

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
18 May 2017 / 18 mai 2017**

**and Council
et au Conseil
24 May 2017 / 24 mai 2017**

**Submitted on May 11, 2017
Soumis le 11 mai 2017**

**Submitted by
Soumis par:**

**Anthony Di Monte, General Manager/Directeur général, Emergency and Protective
Services/Services de protection et d'urgence**

Contact Person

Personne ressource:

**Ryan Perrault, Manager/Gestionnaire, Business Support Services/Services de
soutien aux activités**

613-580-2424, ext. 32443, ryan.perrault@ottawa.ca

**Elizabeth Siwicki, Strategic Initiatives Project Officer/Agent de projets, Initiatives
stratégiques, Business Support Services/Services de soutien aux activités**

613-580-2424, ext. 41495, elizabeth.siwicki@ottawa.ca

**Ward: CITY WIDE / À L'ÉCHELLE DE LA
VILLE**

File Number: ACS2017-EPS-GEN-0009

SUBJECT: BY-LAW REVIEW STRATEGY – WORK PLAN STATUS UPDATE

**OBJET: STRATÉGIE DE RÉVISION DES RÈGLEMENTS MUNICIPAUX –
RAPPORT D'ÉTAPE SUR LE PLAN DE TRAVAIL**

REPORT RECOMMENDATIONS

That the Community and Protective Services Committee recommend Council receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que le Comité des services communautaires et de protection et le Conseil prennent connaissance du présent rapport.

EXECUTIVE SUMMARY

Assumptions and Analysis

In June 2015, Council approved a By-law Review Strategy ([ACS2015-COS-EPS-0020](#)) for the purpose of identifying and prioritizing by-laws to be reviewed for accuracy, relevance and effectiveness. This report provides a status update of by-laws that fall within the purview of Community and Protective Services Committee (CPSC).

Financial Implications

There are no financial implications associated with this report.

Public Consultation/Input

No public consultations were undertaken in the preparation of this report. The public and stakeholders will be engaged, where appropriate, in the individual by-law reviews as they occur. Internal consultations with Councillors and departments focused on obtaining information regarding the status of by-law reviews, confirming responsibility for various by-laws under the new organizational structure, and identifying emerging issues and evolving priorities that may be impacting the by-law review work plan.

Hypothèses et analyse

En juin 2015, le Conseil a approuvé la Stratégie de révision des règlements municipaux ([ACS2015-COS-EPS-0020](#)) afin que soit dressée, par ordre de priorité, une liste des règlements devant être révisés, pour en assurer l'exactitude, la pertinence et l'efficacité.

Le présent rapport fait le point sur les règlements municipaux qui relèvent du Comité des services communautaires et de protection (CSCP).

Répercussions financières

Aucune répercussion financière n'est associée au présent rapport.

Consultations publiques et commentaires

Aucune consultation publique n'a été entreprise dans le cadre du présent rapport. Le public et les intervenants seront interrogés, s'il y a lieu, au cours de la révision individuelle de chaque règlement municipal. Les consultations internes qui ont été menées auprès des conseillers et des directions générales ont porté principalement sur l'état d'avancement de la révision, les autorités responsables de chaque règlement dans la nouvelle structure organisationnelle et la définition des enjeux émergents et des nouvelles priorités pouvant influencer le plan de travail de la révision.

BACKGROUND

2015 By-law Review Work Plan

The 2014-2018 Council Governance Review report ([ACS2014-CMR-CCB-0062](#)), approved by Council on December 3, 2014, noted that "there was a near unanimous concern raised by Members of Council regarding the need for a comprehensive review of the City's major by-laws and how these by-laws relate to the City's regulatory framework." It recommended that "by-laws should undergo the same sort of regular review that occurs with governance."

To address this recommendation and to assist in determining which by-laws were a priority to be reviewed, Members of Council were asked to complete a survey. Respondents were provided a list of by-laws and invited to identify specific issues that needed attention. They were also asked to indicate whether their concerns were related to the by-law's policy, service standards and/or enforcement.

Results of the survey were used to develop a By-law Review Strategy, approved by Council at its meeting on June 24, 2015. By-laws to be reviewed in the current Term of Council (2014-2018) were identified and grouped by the Standing Committee/Board that had oversight. Staff was also directed to develop a work plan for a systematic review of major by-laws for future Terms of Council.

This report provides a status update on the work completed to date for by-laws that fall within the purview of the Community and Protective Services Committee, as well as the by-laws that are scheduled to be reviewed during the remainder of this Term of Council.

