

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 2, 2019

Item 11, Report No. 24, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 2, 2019.

11. BY-LAW CONSOLIDATION TECHNICAL AMENDMENTS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, dated September 17, 2019:

Recommendations

1. That the recommendations in Attachment 1 of this report be adopted; and
2. That staff be authorized to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other By-laws.

Committee of the Whole (1) Report

DATE: Tuesday, September 17, 2019

WARD(S): ALL

TITLE: BY-LAW CONSOLIDATION TECHNICAL AMENDMENTS

FROM:

Mary Reali, 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 consolidate and ensure consistency across by-laws has been identified as a first-step towards the codification of the City's By-laws. This report seeks authority to systematically consolidate and harmonize all applicable regulatory By-laws.

Report Highlights

- In June of 2014, City Council approved the By-law Strategy to ensure the City's By-laws be municipally relevant, responsive to community needs and transparent to the public.
- In September of 2018, staff began the process of consolidating its regulatory By-laws to ensure accessibility and transparency and as an interim step in the codification process. This report seeks approval for additional consolidation and a series of By-law technical amendments.
- Consolidation and harmonization support a number of Council priorities, including good governance, citizen experience and operational performance.

Recommendations

1. That the recommendations in Attachment 1 of this report be adopted; and
2. That staff be authorized to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other By-laws.

Background

The City of Vaughan has often been at the forefront of regulatory practices, driven in large part by the Term of Council Service Excellence Strategic Plan and the City's By-law Strategy. Underlying the development of many of these City policies, programs and by-laws is the tenet of protecting the health, safety and well-being of the City's residents and visitors alike, while continuing to ensure that Vaughan is a city of choice that upholds the best of Canadian values.

As part of the City's ongoing commitment to good governance, staff have been consolidating the City's By-laws with the ultimate objective of creating a City of Vaughan Municipal Code. Consolidation means that all By-laws pertaining to a particular regulatory regime will be laid out as a single coherent regulation. Some of the benefits of consolidation are:

- greater accessibility and transparency for residents, businesses and other stakeholders;
- greater ease of use for City staff and those from other regulatory agencies; and
- a more organized and logical system of regulations, promoting greater accountability.

Consolidation is intended to culminate in the creation of a City of Vaughan Municipal Code. This is an initiative jointly lead by By-law and Compliance, Licensing and Permit Services, the Office of the City Clerk and the Office of the City Solicitor.

In addition, and in keeping with the City's initiative to provide service excellence to residents and visitors, staff have been putting more and more By-laws under the City's Administrative Monetary Penalties program. The main purpose of this initiative is to expedite offence disputes while providing a transparent and fair adjudication process.

Previous Reports/Authority

- [Fill By-law 189-96](#) (Approved by Council on July 8, 1996)
- [Licensing By-law 315-2005](#) (Approved by Council on December 12, 2005)
- [Anti-Graffiti By-law 046-2009](#) (Approved by Council on March 23, 2009)
- [Discharge of Firearms By-law 123-2016](#) (Approved by Council on September 20, 2016)
- [Encroachment By-law 034-2017](#) (Approved by Council on April 19, 2017)
- [Tree Protection By-law 052-2018](#) (Approved by Council on April 11, 2018)
- [Special Events By-law 061-2019](#) (Approved by Council on May 1, 2019).
- [Parking By-law 064-2019](#) (Approved by Council on May 1, 2019)

Analysis and Options

Staff are making a number of recommendations to ensure the ongoing consistent consolidation of the City's regulatory By-laws. Consolidation will mean significant standardization. As a result, staff are proposing changes that will introduce same or similar language for the City's regulatory By-laws.

Aside from adopting the City's consolidation format, staff are proposing amendments to a number of By-laws. These amendments are intended to ensure that all regulatory By-laws have similar language, especially around enforcement powers and penalties (including the ongoing designation of certain By-laws under the Administrative Monetary Penalties program).

Staff are also proposing technical amendments to the Fill By-law to ensure that both Inspectors and MLEOs have adequate enforcement authorities under the By-law. The Fill By-law is currently scheduled to be consolidated at a later date upon its overall review.

In addition, staff are proposing a number of other technical amendments, including the repeal of the Geese By-law, as its provisions are already covered in the Animal Control By-law, and amendments to the Parking By-law, introducing fines for existing contraventions and adding more precise language to certain provisions.

Financial Impact

There are no anticipated financial impacts to the City as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

The recommendations in this report do not have an impact on other municipalities, the Region or any of its agencies.

Conclusion

In accordance with Vaughan Council's strategic priorities of *Active, Safe and Diverse Communities* and *Good Governance*, the proposed amendments will provide greater clarity to the public with respect to the City's existing regulations. The City's regulations are not only intended to protect the health, safety and well-being of its residents and visitors, but also to promote its community standards and social values.

In addition, By-law consolidation is an ongoing process to culminate in the creation of a Vaughan Municipal Code and improve both *Operational Performance* and *Good Governance*.

For more information, please contact: Gus Michaels, Director of By-law and Compliance, Licensing and Permit Services, ext. 8735.

