CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee
WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: May 3, 2011

SUBJECT/REPORT NO: Community Based By-Law Enforcement Strategy Update (PED08263(a)) (City Wide)

SUBMITTED BY: Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY: Marty Hazell 905-546-2424 ext. 4588

SIGNATURE:

RECOMMENDATION

That the updated By-law enforcement priority framework outlined in Appendix “A” to Report PED08263(a) be endorsed by City Council.

EXECUTIVE SUMMARY

City Council, on November 26, 2008, approved a Comprehensive By-law Enforcement Strategy including By-law prioritization, more effective enforcement efforts, minimizing non-value added work and a public awareness campaign. The strategy is used to comprehensively manage performance and to focus staff’s efforts on the enforcement issues deemed by Council to be most important to the Community.

This Report recommends updating the strategy in accordance with new initiatives and By-law changes approved by Council since 2008.

Alternatives for Consideration – N/A
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

A 2007 Internal Audit of the (former) Standards and Licensing Section revealed a seriously dysfunctional Section and provided 48 recommendations to correct a wide range of operational and management deficiencies, including deficiencies in enforcement strategy, public awareness, management oversight and technology.

The release of the Operational Review coincided with a complete management changeover beginning on Jan 22, 2007, and a major Departmental restructuring beginning on June 1, 2007. Since 2007, the (former) Standards & Licensing Section of the (former) Building and Licensing Division has been known as the Municipal Law Enforcement Section of the Parking and By-Law Services Division.

Management supported all 48 recommendations in the Operational Review and began an aggressive campaign to correct these deficiencies. One strategic improvement for the new Municipal Law Enforcement Section was City Council’s endorsement, on November 26, 2008, of a Comprehensive By-law Enforcement Strategy including By-law prioritization, more effective enforcement efforts, minimizing non-value added work to allow more focus on priority issues and a public awareness campaign. The strategy is used to comprehensively manage performance and to focus staff’s efforts on the enforcement issues deemed by Council to be most important to the Community.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

In the interest of quality of life and public health and safety, the Municipal Law Enforcement Section enforces over 40 By-Laws/illegal activities such as:
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

It is not possible or practical to focus proactive enforcement efforts on all of these By-laws all of the time with current staff resources. Therefore, it is critical that some form of prioritization system be adopted and implemented so that staff can focus on the enforcement issues deemed by Council to be most important to the Community.

City Council, on November 26, 2008, approved a Comprehensive By-Law Enforcement Strategy including By-law prioritization for each of the staff enforcement teams. In developing the recommended framework of By-law enforcement priorities, staff sought input from every member of City Council, and received written submissions from the Hamilton Association of Business Improvement Areas, the Downtown Cleanliness and Safety Task Force and the Advisory Committee for Persons with Disabilities.

It is necessary to adjust the framework of By-law enforcement priorities to reflect a number of new initiatives and By-law changes approved by City Council since 2008, such as:

- Vacant Building Registry By-law (approved by City Council October 13, 2010),
- reactive enforcement of the Sign By-law in rural communities (approved by City Council August 12, 2010),
- one garbage bag limit as of April 2010 (approved by City Council November 12, 2007),
- suspension of enforcement of existing air conditioners, pumps (including heat pumps and swimming pool pumps) or similar mechanical equipment units in side yard setbacks until consideration of the new regulations as part of the Comprehensive Zoning By-law (approved by City Council March 10, 2010),
- new harmonized Fence By-law (approved by City Council June 9, 2010),
- on-board cameras in taxis (approved by City Council November 11, 2009),

- Anti-Idling  - Fences  - Zoning
- Property Standards  - Trees  - Water
- Yard Waste/Maintenance  - Heat  - Waste
- Lodging Homes  - Taxis  - Signs
- Business Licensing  - Lottery Licensing  - Parks
- Motorized Snow Vehicles  - Noise  - Vital Services
- Residential Care Facilities  - Fire Arms  - Pigeons
- Snow & Ice  - Store Hours  - Graffiti
- Streets/Traffic By-laws
  (mud tracking, encumbrances, game playing, etc)
- Pesticide By-law 07-282 rendered inoperative upon coming into force of Bill 64, an Act to Amend the Pesticides Act to Prohibit the Use and Sale of Pesticides that may be used for Cosmetic Purposes, and to be repealed (approved by City Council on August 7, 2008); and,

- new Yard Waste and Maintenance By-Law (approved by City Council May 26, 2010).

Other minor wording changes have been made to update the document, but no material changes are included which were not approved by City Council.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


*Healthy Community* - An efficient and effective By-law enforcement program contributes directly to the City’s goals for a healthy and safe community and positively affects quality of life for residents.

**APPENDICES / SCHEDULES**

Appendix “A” to Report PED08263(a) – Updated Community Based By-Law Enforcement Strategy

MH/dt
# Community Based By-law Enforcement Strategy

**Environmental Enforcement Team**

<table>
<thead>
<tr>
<th>Top Priority – Proactive and Reactive Enforcement</th>
<th>Lower Priority and/or Reactive - Complaint Driven</th>
<th>Periodic Proactive Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>These by-laws will take precedent due to a potential blatant health and safety/liability issue</td>
<td>Parks By-law</td>
<td>Yard Waste/Maintenance Blitz – Hotspots identified across the City including Downtown Core and BIA</td>
</tr>
<tr>
<td>· Yard Waste/Maintenance By-law (e.g., long weeds and grass; garbage and debris; inoperable vehicles)</td>
<td>· Foresty – Tree Private and Public Property By-laws (5 By-laws)</td>
<td>· Snow and Ice Clearing Proactive – Based on reactive complaint identify other properties in the vicinity that did not clear snow/ice from sidewalk</td>
</tr>
<tr>
<td>· Snow and Ice By-law (Winter)</td>
<td>· Anti-Idling By-law</td>
<td>· Anti-Idling Blitz – Schools Zones, Taxi and areas identified across the City</td>
</tr>
<tr>
<td>· Solid Waste By-law (2 By-laws) – including 1 bag limit, illegal dumping</td>
<td>· Pigeon By-law</td>
<td>· Water By-law (Summer - as requested by Water/Wastewater during water shortages)</td>
</tr>
<tr>
<td>· Streets/Traffic By-law (5 By-laws) (e.g., mud tracking; road encumbrances; road games)</td>
<td>· Firearm By-law (education)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>· Motorized Snow Vehicle By-law (in parks)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>· Graffiti (Yard Maintenance By-law)</td>
<td></td>
</tr>
</tbody>
</table>
### Property Standards & Zoning Enforcement Team

<table>
<thead>
<tr>
<th>Top Priority – Proactive and Reactive Enforcement</th>
<th>Lower Priority and/or Reactive - Complaint Driven</th>
<th>Periodic Proactive Enforcement</th>
</tr>
</thead>
</table>
| These by-laws will take precedent due to a potential blatant health and safety/liability issue | ▪ Graffiti (Property Standards By-law)  
▪ Fences | ▪ Property Standards – Downtown Core and BIA (e.g., Nightwalks)  
▪ Property Standards Blitz – Highly visible areas and hotspots identified across the City |
| ▪ **Property Standards By-law*** (internal and external issues, e.g., open to trespass, handrails and guards, plumbing, windows, etc.) | | |
| ▪ **Zoning By-law** (6 By-laws) (Illegal use of property) | | |
| ▪ Vacant Building Registry | | |

**NOTE:** as per City Council March 10, 2010 - enforcement of Zoning By-laws with regards to existing air conditioners, pumps (including heat pumps and swimming pool pumps) or similar mechanical equipment units in side yard setbacks was suspended until consideration of the new regulations as part of the Comprehensive Zoning By-law
## Licensing & Permits Enforcement Team

### Top Priority – Proactive and Reactive Enforcement

All Licensing Activity is Proactive in nature due to the requirements of the Licensing By-law

- **Business Licensing** (includes compliance with Property Standards, Zoning and Sign By-law)

- **Zoning – Business Zoning** (if a zoning issue relates to a business licence then carried through to completion by Licensing and Permits) (6 By-laws)

- **Sign By-law Enforcement (except rural area)**

- **Lodging Homes (Schedule 9 of Licensing By-law)** (at least during Council endorsed pilot program for the next two years)

- **Residential Care Facilities (Schedule 20 of Licensing By-law)**

- **Taxi Inspection** (Inspection of vehicles for licensing of vehicles)

### Lower Priority and/or Reactive - Complaint Driven

- **Lottery Licensing**

- **Store Hours By-law**

- **Sign By-law Enforcement** (reactive only in rural communities as per City Council Aug 12/10)

### Periodic Proactive Enforcement

- **Business Licensing Proactive** – Actively identifying business and verifying licensing

- **Sign Proactive** – Hotspots across the City based on streets with recurring multiple violations and business signs repeatedly without permits

- **Street Vendors** (e.g., flower vendors, Easter and Mothers Day, concession stands, special events vendors)

- **Special Events Management** - Attend Community Events/Festivals to educate and gain compliance with Licensing By-law
### Special Enforcement Team

**Top Priority – Proactive and Reactive Enforcement**

These by-laws will take precedent due to a potential blatant health and safety/liability issue

- **Vital Services By-law**
- **Residential Heat By-law** (September 1 to May 31)
- **Noise By-law** (e.g., barking dogs, industrial, loud music, parties, patios, nuisance noise)
- **Multiple By-law Issues** – When a complaint deals with multiple issues or deficiencies with a property and may include but is not limited to property standards, zoning and yard maintenance and waste
- **Multi-Agency Task Force** – Partner with Hamilton Police, Hamilton Fire Prevention, Public Health to address compliance on a variety of City By-laws

<table>
<thead>
<tr>
<th>Periodic Proactive Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>McMaster-Mohawk Proactive (September and April)</td>
</tr>
<tr>
<td>Hess Village Proactive (Spring and Summer)</td>
</tr>
<tr>
<td><strong>Adult Entertainment Blitz</strong> – Body Rub Parlours, Adult Entertainment Venues, etc.</td>
</tr>
<tr>
<td><strong>Special Events Management</strong> - Attend Community Events/Festivals to educate and gain compliance with Licensing By-law</td>
</tr>
<tr>
<td><strong>Roadside Taxi Blitzes</strong></td>
</tr>
<tr>
<td><strong>Proactive inspections of on-board taxi camera functionality</strong></td>
</tr>
<tr>
<td><strong>Special Projects with Hamilton Police Services and other Enforcement Agencies</strong></td>
</tr>
</tbody>
</table>

*Participate in Proactive Periodic Enforcement Initiatives of the three other teams – Property Standards and Zoning, Licensing and Permits, and Environmental*