



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** May 3, 2023

**Report Number:** SRCS.23.13

**Department:** Community Services

**Division:** Community StandardsCommunity Standards

**Subject:** **By-law Review Framework and Schedule of Reviews**

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### **Purpose:**

To present a 4 year schedule for the review of by-laws that establish community standards, and a standard process for reviewing these by-laws.

### **Recommendations:**

- a) That Staff Report SRCS.23.13 regarding the 4 year schedule for community standards by-law reviews and by-law review framework be received;
- b) That the schedule of by-law reviews for the next four years contained within Staff Report SRCS.23.13 be endorsed.
- c) That the existing by-laws listed below, and all subsequent amendments to these by-laws be repealed:
  - i. Convenience Store By-law No. 33-85, Municipal Code Chapter 710
  - ii. Searchlight By-law No. 89-71, Municipal Code Chapter 749
  - iii. Sign Hearings By-law No. 264-00, Municipal Code Chapter 741
  - iv. Fire Setting By-law No. 61-72, Municipal Code Chapter 1037
  - v. Rooming House By-law No. 54-79

### **Contact Person:**

Dolly Anand, Acting Director Community Standards & Manager, Policy and Licensing, Extension 6572

### **Report Approval:**

**Submitted by:** Tracey Steele, Commissioner of Community Services

**Approved by:** Darlene Joslin, City Manager

## Page 2

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

### **Background:**

By-laws are the legal instruments that municipal Councils use to exercise their powers. The province authorizes municipalities to enact various types of by-laws via provincial legislation. These by-laws serve a range of purposes including guiding municipal administration and operations (for example, the Financial Control By-law and Procedure By-law), effecting council decisions (for example the Confirmatory By-laws that confirm the minutes of Council meetings), setting out the framework for land use planning and development (for example, Site Plan Control and Zoning By-laws), and establishing community standards (for example the Highway Obstruction By-law and Fence By-law).

This report deals specifically with “Community Standards By-laws.” Community Standards By-laws establish rules to guide the actions of City residents, property owners, businesses and visitors. They seek to promote harmonious relationships in the community by establishing minimum maintenance standards for private property, licensing businesses for consumer protection, and setting rules for conduct and use of public spaces such as roads and parks. Most Community Standards By-laws are enacted pursuant to the Municipal Act, but some arise from other enabling legislation like the Building Code Act and the Fire Protection and Prevention Act.

### **Community Standards By-laws**

Appendix 1 provides a list of the 55 Community Standards By-laws in effect in Richmond Hill and groups the by-laws into the following categories:

1. General – 9 By-laws
2. Licensing – 12 By-laws
3. Property Maintenance – 15 By-laws
4. Animals – 5 By-laws
5. Highway and Parking – 8 By-laws
6. Fire Protection – 6 By-laws

Appendix 1 also indicates the enactment date for each of the Community Standards By-laws and whether offences in the by-law have been designated for enforcement using the City’s Administrative Monetary Penalty System (AMPS). Note that many of these by-laws have been subject to amendment over the years since they were enacted. The amending by-laws are not included in this list but are tracked in the more extensive Community Standards By-law Catalogue from which this list is derived. Anyone wishing to use a by-law should ensure to use the Municipal Code version, which is an administrative consolidation that includes all associated amendments.

## Page 3

As can be seen in Appendix 1, 47 of the City's existing Community Standards By-laws (85%) are more than 10 years old. On the other hand, the following Community Standards By-laws were comprehensively reviewed and updated over the last 4 years:

- Grass and Weeds By-law
- Tow Truck By-law
- Waste By-law
- Noise By-law
- Anti-Idling By-law
- Parks Use By-law

The following 5 by-laws currently exist but have not been included on the Appendix 1 list because it is recommended that they be repealed at the present time:

1. Convenience Store By-law No. 33-85, as amended; Municipal Code Chapter 710
2. Searchlight By-law No. 89-71, as amended; Municipal Code Chapter 749
3. Sign Hearings By-law No. 264-00; Municipal Code Chapter 741
4. Rooming House By-law No. 54-79
5. Fire Setting By-law No. 61-72, as amended; Municipal Code Chapter 1037

These 5 by-laws are out-of-date and do not include any regulations that need to be retained or preserved. The Convenience Store By-law establishes dated regulations for convenience store operating hours that have not been enforced for many years. The City's Light Pollution By-law makes the Searchlight By-law unnecessary. The Sign Hearing By-law sets out a historical process for settling appeals to the Sign By-law that should have been repealed with enactment of the new Sign By-law in 2009. Similarly, the Rooming House By-law is superseded by the Fire Code (Ontario Regulation 213/07 under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4). Lastly, the Fire Setting By-law was intended to be repealed when the Open Air Burning By-law was enacted in 2005, but the repeal was not affected as a result of an administrative error.

### **By-law Prioritization and Review Schedule:**

To determine the order in which Community Standards By-laws are reviewed, each by-law was evaluated against the following criteria using detailed information recorded and tracked in the Community Standards By-law Catalogue:

- Age of the parent by-law
- Extent to which legislative changes, Council direction, or change in Divisional processes warrant update of the by-law
- Identified or known challenges associated with the by-law regulations or enforcement processes
- Degree of importance of the by-law to residents (determined by the number of associated complaints received annually)
- Potential to effectively implement administrative penalties for offences

## Page 4

Using the criteria-based evaluation in the context of existing staff resources, and with the goal of reviewing each by-law every 10 years, the 4 year by-law review schedule set out in Table 1 was determined.

The by-law review schedule will be assessed annually to evaluate whether any modifications in priority would be warranted based on emerging changes. For example, if new provincial legislation comes into effect, it may generate an increased urgency to the review a particular by-law.