Attachment

1. Proposed Amendments

Prepared by

Rudi Czekalla-Martinez, Manager, Policy & Business Planning, ext. 8782

Proposed Amendments

1. That the following by-laws be consolidated, including making any stylistic and organizational changes required to ensure consistency with the City's consolidation format:

Discharge of Firearms By-law 123-2016
Encroachment By-law 034-2017
Tree Protection By-law 052-2018, as amended
Anti Graffiti By-law 046-2009

2. That the Smoking By-law be a Designated By-law under the Administrative Monetary Penalties By-law.
3. That the Administrative Monetary Penalties By-law be amended as follows:
 - (a) include "the existence of mitigating or extenuating circumstances" as a reason for the cancellation, reduction or extension of a monetary penalty by either the Screening or Hearings Officer;
 - (b) update Schedule 1 by amending the first entry to read:
064-2019 Parking By-law Schedule 10
 - (c) add the following entry to Schedule 1:
074-2019 Smoking By-law Part 9.0
4. That Geese By-law 256-99 be repealed.
5. That the Discharge of Firearms By-law be further amended as follows:
 - (a) the "Short Title" section be replaced with a "Authority and Short Title" section;
 - (b) an "Applicability and Scope" section be added;
 - (c) a provision be added to ensure that penalties established under the Municipal Act are subject to process under the Provincial Offences Act; and
 - (d) a "Severability" section be added.
6. That the Encroachment By-law be further amended as follows:
 - (a) the "Short Title" section be replaced with a "Authority and Short Title" section;
 - (b) an "Applicability and Scope" section be added;

- (c) a provision be added to ensure that penalties established under the Municipal Act are subject to process under the Provincial Offences Act.

7. That the Anti-Graffiti By-law be amended as follows:

- (a) the “Title” section be replaced with an “Authority and Short Title” section;
- (b) an “Applicability and Scope” section be added;
- (c) a provision be added to ensure that penalties established are subject to process under the Provincial Offences Act;
- (d) a “Severability” section be added.

8. That the Tree Protection By-law be amended as follows:

- (a) the “Title” section be replaced with an “Authority and Short Title” section;
- (b) an “Applicability and Scope” section be added.

9. That the Parking By-law be further amended as follows:

- (a) Amend any references to “Nappa Valley Boulevard” to read “Nappa Valley Avenue.”
- (b) Amend the definition for “Private Roadway” to include a laneway.
- (c) Add the following fines to Schedule 10:

6.0(3)	Stop on a highway during a prohibited time	\$ 50.00
6.0(4)	Park on a highway without a permit	\$ 50.00
7.0(1)	Fail to erect “Fire Route” signs	\$ 200.00
7.0(4)	Fail to erect “Fire Department Connection” signs	\$ 200.00

10. That By-law 024-2019 be repealed.

11. That Special Events By-law 045-2018 be further amended as follows:

- (a) add section 7.1 to Part 4.0, as follows:
 - (7.1) If a fee for a particular year is not prescribed in Fees and Charges By-law 171-2013, as amended or its successor by-law, and a budget has not been passed by January 1st in a given year, the Treasurer is authorized to apply a 3 per cent increase to the fee applied in the previous year to account for economic adjustment.
- (b) reformat and renumber sections 30 and 33 to match the current standard;
- (c) delete sections 31 and 32;
- (d) amend By-law 96-2006, as amended, by:
 - (i) replacing the definition for “Special Events” in Section 3 with the following definition:

“Special Event” means an event as defined in the Special Events By-law, as amended, or its successor by-law.

(ii) amending Section 17(2) to read:

The provisions of this By-law shall not apply to preclude musicians or performers providing outdoor entertainment involving sound reproduction devices during City events.

(e) amend By-law 171-2013, as amended, by adding to Schedule “I”, under By-law & Compliance Services, the following fees:

Special Event Permit and deposit costs based on maximum attendance*	2018	2019	2020
Special event permit – up to 250 people	\$ 52	\$ 53	\$ 55
Special event permit – up to 500 people	\$ 103	\$ 106	\$ 109
Special event permit – up to 1,000 people	\$ 206	\$ 212	\$ 218
Special event permit – more than 1,000 people	\$ 412	\$ 424	\$ 437
Special event damage deposit – up to 250 people	\$ 1,000	\$ 1,000	\$ 1,000
Special event damage deposit – up to 500 people	\$ 2,500	\$ 2,500	\$ 2,500
Special event damage deposit – up to 1,000 people	\$ 5,000	\$ 5,000	\$ 5,000
Special event damage deposit – more than 1,000 people	\$ 10,000	\$ 10,000	\$ 10,000

*Note that attendance may not exceed the maximum attendance amount at any given time.

12. That the Licensing By-law be:

- (a) re-formatted to reflect the City’s new consolidated by-law style and be approved by Council as a new by-law.
- (b) amended by deleting Schedule A.
- (c) amended by replacing section 1.0 “Title” with the “Authority and Short Title” section.
- (d) amended by adding “Scope and Applicability” as section 2.0.
- (e) amended by reformatting the definition and interpretation sections, including numbering to reflect the new standard.
- (f) amended by deleting the tariff rates in Schedule B (as they are not prescribed any more, as per the by-law provisions).

13. That Fill By-law 189-96, as amended, be further amended by:

- (a) Amending the definition of "Director" by adding "and his or her designate" at the end of the sentence.
- (b) Adding the following definition:
"Municipal Law Enforcement Officer" or "MLEO" means an individual appointed or employed by the *City* as a municipal law enforcement officer under section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- (c) Replacing section 14 with the following:
The administration and enforcement of this by-law shall be performed by the *Director, Inspectors* and *Municipal Law Enforcement Officers*.
- (d) Replacing every instance of Inspector with Inspector and/or MLEO.