

Committee of the Whole (2) Report

DATE: Wednesday, May 20, 2020

WARD(S): ALL

**TITLE: CONSOLIDATION OF REGULATORY BY-LAWS AND
LICENSING AMENDMENTS TO PROVIDE REGULATORY
RELIEF TO REGISTERED CHARITIES**

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To amend additional regulatory by-laws in accordance with the City's *By-law Strategy* for ongoing consolidation, to introduce a new consolidated Dumping and Littering By-law to prohibit such activity on both public and private property and to establish provisions within the Licensing By-law to address activities undertaken by registered charities.

Report Highlights

- This report recommends the consolidation of a number of regulatory by-laws, namely the Idling By-law 170-2004, Filming By-law 371-2004, including a series of technical amendments to those by-laws to ensure that redundancies are mitigated and that they conform with the City's standard consolidation format.
- Additionally, this report recommends the approval of a new Dumping and Littering By-law (consolidating existing regulations) with additional prohibitions and enhanced enforcement powers.
- Finally, this report proposes new provisions in the Licensing By-law to provide relief to charitable organizations that operate in Vaughan.

Recommendations

1. THAT Council approve the recommendations to amend the various identified by-laws, as per Attachment 1;
2. THAT Council approve the new proposed Dumping and Littering By-law, as per Attachment 2 and in a manner acceptable to the City Solicitor, to replace the current Debris By-law and Littering and Dumping By-law;
3. THAT Council approve provisions in the Licensing By-law to provide regulatory relief to charitable organizations that do work in Vaughan, as per Attachment 3; and
4. THAT Staff be authorized to take any other actions to implement the above recommendations.

Background

A key objective of the Council approved *By-law Strategy* is that regulations be reflective of existing community needs. In addition, staff continue to consolidate by-laws with the ultimate objective of introducing a City of Vaughan Municipal Code. This entails imposing a standard format on all by-laws and making any necessary technical amendments to mitigate redundancies and improve regulatory consistency.

Over the last twelve months, staff have consolidated ten regulatory by-laws and, through Council, enacted three comprehensive by-laws to address emerging and urgent needs, including cannabis and short-term rentals, and most recently, in response to the COVID-19 pandemic, the adoption of the City's comprehensive Emergency Measures By-law #037-2020. This report recommends amendments that will further result in the creation of three additional consolidated regulatory by-laws.

Previous Reports/Authority

Item No. 26 of Report No. 27 of the Committee of the Whole: [Parking By-law Consolidation and Regulatory Technical Amendments](#) (adopted by City Council on September 27, 2018).

Item No. 11 of Report No. 24 of the Committee of the Whole: [By-law Consolidation Technical Amendments](#) (adopted by City Council on October 2, 2019).

Analysis and Options

Staff are proposing a number of amendments to eight by-laws, three of which are already consolidated but require further housekeeping amendments. Staff are also seeking approval for the consolidation of the Debris and the Littering and Dumping By-laws, along with their amending by-laws, into a new, comprehensive Dumping and Littering By-law. In addition, staff are also proposing to consolidate three smaller by-

laws. Finally, staff are proposing an amendment to the Licensing By-law to provide relief to charitable organizations that operate in Vaughan.

Filming & Idling By-laws

Filming By-law 371-2004 and Idling By-law 170-2004 are stand-alone by-laws with no amendments. Staff propose to roll these by-laws into the consolidated format with the aim of eventual review as part of the *By-law Strategy* implementation. Consolidation involves making some minor technical amendments to include standard sections to allow for the issuance of administrative monetary penalties, clarify enforcement authorities, harmonize definitions as used in other by-laws, and ensure consistent referencing throughout the by-law.

Tree Protection By-law

A number of technical amendments are being proposed for *Tree Protection By-law 052-2018*, as amended, including adding the definition of Director of Forestry and the definition of Highway, referencing the Director of Forestry where required, ensuring that defined terms are identified properly, and that the language used in sections is consistent.

Parking By-law

Parking By-law 064-2019, as amended, is being further amended to adjust a reference and some wording in *Schedule 10* of the by-law. In addition, staff are proposing that the offence for parking in an accessible parking spot and not having and not displaying an accessible parking permit be separated into two offences: one for not having an accessible parking permit (a monetary penalty of \$400) and another for not properly displaying the permit (a proposed monetary penalty of \$50).

