

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
18 June 2015 / 18 juin 2015**

**and Council
et au Conseil
24 June 2015 / 24 juin 2015**

**Submitted on June 11, 2015
Soumis le 11 juin 2015**

**Submitted by
Soumis par:**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2015-COS-EPS-0020

SUBJECT: BY-LAW REVIEW STRATEGY

OBJET: STRATÉGIE DE RÉVISION DES RÈGLEMENTS MUNICIPAUX

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend that Council:

- 1. Approve the approach and work plan of by-laws to be reviewed in this term of Council, which fall within the purview of Community and Protective Services Committee, as outlined Document 1;**
- 2. Direct staff to work with the Chair of the appropriate Standing Committee to develop a proposed approach and work plan for identified by-laws and issues that fall outside the purview of Community and Protective Services Committee, as outlined in Document 1, and report back to the appropriate Standing Committee with the approach and work plan by Q4 2015;**
- 3. Refer by-laws and issues that fall within the purview of the Ottawa Board of Health, as outlined in Document 1, to the Medical Officer of Health and Chair of the Board of Health for consideration; and**
- 4. Direct staff to complete a prioritized work plan of major by-laws for a systematic review in every term of Council as outlined in this report.**

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil :

- 1. d'approuver la stratégie et le plan de travail proposés pour la révision, au cours du présent mandat du Conseil, des règlements municipaux qui relèvent du Comité des services communautaires et de protection (document 1);**
- 2. de demander au personnel de collaborer avec le président du comité permanent approprié afin de concevoir une stratégie et un plan de travail pour la révision des règlements municipaux et la résolution des questions qui ne relèvent pas du Comité des services communautaires et de protection (document 1), et de transmettre cette stratégie et ce plan de travail au comité permanent en question d'ici le quatrième trimestre de 2015;**

3. **de porter les règlements municipaux et les questions qui relèvent du Conseil de santé d'Ottawa (document 1) à l'attention du médecin chef en santé publique et du président du Conseil de santé; et**
4. **de demander au personnel de dresser, par ordre de priorité, une liste des règlements principaux qui doivent faire l'objet d'une révision systématique à chaque mandat du Conseil, comme l'indique le présent rapport.**

BACKGROUND

In May 2001, following the amalgamation of municipalities in Ottawa-Carleton, Council approved the By-law Harmonization Strategy which proposed the consolidation of the by-laws of the former municipalities for the new City of Ottawa. At that time, there were over 500 documented by-laws to be harmonized that were generally divided into two classes: business licensing by-laws and general regulatory by-laws. The By-law Harmonization Strategy only addressed the by-laws under the purview of the By-law & Regulatory Services Branch. A number of other City of Ottawa by-laws have since been harmonized by other departments that are responsible for such policies (e.g. Zoning, Traffic & Parking). The variety, complexity and number of the existing by-laws in 2001 required a comprehensive review be undertaken to evaluate:

- the need for the existing regulation;
- the intent and background of the regulations;
- requirements of enabling legislation; and,
- best practices.

The harmonization strategy was divided into two main components which were undertaken concurrently: harmonization and housekeeping. The harmonization methodology included a comprehensive, section-by-section review of all the by-laws and the consolidation of existing regulations, whereas housekeeping includes on-going review of and recommendation of minor amendments to existing by-laws to meet specific community needs, facilitate enforcement, meet “technical” requirements (e.g. updating penalty provisions), or address gaps in regulations that may have arisen over time. Housekeeping amendments have continued since the bulk of the harmonization exercises were completed, on an as-needed and priority basis.

Since the By-law Harmonization Strategy was approved in 2001, By-law & Regulatory Services has:

- reviewed close to 400 by-laws;

- completed two housekeeping reports in which a number of amendments were made to nine different by-laws; and,
- re-enacted two major by-laws, namely the Taxi By-law and the Property Standards By-law, which were originally been harmonized in 2005, in 2012 and 2013, respectively.

At a special meeting on December 3, 2014, Council approved the 2014-2018 Governance Review report, which stated that “there was a near unanimous concern raised by Members of Council regarding the need for a comprehensive review of the City’s major by-laws and how these by-laws relate to the City’s regulatory framework”. Further, the report recommended that “by-laws should undergo the same sort of regular review that occurs with governance” (page 23) and that list of all the City’s major by-laws be compiled.

To address the recommendation from the Governance Review report, and to assist in determining which by-laws require review, Members of Council were asked to complete a By-law Review Survey. As part of the survey, a list of the City’s by-laws that are most often referred to, along with examples of issues addressed by those by-laws, was provided with website links for additional information. Respondents were asked to identify whether their concern was related to the by-law’s policy, service standards, or enforcement, and to list specific examples to clarify their concern.

The survey allowed staff to gain a better understanding of the concerns and issues that precipitated the above-noted Council direction.

DISCUSSION

Document 1 outlines the survey results and outlines, in order of priority, which by-laws require review in this Term of Council. Seventeen Members of Council responded to the survey and 92 comments were received in reference to 27 existing by-laws, 4 existing Schedules of the Business Licensing By-law, and the proposal of 4 new by-laws.

