

Committee of the Whole (1) Report

DATE: Tuesday, November 22, 2022

WARD(S): ALL

TITLE: BY-LAWS TECHNICAL AMENDMENTS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

As staff continue to review and revise the City's regulatory by-laws as part of its Council-approved By-law Strategy, the further need to amend and ensure consistency across by-laws has been identified. This report seeks approval for a series of By-law technical amendments and repeal of some of the old by-laws which are not in line with current regulations.

Report Highlights

- In June of 2014, City Council approved the By-law Strategy to ensure the City's By-laws are municipally relevant, responsive to community needs and transparent to the public.
- Harmonization and improvement of by-laws support a number of Term of Council Strategic Priorities, including good governance, citizen experience and operational performance.
- This report includes recommended amendments to the Licensing By-law, Newspaper Box By-law, Fire Burn Permit By-law, Administrative Monetary Penalties By-law, Fees and Charges By-law, Sign By-law, Property Standards By-law, Encroachment By-law and repeal of Pesticide By-law and Wrecking Yards By-law.

Recommendations

1. THAT the City's Fire Burn Permit By-law be amended to replace the By-law's recitals and to refer the permit fees to the City's Fees and Charges By-law;
2. THAT the City's Newspaper Box By-law be amended to refer the permit fees to the City's Fees and Charges By-law and to repeal permit expiry date;
3. THAT the City's Licensing By-law be amended to refer the permit fees for clothing donation drop boxes to the City's Fees and Charges By-law and to add additional requirements for body rub parlour operators, adult entertainment parlours and second hand goods' licences and amend photograph requirements;
4. THAT the City's Fees and Charges By-law be amended to repeal redundant vehicle re-inspection fees, make fees consistent for all type of contractors and add penalty notice transaction fee, change references to the types of refreshment vehicles and to correct a mistake in the fee amount for firework vendors;
5. THAT the City's Administrative Monetary Penalties By-law be amended to repeal the provision that the unpaid reduced penalty within the timeframe shall revert to its original amount and to correct outdated by-law references;
6. THAT the City's Encroachment By-law be amended to change the time when notices are deemed to be served after being mailed;
7. THAT the City's Property Standards By-law be amended to correct some wording;
8. THAT the City's Sign By-law be amended to refer all the fees to the City's Fees and Charges By-law;
9. THAT the City's Pesticide By-law be repealed;
10. THAT the City's Wrecking Yards By-law be repealed;
11. THAT the recommendations in Attachment 1 of this report be adopted in their substantive form; and
12. THAT all by-law amendments be enacted giving effect to these recommendations, in a form satisfactory to the City Solicitor.

Background

One of the primary objectives of the By-law & Compliance, Licensing and Permit Services Department's (BCLPS), in support of the Term of Council Strategic Priorities, is to provide service excellence to its residents, business community and those who live, work, and play in our great City. The service delivery model of BCLPS is evolving to ensure relevance, sustainability and performance excellence of programs and services.

BCLPS is constantly evolving its service delivery model to ensure that the City's regulatory by-laws are suitable and relevant to meet current and potential future needs. In 2014, Council approved the *By-law Strategy* created by BCLPS to provide a framework for the governance of all regulatory by-laws for the City. BCLPS staff are

regularly reviewing the by-laws to ensure their relevance, transparency, and suitability to meet the current and potential future needs.

Previous Reports/Authority

- [Licensing By-law](#) (approved by Council on May 17, 2022);
- [Newspaper Box By-law](#) (approved by Council on January 1, 2005);
- [Fire Burn Permit By-law](#) (approved by Council on May 10, 1999);
- [Pesticide By-law](#) (approved by Council on April 14, 2008);
- [Wrecking Yards By-law](#) (approved by Council on March 27, 1961);
- [Administrative Monetary Penalties By-law](#) (approved by Council on May 1, 2019);
- [Fees and Charges By-law](#) (approved by Council on December 9, 2021);
- [Encroachment By-law](#) (approved by Council on March 21, 2017);
- [Property Standards By-law](#) (approved by Council on December 13, 2011);
- [Sign By-law](#) (approved by Council on June 19, 2018).

