council was established. In total, 34 by-laws or by-law projects (projects that involve more than one existing or potential new by-laws) were identified and prioritized for review by four departments: EPS, PIED, PWES and RCFS. Transportation Services and Corporate Services indicated that none of their regulatory by-laws required review this Term of Council.

The preliminary By-law Review Work Plan and an accompanying discussion paper for Members of Council were produced and circulated to all Members of Council for consideration and input. These documents had been specifically requested by Members of Council to inform Councillor consultations on the proposed work plan, and also to allow Members to share the preliminary information with their communities and stakeholders for input as deemed necessary by the particular Member. Staff offered one-on-one Council consultations in June. In total, 16 consultations sessions occurred, during which Members of Council and their staff provided input on the preliminary work plan, and had an opportunity to ask for clarification on particular projects, by-laws, policies or regulatory approaches. While the consultation sessions were led by the Public Policy Development branch of EPS, all issues or questions raised during these sessions pertaining to the work of other departments were forwarded to the appropriate department/subject matter expert for follow-up.

Additions/Deletions to the Work Plan

The proposed work plan for 2019-2022 is developed based on each department's assessment of its priorities. By-laws have been selected for review based on Council-approved criteria, and staff capacity to undertake the reviews. The timing of each review has been proposed to match operational considerations, such as timing of required consultations.

As a result, if a new by-law review is added to the work plan, an existing by-law review on the work plan may need to be removed in order to ensure that there is sufficient capacity to undertake the work, and individual departments will be responsible for considering and addressing any capacity issues caused by the addition or removal of a planned review, including the effect that additional items may have on the department's capacity to address emerging issues in Year 3, as applicable. Similarly, individual departments are responsible for seeking approval of the appropriate committee and Council for additions or deletions to the work plan.

Summary of Councillor Input

Overall, input received from Members of Council indicated a high degree of concurrence with the proposed By-law Review Work Plan. For example, there was general agreement on the review of the *Special Events By-law*, and both the *Urban Tree Conservation By-law* and *Municipal Trees and Natural Areas Protection By-law*. Members also indicated support for a review of the City's vacant building strategy and related by-laws, including a review of property standards, property maintenance, heat and other regulations as they apply to vacant buildings, as well as a review of vacant building strategies in other jurisdictions to attempt to reduce the amount of time a building actually remains vacant. There was support for the planned review of potential tow truck regulations to determine whether municipal-level regulations are required to ensure public safety and consumer protection. Members were also supportive of the review of the Clothing Donation Box By-law as several Members raised the issue of the condition and proliferation of the donation boxes in the last Term of Council, and safety issues in other jurisdictions were noted. Members also indicated support for a review of the City's existing snow plow regulations in order to determine the feasibility of requiring broadband back-up alarms. The proposed By-law Review Work Plan is included in Document 1.

Regulatory Issues Raised by Members of Council:

- Some Members have inquired whether the Vehicle-for-Hire By-law requires a review this Term of Council, based on concerns expressed by the Unifor (Local 1688), Coventry Connections Inc., and other participants in the taxi industry. Staff have reviewed and considered these issues. The detailed results of staff's assessment are found in Document 3, attached. Staff agree that some of the issues raised may

require a minor by-law amendment and recommend that these be tracked and brought forward in Year 3 (Q1 2021) as part of the planned Minor Amendments Report. Other issues raised require review but do not involve the by-law since they are not regulatory in nature, and some issues raised are not within the jurisdiction of the City, as set out in Document 3. Staff's overall assessment of the by-law continues to be that the regulatory model approved in 2016 for taxis, private transportation companies and limousines is meeting Council's goals.

- Some Members indicated concern with the Noise By-law in terms of music from events and base noise vibrations, based on constituent feedback. This by-law is not included on the by-law review work plan as it was last amended in 2017 (ACS2017-EPS-GEN-0010) after extensive review and public consultation. Staff's assessment of the issues raised is that these noise concerns can be adequately addressed using current provisions in the by-law and existing enforcement mechanisms.
- An issue was also raised last Term of Council regarding the administrative processes included in the Dogs in Park Designation Policy, which is associated with the Animal Care and Control By-law. Staff have concluded that while no by-law review is required for the Animal Care and Control By-law at this time, internal work to review designation processes in the policy can occur. Staff anticipate reporting to the Community and Protective Services Committee and Council in Year 3 (2021) on these issues and any related recommended policy or other changes following completion of a review.
- The issue of developing regulations to restrict the use of private camera surveillance systems installed on private property was raised by some councillors based on questions from constituents. This issue appears to largely relate to specific incidents in which an individual complainant has complained that a neighbour is using a private video surveillance system to capture images of the complainant or the complainant's property. City staff are reluctant to interfere in neighbour disputes where other relief, such as calling police services, may be necessary. Staff also note that other municipalities have enacted regulations restricting the use of private video surveillance systems as part of a more comprehensive set of rules preventing "excessive fortification" measures on private property, but no current need has been identified here for such excessive fortification regulations. As a result, this area has

not been identified currently for by-law amendments, but staff will continue to track and respond to any complaints in this area and forward them to law enforcement as required.

