



City of
Peterborough

To: Members of the General Committee

From: David J. Potts, Commissioner, Legislative Services

Meeting Date: April 8, 2024

**Report: Amendment of Parks and Facilities By-law 19-074
Report LSMLES24-002**

Subject

This report recommends amendments to Parks and Facilities By-law 19-074.

Recommendation

That Council approve the recommendation outlined in Report LSMLES24-002, dated April 8, 2024 of the Commissioner, Legislative Services as follows:

That Council pass a by-law in the form of amending by-law comprising Appendix A to Report LSMLES24-002 to amend Parks and Facilities By-law 19-074.

Executive Summary

Appendix A is a proposed by-law to amend Parks and Facilities By-law (PFB) as follows:

- a) Paragraph 1.a) of the proposed amending by-law amends the definition of “Manager” (PFB paragraph 9.j)) to update references to staff positions within the revised civic administrative structure.
- b) Paragraphs 1.b), c) and d) add a new paragraph f) to PFB section 17 to delegate to a “Manager” authority respecting Confederation Square to grant or establish exemptions from the PFB, to impose conditions respecting exemptions that are granted and to revoke such exemptions. This amendment responds to a question posed during the “Additional Business” part of General Committee’s April 2, 2024

meeting and the writer's undertaking in response to submit this report for this special General Committee meeting.

- c) Paragraphs 1.e) and f) add new sections 26.2, 26.2, 26.3 and 26.4 to include administrative monetary penalties (AMPs) as an additional enforcement tool. This amendment is consistent with those being made from time to time to existing regulatory by-laws and with the inclusion of AMPs in new regulatory by-laws.

Strategic Plan

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Priority: Support review and update of City's By-laws to make them effective and efficient, meeting the needs of our growing City.

The proposed amendments respond to the strategic priority by updating the Parks and Facilities By-law to update staff references as a result of changes in the City's civic administrative structure, to delegate authority respecting exemptions and to continue the implementation of AMPs as an additional enforcement alternative.

Budget and Financial Implications

There are no budget or financial implications directly arising from this report's recommendations.

Attachments

Appendix A: Proposed Amending By-law

Submitted by,

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Commissioner, Legislative Services, City Solicitor

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Appendix A: Proposed Amending By-law

The Corporation of the City of Peterborough**By-Law Number 24- [by-law number]**

Being a by-law to amend Parks and Facilities By-law 19-074

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Parks and Facilities By-law 19-074 is amended as follows:
 - a) By deleting the text of paragraph 9.j) and by substituting the following:

““Manager” means any of the following staff:

 - i) CAO;
 - ii) City Clerk;
 - iii) Commissioner, Community Services;
 - iv) Commissioner, Municipal Operations;
 - v) Director, Recreation and Parks Services;
 - vi) Manager, Recreation Programs and Parks Services;
 - vii) Manager, Recreation Administrative Services;
 - viii) Director, Social Services;
 - ix) Director, Public Works
 - x) Manager, Public Works;
 - xi) Each Foreperson employed in the City's Public Works Division;
 - xii) Manager, Recreation Facility Services;

- xiii) Facility Manager, Peterborough Memorial Centre;
 - xiv) Manager, Peterborough Museum;
 - xv) Director, Art Gallery of Peterborough”
- b) By deleting in paragraph 17.d) the last word, “and”;
- c) By deleting in paragraph 17.e) the period punctuation mark and by substituting, “; and”;
- d) By adding a new paragraph 17.f) as follows:
- “respecting the Park known as Confederation Square, granting or establishing exemptions from all or any part of this By-law, imposing conditions respecting any such exemptions that are granted and revoking such exemptions.”
- e) By deleting in section 26 the first word, “Each”, and by substituting “Subject to section 26.4, each”; and
- f) By adding new sections 26.1, 26.2, 26.3 and 26.4 as follows:
- 26.1 AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
- 26.2 Subject to section 26.3, each person who or that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
- a) \$175 for the remainder of the first day on which the contravention occurs; and
 - b) \$275 for each subsequent day on which the contravention continues.
- 26.3 Each person who or that contravenes this By-law by undertaking an activity without a required permit is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
- a) \$500 for the remainder of the first day on which the contravention occurs; and
 - b) \$750 for each subsequent day on which the contravention continues.

26.4 A person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 26.2 or 26.3.

2. This By-law is in effect when it is passed.

By-law passed this 8th day of April, 2024.

Jeff Leal, Mayor

John Kennedy, City Clerk