Municipal by-law development and public health: A primer

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Public Health Ontario

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Section 1: Background
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This primer explains the municipal by-law development process for health promotion and public health practitioners. It can help you work with municipal decision makers to develop a new municipal by-law or make changes to an existing one. Engaging in this type of work is one way to meet the Ontario Public Health Standards which requires public health unit staff to develop and implement healthy public policy to create or enhance supportive environments (refers to both the physical and social aspects of the environment where people live, learn, work and play).

This primer is one of several Public Health Ontario (PHO) resources that support a municipal by-law curriculum. Other resources include publications and webinars on specific topics such as by-law development as a health promotion strategy, defining the difference between municipal resolutions, policies and by-laws and assessing readiness for by-law development.

When developing this primer, we carried out a literature review and consulted with public health personnel who have experience in developing municipal by-laws (see the list of reviewers who reviewed an earlier version of the document).

Introduction to municipal by-laws

By-laws are passed by municipalities, which are a form of local government. Municipalities themselves are subject to provincial legislation. By-law development follows a political process and has the potential to affect whole communities. To provide a useful foundation for by-law development, we have provided some terms and context below.

WHAT ARE BY-LAWS?

By-laws are designed to meet the needs of and solve problems for citizens. By-laws are also considered a specific type of healthy public policy. According to the World Health Organization, healthy public policy is:

- characterized by an explicit concern for health and equity that takes into consideration negative health impacts of policy decisions by all sectors and not just health
- intended to create a supportive physical and social environment that provides the opportunity for people to lead healthy lives
- about creating more health-enhancing environments

By-laws can increase health-enhancing environments and decrease health-threatening environments by creating supportive physical and social environments that enable people to make healthy choices.
WHAT ARE MUNICIPALITIES?

Different kinds of municipalities represent geographical areas such as cities, towns, counties, municipal districts, regions, upper-tier municipalities, lower-tier municipalities and single-tier municipalities. The term municipality also means the governing body of a municipality.

There are 444 municipalities in Ontario that are governed by the Ontario Municipal Act, 2001, under the Ontario Ministry of Municipal Affairs and Housing (MMAH). Municipalities (or municipal corporations) are created and established in different ways. For example, some municipal corporations came into being before the Constitution Act, 1867 and were created by a Royal Charter (e.g., Guelph). Some municipal corporations have been created by a statute passed by the provincial legislature (e.g., City of Toronto). Municipalities, under the powers delegated to them by the provinces, can pass by-laws and typically do so in a manner similar to that followed by parliament or the provincial legislatures when enacting statutes. The process of developing a by-law is strictly regulated because of its potential impact on a large number of people.

There are certain common features of all municipal corporations. These include municipal powers that are carried out within defined geographic boundaries, elected councils, elected mayors (who are the heads of council), and officers. By-laws allow municipal councils to carry out their powers. Municipal functioning is governed by legislation similar to how Ontario public health units are governed by the Health Protection and Promotion Act or the Long-Term Care Homes Act, 2007. The Municipal Act, 2001 establishes the basic framework for municipal government. Section 8 of the Act indicates that the powers given to municipalities under all acts should be interpreted broadly so as to allow the municipality to “govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues.”

Authority for important municipal activities can be found in many other provincial acts, including the Planning Act, the Building Code Act, 1992, the Social Housing Reform Act, 2000, the Police Services Act, the Fire Protection and Prevention Act, 1997, the Emergency Management and Civil Protection Act, the Ontario Works Act, 1997 and the Day Nurseries Act.

If you want to influence by-law development, you need to understand the acts that govern municipal decision makers. This is because acts direct what they do and how they do it. However, a municipality can develop by-laws to complement provincial and federal legislation.

WHAT IS THE ONTARIO MUNICIPAL ACT, 2001?

In addition to municipalities, there are other locally governed boards and special-purpose bodies (e.g., school and library boards, public health units, conservation authorities) that are responsible for public services at the community or regional level. The Municipal Act, 2001 specifies how municipalities should interact with their local boards including boards of health, which govern public health units.
The Municipal Act, 2001\(^5\) explains the powers that municipalities have to pass by-laws. By-laws can complement but not conflict with federal or provincial legislation. By understanding the Act, you will be able to decide whether or not a municipality should consider creating or amending a by-law.

**WHOMAKES BY-LAWS?**

Elected municipal councils make and pass by-laws. For local governments that fall under Section 249 of the Municipal Act, 2001\(^5\), all by-laws must meet two requirements: (1) they must be signed by the head of council or presiding officer and by the clerk at the meeting at which the by-law was passed and (2) they need to be under the seal of the corporation. Some municipalities may have additional requirements (e.g., holding a public meeting or consultation) before a by-law can be passed.\(^{18}\)

**WHENARE BY-LAWS CREATED?**

By-laws are created when the council or local community feels the need to improve or protect general welfare. By-laws may also be created when there is no relevant provincial or federal legislation in place or when the municipality wants to strengthen existing legislation.\(^{18}\) For example, before the Smoke-Free Ontario Act was passed, municipalities in Ontario passed local by-laws for smoke-free public places and workplaces. The Act stated that the legislation that is most protective of health (municipal, provincial or federal), should predominate.\(^{18}\)

In 2001, the Supreme Court of Canada broadly interpreted municipal powers (as defined in the Municipal Act, 2001\(^5\)) so that municipalities can enact laws that protect the general welfare of citizens. In 2006, the Municipal Act, 2001\(^5\) was significantly updated to grant more power to municipalities and encourage ongoing consultation between the province and municipalities on issues of shared interest.\(^5\)
WHAT ARE THE DIFFERENCES BETWEEN A MUNICIPAL RESOLUTION, POLICY AND BY-LAW?

Municipal council can enact/pass municipal resolutions, policies and by-laws.

**Resolutions** are a record of decisions or wishes of council. They include routine administrative and management matters such as appointing an auditor. They often express the municipality’s position on various issues or concerns about existing government policy, regulations or funding. For example, a municipal council could resolve to authorize additional funding to support recreation services provided during the summer for vulnerable populations. The formalities for adopting a resolution are not as strict as those for passing a by-law. Resolutions are normally submitted as a motion and then adopted by a majority council vote. By-law development efforts could include submitting a resolution. For example, a by-law passed by an upper-tier municipality requires the majority of its lower-tier municipalities to pass resolutions that support the by-law.

**Policies** guide municipal staff as to how to implement a decision or directive (e.g., Community Garden Policy) and/or they govern the actions of the public within municipally owned facilities (e.g., Municipal Alcohol Policy). A municipality’s Official Plan is likely the most well-known municipal policy.

**By-laws** are legislation established by a local government (e.g., municipal council) to resolve issues and address the needs of citizens. In addition, they govern the actions of all people in the municipality. Legal action can be taken as a consequence of non-compliance. Municipal by-laws cannot interfere with legislation or regulations mandated by provincial or federal governments; however, they can be developed to complement or supersede provincial legislation. Moreover, by-laws follow a specific political process for their development: (1) they must go through an approval process (e.g., adopted by a majority council vote), and (2) they must be signed both by the head of council or presiding officer and by the clerk, under the seal of the corporation. Many municipalities have additional conditions to meet before a by-law can be passed, such as getting approval of a provincial ministry or board, or conducting a public meeting. By-laws can be considered as one way to operationalize overarching municipal resolutions and policies. For instance, zoning by-laws operationalize Official Plan policy statements and provide for its day-to-day administration.

It is essential that municipal resolutions, policies and by-laws align with each other. For instance, if you can demonstrate that a potential by-law is clearly linked to a municipal resolution and/or policy (e.g., Official Plan), it is more likely to be considered by municipal council. For example, the Township of...
Mapleton in Wellington County has a resolution that designates local parks as non-smoking areas, demonstrated through signage. Wellington-Dufferin-Guelph Public Health presented the Smoke-Free Outdoor Spaces survey to Mapleton council and recommended that the county pass a by-law for restrictive legislation. The municipal council passed a resolution to receive their report.  

