

DATE OF MEETING JULY 4, 2022

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT Bylaw and Policy Renewal Project Update and Introduction of a Miscellaneous Bylaws Repeal Bylaw**

## **OVERVIEW**

### **Purpose of Report**

To provide Council with an update on the Bylaw and Policy Renewal Projects; to introduce a repeal bylaw that would repeal bylaws that are outdated, ineffective, or no longer valid; and to seek a Council resolution to abandon bylaws that are sitting at third reading but not proceeding to adoption.

### **Recommendation**

1. That "Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352 (a bylaw to repeal outdated bylaws) pass first reading.
2. That "Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352" pass second reading.
3. That "Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352" pass third reading.
4. That Council abandon the following bylaws:
  - "Land Sales Bylaw 1977 No. 1795"
  - "Municipal Heritage Site Designation Bylaw 1978 No. 1946"
  - "City of Nanaimo Expropriation Bylaw 1982 No. 2485"
  - "City of Nanaimo Expropriation Bylaw 1982 No. 2487"
  - "Bowen Road Expropriation Bylaw 1982 No. 2519"
  - "Bowen Road Expropriation Bylaw 1982 No. 2532"
  - "Bowen Road Expropriation Bylaw 1983 No. 2541"
  - "Expropriation Bylaw 1983 No. 2594"
  - "Expropriation Bylaw 1984 No. 2738"
  - "Sign Removal Bylaw 1986 No. 3140"
  - "Sign Removal Bylaw 1986 No. 3142"
  - "Sign Removal Bylaw 1986 No. 3148"
  - "Sign Removal Bylaw 1986 No. 3150"
  - "Sign Removal Bylaw 1986 No. 3151"
  - "Development Approval Procedures Amendment Bylaw 1987 No. 3204"
  - "Sign Removal Bylaw 1987 No. 3256"
  - "Sign Removal Bylaw 1988 No. 3306"
  - "Sign Removal Bylaw 1988 No. 3323"
  - "Business Improvement Area Bylaw 2004 No. 5683"

## **BACKGROUND**

On October 19, 2020, a report went to Council that outlined a proposed timeline and a set of deliverables related to Council's action item of having a comprehensive review undertaken on Council's bylaws and policies as well as updates done on ones that were outdated, ineffective or inconsistent with current objectives (see Attachment 1). The Deputy City Clerk was assigned the responsibility to oversee and support the project and provided a timeline for 2021/2022 for moving the project forward.

In that report, staff conveyed that the bylaw and policy projects would be conducted in two phases. The first phase of the project was to focus primarily on the bylaws with the first deliverables to include scanning all the City's bylaws for business continuity purposes and then manually inputting all of the City's bylaws into a Master Bylaw Registry. This was a critical first step, as without it, it would be challenging to determine what bylaws are current, what they repealed, and also track bylaw amendments. Once that was complete, staff would be in better position to analyze the bylaws and identify those that were seen to be outdated or inconsistent with current objectives so they could be updated or earmarked for repeal.

The focus for phase two was to be on the Council policies. However, in early 2021, there was a desire to move the timeline up for this project. The deliverables that were completed included: an audit and inventory of all Council policies; transferring the policies into the new template; and completion of the Master Policy Registry.

On July 26, 2021, staff provided an update to Council and put forward 101 outdated Council policies for repeal. Forty five policies were also identified to be updated and departmental staff have been working towards bringing those policy updates forward. In terms of policy development, some of the policy initiatives achieved in 2021/2022 included adoption of the following:

- Public Hearing Process Policy (to clarify processes and include provisions for accommodating remote participation);
- Community Amenity Contribution Policy (to offer administrative guidance for the provision of amenity contributions);
- Animal Responsibility – Promise to Return Policy (to facilitate phased enforcement of impound fees);
- Sustainable Procurement Policy (to leverage the City's procurement activities to advance a range of environmental, social and ethical objectives);
- Neighbourhood Association Organizational Criteria and Supports Policy (to establish criteria for support to neighbourhood associations);
- Video Surveillance of Civic Property Policy (to establish guidelines for the use of video surveillance); and
- Council Spending and Amenities Policy Amendment (to include Code of Conduct breach provisions)

Staff also commenced work on the Administrative policies by compiling them from the various departments and transferring them to new templates. Many were analyzed for applicability and the CAO repealed several outdated policies on February 22, 2022. Further work on updating the Administrative policies will continue as time permits.

With the Council policy project largely completed, the focus returned to the Bylaw Renewal Project and on July 26, 2021, Staff provided an update to Council noting that the bylaw scanning deliverable was completed (ahead of schedule) and that work had resumed on the Master Bylaw Registry. In conjunction with this task, several bylaws associated with the project were reviewed and updated or developed to align with Council's strategic priorities and objectives. Some of the major bylaw initiatives achieved in 2021 and 2022 (to date) to support Council's goal towards governance excellence include the following:

- A modernized Animal Responsibility Bylaw (to include provisions for animal welfare)
- Political Signage Regulation Bylaw (to clarify the use of political signs);
- A modernized Business Licence Bylaw (to regulate the operation of businesses within the City);
- Check Out Bag Regulation Bylaw (to regulate single use checkout bags)
- Amendments to a several bylaws to streamline the City's ticketing system;
- Development of a more comprehensive Fees and Charges Bylaw;
- Re-tooling the Parks and Recreation Regulation Bylaw and associated polices;
- Council Procedure Amendment Bylaw to accommodate electronic meetings for Council and Committees;
- Code of Conduct Bylaw (to regulate the conduct for Council and Committee Members);
- Elected Officials Oath of Office Bylaw (to embed the Code of Conduct foundational principles within the Oath of Office);
- Ethics Commissioner Establishment Bylaw (to establish an Ethics Commissioner); and
- Public Notice Bylaw (to provide for alternative means of publication).

