

July 27, 2009



**CITY COUNCIL
COMMITTEE REPORT**

TO: OPERATIONS COMMITTEE & MEMBERS OF COUNCIL

FR: RICHARD PERCHUK, OPERATIONS MANAGER

**RE: BY-LAWS UNDER BY-LAW ENFORCEMENT OFFICERS –
OPERATIONS DEPARTMENT**

BACKGROUND:

Six By-Laws fall under the By-Law Enforcement Officers transfer to the Operations Department. Two By-Laws have been identified for revision to fee structure and five By-Laws require clarification regarding responsibility for enforcement.

By-Law No. 143-2000	The Keeping of Animals within the City of Kenora
By-Law No. 181-2008	Solid Waste and Recycle Material Management System
By-Law No. 76-2005	Respecting Litter, Yard Waste and Property Maintenance
By-Law No. 94-2006	Regulation, Erection and Maintenance of Fence
By-Law No. 50-2004	Regulate Signs and other Advertising Devices
By-Law No. 160-2004	Regulate the Use of Lands and the Character, Location and Use of Buildings or Structures in the City of Kenora

Revision to Fee Structure:

1) By-Law No. 76-2005 Respecting Litter, Yard Waste and Property Maintenance (Tidy Yard) Definitions of infractions and set fine must be identified and laid out in Short Form Wording on a Set Fine Schedule. This schedule would then be submitted to the Ontario Court of Justice for approval.

2) By-Law No. 181-2008 Solid Waste and Recycle Material Management System City legal counsel has submitted the new Set Fine Schedule for approval, as the old one was repealed with By-Law 145-2000.

Revision to Identify Enforcement Responsibility:

Five By-Laws require updating to the “Definitions” section and the “Penalty” sections in order to identify responsibility for enforcement. The following is what is in place to-date:

<u>By-Law</u>	<u>Responsibility</u>
1) Solid Waste and Recycle Material Management System (No. 181-2008)	No one identified
2) Litter, Yard Waste and Property Maintenance (No. 76-2005)	Chief Building Official
3) Regulation, Erection and Maintenance of Fence (No. 94-2006)	Peace Officer

- | | |
|--|-----------------------|
| 4) Regulate Signs and other Advertising Devices (No. 50-2004) | Sign By-Law Committee |
| 5) Regulate the Use of Lands and the Character, Location and Use of Buildings or Structures in the City of Kenora (160-2004) | No one identified |

I recommend that amendments be made to respective By-Laws where necessary for enforcement purposes and that Short Form Wording and a fee structure for infractions under By-Law No. 76-2005 (Tidy Yard) be brought forward to Committee for review.

BUDGET:

2009 Operating Budget

COMMUNICATION PLAN/Notice By-law Requirements:

Resolution required.

Distribution: R. Perchuk, J. Port, K. Robertson, Jeff Simpson, R. Smith, M. Mostow, M. Van Breda

RECOMMENDATION:

THAT the Operation Department proceed with the development of Short Form Wording for a Set Fine Schedule to By-Law #76-2005 Litter Yard Waste and Property Maintenance to be brought forward to Committee for review, and

THAT “By-Law Enforcement Officer” be added to By-Law No. 181-2008 - Solid Waste and Recycle Material Management System, By-Law No. 50-2004 - Regulate Signs and other Advertising Devices and By-Law No. 160-2004, Regulate the Use of Lands and the Character, Location and Use of Buildings or Structures in the City of Kenora, as amended, in order to identify responsibility for enforcement; and further,

THAT “By-Law Enforcement Officer” replace Chief Building Official in By-Law No. 76-2005 - Respecting Litter, Yard Waste and Property Maintenance and replace Peace Officer in By-Law No. 94-2006 - Regulation, Erection and Maintenance of Fence in order to reassign responsibility for enforcement.