At A Glance: The Eight Steps for Developing a Municipal By-law

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1
Identify, Describe and Analyze the Problem

The purpose of this step is to identify, describe and analyze the underlying problem. This step builds the foundation for all other steps.

Identify: What is the problem? Who is most affected by the problem?

Describe: What is the cause of the problem? What factors in the community affect the problem (e.g., attitudes, values, beliefs, perceptions, social norms, economic, cultural, or political factors)?

Analyze: What has been tried to resolve the problem? By whom (e.g., residents; community stakeholders; municipal decision-makers; provincial government)? What is the cost of the problem to society? To the municipality? What is the cost of doing nothing about the problem?

Write a narrative, highlighting the impact of the problem on the community.

Use this information to:
- Determine whether the problem can be solved by revising or developing a by-law
- Strike a by-law development working group within your organization
- Identify the goals and objectives of the by-law
- Identify others (e.g., individuals, organizations, businesses) within the community who may be interested in working together to address the problem

2
Develop and Assess By-law Options

By-law options are choices about the types of by-laws that may address the problem.

To generate by-law options:

1. Use an internet search engine and type in the problem you would like to address with the words "municipal by-laws". Systematically review the findings to generate a list of potential by-laws.
2. Review the by-laws in your own municipality and in neighbouring communities to see if any of them address the problem.
3. Conduct a review of the academic literature.

Examples of municipal by-laws that may be of interest: site plan control; tree conservation; idling control; all-terrain vehicles and other vehicles; emergency planning and response; graffiti management; noise; property standards; road activity; secondary dwellings; smoke-free public places; traffic and parking; transit; use and care of roads; municipal alcohol; bicycle/skateboard; bike parking; park use; refreshment vehicles; sidewalk/snow removal; boulevard gardens; and open air burning.

Use the information you have from step one to prioritize the by-law options generated.

3
Assess Readiness for By-law Development

Community stakeholders may be at different stages of readiness.

Community stakeholders include: residents, community organizations and municipal decision-makers (both elected officials and civil servants).

They may also include regional, provincial and national organizations and/or governments that are interested in the problem you are trying to address.

One way to assess community readiness is to create a force field analysis. Consider what forces are driving (e.g., factors that support) and hindering (e.g., factors that hinder) by-law development.

Examples of sources that can inform your force field analysis include:

- Municipal council and committee minutes and reports
- Local news coverage
- Community surveys

This step will help you narrow your focus to just one or two by-law options.

4
Identify and Understand Municipal Decision makers and Influencers

Understanding your municipal decision makers and influencers will help you build support for the chosen by-law.

There are two types of municipal decision makers: elected officials (e.g., municipal council members) and civil servants (e.g., municipal staff). Both are important.

It is also important to have a comprehensive understanding of how your municipality is organized. Review your municipality's website to identify which departments are responsible for what areas.

Influencers: Anyone else in the community that could influence your municipal decision-makers. For example, those working in government, non-government and not-for-profit organizations, service organizations (e.g., Rotary; Lion), media outlets, faith groups, private business, community volunteers, parents, or residents.

Use the information gathered in step one to identify organizations and individuals that could help you understand your municipal decision-makers. Consider generating a list of influencers that could help move your by-law development process forward.

5
Build Support for the By-law

Now is the time to mobilize support beyond your organization.

Recruitment strategies could include:

- Host a 'think tank' discussion about the problem with by-law development as a proposed solution
- Summarize your findings, share them with community stakeholders and invite them to dialogue further with your organization
- Engage with an existing committee/partnership by asking to have 15 minutes with their members to discuss the problem and propose by-law development as a solution
- Start a list serve on the topic and invite community stakeholders to join

This important step is about reaching out to community stakeholders to impart knowledge about the problem, present by-law development as a solution, and explore where there is alignment between their work/mandate and by-law development.

Consider writing a briefing note. A briefing note is a topic-specific short paper (< 2 pages) meant to quickly and effectively inform a decision-maker about an issue.

6
Draft the By-law

The writing process may involve drafting a new by-law or revising a current by-law.

There is a prescribed way that by-laws must be written. They must also meet some basic acceptability requirements. That is, they must be supported in the manner required by law, not be offensive to the law, should not discriminate or create a monopoly and should be reasonable.

Conduct an inventory of the skills of your team and partners to identify those that can help with the writing process.

A poorly written by-law is more likely to be subjected to legal challenges. Pay attention to good writing and communication practices to avoid a negative outcome.

7
Facilitate Adoption and Implementation of the By-Law

The purpose of this step is to encourage municipal council to enact the by-law.

There may be many steps on the way to achieving this goal. For example, you may want to explain to council and citizens how your group of community stakeholders is working to address a specific problem and has identified by-law development as a solution. This can be done through a deputation.

Many municipalities have procedural requirements that need to be followed in order to enact a by-law. These requirements may outline things such as how and when members of council can review a draft by-law before; whether and when public notification and a public meeting are required; and whether there will be second and third readings of the by-law prior to enactment. Know the procedural requirements for your municipality.

To help with this process, consider building a relationship with the municipal clerk, who will have the skills to ensure that procedural processes are followed.

Effective and sustainable implementation of a by-law will require a communication plan to educate people about the new by-law. Communication messages should include what it is about, how to comply and consequences for non-compliance. It is also important to be prepared to swiftly respond to opposition, with strategic key messages. Good communication will help maintain support for the by-law among decision-makers and the community-at-large. Unpopular by-laws can be repealed or watered down.

8
Monitor and Evaluate the By-law

This step is about ensuring the by-law is being implemented as intended, and is having the intended impact on the problem that it was designed to address.

Process evaluation explores the implementation process. Outcome evaluation looks at the impacts of the by-law. Both types of evaluation provide important information.

Exploring process evaluation topics such as levels of public and political support, can help direct your implementation plan, informing you about whether education and/or recognition efforts are needed.

Measuring progress on outcomes such as exposure to unsafe environments or behaviour change can help you decide whether to use your energy on strengthening enforcement or the by-law itself.

Consider how you will communicate your findings to your community stakeholders.

Author

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

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