



**City of Kingston
Report to Council
Report Number 18-375**

To: Mayor and Members of Council
From: Denis Leger, Commissioner, Corporate & Emergency Services
Resource Staff: Susan Nicholson, Director of Legal Services and City Solicitor
Date of Meeting: November 20, 2018
Subject: Appointment of Municipal By-Law Enforcement Officers to Enforce the No Smoking, Anti-Idling and Regulation of Water Supply By-Laws

Executive Summary:

In accordance with the provisions of the Police Services Act, R.S.O. 1990, c.P.15, the City may appoint one or more municipal law enforcement officers to act as peace officers for the purpose of enforcing the by-laws of the municipality.

The purpose of this report is to amend By-Law Number 98-9 “A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of the ‘New’ City of Kingston” to reflect changes in the status of employees with Kingston, Frontenac and Lennox & Addington Public Health (KFL&A Public Health) who enforce the City’s By-Law Number 2002-231, “A By-Law to Regulate Smoking in Public Places and Workplaces in the City of Kingston” and By-Law Number 2008-95, “A By-Law of The Corporation of the City of Kingston to Control the Idling of Vehicles & Boats” as well as to appoint those employees of Utilities Kingston to enforce By-Law 2006-122 entitled “A By-Law to Provide for the Regulation of Water Supply for the City of Kingston” and By-Law 2008-192 entitled “A By-Law to Provide for the Regulation of Waste Water Services and Discharges to Municipal Sewers for the City of Kingston”.

Recommendation:

That a by-law be presented to amend City of Kingston By-Law Number 98-9, “A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of the ‘New’ City of Kingston”, as amended, as per Exhibit ‘A’ in Council Report Number 18-375; and

That the by-law attached as Exhibit A to Report Number 18-375 be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Denis Leger, Commissioner,
Corporate & Emergency
Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Commissioner, Community Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Under the Police Services Act, R.S.O. 1990, c.P.15, the City may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the by-laws of the municipality.

By-Law Number 98-9 "A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of the 'New' City of Kingston", appointed employees of Kingston, Frontenac and Lennox & Addington Public Health (KFL&A Public Health) for the enforcement of By-Law Number 2002-231 entitled "A By-Law to Regulate Smoking in Public Places and Workplaces in the City of Kingston" as well as the City's By-Law Number 2008-95 entitled "A By-Law of The Corporation of the City of Kingston to Control the Idling of Vehicles & Boats". With recent employee changes, KFL&A Public Health requires an amendment to By-Law Number 98-9 to update the list of employees responsible for the enforcement of the City's By-Law Number 2002-231 and By-Law Number 2008-95.

Utilities Kingston has requested that three of its employees be appointed as municipal law enforcement officers of the Corporation of the City of Kingston for the purpose of enforcing the provisions of By-Law 2006-122 entitled "A By-Law to Provide for the Regulation of Water Supply for the City of Kingston" and By-Law 2008-192 entitled "A By-Law to Provide for the Regulation of Waste Water Services and Discharges to Municipal Sewers for the City of Kingston.

Specifically, Utilities Kingston's Cross Connection Control Coordinator is responsible for enforcing regulations in By-Law 2006-122 pertaining to cross connections and backflow prevention. Under By-Law 2008-192 Utilities Kingston's Quality Assurance Operator is responsible for compliance matters relating to sewer use and wastewater treatment matters, and the Utilities Kingston employee responsible for conducting enforcement related to illegal connections and sources of extraneous flows entering the municipal sewer system. Both these individuals require the authority to enforce By-Law 2008-192.

By-Law Number 98-9 is to be amended as per the draft by-law attached as Exhibit 'A'.

Existing Policy/By-Law:

By-Law Number 98-9 "A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of the 'New' City of Kingston"

Notice Provisions:

No notice provisions required.

Accessibility Considerations:

Not Required.

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Financial Considerations:

No financial implications are to be considered in this report.