One of the last deliverables earmarked for completion in 2022 was completion of the Master Bylaw Registry and bringing forward a bylaw that would repeal any outdated bylaws. Staff is pleased to report that this deliverable is now complete and the Miscellaneous Bylaw Repeals Bylaw is now before Council for consideration of first three readings. An overview of the Registry will be provided at the meeting.

## **DISCUSSION**

As outlined in the background section of the report, development of the Registry was a critical first step. Without it, it was more challenging to determine which bylaws were in effect and what bylaws were repealed. Also, because bylaws are formal records of Council decisions and are to be kept indefinitely (even if repealed) the Corporate Officer is legally responsible (under Section 148 of the *Community Charter*) to ensure that bylaws are recorded, maintained, and kept safe. Having a Registry is also helpful for staff when developing new bylaws as a quick word search will reveal whether there are any bylaws in existence on any particular topic in order to determine what may need updating.

The Registry itself contains the record of every City Bylaw. It includes the name of the bylaw, the number, when the bylaw had its readings, Ministry approval (where applicable) and when a bylaw was repealed. In total, 6,161 were recorded consisting of 5,251 Regulatory Bylaws, 644 Zoning Bylaws, 215 OCP Bylaws, and 51 older Improvement District Bylaws (pre-amalgamation).

During the recording process, staff identified 54 regulatory bylaws and 48 amendments to those bylaws, that are still legally in effect but outdated or no longer valid that needed to be brought forward for repeal dating as far back as 1891. The attached “Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352” if adopted, would repeal those bylaws (see Attachment 4) and the rationale for their repeal is outlined in Attachment 3. The individual bylaws themselves are also attached.

Nineteen bylaws were also discovered that had received three readings but never went forward for adoption. A list of those bylaws and the rationale to abandon them is outlined on Attachment 2.

There were many other bylaws listed in the Registry that are no longer in effect (such as previous Budget and Tax Rate Bylaws) that are not being brought forward for repeal. This is because those bylaws are only valid for a finite period of time so they become what is deemed “spent” and as such it is not necessary to formally repeal them. Other bylaws not brought forward relate to older agreements and leases. Reviewing each of these agreements would take a fair amount of research time to ensure nothing gets repealed inadvertently and it is likely that many of them are also “spent”. Moving forward, it is recommended that the Registry be referred to as staff bring forward new leases and agreements so that older ones can be identified for repeal at a future date, if necessary. Having an up to date Registry will make this process much easier.

In terms of next steps, Staff will continue to bring forward bylaws and policies that need to be modernized or amended for efficiency. The next major bylaw project for Legislative Services will be a re-write of the Delegation of Authority Bylaw and the plan is to bring it forward to the September 19, 2022 Council meeting for consideration.

## **OPTIONS**

### Option 1:

1. That “Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352 (a bylaw to repeal outdated bylaws) pass first reading.
2. That “Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352” pass second reading.
3. That “Miscellaneous Bylaws Repeal Bylaw 2022 No. 7352” pass third reading.
4. That Council abandon the following bylaws:
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- “Business Improvement Area Bylaw 2004 No. 5683

Advantages to this option are that bylaws that are outdated, ineffective, or no longer valid will be repealed and bylaws sitting at third reading will be removed from their limbo state.

There are no disadvantages to this option and no financial implications.

Option 2:

Council direction is sought.

### **SUMMARY POINTS**

- On October 19, 2020, a report went to Council that outlined a proposed timeline and a set of deliverables related to Council’s action item of having a comprehensive review undertaken on Council’s bylaws and policies
- On July 26, 2021, a report went to Council advising that the bylaw scanning project was complete, the Master Policy Registry was complete. Council repealed 101 outdated Council policies.
- One of the last deliverables for 2022 was completion of the Master Bylaw Registry and bringing forward a bylaw that would repeal any outdated bylaws.
- The Master Bylaw Registry has been completed and includes a record of every City Bylaw. A total of 6,161 bylaws were recorded.
- 54 regulatory bylaws and 48 amendment bylaws were earmarked to be repealed as they have been identified as outdated, ineffective or inconsistent with current objectives.

### **ATTACHMENTS:**

Attachment 1 – RPT\_C201019 – Bylaw and Policy Renewal Project Timeline

Attachment 2 – Cover Sheet – Bylaws to be Abandoned

Attachment 3 – Cover Sheet – Bylaws to be Repealed

Attachment 4 – B7352 – Miscellaneous Bylaws Repeal Bylaw  
Individual Bylaws B2 through B3811 (for repeal)

**Submitted by:**  
Karen Robertson  
Deputy City Clerk

**Concurrence by:**  
Sheila Gurrie, Director of Legislative Services  
Jake Rudolph, CAO