

DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT APPEALS PROCEDURE HOUSEKEEPING AMENDMENT BYLAWS**

## **OVERVIEW**

### **Purpose of Report**

To bring forward housekeeping amendments to the regulatory bylaws where the reconsideration process is governed under the newly adopted Appeals Procedure Bylaw.

### **Recommendations**

1. **Sewer Regulation and Charge Amendment Bylaw**

That “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given second reading.

That “Sewer Regulation and Charge Amendment Bylaw 2022 No. 2496.36 be given third reading.

2. **Flood Prevention Amendment Bylaw**

That “Flood Prevention Amendment Bylaw 2022 No. 5105.01 (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given second reading.

That “Flood Prevention Amendment Bylaw 2022 No. 5101.01 be given third reading.

3. **Waterworks Rate and Regulation Amendment Bylaw**

That “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” be given second reading.

That “Waterworks Rate and Regulation Amendment Bylaw 2022 No. 7004.19” be given third reading.

4. Management and Protection of Trees Amendment Bylaw

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given second reading.

That “Management and Protection of Trees Amendment Bylaw 2022 No. 7126.02 be given third reading.

5. Property Maintenance and Standards Amendment Bylaw

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02” (a bylaw to include a provision that points to the Appeals Procedure Bylaw and other housekeeping amendments) be given first reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given second reading.

That “Property Maintenance and Standards Bylaw 2022 No. 7242.02 be given third reading.

6. Business Licence Amendment Bylaw

That “Business Licence Amendment Bylaw 2022 No. 7318.01” (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given second reading.

That “Business Licence Amendment Bylaw 2022 No. 7318.01” be given third reading.

7. Chauffeurs Regulation Amendment Bylaw

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319 (a bylaw to include a provision that points to the Appeals Procedure Bylaw) be given first reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given second reading.

That “Chauffeurs Regulation Amendment Bylaw 2022 No. 7319” be given third reading.

**BACKGROUND**

When staff brought forward the revised Officer Designation and Delegation of Authority Bylaw to the September 19, 2022 Council meeting, staff noted that there were several other bylaws where Council has delegated its authority for decision making, by bylaw, to its Officers and employees. In some cases, where that delegated authority has the potential to impact an individual’s rights in a significant way, then an opportunity for reconsideration by Council is included in that specific bylaw to ensure fairness and political accountability.

To ensure the right for reconsideration is conducted in a consistent manner, staff also brought forward a single comprehensive Appeals Procedure Bylaw that outlined the procedure for how all reconsideration matters would be addressed in the future. That bylaw was adopted on October 3, 2022 (see Attachment 8).

The next step in the process is to do housekeeping amendments to the affected bylaws by including a provision that points to the Appeals Procedure Bylaw. There are seven such bylaws that require this provision and given that Council must consider these amendments by bylaw, staff also took the opportunity to address other housekeeping amendments such as updating the violation and offence language and updating staff titles where necessary. Details of the proposed amendments are highlighted in the discussion section of the report.

## **DISCUSSION**

As noted above, the following seven bylaws needed to have a new provision added that will point to the Appeal Procedure Bylaw. Other housekeeping amendments are also being proposed as follows:

### Sewer Regulation and Charge Amendment Bylaw No. 2496.03 (Attachment 1)

- The definition “Managing Director of Public Works” is being replaced with a new definition “General Manager”.
- The outdated penalty language in section 35 and 36 is being replaced with the penalty language found in other City regulatory bylaws.
- Schedule D (Fine Schedule) is being deleted as all fines are contained within “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

### Flood Prevention Amendment Bylaw No. 5101.01 (Attachment 2)

- The definition “Director” is being replaced with a new definition “General Manager”.
- The definition of “Drainage Works” is being replaced so that it will be consistent with the definition of “Drainage Works” in the proposed new Storm Sewer Regulation Bylaw that will be coming to Council for consideration in December, 2022.

### Waterworks Rate and Regulation Amendment Bylaw 7004.19 (Attachment 3)

- The definition “General Manager Engineering and Public Works” is being replaced with a new definition “General Manager”.
- The outdated penalty language in section 48 is being replaced with penalty language found in other City regulatory bylaws.
- Schedule F (Fine Schedule) is being deleted as all fines are contained within “Bylaw Notice Enforcement Bylaw 2012 No. 7159”.

### Management and Protection of Trees Amendment Bylaw 7126.02 (Attachment 4)

- The definition “Bylaw Enforcement Officer” is being replaced to reflect that Bylaw Enforcement Officers are employed by the City of Nanaimo and no longer appointed under the *Police Act*.
- The definition “Director” is being updated to reflect the new position of Director of Development Approvals and that the appointment of this position is not done by Council.

Property Maintenance and Standards Amendment Bylaw 7242.02 (Attachment 5)

- Deleting all references to Manager of Bylaw, Regulation and Security and replacing them with Manager, Bylaw Services.
- The definition “Bylaw Enforcement Officer” is being replaced to reflect that Bylaw Enforcement Officers are employed by the City of Nanaimo and no longer appointed under the *Police Act*.

Business Licence Amendment Bylaw 7318.01 (Attachment 6)

- The only change proposed for this bylaw is to include the provision pointing to the Appeals Procedure Bylaw. However, under Section 59(2) of the *Community Charter*, any proposed amendments to a Business Licence Bylaw must be advertised prior to adoption.

Chauffeurs Regulation Bylaw No. 7319 (Attachment 7)

- The only change proposed for this bylaw is to include the provision pointing to the Appeals Procedure Bylaw.

**OPTIONS**

As the proposed amendments are a requirement with the adoption of the Appeals Procedure Bylaw and to update outdated violation and penalty language and staff titles, no alternate recommendations are being put forward unless additional direction is sought by Council.

**SUMMARY POINTS**

- On October 3, 2022 Council adopted the Appeals Procedure Bylaw.
- An amendment to the seven affected bylaws is required to include a provision within the regulatory bylaw that points to the Appeals Procedure Bylaw.
- Other housekeeping amendments were also included to update violation and offence language and staff titles, where necessary.

**ATTACHMENTS:**

Attachment 1 – 2496.36 - Sewer Regulation and Charge Amendment Bylaw

Attachment 2 – 5105.01 - Flood Prevention Amendment Bylaw

Attachment 3 – 7004.19 - Waterworks Rate and Regulation Bylaw

Attachment 4 – 7126.02 - Management and Protection of Trees Amendment Bylaw

Attachment 5 – 7242.02 - Property Maintenance and Standards Amendment Bylaw

Attachment 6 – 7318.01 - Business Licence Amendment Bylaw

Attachment 7 – 7319 - Chauffeurs Regulation Amendment Bylaw

**Submitted by:**

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**Concurrence by:**

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