Municipal by-laws and public health

By-laws are an integral part of public health practice. In Ontario, their historical origins can be traced from the mid-eighteenth century to the present.

A BRIEF HISTORY OF LEGISLATION SPECIFIC TO PUBLIC HEALTH IN ONTARIO

In 1833, the legislature of Upper Canada passed an act allowing local municipalities “to establish Boards of Health to guard against the introduction of malignant, contagious and infectious disease in this province.” This type of legislation supported those working in local municipalities and those working in public health to come together to improve the living conditions in overcrowded Canadian cities. From these efforts, the planning profession was born. Public health and planning professionals worked together to address sanitation and housing issues, develop parks and playgrounds, improve building design, and separate residential areas from hazardous industrial sites. However, by the early 1900s, they went their separate ways: public health to focus on population health (prevention, protection and promotion), and municipal planners to focus on the physical patterns of communities.

In addition, distinct government legislation (e.g., Planning Act and Public Health Act) influenced professional practices in both of these fields. After the Second World War, each profession struggled to cope with the consequences of population growth, a housing boom, sprawling development, newly constructed roadways and highways, and the increasing use of the private automobile.

One hundred and fifty years later, the responsibility for public health remains primarily at the local level. The boards of health are responsible for general oversight and direction of public health unit programs and services. Most, but not all, of these boards are autonomous and operate separately from the administrative structure of municipalities.

Currently, Ontario has 36 public health units: Twenty-two are independent of local municipal government, seven are regional health departments; and seven are tied into single-tier or other municipal administration.
The first Public Health Act was passed in 1873 and underwent several amendments. The Act provided a clear mandate to boards of health for community sanitation and communicable disease control, but it limited direction on other preventive programs. In 1967, the Public Health Act was changed so that municipalities were required to provide full-time public health services. In 1983, the Act was replaced by the Health Protection and Promotion Act (HPPA). The HPPA expanded the mandate to require boards of health to provide or ensure provision of health programs and services in the areas of preventive dentistry, family health, nutrition, home care and public health education. The most recent version of the HPPA was passed by the legislature in 1997. However, the HPPA was revised, based on recommendations from the Second Interim Report of the Campbell Commission and other significant public health events.

In 1984, the first Mandatory Health Programs and Services Guidelines was published, which provided minimum province-wide standards for programs and services aimed at reducing chronic and infectious diseases and improving family health. In 2009, these were revised into the Ontario Public Health Standards (OPHS). For more information on public health milestones, please see the Association of Local Public Health Agencies’ (aPHa’s) Board Orientation Manual 2010 and/or Milestones and History section of their website.

BY-LAWS AS A HEALTH PROMOTION STRATEGY

The Ottawa Charter for Health Promotion includes “building healthy public policy” as an important part of a comprehensive health promotion strategy. Healthy public policies are characterized by an explicit concern for health and equity. In other words, healthy public policy development includes an awareness of the possible negative impacts of policy decisions on all sectors, not just health. Healthy public policies are intended to create supportive physical and social environments that provide opportunities for people to lead healthy lives.

By-laws are a specific type of healthy public policy and can affect action areas included in the Ottawa Charter. For example, by-laws can address health and/or health equity by creating supportive environments (physical and social) that enable people to lead healthy lives. They can also influence health services (e.g., zoning by-laws and transit by-laws) and affect the development of personal skills (e.g., helping people to refrain from engaging in unhealthy behaviours). And of course, the development process of a by-law can strengthen community connectedness and community action because it involves community stakeholders and residents working together.

WHY ENGAGE IN BY-LAW DEVELOPMENT?