By-law Review Process

By-law reviews are complex, technical and time-consuming, requiring a high level of attention to detail and a thorough understanding of:

- the community's needs;
- Council's priorities;
- applicable technologies and trends;
- potential gaps in the existing by-law;
- new or amended legislation; and
- resource implications of implementation.

Document 1 illustrates, in detail, the process involved in a by-law review. It highlights the six (6) phases that include a total of forty (40) key steps required to conduct a review, to develop a new by-law or amend an existing by-law and to implement it.

The general phases are, as follows:

- Scoping
- Research and Analysis
- Consultation
- Development of the by-law and associated report
- Committee/Council Approval
- Implementation

Each phase includes multiple steps that are integral to ensuring the review results in a clear, relevant, effective and enforceable by-law that reflects the values and needs of the community and Council's priorities. Although by-laws vary in complexity and scope, the review process remains the same to ensure transparency and completeness.

Careful analysis and balancing of diverse interests is a key component of the consultation process. By-law reviews increasingly tend to attract intense public interest and, in some cases, may be controversial. For example, the Pet Shop By-law Review received and considered over 6,200 comments from the public, representing numerous and conflicting points of view. Residents have come to expect a certain level of engagement, and social media has created both opportunities and challenges in the context of meaningful consultation.

Cross-departmental consultations and approvals are also common and necessary given that many by-laws impact more than one service area. For example, the Noise By-law review, being led by By-law & Regulatory Services (BLRS), has linkages to:

- a related zoning study of music industry venues being conducted by the Planning, Infrastructure and Economic Development department (PIED);
- the development of a new by-law regulating patios and streetside spots in the right-of-way, led by PIED; and
- new provisions related to enabling exterior bus announcements, led by the Transportation Services department.

Where the policy ownership of certain by-law lies with one department and the enforcement and/or administration may rest with another, interdepartmental collaboration is necessary. Emergency and Protective Services (EPS) generally, and By-law & Regulatory Services (BLRS) in particular, are involved not only with reviews of by-laws that fall within their jurisdiction, but also reviews for which other departments are the lead. In addition to providing input on proposed policy options and draft documents, BLRS also applies to the Province for set fines and assists in supporting operational plans to ensure that by-law provisions can be effectively implemented and enforced.

Overall, the availability and coordination of resources across multiple departments are essential to ensure that all the relevant views, issues and concerns are taken into account.

DISCUSSION

Status of Reviews

In 2015, issues related to twenty-seven (27) existing by-laws, four (4) existing Schedules of the Business Licensing By-law and four (4) new by-laws were identified as

requiring some form of resolution and, in some cases, warranting a complete review of the by-law. Table 1 below outlines the status of by-law reviews that fall within the purview of CPSC.

Table 1: Status of CPSC Work Plan Reviews

CPSC By-law Reviews	Current Status
Taxi and Limousine Regulations and Service Review (ACS2016-COS-EPS-0012)	Review completed, resulting in new By-law 2016-272, approved by Community and Protective Services Committee on April 7, 2016 and Council on April 13, 2016 (enacted August 31, 2016)
Pet Shop Licensing Review (ACS2016-COS-EPS-0011)	Review completed, resulting in By-law 2016-200, approved by Community and Protective Services Committee on March 21, 2016 and Council on April 13, 2016 (enacted May 25, 2016)
Special Events on City Streets and Updates to the Municipal Alcohol Policy (ACS2016-EPS-GEN-0008)	Review completed. Amendments to the Special Events on City Streets By-law and Updates to the Municipal Alcohol Policy were approved by Community and Protective Services Committee on November 17, 2016 and Council on November 23, 2016 (amendments to applicable by-laws enacted December 14, 2016)
Noise By-law 2004-253	A review is underway. Potential by-law amendments will be considered by CPSC on May 18, 2017 and by Council on May 24, 2017
Open Air Fire By-law 2004-163	A single issue was raised with respect to backyard devices, such as chimineas. Amendments were made in February 2017 to 19 of 28 of the Open Air Fire By-law's schedules/maps (which determine where open-air fires are permitted, restricted or banned) through delegated authority of the Fire Chief and with the

