

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 27, 2020

Item 24, Report No. 20, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 27, 2020.

24. CONSOLIDATION OF REGULATORY BY-LAWS AND LICENSING AMENDMENTS TO PROVIDE REGULATORY RELIEF TO REGISTERED CHARITIES

The Committee of the Whole recommends:

- 1) That the recommendations contained in the report of the Deputy City Manager, Community Services, dated May 20, 2020, be approved; and
- 2) That the following be approved in accordance with Communication C1, Memorandum from the Director & Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services:

THAT Council amend the report, as follows:

1. Amend the by-law reference in subsection 6(a) of Attachment 1 to 11(1).
2. Amend the following typographical errors:
 - (a) Remove the period in the first line of the second paragraph in the “Background” section of the report, and remove the capitalization from the first word of the second line.
 - (b) Remove the superfluous zero at the end of the year in the last line of the “Previous Reports/Authority” section.
 - (c) Replace the word “or” with the word “of” (between the words “all” and “the”) in the third line of the second paragraph of the “Licensing By-law” section.
 - (d) Replace the word “exiting” with “existing” in the first line of the “Financial Impact” section.
 - (e) Replace the word “id” with the word “if” in subsection 4(c) of Attachment 2.

Recommendations

1. THAT Council approve the recommendations to amend the various identified by-laws, as per Attachment 1;

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EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 27, 2020

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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.

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 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

Prepared by

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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

Proposed Amendments to Regulatory By-laws

1. Amend Parking By-law 064-2019, as amended, as follows:
 - (a) amend Schedule 10 by replacing the word “Stopping” with the word “Stop” for the offence for 5.0(12).
 - (b) amend Schedule 10 by deleting the listed offence for 6.0(8) and renumbering 6.0(9) as 6.0(8);
 - (c) replace 9.0(2) with the following sections:
 - (2) No person shall leave a *Motor Vehicle Parked, Stopped or Standing* in a *Designated Parking* space for *Persons with Disability*, unless a currently valid *Accessible Parking Permit* has been issued in accordance with the requirements of the Highway Traffic Act and any regulations made thereunder from time to time.
 - (2.1) An *Accessible Parking Permit* under 9.0(2) must be displayed on or in the *Motor Vehicle* in a manner that is clearly visible and legible to a *Municipal Law Enforcement Officer or Police Officer* standing outside the *Motor Vehicle*.
 - (d) amend Schedule 10 by adding an offence for section 9.0(2.1), as follows:

9.0(2.1)	Fail to properly display an accessible parking permit	\$ 50.00
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2. Amend Administrative Monetary Penalties By-law 063-2019, as amended, as follows:
 - (a) add 5.0(9) so as to read: “If a decision by the *Screening Officer* under 5.0(7) is accepted by the *Contravener*, resulting in the payment of the penalty amount established by the *Screening Officer*, the *Contravener* shall forfeit any further avenue of appeal under 5.0(1), 5.0(2), 6.0(1) or 6.0(2) and the decision of the *Screening Officer* shall be final.”
3. Amend Tree Protection By-law 052-2018, as amended, as follows:
 - (a) amend the definition of Director of Forestry to match with the position’s current title, and add a definition of Highway, as per other by-laws;
 - (b) make reference to Director of Forestry and Director of Enforcement, as required;
 - (c) amend references to “section 6” in 4.0(3) and 4.0(4) to “Part 6.0”;
 - (d) amend 4.0(4)(e) to read: “for a Tree Nursery Owner or Tree Nursery Operator or for the Injuring or Destroying of a Tree Grown for Sale”;
 - (e) amend 4.0(4)(f) to read: “for a Golf Course Owner or Golf Course Operator to Injure or Destroy a Tree on a Golf Course if it is to support the health of surrounding vegetation or enhance the playability of the Golf Course”;
 - (f) amend 2.0(2)(j) to read: “any Protected Trees otherwise not listed above”.

