

## Document 2: Municipal Comparison Research Summary

Staff conducted municipal comparison research to determine by-law review practices in Canada and internationally.

### Methodology:

For international municipalities, staff conducted online searches and corresponded by email, given time differences, to clarify information. For Ontario municipalities, staff conducted interviews with set questions.

For international and non-Ontario municipalities, staff reviewed whether there was a documented by-law review process or framework, the key elements of the framework or process, the frequency of reviews, the criteria for reviews, any exemptions to the process/framework, and any other information of note.

For Ontario municipalities, staff asked the following questions:

- How is the requirement for the development of new by-laws determined?
- How is the requirement for the review of a by-law determined?
- In what unit do the by-law/policy development and subsequent reviews occur?
- How is the timing to get new items on an agenda determined?
- Is a work plan approved by Council each term?
- Is there is a formalized and systematic by-law review framework?
- How do you do your by-law reviews?
- Do you have a set timeline/cycle for reviews?
- Do you maintain a list of by-laws? How do you categorize or classify your by-laws? Are there by-laws that are excluded from the by-law review framework?
- What resources are required? What supporting materials are available to staff?
- Who drafts your by-laws?
- Is there a formula for determining the number of resources you will require to administer and enforce a new by-law? Do you typically request FTEs as part of the report that goes to Council?

### Municipalities Reviewed:

- Canada
  - Vaughan, ON
  - Hamilton, ON
  - Durham, ON (Ontario Board of Health)
  - London, ON
  - Markham, ON
  - St. Catherine's, ON

- Toronto, ON
- Windsor, ON
- Strathcona, AB
- International
  - Milton, MA, United States of America
  - Christchurch, New Zealand
  - Hurunui District, New Zealand
  - Central Hawke's Bay District, New Zealand

## **Summary of Findings:**

The international municipalities reviewed all had a by-law review process in place. The legislative framework is different, particularly in New Zealand which is more closely tied to other levels of government.

In Ontario, the only municipality with an approved By-law Review Strategy was the City of Vaughan.

### ***General Provisions***

- Municipalities with a framework or process have log tracking when each by-law was enacted, amended, and reviewed
- Internal and external stakeholder consultations is a key element of reviews. It was acknowledged that this might require resources outside of the lead by-law review project team, depending on the scope and interest in the review.

### ***Criteria of Review***

The following criteria for reviews was common across all the municipalities reviewed:

- Committee or Council direction
- Staff-identified need/department initiative
- Change in legislation
- Interdepartmental request
- Legal cases involving the City
- Community need/emergent issue

Some other considerations by some of the municipalities are as follows:

- Complaint volume
- Issues of enforcement

### ***Work Plan and Timing***

- Generally, in Ontario, the department controls the work plan. Internationally, there is variation but are working under a different legislative framework.
- While the development of a work plan varies, work plans are approved by Council.

### ***Review Frequency***

- Internationally:
  - Newly enacted by-laws should be reviewed within 3-5 years or will be revoked
  - General by-laws are reviewed every 5-10 years
  - Reviews are completed Bi-annually/tri-annually for by-laws with high complaint levels
- In Ontario, the City of Vaughan is the only municipality with a strategy and a set timeframe for reviews. The review period in Vaughan is 5 years or less. Reviews may be completed more frequently in response to other urgent factors, such as change in legislation, other regulations and/or Council direction.

### ***By-law Reviews and Drafting***

- The department or unit responsible for conducting by-law reviews and drafting by-law reviews varies across all municipalities researched. Some had by-law units conduct reviews, some had specific staff in departments conduct reviews and some had a specialized group who conducted reviews.
- Legal Services supported drafting the by-law amendments or new by-laws in the majority of municipalities reviewed.

### ***Resources***

- Ontario municipalities did not have a specific formula for determine Full-time Equivalent (FTEs) for enforcement. Some request FTEs through the annual budget process and some request FTEs for enforcement in the by-law reports. In both cases, the FTE request is based on the number of service requests anticipated.
- In some municipalities, consultants are used to either assist or to lead a by-law review.