Researchers have found that educating people about healthy lifestyles is, by itself, insufficient. The built environment must be designed to allow people the opportunity to engage in healthy behaviours.
Municipal by-laws also have the advantage of being long-lasting and able to withstand changes in municipal decision makers.27

By-laws can address policies and actions outside the health sector. Most departments within a municipal government (e.g., transportation and public works) do not consider health issues their primary concern. However, by-laws supported by a municipality can enhance or hinder opportunities for healthy behaviours. For example, a planning department could enact zoning by-laws to control urban sprawl, protect natural green spaces, and increase and integrate multi-modal transportation networks. This, in turn, may create opportunities for residents to access green spaces and engage in alternative modes of transportation to increase physical activity.28 Conversely, a planning department could enact zoning by-laws that limit connectivity between land uses for pedestrians and cyclists, thus limiting the opportunities for health-enhancing choices such as walking or cycling.

By-law development is also an opportunity to increase access to the determinants of health such as income, education, housing, and employment. For example, household income continues to be one of the best predictors of future health status. High income equates to better health and low income to worse health.29 Public transit by-laws outline the conditions in which public transit services will be provided, including the fee structure. Considering that most transit users in small municipalities earn a low income, the cost of taking a bus could negatively affect their health. A high fare means less money for rent or food and a reduced ability to travel to health services. This example shows that a by-law development approach to health promotion can affect social and economic factors that influence health and illness.

By-law development is an important health promotion strategy. Public health professionals and others who are interested in increasing the number of healthy public policies in Ontario should consider municipal by-law development as a health promotion strategy.
Section 2: How to develop municipal by-laws
Section 2: How to develop municipal by-laws

In this section, we describe eight steps to developing a municipal by-law. You can find a two-page summary of these steps in Appendix A entitled At a glance: The eight steps for developing a municipal by-law.30

Figure 1 presents a road map of these steps. Like any map, it tells you where you are, where you are going and how far you are from your ultimate destination. Although the roadmap is presented as a linear process, you may find yourself at different points on the map at any time. Depending on your situation, you can start at any point in the process. If more work is needed, you can go back one or more steps or repeat all the stages. Some steps may require more effort than others based on your situation.
Figure 1: Road map for by-law development

Step 1: Identify, describe and analyze the problem

Step 2: Develop and assess by-law options

Step 3: Assess readiness for by-law development
   - Is by-law development an appropriate strategy?
     - NO: Awareness and education or environmental support strategies
     - YES: Where did the process break down?

Step 4: Identify and understand decision makers and influencers

Step 5: Build support for the by-law
   - Is support for by-law sufficient?
     - NO: Develop action plan to build support
     - YES: Where did the process break down?

Step 6: Draft the by-law

Step 7: Facilitate adoption and implementation of the by-law
   - Has by-law been adopted?
     - NO: Re-strategize
     - YES: Where did the process break down?

Step 8: Monitor and evaluate the by-law
Step 1: Identify, describe and analyze the problem

The overall aim of this step is to develop a collective understanding of the problem that needs to be addressed and gather enough information to assess if the problem can be addressed by developing a municipal by-law. It is the first of two steps that will help you understand the situation in order to make a decision about whether and how to proceed with by-law development. Together, steps one and two will help you understand the situation and make a decision about how to proceed.

There are six parts to Step 1:

1. Strike an internal working group.
2. Identify and describe the problem.
3. Analyze the problem.
4. Identify and understand stakeholders.
5. Gather and review data about a problem or issue.
6. Set goals and objectives for the by-law.

STRIKE AN INTERNAL WORKING GROUP

An internal working group will help you work through the by-law development process. It can confirm your strategic directions and help you create a plan. Ideally, your group will include heath unit senior management, and public health unit program staff who represent diverse program areas. At points in the process, you may want to involve representatives from your health unit’s legal services.

It is also important to involve external stakeholders. They are identified according to four levels:

- **Core**—part of the implementation team (comprised of internal and external stakeholders) and involved in all planning decisions
- **Involved**—frequently consulted or part of the implementation process
- **Supportive**—provide some form of support such as endorse a decision (e.g., Board of Health)
- **Peripheral**—need to be kept informed, but are not part of the decision making process

For example, core members could be involved in all planning decisions. Some slightly less-involved members will be frequently consulted about planning decisions. Others may provide support to the group, but will not be involved in all planning decisions. An example of this may be your Board of Health. They may be asked for endorsement, but would likely not be intimately involved in all the planning work. Some, more peripheral members will need to be kept informed.