In consultation with the Chair of the Community and Protective Services Committee (CPSC), it was determined that the prioritization of by-law reviews should be based on existing resources, and where three (3) or more Councillors had raised a concern or issue with a particular by-law. As a result, the table below outlines the work plan for CPSC along with timelines where three (3) or more Councillors have commented or, in some cases, where a review is already underway as a result of previous direction.

List of By-laws Raised for CPSC	Number of Councillors that Commented	Timeline to Report Back
Taxi	7	Q1 2016
Noise	7	Q2 2016
Property Standards	7	Q4 2016
Business Licensing - Pet Shops	5	Q1 2016
Animal Care and Control – Dogs-in-Parks Designation Policy	4	Q1 2017
Clothing Donation Boxes	3	Q2 2017
Business Licensing - Rooming Houses	2	Q4 2017
New – Business Licensing - Private Home Conversions	1	
Special Events on City Streets	1	Q4 2015
Open Air Fire	1	Within this Term of Council
Discharge of Firearms	1	
Temporary Signs on Private Property	1	
Fireworks	1	
Food Trucks – Designated Spaces	1	

Where the criteria of three (3) or more is not met, staff will still endeavour to report back in this Term of Council on the particular issue raised. Depending on the nature of the issue raised an information item may be sufficient to address the concern or issue raised. The reviews identified will be in addition to the housekeeping amendments anticipated for this Term of Council. Further, By-law and Regulatory Services staff will likely be required to assist and support the development of the by-law reviews under the purview of other Standing Committees given that the Branch is the center of expertise for both by-law development and enforcement.

Staff is also recommending to work with the Chair of the appropriate Standing Committee to develop a proposed approach and work plan for the identified by-laws and issues that fall outside the purview of Community and Protective Services Committee, as outlined in Document 1, and report back to the appropriate Standing Committee with the approach and work plan by Q4 2015. The by-laws and issues that fall within the purview of the Ottawa Board of Health, as outlined in Document 1, will be referred to the Medical Officer of Health and Chair of the Board of Health for consideration. Document 1 summarizes the comments received from Councillors which will form part of the scope of review, and provides a staff comment with respect to the disposition of each by-law referenced.

The table below provides an overview of the by-laws that will be referred, categorized by Standing Committee or Board:

Standing Committee / Board	By-law Referenced	Number of Councillors that Commented
Planning Committee	Permanent Signs on Private Property	2
	Fence	2
	Zoning	2
	Building	1
	Site Alteration	1
	Addressing	1
	Buildings	1
	New – Illumination Standards	1
Transportation Committee	Traffic & Parking By-law	7
	Signs on City Roads	4
	Encroachment	4
	Graffiti Management	2
	Use and Care of Roads	1
	New - Roadside Memorials	1
Environment Committee	Urban Tree Conservation	5
	Idling	3
	Sewer Connection	1
Ottawa Board of Health	Smoke Free – Public Places and Workplaces	2
	Business Licensing - Food Premise	1
	New – personal service settings	1

The scope of the by-law reviews will include public / stakeholder consultation, as appropriate, and staff will report back to Committee recommending potential by-law amendments, if required. However, if staff determines that no amendment is required, staff will report back accordingly with the results of the review and/or clarification of the existing regulations in order to address the issue or concern raised.

Major By-laws

To address another aspect of the Governance Review recommendation, Document 2 identifies the City’s “major by-laws”, provides the date on which they were enacted, when they were reviewed, the demand for service related to the by-laws, and enforcement activity information.

For purposes of this report, “major” is defined based on demand for service from the public, (i.e. complaints, or service requests) which is consistent with Council-approved criteria used to help prioritize by-laws for harmonization following amalgamation. Document 2 lists the City’s top 15 by-laws ranked by the number of service requests

(SRs) received annually. The number of SRs, or demand for service, is more indicative of the importance of a by-law to the public than the number of charges laid.

As part of the systematic review process, staff will work with the Chair of the appropriate Standing Committee at the beginning of each new Term of Council to develop a work plan for the review of the major by-laws and report back within the first 18 months of Council's term.

RURAL IMPLICATIONS

There are no specific rural implications associated with the contents of this report.

CONSULTATION

Members of Council were, through a survey, consulted with respect to their concerns and priorities for by-laws to be reviewed, and their comments are reflected in this report.

The Standing Committee Chairs were advised of the approach as well.

Emergency & Protective Services staff also advised the impacted Departments of the comments received from Members of Council and of the information contained in this report. EPS staff has consulted with both City Clerk and Legal Services as well.

Once the by-law reviews are undertaken, public and stakeholder consultation will take place, as appropriate.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the contents of the report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations as the costs, if any, are included in the current budget for By-Law & Regulatory Services. No incremental costs are anticipated.

ACCESSIBILITY IMPACTS

There are no direct impacts on persons with disabilities and seniors associated with the contents of this report.

TERM OF COUNCIL PRIORITIES

There are no direct impacts on Term of Council Priorities associated with the recommendations.

SUPPORTING DOCUMENTATION

The supporting documentation immediately follows the report:

Document 1 – By-law Review Survey Results Summary (with responsible Standing Committees)

Document 2 – Summary – “Major” By-laws

DISPOSITION

Relevant Departments, as identified in this report, will implement any directions emanating from this report, as appropriate.