Contacts:

Susan Nicholson, Director of Legal Services and City Solicitor, 613-546-4291 extension 1293

Other City of Kingston Staff Consulted:

Greg McLean, Policy & Program Coordinator, 613-546-4291, extension 1336

Sarah Gareau, Legal Counsel and Municipal Prosecutor, 613-546-4291, extension 1622

Exhibits Attached:

Exhibit 'A' – Draft By-Law to Amend By-Law Number 98-9 "A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of the 'New' City of Kingston"

By-Law Number 2018-XX

**A By-law To Amend By-Law Number 98-9 “A By-Law To Appoint
Municipal Law Enforcement Officers Of The Corporation Of The
‘New’ City of Kingston”**

Passed: Meeting date, 2018

Whereas pursuant to the Section 15 of the Police Services Act, R.S.O. 1990, c.P.15, the Council of The Corporation of the City of Kingston may appoint one or more municipal law enforcement officers who shall be peace officers for the purpose of enforcing the By-Laws of the municipality;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 98-9 of the Corporation of the City of Kingston entitled “A By-Law To Appoint Municipal Law Enforcement Officers of the Corporation of the ‘New’ City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Section 2 is hereby amended by adding the name “Christopher Reid” thereto, and deleting the names “Andrew Girouard, Caitlin Prentice, Edward Gardner, Gordon Mitchell, Janice Mazerolle, Joan Green, Joanne McGurn, Leanne Addicott, Matthew Doyle, Miranda Lezzi, Pamela Landy, Paul Karran, Ryan Decker, Sarah Ryding and Sarah van Dijk ” therefrom, and by adding the phrase “, or of a successor to that By-Law” so that Section 2 shall now read as follows:
 - “2. The following persons are hereby appointed as municipal law enforcement officers of the Corporation of the City of Kingston for the purpose of acting as “inspectors” and enforcing the provisions of By-Law 2002-231 “A By-Law To Regulate Smoking In Public Places And Workplaces In The City Of Kingston,” or of a successor to that By-Law.
 - a) Christopher Reid
 - b) Erin Vretteas”

- 1.2. Section 3 is hereby amended by adding the names “Tiffany Chiu, Nicolas Kotel, Gary Brasenell, Cindy Lee and Rumesh Ratneswaran” thereto, and deleting the names “Don Allan, Lindsay Backus, Joan Green, Pamela Landy and Paul Karran” therefrom, and changing the name “Gord Mitchell” to “A. Gordon Mitchell” and by adding the phrase “, or of a successor to that By-Law” so that Section 3 shall now read as follows:

“3. The following persons are hereby appointed as municipal law enforcement officers of the Corporation of the City of Kingston for the purpose of acting as “inspectors” and enforcing the provisions of By-Law 2008-95 being “A By-Law Of The Corporation Of The City Of Kingston To Control The Idling Of Vehicles & Boats,” or of a successor to that By-Law.

a) A. Gordon Mitchell	j) Matthew Doyle
b) Andrew Girouard	k) Mirandi Lezzi
c) Caitlin Prentice	l) Nicolas Kotel
d) Cindy Lee	m) Rumesh Ratneswaran
e) Edward Gardner	n) Ryan Decker
f) Gary Brasenell	o) Sarah Ryding
g) Janice Mazerolle	p) Sarah van Dijk
h) Joanne McGurn	q) Tiffany Chiu”
i) Leanne Addicott	

- 1.3 A new section, Section 4, is added hereto:

“4. The following persons are hereby appointed as municipal law enforcement officers of the Corporation of the City of Kingston for the purpose of enforcing the provisions of By-Law 2006-122 being “A By-Law to Provide for the Regulation of Water Supply for the City of Kingston”, or of a successor to that By-Law:”

- a) Daniel Michaud”

- 1.4 A new section, Section 5, is added hereto:

“5. The following persons are hereby appointed as municipal law enforcement officers of the Corporation of the City of Kingston for the purpose of enforcing the provisions of By-Law 2008-192 being “A By-Law to Provide for the Regulation of Waste Water Services and Discharges to Municipal Sewers for the City of Kingston”, or of a successor to that By-Law:”

- a) James Troy Dickerson
- b) Robert Bowen”

2. This By-Law shall come into force and take effect on the date of its passing.

Given All Three Readings and Passed: [Month XX, 2018]

John Bolognone
City Clerk

Bryan Paterson
Mayor