SUBJECT: Appointment of Municipal Law Enforcement Officers by By-Law for the City of Hamilton (PED10010) (City Wide)

RECOMMENDATION:

a) That Municipal Law Enforcement Officers be appointed by position rather than employee name.

b) That the by-law attached as Appendix “A” to Report PED10010 which repeals and replaces by-law No. 07-243 being a By-law to Appoint Municipal Law Enforcement Officers be enacted.

EXECUTIVE SUMMARY:

In accordance with Section 15(1) of the Police Services Act, R.S.O. 1990, Chapter P. 15, Municipal By-Law Enforcement officers are to be appointed by a municipal Council. This report recommends a more expeditious and efficient process for appointing based on position within the Department rather than by employee name.
BACKGROUND:

In accordance with Section 15(1) of the Police Services Act, R.S.O. 1990, Chapter P. 15, Municipal By-Law Enforcement officers are to be appointed by a municipal Council. Accordingly, long-standing practice in Hamilton has been to recommend By-law amendments for newly hired Officers or when persons leave or move to positions in the Corporation which do not require official status as a By-law Enforcement Officer.

Staff concludes that it would be more expeditious and efficient to appoint by positions, such that any person assuming positions specified in the By-law would automatically gain official status without requiring a staff report and the enactment of a By-Law amendment by City Council.

ANALYSIS/RATIONALE:

Appointing Municipal Law Enforcement Officers by position rather than by employee name will allow for more efficient record-keeping and will eliminate the necessity of regular reports and by-law amendments. The proposed By-Law would include enforcement staff in Departments other than the Planning and Economic Development but who enforce by-law provisions under the Planning and Economic Development Department’s jurisdiction.

ALTERNATIVES FOR CONSIDERATION:

Council could choose to maintain the current practice of writing reports and City Council enacting By-Laws for all new hires or removing persons no longer requiring official status as a By-law Enforcement Officer.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

Building Services, Public Health Services and Legal Services were consulted in the preparation of this report.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

The integrity of Municipal By-law Enforcement staff will be always be maintained.

Environmental Well-Being is enhanced. ☑ Yes ☐ No

An effective by-law enforcement program contributes to the health and safety of our community.

Economic Well-Being is enhanced. ☑ Yes ☐ No

An effective by-law enforcement program contributes directly to the economic vitality of the City.

Does the option you are recommending create value across all three bottom lines?

☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☑ Yes ☐ No

MH/CV/dt
Attach. (1)
CITY OF HAMILTON

BY-LAW NO. __________

To appoint Municipal Law Enforcement Officers for the City of Hamilton and to repeal By-law No. 07-243

WHEREAS subsection 15(1) of the Police Services Act authorizes the Council of the City of Hamilton to appoint one or more Municipal Law Enforcement Officers, who shall be peace officers for the purposes of enforcing the by-laws of the City of Hamilton;

AND WHEREAS Council wishes to appoint Municipal Law Enforcement Officers;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Those persons who are employed or contracted by the City of Hamilton to perform the duties of the following positions, or any successor positions, are appointed as Municipal Law Enforcement Officers for the purposes of enforcing those City of Hamilton by-laws that fall within the duties of their position:

   (a) Senior Director, (Parking and By-law Services Division);
   (b) Director, (Municipal Law Enforcement Section);
   (c) Manager, Parking Enforcement and School Safety, (Hamilton Municipal Parking System Section);
   (d) Supervisor, Parking Enforcement, (Hamilton Municipal Parking System Section);
   (e) Supervisor, School Crossing, (Hamilton Municipal Parking System)
(f) Towing Officer, (Hamilton Municipal Parking System Section);
(g) Private Property Information Officer, (Hamilton Municipal Parking System)
(h) Enforcement Adjudicator, (Hamilton Municipal Parking System Section);
(i) Parking Enforcement Officer, (Hamilton Municipal Parking System Section);
(j) Superintendent, Municipal Law Enforcement, (Municipal Law Enforcement Section);
(k) Co-ordinator, Municipal Law Enforcement, (Municipal Law Enforcement Section);
(l) Municipal Law Enforcement Officer, (Municipal Law Enforcement Section);
(m) Vehicle Licensing Inspector, (Municipal Law Enforcement Section);
(n) Forestry Conservation By-law Officer, (Municipal Law Enforcement Section);
(o) Manager, Animal Control (Animal Control Section);
(p) Supervisor, Municipal Law Enforcement, (Animal Control Section);
(q) Animal Control Officer, (Animal Control Section);
(r) Director, (Building Services Division, CBO);
(s) Manager, Building Inspections, (Building Inspections Section);
(t) Manager, Customer Services, (Customer Service Section, Building Services Division);
(u) Manager, Building Engineering & Zoning, (Building Engineering & Zoning Section);
(v) Supervisor, Building Inspections, (Building Inspections Section);
(w) Supervisor, Customer Service, (Customer Service Section, Building Services Division);
(x) Building Inspector/Plans Examiner, (Building Inspections Section);

(y) Building Inspector- Illegal Grow Operations, (Building Inspections Section);
(z) Public Health Inspector, (Environmental Health Section);

2. City of Hamilton By-law No. 07-243 is repealed.
3. This By-law comes into force on the day it is passed.

PASSED this day of , 20 .

__________________________________________  _________________________________
MAYOR                                      CLERK
Fred Eisenberger                            Kevin C. Christenson