Analysis and Options

Staff are proposing amendments to a number of By-laws to ensure that all regulatory By-laws have similar language, and are standardized, transparent and accessible for citizens. Staff are proposing a number of technical amendments to different by-laws, including:

1) technical amendments to Licensing By-law 122-2022:

- to amend the referral of permit fees for the clothing donation drop boxes to City's Fees and Charges By-law for the purpose of centralizing all fees in one by-law;
- to state that photographs are required to be submitted with applications for mobile and stationary business licence applications, so this requirement is consistent for all licence categories;
- to confirm that directors of corporations must submit criminal background checks in their applications for adult entertainment parlours, body rub parlours and second hand goods licences, so these requirements are aligned among different business categories;
- to state that applicants for body rub parlour operator licences are required to submit a criminal background check and identification as part of their applications, as this requirement already exists for body rub parlour owners but not for the operators themselves; and
- to update photograph requirements in line with the new ability to apply for licences online as of March 2023;

- 2) technical amendments to Newspaper Box By-law 372-2004 to amend the referral of permit fees to City's Fees and Charges By-law and to repeal permit expiry date. Such amendment is intended to provide consistency among the by-laws and to centralize all fees in the City's Fees and Charges By-law. Permit expiry date is no longer in effect and is addressed through Amanda system;
- 3) technical amendments to Fire Burn Permit By-law 149-99 to amend the referral of permit fees to the City's Fees and Charges By-law for the purpose of centralizing all fees in one by-law. Also, staff recommend updating the By-law's recitals in order to align them with current provincial regulations;
- 4) technical amendments to Sign By-law 140-2018 to amend the referral of permit fees to the City's Fees and Charges By-law, for the purpose of centralizing all fees in one by-law;
- 5) technical amendments to Administrative Monetary Penalties By-law 063-2019 to repeal the provision that the unpaid reduced penalty within the timeframe shall revert to its original amount. After review and consultation, and in support of greater transparency, staff determined that once a reduction is granted the amount should stand, irrespective of whether the matter is appealed or paid late. Also, it is recommended to correct outdated by-law references, as the by-laws and section numbers have changed;
- 6) technical amendments to Fees and Charges By-law 158-2021 to repeal redundant vehicle re-inspection fees, as currently, there are a few types of them for different licence categories and staff recommend applying the lower fee for all of them. Also, it is recommended to align fee amounts for all types of contractors (pool installers, fence installers, landscapers, pavers and renovators), so they are consistent. As well, staff advise to add a penalty notice transaction fee (two dollars) for the transparency, as it's already being applied through the system. Other amendments include proper referral to the types of refreshment vehicles to align them with the City's Licensing By-law and correcting a mistake in a fee amount for fireworks vendors;
- 7) technical amendments to Encroachment By-law 034-2017 to change the timeframe when notices are deemed to be served after being sent by regular mail. Currently, the indicated timeframe is three days, while in the other by-laws it is five days. This amendment is aimed at providing consistency among the by-laws;
- 8) technical amendments to Property Standards By-law 231-2011 to correct the wording

and replace the referral to standards for vacant properties to standards for all properties instead;

- 9) repeal of Pesticide By-law 88-2008 to comply with provincial regulations, in particular, with the *Pesticides Act, R.S.O. 1990, c. P.11*, as amended, which provides that a municipal by-law is inoperative if it addresses the use, sale, offer for sale or transfer of a pesticide that may be used for a cosmetic purpose;
- 10) repeal of Wrecking Yards By-law 2549-1961 for purposes of alignment with the City's Zoning By-law 001-2021, which prohibits outside storage of construction waste, motor vehicle wrecking, scrap lumber, scrap iron or other materials, or a junk yard in all zones in the City of Vaughan.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

The proposed amendments and recommendations are intended to provide consistency among the City's by-laws, give more clarity to the public and ensure all City's by-laws are in line with provincial and municipal regulations.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952.

Attachment

1. Technical Amendments

Prepared by

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Approved by

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels,
Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri,
City Manager