CPSC By-law Reviews	Current Status
	concurrence of affected ward Councillors. These changes are typically based on factors such as population and building density.
Temporary Signs on Private Property By-law 2004-239	A single issue was raised with respect to illuminated window signs. These are typically permanent signs, and rules for illuminated window signs have been introduced in the recently-reviewed Permanent Signs on Private Property By-law. The new By-law 2016-326 was approved by Planning Committee on July 12, 2016 and Council on August 31, 2016 (enacted October 12, 2016).
Rooming Houses and Private Home Conversions	PIED's R4 Zoning Review, tentatively scheduled to go to Planning Committee in Q3 2017, will address City-wide amendments with respect to definitions and permitted bedroom counts in dwelling units, oversized dwelling units and rooming houses.
Property Standards By-law 2013-416	A review is underway, with a report and proposed by-law amendments scheduled to go to the Community and Protective Services Committee in 2017.
Animal Care and Control By-law 2003-77/Dogs-in-Parks Designation Policy	Pending
Clothing Donation Boxes By-law 2013-98	Pending
Discharge of Firearms By-law 2002-344	Pending
Fireworks By-law 2003-237	Pending
Food Trucks – Designated Spaces	Pending

As noted in Table 1 above, considerable progress has been made on the CPSC work plan to date. In addition, staff in EPS that are assigned to conduct by-law reviews have also supported the development of by-laws and associated reports for other Standing Committees/Boards, as outlined in Table 2 below.

Table 2: By-law Reviews Completed by other Standing Committees/Boards for which EPS has Provided Support

EPS-supported Reviews	Standing Committee or Board	Current Status
Smoke Free By-laws Review (Prohibiting the Use of Water Pipes in Public Places and Workplaces) (ACS2016-OPH-BOH-0004)	Ottawa Board of Health	The review has been completed, resulting in new By-law 2016-303 regarding the use of water pipes in public places and workplaces, approved by Ottawa Board of Health on June 20, 2016, Community and Protective Services Committee on August 25, 2016 and Council on August 31, 2016 (enacted September 14, 2016)
Development of rules to regulate Personal Service Settings	Ottawa Board of Health	Ottawa Board of Health recommendation carried by Council on November 23, 2016. Relevant City departments will work with Ottawa Public Health staff to develop rules and registration requirements. Recommendations will be considered by the appropriate Standing Committee and Council once they have been drafted.
Addressing By-law Review (ACS2014-PAI-PGM-0003)	Planning	The review has been completed. A new By-law 2014-78, was approved by Planning Committee on February 11, 2014 and Council on February 26, 2014 (enacted February 26, 2014)
Permanent Signs on Private Property By-law Review (ACS2016-PAI-PGM-0114)	Planning	The review has been completed. A new By-law 2016-326 was approved by Planning Committee on July 12, 2016 and Council on August 31, 2016 (enacted October 12, 2016).
Building By-law Review	Planning	Vacant buildings/demolition by neglect: Mayor Watson announced a Heritage Matters Task Force in July 2016 to “help

EPS-supported Reviews	Standing Committee or Board	Current Status
		encourage the proper maintenance and protection of Ottawa’s heritage buildings” and to prevent future instances of demolition by neglect. The Task Force had its inaugural meeting in August 2016 and has met three times since then. It is comprised of representatives from a number of City departments and the community. Over the last few months, a staff member from BLRS (Property Standards) has inspected all known vacant designated heritage buildings and issued orders to comply where necessary. Going forward, this document will be used to assist staff in monitoring vacant buildings.
Development of a new Roadside Memorials Policy (ACS2015-PAI-PGM-0192)	Transportation	The review has been completed, with the new policy approved by Transportation Committee on November 4, 2015 and Council on November 12, 2015.
Development of a new Right-of-Way Patio and Streetside Spots By-law (ACS2017-PIE-RHU-0002)	Transportation	The review has been completed, with new By-law 2017-92 approved by Transportation Committee on March 1, 2017 and Council on March 8, 2017 (enacted April 12, 2017).

Most of the reviews completed to date or currently underway are comprehensive in nature and require broad consideration of all aspects of the by-law/policy. They address not only the issues raised in the survey of Councillors, but also other gaps identified in and updates for the by-laws since they were initially enacted.

However, it is inevitable that emerging issues will arise and/or priorities will change throughout a Term of Council. As a result, some of the initial timelines anticipated have fallen behind.

Some examples of emerging issues and new priorities that have arisen that have impacted EPS's timelines include the following:

- Responding to Committee and Council directions, motions or inquiries, which include the potential to further regulate payday loans, pawnbrokers and tow trucks, as well as Private Parking Enforcement Agencies, Responsible Pet Owner Model, severe dog attacks in Ottawa, marijuana dispensaries, bed bugs, rooming houses, etc.
- Reporting on and monitoring the impacts of the Police Service transferring noise and parking related calls to BLRS, which has resulted in BLRS conducting a comprehensive service review
- Monitoring and reporting on the new Vehicle-for-Hire regulations (i.e. three (3)-month verbal update, six (6)-month IPD and one (1)-year compliance report)

Systematic Review of Major By-laws

As part of the 2015 report, staff was asked to develop a process for the systematic review of major by-laws in every Term of Council. The recent corporate re-alignment resulted in:

- the establishment of Business Support Services (BSS) branches within the new departmental structure to manage the day-to-day and statutory legislative agenda, reporting, evaluation and administrative functions; and
- the allocation of two By-law Review Specialist positions in BLRS.