The Online Health Program Planner (OHPP)\(^3\) is a set of interactive worksheets to help carry out an evidence-informed planning process. The worksheets that deal with analyzing stakeholders and assigning roles and responsibilities can be a great tool to kick-start the process of developing an internal working group. To learn more about this online resource, visit: [www.publichealthontario.ca/ohpp](http://www.publichealthontario.ca/ohpp)
Understanding who will be involved, as well as why and how, helps clarify stakeholder expectations and points the way to the best decision-making and communication processes. A good way to clarify and avoid conflict is to document levels of stakeholder involvement early in the process. It will also help you develop a realistic work plan.

The first task for the working group is to develop a written document that outlines the group’s purpose and the members’ roles and responsibilities (e.g., terms of reference and project charter). It may take several meetings to develop the document; however, the discussion will strengthen the collaboration needed to work through the by-law development process.

**IDENTIFY AND DESCRIBE THE PROBLEM**

Identify the problem by asking questions such as, Who is most affected by the problem? What is the origin or cause of the problem? What factors in the community affect the problem (e.g., attitudes, values, beliefs, perceptions, and economic or political factors)?

Begin by describing the problem. This will help to engage your working group and to address the issues.

When describing the problem, use current data to answer these questions regarding the nature of the problem:

- Is it a contained/stand-alone problem or a symptom of a larger problem or issue?
- What are the origins of the problem? Was there a clear starting point to your problem? When did it first become apparent?
- What is the extent of the problem? How big a problem is it?
- Are there specific local consequences to action or inaction, financial or otherwise, that are relevant to municipal politicians and officials who would be making decisions about a by-law?

**ANALYZE THE PROBLEM**

The next step is to explore what caused the problem. When collecting your information, pay attention to what could make the problem worse and what could make it better.

After you identify why the problem exists, answer the following questions:

- What factors in the community affect the problem (e.g., community attitudes, traditional values, conflicting agendas, economic difficulties, and cultural differences)?
- What has already been done to try to resolve the problem?

For more information on conducting a situational assessment, see PHO’s Introduction to Health Promotion Program Planning.\(^\text{32}\) To work through a structured set of worksheets about situational assessment, visit the Online Health Program Planner\(^\text{31}\) at [http://www.publichealthontario.ca/en/ServicesAndTools/ohpp/Pages/default.aspx](http://www.publichealthontario.ca/en/ServicesAndTools/ohpp/Pages/default.aspx)
• What is it about the situation or condition that is unacceptable or wrong? What events or incidents demonstrate this?
• What is the cost of the problem (human and financial)? What is the cost of doing nothing about the problem?

IDENTIFY AND UNDERSTAND STAKEHOLDERS

Another important piece is to identify who has an interest or concern in the problem and in the possible solution. These community stakeholders are people who might be positively or negatively affected by your issue (e.g., private and public sector representatives). It is important to identify those who may not be in favour of your by-law so that you can prepare to engage them later in the process.

The following questions can help you identify and understand your stakeholders:

• Are there others who might be supportive if the matter were brought to their attention?
• Have other jurisdictions addressed this issue recently? What was their experience, who were the stakeholders, and what issues were raised?
• Are there people/groups who are/will be opposed to your suggested action? How strong is their opposition? What counter-arguments can be anticipated? How organized are they?
• What does the general public think about the issue?
• Who else sees this as a problem? Are their reasons for wanting the problem solved the same as yours? If not, what are their reasons?
• Who will be positively or negatively affected if the problem is resolved? Who will be positively or negatively affected if the problem is not resolved? How and what will they gain or lose?

GATHER AND REVIEW DATA ABOUT POSSIBLE SOLUTIONS

Once you have analyzed the problem and stakeholder interests, start to gather data about the best way to address the issue. By-laws are only one option. Also consider communication/education, developing organizational policies and skill-building programs, and supporting provincial or federal legislation. Remember, by-law development is part of a comprehensive health promotion strategy; therefore, other strategies may be more appropriate for addressing the problem.