Noise By-law

Noise By-law 062-2018, as amended, is being further amended to correct an error relating to the time that loading and unloading can take place in an area outside a residential zone. The change would continue to allow such loading and unloading to take place unhindered until 11:00 p.m. In addition, staff are recommending that loading and unloading restrictions in quiet zones be extended to statutory holidays. Finally, Schedule 2 is also being amended by replacing the heading “Residential” with the defined term “Residential Area”.

Administrative Monetary Penalties By-law

Amendments to clarify the process surrounding screening appeals are being recommended. Under the current provisions of the Administrative Monetary Penalties

("AMPs") By-law, a person can appeal a decision of the Screening Officer even after a decision has been made and the contravener has accepted the decision. The proposed amendments continue to provide a contravener with 15 days to appeal but will make the Screening Officer's decision final once accepted.

Debris and Littering and Dumping By-laws

The City currently has two by-laws that deal directly with debris, littering and dumping. *Debris By-law 263-2001* speaks to private property, including vacant property. Littering and *Dumping By-law 3-2004* speaks to public property and private property. Staff propose to consolidate these two by-laws and their amendments for greater clarity and transparency. In addition, a number of substantive changes to the regulations are also being recommended, including limiting the permitted maximum height of grass on property to 20 centimetres (as opposed to the current 30 centimetres), prohibiting the placing of snow or ice on a City roadway, restricting the placing of bins and the storage of materials on City roadways, and strengthened enforcement powers. In addition, to streamline regulatory process, staff are recommending the introduction of AMPs including the ability to impose monetary penalties of \$250 for littering to \$500 for dumping, as per the City's Administrative Monetary Penalties By-law. This will be in addition to the option to proceed with a Part 1 Certificate of Offence or Part III Information (Summonses to Appear) in accordance with Provincial Offences Act ("POA"). Inspection, access, enforcement, and cost-recovery authorities are also being strengthened accordingly. Attachment 2 provides a general outline of the proposed consolidated by-law.

Licensing By-law

The Licensing By-law regulates certain business and other activity carried out within the boundaries of Vaughan. Licensed businesses range from restaurants to tow trucks to adult entertainment establishments to ride sharing and refreshment vehicles. At the same time, there is a number of registered charities that carry out significant work to improve the lives of some of Vaughan's more vulnerable residents. These groups sometimes engage in activities that fall under the regulatory jurisdiction of the City's Licensing By-law. Given the unique public interest being served that is often associated with those activities, staff believe that there is merit in creating a means to have such organizations seek relief from specific Licensing By-law provisions.

Staff are proposing that where a registered charity provides goods or services that are otherwise governed by the Licensing By-law, the *Chief Licensing Officer* may, upon application, exempt such registered charity from some or all ~~or~~ of the requirements under the By-law. Such a decision would be guided by the following criteria:

- the goods or services are being provided exclusively by the registered charity;
- the goods and services are in line with the registered charity's charter;
- the exemption sought does not compromise the health and safety of the public or consumer protection;
- the exemption sought does not unduly create a public nuisance;
- the exemption sought does not unduly adversely affect a local business; and
- the exemption sought advances an objective of the organization that is in the public interest.

The decision of the *Chief Licensing Officer* would be final and form part of the operator's licence. Attachment 3 provides an overview of the proposed provisions.

Financial Impact

There is no anticipated impact to the City's ~~existing~~ **existing** budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

No broader direct regional impacts are anticipated as a result of this report; however, as more of the City's by-laws are deemed designated by-laws under the City's Administrative Monetary Penalties program, staff expect the need to rely on Regional Prosecutors and the courts for prosecutions to lessen. This will mitigate additional pressure on regional resources and provide better service to Vaughan's residents. However, staff expect a corresponding increase in the need for in-house prosecution.

Conclusion

The proposed changes will contribute to the Term of Council strategic priorities for Good Governance, supporting openness, accessibility, and transparency in the City's regulatory by-laws. In addition, the recommendations to provide regulatory relief as identified, to charitable organizations recognizes the important work and contribution many of these groups make to our respected and most vulnerable citizens, thereby continuing to make the City of Vaughan a City of Choice for all.

For more information, please contact: Gus Michaels, Director, By-law and Compliance, Licensing and Permit Services, and Chief Licensing Officer

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Attachments

1. Proposed Amendments to Regulatory By-laws
2. Proposed Provisions of Dumping and Littering By-law
3. Proposed Regulations Pertaining to Registered Charities