Given the new structure for EPS, staff in the Business Support Services (BSS) branch will help facilitate the development of a framework for the systematic review of by-laws, while BLRS By-law Review Specialists can focus their efforts on the by-law review work plan approved by Committee.

The framework will focus on reviewing current practices related to creating new by-laws and amending existing by-laws, to ensure that the process is effective and efficient.

The framework will be developed in two phases:

1. Planning phase

- Establishing an inventory of by-laws
- Determining scope
- Researching best practices and benchmarking

2. Development phase

- Establishing criteria for prioritization
- Determining the appropriate by-law lifecycle
- Identifying resource and cost requirements
- Consulting with stakeholders

Once the planning and development phases are completed, specific recommendations on a new proposed framework, along with a new work plan, will be brought forward early in the next Term of Council.

RURAL IMPLICATIONS

The implications of this report are City-wide; there are no specific rural implications.

CONSULTATION

There was no public consultation on this report since it is a follow-up to past reports (2014-2018 Council Governance Review and 2015 By-law Review Strategy) and deals exclusively with updates to previously-discussed issues. The public and stakeholders will be engaged, where appropriate, in the individual by-law reviews as they occur.

Internal consultations with Councillors and departments were held in January through March 2017. These focused on obtaining information regarding the status of by-law reviews, confirming carriage of various by-laws under the new organizational structure, and ascertaining evolving priorities.

LEGAL IMPLICATIONS

There are no legal implications in receiving this report for information.

RISK MANAGEMENT IMPLICATIONS

Reviewing and updating by-laws ensures they are current with technological and market trends and effectively serve the purpose for which they are intended. Many of the City's major by-laws have been reviewed and/or updated since 2014 or are scheduled for

review in 2017, consistent with the work plan set out by Council. This report presents a plan for the review of the remaining major by-laws and the development of a framework to ensure all by-laws remain up-to-date and relevant.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report has an impact on Term of Council Governance, Planning and Decision Making priority GP2 – advance management oversight through tools and processes that support accountability and transparency. Updating existing by-laws and establishing a framework for the systematic review of major by-laws will provide transparency in governance and ensure that regulations are up-to-date, relevant and consistently reflect best practices.

SUPPORTING DOCUMENTATION

Document 1 - By-law Review Process

DISPOSITION

EPS staff will implement any direction provided as a result of receiving this report for information.

Document 1: By-law Review Process

Number	Step
	Scoping Phase
1	Determine that a by-law review is required/timely
2	Determine the scope/extent of a review
3	Identify stakeholders
4	Identify key issues
5	Develop detailed work plan to complete review, including steps from scoping to implementation
6	Develop communication plan
	Research and Analysis Phase
7	Review prior history (previous by-laws/by-law amendments, issues, etc.)
8	Analyze issues, gaps and readiness for change
9	Review municipal best practices
10	Review applicable technology and trends
11	Review any legislative requirements/changes impacting the issue
12	Consider dependencies with other by-laws/departments/external agencies

Number	Step
13	Develop draft options
	Consultation Phase
14	Prepare discussion paper(s)/consultation documents
15	Design/implement survey, if applicable
16	Conduct internal consultations
17	Conduct external consultations
18	Prepare and analyze summary of findings from consultations
	Development of the By-law and Associated Report Phase
19	Write report/final recommendations based on feedback and consultations
20	Write by-law or drafting instructions
21	Consider financial implications of recommended options
22	Complete legal review
23	Prepare all required charts, maps or diagrams
24	Obtain all internal approvals
25	Translate documents

Number	Step
26	Ensure document is accessible
	Committee/Council Approval Phase
27	Brief Councillors/Committee Chair
28	Prepare/translate presentation
29	Prepare/translate any required briefing notes/FAQs
30	Obtain Committee/Council approval
	Implementation Phase
31	Update forms, guidelines, Standard Operating Procedures (SOPs), Knowledge Based Articles (KBAs), IT systems and policies
32	Prepare consolidation of any amended by-law
33	Develop set fine application to the Province
34	Acquire equipment required for enforcement
35	Staff training
36	Update relevant general information pages on ottawa.ca/public information (English, French)
37	Communicate implementation details to stakeholders
38	Complete any follow-up coming from Committee/Council

Number	Step
39	Monitor/enforce the by-law
40	Address any technical issues/amendments