You can find information about possible solutions may be found through literature reviews, best practice compilations, and unpublished reports (grey literature). It is also useful to consult with stakeholders, experts, health promotion resource centres and others who have done similar work.
Be clear about the time and resources you have available for collecting and sorting through your situational assessment information. You can manage the process better if you prioritize the questions that you would like to answer. Also, consult with your partners and stakeholders; you may not need to start from scratch if a similar by-law has been considered or implemented elsewhere. The Online Health Program Planner (OHPP)\(^\text{31}\) includes worksheets to help you develop a data-gathering plan.

At the end of this step you should have a good understanding about what parts of the problem can and cannot be solved by a by-law (and by other possible solutions). One method that has been found to be helpful is to take the information gathered and write a narrative to:

- Identify and describe the problem, including an analysis that highlights the impact of the problem on the community.
- Identify the goals and objectives of the by-law to address the problem.
- Identify others who could be invited to work together to address the problem.

If the available information shows that by-law development is a good solution to the problem, you will be well-prepared to identify the goals and objectives of the by-law and then move to the next step: assessing the readiness of your own community for by-law development.

**SET GOALS AND OBJECTIVES FOR THE BY-LAW**

It important to set goals and objectives to help guide your decision making about the best policy options (see Step 2), and, for accountability and evaluation efforts. For by-laws, one or two individuals who are leading the by-law development process should draft the goals and objectives. Appropriate members of your internal working group should then vet the draft. Incorporate the approved goals and objectives into your terms of reference and/or project charter.

Objectives should be SMART (specific, measurable, achievable, realistic and time bound). At this stage, it is important to set outcome objectives. Outcome objectives explain who or what will (or should) be changed as a result of the by-law. These changes are usually in health status or conditions (in a community or organization) that may affect health. Process objectives explain what you will do or produce in order to achieve those changes. They are set later in the planning process. The Online Health Program Planner has worksheets that can help you with developing well-written objectives.\(^\text{31}\)
What is the best way to determine whether an issue is best addressed at the provincial or municipal level?

You can determine where to focus your efforts by developing an understanding provincial and municipal legislation and policies related to your topic of interest:

- **Determine the provincial ministry or municipal department that could be responsible for your topic of interest.** Review existing legislation, strategic plans, policies and/or other publicly available material (e.g., performance measures and result-based reports) related to your topic of interest within the ministries and departments that have a relevant mandate. Use the search feature on their website and enter your topic of interest.

- **Focus your efforts.** For example, if there is provincial policy but you are unable to find how the municipality is modeling the policy, focus your efforts at the municipal level. If you find that there is no provincial policy but municipal efforts are evident (e.g., review of Council minutes reveal that they are discussing your topic of interest), explore further at the municipal level. If you find that there are no efforts addressing your topic of interest, Use Google to see if other organizations and/or partnerships are encouraging a governmental response for your topic of interest and if so, at what level of government. For example, public health professionals and stakeholders such as the Canadian Cancer Society advocated for provincial legislation to limit under-age access to tanning beds. These advocacy efforts paid off with the enactment of Bill 30, *Skin Cancer Prevention Act*.33
Step 2: Develop and assess by-law options

There are choices when it comes to by-laws that can address the problem. This step focuses on how your working group can identify and assess these by-law options. It involves visiting municipal websites to learn about the types of by-laws that exist and searching the literature to see how others have developed by-laws to address the problem. This information can strengthen your case. Be open to new ideas and ask these questions:

- Are there new or innovative options that may address the issue?
- What are other communities doing to address this issue?
- What is the status quo (i.e., the way things currently are)?

Take these steps to generate by-law options:

1. Search the Internet, starting with search engines available at these websites:
   - Association of Municipal Managers, Clerks and Treasures of Ontario
   - Canadian Government Documents
     [https://www.google.com/cse/home?cx=007843865286850066037:3ajwn2jlweq](https://www.google.com/cse/home?cx=007843865286850066037:3ajwn2jlweq)
   - Canadian Partnership Against Cancer Prevention Policies Directory

   Record and systematically review the findings to generate a list of potential by-laws in Word or Excel; be sure to include the website link so you can revisit the information.