Emerging Issues (Year 3) and Final Year

The By-law Review Framework recognizes that unforeseen issues will emerge throughout the Term of Council. To address this, capacity for emerging issues has been planned for the third year of the term (2021). At this time, staff have identified the regulation of vape stores as a potential area of review in order to determine whether municipal-level regulations are required to complement regulations at other levels of government. A review of any municipal-level regulations related to edible cannabis may also be required and would fall into the category of emerging issues. Some emerging issues will be dependent on regulations implemented by the Federal and Provincial governments and whether there are regulatory gaps for the City of Ottawa to consider. Finally, staff have also left capacity at this time in Year 3 of the work plan to complete earlier reviews that may have taken longer than anticipated or for which additional work is required. The last year of the work plan (Year 4) will be devoted to beginning the planning for the By-law Review Work Plan for the following Term of Council, and to wrapping-up the work on earlier reviews that have taken longer than anticipated. Some reviews noted in the proposed work plan begin this Term of Council but continue beyond 2022 due to their scope – as a result, work on these projects will be ongoing during Year 4 (e.g. review of overall Licensing By-law)

Issues raised through Committee and Council

The following issues were raised at Committee or Council during last Term of Council in connection to the By-law Review Work Plan, and are addressed as follows:

Licensing of Home-Based Businesses

On September 20, 2018, Community and Protective Services Committee passed Motion CPS 36/02, directing staff to consider home-based business licensing within the scope of the By-law Review Work Plan.

Staff have assessed the issue against the approved criteria identified in the By-law Review Framework and determined that the development of regulations for home-based

businesses beyond what is currently already in place is not required at this time. No by-law review for this item is therefore recommended. The zoning restrictions are already in place to regulate the location of these businesses, and any home-based business that requires business license from the City is prohibited from locating in a residential area (with a few exceptions). As a result, the licensing of home-based businesses is contradictory to existing planning policy which prohibits any licensed home-based business. Any permitted home-based business must comply with existing requirements regarding noise, odour, dust, fumes, vibrations, traffic and parking, among others. Generally, home-based businesses are not a significant source of service requests for By-law and Regulatory Services, comprising only 0.05% of complaints in 2018. Existing by-laws in addition to the Zoning By-law appear to be effective in managing community nuisance issues related to home-based businesses when they do arise. By-law and Regulatory Services have assessed that existing tools are in place. As such, an overall home-based business licensing regime is not warranted and is unlikely to be an improvement over the current regulations. In addition, as noted above, such a licensing regime would be contradictory to the current zoning regulations and policy.

Clothing Donation Boxes

An inquiry was submitted at Community and Protective Services Committee on May 17, 2018, regarding the placement and management of clothing donation bins. Staff agree that the current by-law requires a review in light of experiences in the recent past from vandalism, illegal placement of donation boxes, and health and safety concerns raised in other jurisdictions. In addition, the above-noted inquiry asked that staff review the City of Markham model for the placement and management of donations bins and report back. Staff have begun research on the City of Markham's regulations in this area and propose to report back on this by-law review and related issues in Q3 of 2020 and will include a fulsome explanation of what Markham has done.

It is noted that the solid waste aspect of Markham's by-law will be considered in due course through the Solid Waste Master Plan. Recommendations from that plan will be given to Council to decide how to move forward with respect to any applications for clothing donation box regulations.

Fireworks

In the last Term of Council, a review of the Fireworks By-law was requested with respect to itinerant sellers, with the aim of reducing youth access and ensuring safe operations. This review could not be completed within the last term.

Following an incident of youth allegedly setting off fireworks at Clarke Fields in Barrhaven on July 1, 2018, Council approved Motion No. 73/13 on July 11, 2018 directing staff to add the following to the scope of the review of the City of Ottawa's fireworks provisions in City by-laws: insurance requirements, total amount of fireworks kept on site, security provisions, and age requirements for vendors.

Staff have reviewed the currently existing regulations in City by-laws which address insurance, a minimum age of 18 for the vendor applicant, and zoning regulations and specific setbacks from other vendors and intersections. Ongoing research is continuing. Staff will address any required enhancements to current regulations as part of the Minor Amendments Report discussed above.

Broadband Backup Alarms - Snow Plows

In May 2017, as part of Motion CPS 23/4, Council directed staff to explore the use of broadband alarms by snow plow operators/licensees and to report back in the next Term of Council. This request is scheduled for review and completion by Q3 2021 as part of the By-law Review Work Plan.

Rental Accommodations Regulations Study

In June 2018, the Community and Protective Services Committee carried report ACS2018-EPS-GEN-0009 recommendations as presented with the following direction to staff as part of the Rental Accommodation Study work:

1. Restrictions (limits per ward or separation distances)
2. A ratio between people and number of washrooms (and showers)
3. The minimum requirement for the size of a bedroom (would be bigger than provincial jails)

4. Specific kitchen amenities (working oven, refrigerator, microwave, sink, kitchen table)
5. All licensed rooming house to be required to have private solid waste pick up
6. A mandatory in person site compliance visit by the city on yearly basis prior to renewal

Staff is considering this as part of the ongoing Rental Accommodation Study, examining City by-laws with respect to rental housing, short-term rental services, shared accommodations, rooming houses and hotels, motels and bed and breakfasts. This study will provide Council with advice and recommendations concerning potential regulation of rental accommodations in Ottawa. The study is currently underway with an initial report of findings and recommendations for future regulations scheduled for Q4 2019, and the completion via a report in Q1 2020.