4. Amend Idling By-law 170-2004, as follows:
 - (a) amend the by-law's recitals by updating the *Municipal Act* references;
 - (b) add a "Short Title" section;
 - (c) add an "Applicability and Scope" section (thus deleting section 2 of the current by-law);
 - (d) add a "Severability" section;
 - (e) amend the definition of vehicle to motor vehicle to match the definition in other City consolidated by-laws and to ensure references to vehicles be changed to motor vehicles, as required;
 - (f) separate section 4 into "4.0 Prohibitions" and "5.0 Exceptions";
 - (g) add provisions to make the Idling By-law a designated by-law under the Administrative Monetary Penalties By-law, and setting the administrative monetary penalty for an idling infraction at \$50;
 - (h) add provisions to specify fines under the *Provincial Offences Act, 1990*, with such minimum fines being set at \$200 for a first offence and \$400 for a subsequent offence for an individual, and \$400 for a first offence and \$800 for a subsequent offence for a corporation;
 - (i) add a "Transition" section;
 - (j) add a "Amendment of Other By-laws" section;
 - (k) add a "Force and Effect" section;
 - (l) replace the enactment clause;
 - (m) delete section 5 of the current by-law; and
 - (n) in section 1.2 of By-law Number 195-2000, the following words contained in the second and third line of clause (a) be deleted: "the idling of vehicles longer than five (5) minutes".

5. Amend Filming By-law 371-2004, as amended, as follows:
 - (a) rename the "Title" section with a "Short Title" section;
 - (b) add a "Applicability and Scope" section, which shall incorporate the current by-law's section 3.0(10);
 - (c) add a provision to ensure that penalties established under the *Municipal Act, 2001* are subject to process under the *Provincial Offences Act, 1990*;
 - (d) amend the offences and penalties provisions to match those in other consolidated by-laws;
 - (e) amend section "3.0 Provisions" by making two new sections: "4.0 Permits" and "5.0 Requirements";
 - (f) add a provision that designates who may enforce the by-law and which shall include Municipal Law Enforcement Officers, the Fire Chief or designates, and the Police Chief or designates;

- (g) add a “Severability” section;
 - (h) amend the definitions of City, Fire Chief, Police Chief, Highway to match those used in the City’s newly consolidated by-laws;
 - (i) change all references to City Clerk or Clerk’s Department to Chief Licensing Officer;
 - (j) delete the definitions for City Clerk and Clerk’s Department and add a definition for Chief Licensing Officer;
 - (k) delete Schedule A and add the fees for permits to Fees and Charges By-law 171-2013, as amended.
6. Amend Noise By-law 062-2018, as amended, as follows:
- (a) replace 19:00 with 23:00 in subsection 11~~(3)~~(1);
 - (b) add the time restriction of statutory holidays to the quiet zone provisions in row 3 of Schedule 2; and
 - (c) replace “Residential” with “Residential Area” in the header of Schedule 2.

Proposed Provisions of Dumping and Littering By-law

This new by-law will replace the City's current regulations with respect to dumping and littering. The new by-law will contain the following provisions:

1. Short Title
 - (a) References the Council authority for the by-law.
 - (b) Establishes the name of the by-law, to be referenced in other by-laws, on public signs, or in other notices to the public.
2. Applicability and Scope
 - (a) Sets the geographical boundaries to which the by-law applies.
 - (b) Sets out exemptions, exceptions and how to treat conflicts with other legislation.
3. Definitions
 - (a) The new definition of "Waste" is to consolidate the definitions of waste and debris of the former by-laws.
 - (b) New definitions are being added for clarity.
4. Prohibitions
 - (a) Dumping of waste is prohibited unless permitted by by-law or statute.
 - (b) Discharge of liquids, such as fuels, oils and lubricants, is prohibited unless permitted by by-law or statute.
 - (c) Delivering any newspaper, magazine, flyer or similar device ~~is~~ if the Owner has indicated not to do so.
5. Responsibilities of Property Owners
 - (a) Properties must be maintained free of waste.
 - (b) Grass is to be kept at a height not to exceed 20 centimetres.
 - (c) Snow and ice may not be placed on roadways.
 - (d) Any waste must be removed upon request from the City, at the property owner's expense.
6. Bins and Storage on Roadways
 - (a) Bins and materials may not be placed on roadways without a permit.
 - (b) Upon non-compliance the City may require the owner to remediate the matter or remove all bins, materials and other items from the roadway, at the owner's expense.
 - (c) Grant the Director authority to deem bins or materials on public lands as waste in the event that an owner does not comply with a notice to remove or otherwise remedy a matter.
7. Inspections and Right of Access

