



**City of Kingston
Report to Council
Report Number 21-135**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Lisa Capener-Hunt, Director, Building & Enforcement
Date of Meeting: May 18, 2021
Subject: Delegation of Authority to Appoint Municipal By-Law Enforcement Officers and Repeal of By-Law Number 98-9, A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation Of The 'New' City of Kingston

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

By-Law Number 98-9, A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of The 'New' City of Kingston, appoints various City staff as municipal law enforcement officers for the purpose of enforcing City by-laws. Given the natural labour force changes for these positions, this process results in the by-law becoming quickly out-of-date and requiring frequent amendments to be brought to Council.

In this report staff are recommending that the authority to appoint municipal law enforcement officers be delegated to the Director of Building & Enforcement. This would allow for timely updates that coincide with the hiring of officers and streamline administrative processes for both staff and Council with regards to writing and passing by-law amendments. Under this delegated authority the Director would be responsible for keeping a register of all staff appointed to enforce municipal by-laws and making that register available for public viewing.

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This recommendation requires the repeal of By-Law Number 98-9 in its entirety and an amendment to By-Law Number 2016-189, A By-law to Consolidate the Delegation of Powers and Duties.

Recommendation:

That a By-Law to repeal 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, attached as Exhibit A to Report Number 21-135, be presented to Council for all three readings; and

That a By-Law to amend By-Law Number 2016-189, “A By-law to Consolidate the Delegation of Powers and Duties”, as amended, attached as Exhibit B to Report Number 21-135, be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:

By-Law Number 98-9, A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation of The 'New' City of Kingston, provides City staff and staff from other municipal agencies with the authority to enforce the following by-laws:

- Municipal Law Enforcement staff with the authority to enforce any municipal by-law;
- Select KFL&A Public Health staff with the authority to enforce 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"; and
- Select Utilities Kingston staff with the authority to enforce By-Law Number 2006-122, "A By-Law to Provide for the Regulation of Water Supply for the City of Kingston" and By-Law Number 2008-192, "A By-Law to Provide for the Regulation of Waste Water Services and Discharges to Municipal Sewers for the City of Kingston".

The authority for this process is provided by the *Police Services Act*, Section 15(1) which states:

"A municipal council may appoint persons to enforce the by-laws of the municipality."

Given the natural labour force changes for staff positions that are provided the authority to enforce City by-laws under By-Law Number 98-9, staff are recommending that Council delegate this authority to the Director of Building & Enforcement as these appointments are strictly administrative in nature. Such a delegation of powers and duties is authorized under the *Municipal Act, 2001*, Section 23.1 and similar delegations of authority have been completed in Vaughan, Hamilton, London, Oakville, and Guelph.

Delegating this authority will allow for timely updates that coincide with the hiring of officers and streamline administrative processes for both staff and Council with regards to writing and passing by-law amendments. Under this delegated authority the Director would be responsible for keeping a register of all staff appointed to enforce municipal by-laws and making that register available for public viewing.

This recommendation requires the repeal of By-Law Number 98-9 in its entirety (Exhibit A) and an amendment to By-Law Number 2016-189, A By-Law to Consolidate the Delegations of Powers and Duties (Exhibit B).

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Existing Policy/By-Law:

Municipal Act, 2001, S.O. 2001, c. 25

Police Services Act, R.S.O. 1990, c. P15

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 2016-189, A By-Law to Consolidate the Delegations of Powers and Duties

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Lisa Capener-Hunt, Director, Building & Enforcement, 613-546-4291 extension 3225

Other City of Kingston Staff Consulted:

Sarah Gareau, Senior Legal Counsel

Exhibits Attached:

Exhibit A A By-Law to Repeal in its Entirety By-Law Number 98-9, A By-Law to Appoint Municipal Law Enforcement Officers of The Corporation Of The 'New' City of Kingston

Exhibit B A By-Law to Amend By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties

By-Law Number 2021-XX

**A By-Law to Repeal 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**

Passed: [Meeting date]

Whereas the Council of The Corporation of the City of Kingston deems it advisable 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”, as amended;

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

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2021-XX

A By-Law to Amend By-Law Number 2016-189, “A By-Law To Consolidate the Delegation of Powers and Duties”, as amended

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 2016-189, “A By-Law to Consolidate the Delegation of Powers and Duties”, as amended;

Therefore Be It Resolved That The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2016-189 of the Corporation of the City of Kingston entitled, “A By-Law To Consolidate the Delegation of Powers and Duties”, as amended, is hereby further amended as follows:

- 1.1. By adding the following section to Schedule “A”, Consolidated List of Delegations of Authority:

Delegate	Delegated Authority Description	Enabling By-Law or Council Motion/Resolution
Director of Building & Enforcement	Authority to appoint municipal law enforcement officers as peace officers for the purpose of enforcing city by-laws.	By-Law Number 2021-XXX

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

Given all Three Readings and Passed: Meeting date [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor