A framework for developing health promoting municipal by-laws

Kim Bergeron, Ph.D.

Health Promotion Consultant, Public Health Ontario, Health Promotion Capacity Building

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Learning Objectives

• Recall and explain Public Health Ontario’s eight steps for developing a municipal by-law

• Recognize whether a by-law supports or hinders active transportation, public transit or efficient car use

• Reflect on how the information provided and the discussion facilitated can be applied to your own area of work.
About municipal by-laws

- Passed by municipal council
- Influenced by public opinion, community groups, citizens

Created when:
- There is a need to improve or protect general welfare and/or
- No relevant provincial or federal legislation exists or to strengthen existing legislation.
By-law development and you!

How much experience do you have with developing and/or influencing municipal by-laws?

- A little (< 1 year)
- Some (1-2 years)
- A lot (2 years +)

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Roadmap for municipal by-law development

1. Identify, describe and analyze the problem

2. Develop and assess by-law options

3. Assess readiness for by-law development
   - Is by-law development an appropriate strategy? (Yes/No)
     - No: Awareness and education or environmental support strategies
     - Yes: Identify and understand decision-makers and influencers

4. Identify and understand decision-makers and influencers

5. Build support for the by-law
   - Is support for by-law sufficient? (Yes/No)
     - No: Develop action plan to build support
     - Yes: Draft the by-law

6. Draft the by-law

7. Facilitate adoption of the by-law
   - Has by-law been adopted? (Yes/No)
     - No: Restrategize
     - Yes: Monitor and evaluate the by-law
### Eight steps for developing a municipal by-law

<table>
<thead>
<tr>
<th>Steps</th>
<th>Description</th>
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| Step 1: Identify, Describe and Analyze the Problem | • Determine if the problem can be solved by a by-law  
• Strike an internal working group  
• Identify others within the community interested in working together to address the problem |
| Step 2: Develop and Assess By-law Options | • Conduct an internet search  
• Review by-laws in neighbouring municipalities  
• Review academic literature  
• Use this information to review the by-laws in your municipality |
| Step 3: Assess Readiness for By-law Development | • Assess the readiness of community stakeholders (e.g., municipal decision makers, residents, community organizations) |
| Step 4: Identify and Understand Decision makers and Influencers | There are two types of municipal decision-makers: elected officials and civil servants  
Influencers are anyone else in the community that could influence municipal decision makers. |
Eight steps for developing a municipal by-law\(^3\)

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| **Step 5: Build Support for the By-law** | • Create a partnership/committee/network  
• Engage in knowledge exchange  
• Write a Briefing Note |
| **Step 6: Draft the By-law** | • This process could include drafting a new by-law or revising a current by-law.  
• A by-law is a legal document and as such there is a prescribed way that they are written. |
| **Step 7: Facilitate Adoption of the By-law** | • Every municipality has procedural requirements that need to be followed in order to enact a by-law  
• Get to know the municipal clerk |
| **Step 8: Monitor and Evaluate the By-law** | • Monitor implementation and enforcement  
• Evaluate effectiveness |
By-laws can:

• Increase health-promoting environments (e.g., multi-use pathways for cycling and walking)

• Decrease health-threatening environments (e.g., limiting exposure to second hand smoke at outdoor recreation settings)

• Hinder opportunities for healthy behaviours and/or healthy, active community design and development
Key terms defined

Health-promoting by-laws: enhances opportunities for healthy behaviours (e.g. walking, cycling, public transit)

Health-threatening by-laws: restricts opportunities for the engagement of healthy behaviours (e.g. limits access to green space, limit exposure to second hand smoke in recreation settings)

Active Transportation (AT): Any form of human powered transportation (non-motorized), including but not limited to walking, cycling, skateboarding, rollerblading and/or the use of public transit

Efficient car use: automobiles are used for longer trips to more dispersed destinations
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<th>Types of by-laws</th>
<th>Descriptions</th>
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| Land-use                                | • Developers are required to accommodate vehicle parking as frontage on a public street  
  |                                         | • Open space-case in lieu of % of land requirement                           |
| Streets and sidewalk                    | • Seasonal use of sidewalks for cafes can inhibit AT if there is not sufficient provision made for pedestrians |
| Lighting                                | • To identify that land owners are responsible for lighting (e.g., sidewalks, trails) vs. the municipality having to provide lighting |
| Prohibition of in-line skating, skateboarding in public spaces, sidewalks or trails | • Prohibition of active forms of transportation in public areas.              |
### Types of by-laws that enable or positively impact AT

<table>
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<tr>
<th>Types of by-laws</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>• Controls how land can be used and required standards</td>
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<tr>
<td>Federal Gas Tax</td>
<td>• How dedicated Gas Tax Funds for Public Transportation Program</td>
</tr>
<tr>
<td>Conduct in Parks/Parks and Facilities Use</td>
<td>• To regulate and to promote responsible enjoyment and use of parks and facilities</td>
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<tr>
<td>Sidewalk/snow removal</td>
<td>• Removal of snow and ice from sidewalks and roofs</td>
</tr>
<tr>
<td>Bicycle Lane</td>
<td>• Related to use and fines for motor vehicles</td>
</tr>
<tr>
<td>Bicycle/skateboard</td>
<td>• To respect the use of skateboards, in-line skates, bicycles and power/motor-assisted vehicles</td>
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<tr>
<td>Responsible Pet Ownership/Animal control</td>
<td>• Licensing and registration of dogs and/or cats for their regulation and prohibiting the running at large of animals</td>
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<tr>
<td>Speed rate</td>
<td>• To regulate the rate of speed along roads</td>
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About zoning by-laws

Specifies/controls how land can be used and the requires standards such as

• Where buildings and other structures can be located
• The types of buildings permitted and how they may be used (e.g., commercial, residential, industrial)
• The lot sizes and dimensions, parking requirements, building heights and setbacks from the street

They can support or hinder healthy, active community design and development.
Examples of health-promoting zoning by-laws:

- To guide land use patterns and densities towards a more compact and intensified built form to encourage active transportation and public transit
- Related to off-street parking to create more compact physical form for the community
- That requires a minimum number of bicycle parking spaces at retail, institutional, employment, educational and residential centres

About zoning by-laws
To increase municipal transit ridership through the expansion of public transportation capital infrastructure and levels of service

• Municipalities must use funding for expenditures that support ridership growth and not to replace or reduce their contributions to transit

• For the 2013-2014 program year, there are 96 transit systems that provide service to 133 communities in Ontario

**Municipalities that receive this funding, develop a by-law.**

To learn how the funds are used, review a municipalities Municipal Performance Management Program report and/or budget report.
The resources listed will be available on December 5, 2014 by visiting [www.publichealthonline.ca/bylaw](http://www.publichealthonline.ca/bylaw)

1. At a Glance: The Eight Steps for Developing a Municipal By-law
2. Municipal By-law Development and Public Health: A Primer
3. Focus On: By-law Development as a Health Promotion Strategy
4. Municipal By-law Development: Tools and Resources webinar on December 12, 2014 10:30 to 11:30am:
   - To provide an overview of the resources developed by PHO to-date related to developing municipal by-laws.
   - To register visit [www.publichealthonline.ca/en/LearningAndDevelopment/Events/Pages/Municipal-By-Law-Development-webinar.aspx](http://www.publichealthonline.ca/en/LearningAndDevelopment/Events/Pages/Municipal-By-Law-Development-webinar.aspx)
Take home messages

• Develop a comprehensive understanding of the types of by-laws in your municipality
• Identify if they support or hinder AT, public transit or efficient car use
• A step-by-step guide exists to develop and/or revise municipal by-laws
Thank you!

Kim Bergeron

kim.bergeron@oahpp.ca
References


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