Payday Loans

In April 2018, Council directed the General Manager of EPS to analyze the effectiveness of a licensing regime, in light of the proposed zoning strategy to be undertaken by PIED and taking into account that payday loans establishments are currently licensed by the Province.

A report is scheduled for Q3 2019 to bring forward a joint implementation process, together with PIED, that will recommend proposed planning solutions to limit clustering of these uses concurrent with a minimal licensing regime that would have proactive monitoring and enforcement.

Special Events

In June 2018, as part of Motion 72/4, Council directed staff to include the Special Events By-law for consideration as part of the By-law Review Work Plan. A review of the Special Events By-law is recommended and is scheduled for completion by Q2 2020 as part of the By-law Review Work Plan. This review will consider improvements to existing permit application and issuance processes along with a review of applicable fees, a requirement for new permitting categories, a review of exemptions, among other regulatory areas. Public consultation and stakeholder engagement will be undertaken.

Implementation of the By-law Review Work Plan

Each Department will implement its work plan and report out on the results of individual reviews in an appropriate fashion. This may include a report to the appropriate Standing Committee of Council, a memorandum to Council, or other communication, depending on the results of the review.

The addition of a new by-law review to the proposed work plan may require the removal of an existing by-law review in order to ensure that there is sufficient staff capacity to undertake the work, and departments shall be responsible for reporting any changes to their work plans to the appropriate Standing Committee and Council.

Staff are developing tools to assist with the implementation of the By-law Review Process by departments. The tools will provide staff with general information and direction for each of the phases of a by-law review process, while allowing staff to tailor the process to the particular circumstances of the by-law review. These materials will be made available to staff on the City's intranet as soon as they are available.

As a way to maintain transparency and inform the public about by-law reviews, the Framework requires that staff develop a by-law review web page on the City of Ottawa web site (ottawa.ca). This web page will provide a schedule of ongoing or anticipated by-law reviews, including high level updates on their status based on the key phases of a by-law review. The web page will also provide links to public consultation information including key dates, project pages, related reports for the by-law review, and any other information relevant to the review including the final outcome and by-law, and new or amending by-law if applicable. This web page and the general initial content will be developed by EPS, with regular updates regarding specific review(s) completed by departmental staff responsible for the by-law review(s).

RURAL IMPLICATIONS

There are no rural implications associated with the recommendations in this report.

CONSULTATION

There were no public consultations associated with this report as it is administrative in nature. Information on proposed reviews and background/details were provided to

Members of Council prior to Council consultations in June. Public consultations will take place as part of individual by-law reviews, in keeping with the City's Public Engagement Strategy and past practices for by-law reviews.

The internal working group established to develop the framework also reviewed and updated the by-law review information for their respective departments. The working group consisted of representatives from City Clerk and Solicitor, Planning, Infrastructure and Economic Development, Public Works and Environmental Services, Transportation Services, Recreation, Cultural and Facility Services and Emergency and Protective Services. Furthermore, Emergency and Protective Services staff consulted with the Senior Leadership and Members of Council on the development of this work plan.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendation contained in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no specific accessibility impacts associated with the recommendations in this report. Accessibility will be considered accordingly as part of each By-law Review undertaken under this work plan.

TECHNOLOGY IMPLICATIONS

EPS staff will develop a by-law review web page on the City of Ottawa web site (ottawa.ca). This web page, updated by applicable departments, will provide a schedule of ongoing or anticipated by-law reviews, links to public consultations and will include high level updates on their status based on the key phases of a by-law review.

TERM OF COUNCIL PRIORITIES

The recommendations of this report align with the overall 2014 – 2018 Term of Council vision of increasing public's confidence in City government. Furthermore, the recommendations of this report align with the overall strategic priority of Governance, Planning and Decision-Making which states: Governance, Planning and Decision-Making: Achieve measurable improvement in residents' level of trust in how the City is governed and managed, apply a sustainability lens to decision-making, and create a governance model that compares well to best-in class cities around the world.

SUPPORTING DOCUMENTATION *(Held on file with the City Clerk)*

Document 1 - By-law Review Work Plan 2019-2022 Calendar

Document 2 – By-Law Review Background

Document 3 – Issues Relating to Vehicle-For-Hire By-law

DISPOSITION

Staff will implement the By-law Review Work Plan as outlined in this report. Staff will report back to their appropriate Committees and Council with respect to the results of individual by-law reviews to be undertaken in this Term of Council. Staff will develop a by-law review web page on ottawa.ca with regular updates, as required, by departmental staff responsible for the by-law review(s).