- (a) Officers may enter lands for purposes of carrying out inspections or confirming compliance with the by-law.
 - (b) When inspecting, officers may: inspect, reproduce or remove documents; require information; take samples and/or tests; and require owners to supply test and samples, at their expense.
8. Notices
- (a) Notices to comply to include Orders under the *Municipal Act, 2001* to remedy or cease and desist.
9. Presumptions
- (a) Owners of vehicles are deemed to be the contraveners when dumping or littering takes place from their vehicles.
 - (b) Owners of property from where waste can be determined to have originated are deemed to be the contraveners.
10. Administrative Monetary Penalties
- (a) Administrative monetary penalties under the *Municipal Act, 2001* are to provide enforcement staff with the option of imposing non-punitive, deterring penalties.
 - (b) Monetary penalties to be established at \$500 for a dumping or littering offence.
11. Fines
- (a) Fines under the *Provincial Offences Act, 1990* are to provide enforcement staff with the option of imposing punitive penalties, ranging from tickets (of \$750) to a summons to court (with potential fines of up to \$100,000).
12. Removal and Recovery of Costs
- (a) Noncompliance resulting in action by the City may result in all costs borne by the City with respect to that action to be imposed on the relevant party (i.e., either the property owner or the offender).
13. Severability
- (a) Other than those deemed invalid by a court, all other provisions of this by-law are considered to be in force.
14. Transition
- (a) Existing infractions or those commenced under one of the former by-laws are to be continued under this By-law.
 - (b) Signs and public notices referencing a former by-law are to be considered to reference the relevant provisions of this By-law.
15. Repeal of Other By-laws
- (a) Debris By-law 263-2001 and Littering and Dumping By-law 3-2004, and all of their related amendments, including By-laws 246-2003, 83-2012, 122-2015 are to be repealed.

Proposed Regulations Pertaining to Registered Charities

1. Amend Licensing By-law 315-2005, as amended, as follows:
 - (a) Add a definition for Registered Charity in line with other by-laws;
 - (b) Add the following Part:

4.5 REGISTERED CHARITIES

 - (1) Where a *Registered Charity* provides goods or services governed by this By-law, the *Chief Licensing Officer* may, upon application, exempt such *Registered Charity* from some or all of the requirements under the By-law.
 - (2) An application under this Part shall be presented in person by the *Licensee, Applicant* or his or her *Authorized Agent*, and shall constitute of the following:
 - (a) a completed and signed application form, as provided by the *Chief Licensing Officer*;
 - (b) the presentation of the original Articles of Incorporation for the *Registered Charity* and one copy for submission; and
 - (c) any other information deemed necessary by the *Chief Licensing Officer*.
 - (3) A determination under 4.5(1) of whether a *Registered Charity* may be exempted from requirements under this By-law shall be based on the extent to which:
 - (a) goods or services are exclusively provided by the *Registered Charity*;
 - (b) goods or services provided are in line with the *Registered Charity's* purpose as stated in its governing document, such as letters patent, articles of incorporation, trust, or constitution;
 - (c) the exemption sought compromises the health and safety of the public or consumer protection;
 - (d) the exemption sought unduly creates a public nuisance.
 - (e) the exemption sought unduly adversely affects a local business; and
 - (f) the exemption sought advances an identified objective of the *Registered Charity* that is in line with the public interest.
 - (4) The determination of the *Chief Licensing Officer*, in accordance with 4.5(3), shall be provided in writing, state the grounds for the decision, and shall be final.
 - (5) The determination of the *Chief Licensing Officer* shall form part of a licence under this By-law and shall be present at the place where

the goods or services are being provided and shall produce for inspection upon request.