Table 1. 4 year schedule of Community Standards By-law reviews

Year to Initiate By-law Review	By-laws to be Reviewed
2023	<ul style="list-style-type: none"> <li>• Property Standards By-law (Appliance By-law, Adequate Heat By-law and Vacant Buildings By-law will be merged with the Property Standards By-law)</li> <li>• Sign By-law Phase 1 (Election &amp; Highway Signs)</li> <li>• Fire Route Designation By-law</li> </ul>
2024	<ul style="list-style-type: none"> <li>• Sign By-law Phases 2 and 3</li> <li>• Animal by-laws (Animal Trespassing, Animal Keeping, Cat Keeping, Dog Control, and Dog Licensing and Keeping will be merged into one by-law)</li> <li>• Community Safety Zone By-law</li> <li>• Tree Preservation By-law</li> </ul>
2025	<ul style="list-style-type: none"> <li>• Business Licensing by-laws (comprehensive review of the business licensing program including all existing licensing by-laws)</li> <li>• Driveway By-law</li> <li>• Fireworks By-law</li> </ul>
2026	<ul style="list-style-type: none"> <li>• Lawn Watering By-law</li> <li>• Fence and Fence Arbitration By-laws (to be merged)</li> <li>• Highway Obstruction By-law</li> </ul>

### By-law Review Process

In order to facilitate the efficient and effective review of Community Standards By-laws a template review process, which is summarized graphically in Appendix 2 has been developed. The Community Standards By-law Review Process includes the following 5 main steps:

1. Understanding the Current State – Review of relevant data and statistics associated with past complaints and enforcement actions, municipal benchmarking, best practices research, review of related provincial and federal legislation

## Page 5

2. Consultation – Public consultation tailored to the subject matter of the by-law most commonly involves a survey and stakeholder interviews or focus group meetings, but may also involve public meetings or other approaches. Consultation with internal staff, staff of other municipalities, and members of Council also occurs during this phase.
3. Evaluation of Options & Determination of Key Findings and Directions – Information collected through Steps 1 and 2 is analyzed by a staff working group, which includes subject matter experts as well as enforcement, legal and communications staff. Key findings and directions are determined and presented to Council for comment.
4. Draft By-law and Staff Report – A draft by-law is prepared and reviewed in consultation with City’s Legal Division and the Regional prosecutor’s office.
5. Council approval of new By-law.

Most by-law reviews take approximately one year to complete and result in the repeal and replacement of the existing by-law.

### **Financial/Staffing/Other Implications:**

Currently, the Policy and Licensing Section within the Community Standards Division is the lead for the vast majority of Community Standards By-law reviews and updates. There are some specific by-laws for which other Divisions in the administration contain the subject matter expertise and are therefore considered the lead for the associated by-law reviews (for example, the Park and Natural Heritage Planning Section is lead for review of the Tree Preservation By-law, and Fire and Emergency Services will lead the review of the Fire Protection by-laws).

Effective July 2023, the Policy and Licensing Section will have 2 full time staff dedicated to undertaking by-law reviews. Additionally, the Section Manager and 2 additional staff (who are required to allocate the majority of their time to processing sign permits and business license applications) also provide assistance with by-law reviews as their workloads allow. Overall, this staffing level will enable the Section to lead 2 comprehensive by-law reviews per year and support a third by-law review led by another Division. It should be noted that in some cases the by-law review schedule outlined in Table 1 requires that multiple existing by-laws be merged through a single by-law review (for example all 5 animal by-laws will be reviewed at once in 2024 and merged into one by-law).

There are no financial implications associated with this report.

### **Relationship to Council’s Strategic Priorities 2020-2022:**

Community Standards By-laws establish rules that relate to all four Council Strategic Priorities. These by-laws promote sustainability and environmental protection (Lawn Watering By-law), promote fiscal responsibility by improving enforcement efficiency, establish rules to promote a sense of belonging and harmony in communities (Property

## **Page 6**

Standards By-law) and support ease of movement around the City (Highway Obstruction By-law).

### **Climate Change Considerations:**

Climate change considerations are not applicable to this staff report.

### **Conclusion:**

Community Standards By-laws establish rules to guide the actions of City residents, property owners, businesses and visitors. They seek to promote harmonious relationships in the community by establishing minimum maintenance standards for private property, licensing businesses for consumer protection, and setting rules for conduct and use of public spaces such as roads and parks. Richmond Hill has 55 Community Standards By-laws, 85% of which are currently more than 10 years old.

A criteria-based evaluation was used to determine a schedule for Community Standards By-laws to be reviewed over the next 4 years within the context of existing staff resources. The proposed by-law review schedule is summarized in Table 1.

Additionally, a standardized 5 step process for completing the comprehensive review of Community Standards By-laws has been determined to ensure that by-law reviews are undertaken in an efficient and effective manner. The process is summarized diagrammatically in Appendix 2.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix 1: List of Community Standards By-laws
- Appendix 2: By-law Review Process

## Page 7

### Report Approval Details

Document Title:	SRCS.23.13 By-law Review Framework and Schedule of Reviews.docx
Attachments:	- Appendix 1 - List of Community Standards By-laws.docx - Appendix 2 - By-law Review Lifecycle.docx
Final Approval Date:	Apr 23, 2023

This report and all of its attachments were approved and signed as outlined below:

**Dolly Anand - Apr 20, 2023 - 10:38 AM**

**Tracey Steele - Apr 20, 2023 - 3:21 PM**

**Darlene Joslin - Apr 23, 2023 - 9:40 AM**