2. Review the by-laws in your own municipality and in neighbouring communities to see if any of these address the problem.

   Conduct a review of the academic literature. If you work at or with a local public health unit, you have access to library services and a virtual library that houses academic literature available at:

   **Access to library services**

   Public Health Ontario launched the Shared Library Services Partnership (SLSP) to ensure that employees in all of Ontario's 36 local public health units can access library services. If you work at or with a public health unit that has in-house library services, contact your library directly. If your public health unit does not have in-house library services, access library services through the SLSP.34
To help you come up with a short list of best options, ask these questions (from A Guide to Policy Development): 

- Given the cross-cutting nature of many problems, what are the possible impacts of this option on other government departments?
- What are the administrative requirements?
- What are the cost implications?
- What are the possible legal considerations?
- What are the possible potential risks or adverse effects?
- What are the possible reactions of clients/stakeholders?
- What is the degree to which this option is consistent with other relevant (government) policies, procedures and regulations?
- What are its likely impacts on clients/stakeholders?
- What is its timeframe for implementation?

Municipal by-laws that may be of interest include: 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 dwelling; smoke-free public place; 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.

Table 1 provides examples of municipal by-laws categorized by public health topics. These by-laws could be placed in more than one public health area. For example, smoke-free recreational by-laws are listed under tobacco-use prevention; however, they could also be placed under physical activity.
### Table 1: Examples of municipal by-laws categorized by public health topic and focus

<table>
<thead>
<tr>
<th>Public Health Focus</th>
<th>Public Health Topics</th>
<th>Municipal By-law Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chronic Disease and Injury Prevention</td>
<td>Healthy eating</td>
<td>Refreshment vehicles</td>
</tr>
<tr>
<td></td>
<td>Physical activity</td>
<td>Bicycle/skateboard</td>
</tr>
<tr>
<td></td>
<td>Physical activity</td>
<td>Parkland dedication</td>
</tr>
<tr>
<td></td>
<td>Injury prevention</td>
<td>All-terrain vehicles and other vehicles</td>
</tr>
<tr>
<td></td>
<td>Injury prevention</td>
<td>Sidewalk snow removal</td>
</tr>
<tr>
<td></td>
<td>Substance misuse prevention</td>
<td>Zoning by-laws that limit alcohol outlets in school zones</td>
</tr>
<tr>
<td></td>
<td>Tobacco use prevention</td>
<td>Smoke-free recreational spaces</td>
</tr>
<tr>
<td></td>
<td>Sun safety</td>
<td>Tree conservation</td>
</tr>
<tr>
<td>Family Health</td>
<td>Healthy pregnancies and child health</td>
<td>Smoke-free multi-unit dwellings</td>
</tr>
<tr>
<td>Infectious Diseases</td>
<td>Infectious disease</td>
<td>Harm reduction (e.g., zoning by-laws to allow the provision of harm reduction services such as needle exchanges or methadone clinics)</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Health hazard prevention</td>
<td>Idling control</td>
</tr>
<tr>
<td>Emergency Preparedness</td>
<td>Emergency preparedness</td>
<td>Emergency planning and response</td>
</tr>
<tr>
<td>Social Determinants of Health</td>
<td>Equitable access to community services</td>
<td>Transit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Taxi</td>
</tr>
</tbody>
</table>

Summarize the information, present by-law options to your internal working group, and use Step 1 to prioritize the list. By allowing your group members to give feedback on the best options, it shows that you respect their input and it increases the chances of the by-law being supported by the municipality. At the end of this step, your internal working group should have identified their top by-law options.
Revise an existing by-law or develop a new one?

It is usually quicker to revise an existing by-law than to develop a new one. This is because the administrative and operational details are already in place. However, there are risks to revising a by-law, even a very successful one. The amendment process can open up a by-law to detractors who may make a case to weaken it. If you do decide to work toward amending a by-law, focus on the part of the by-law that deals with changing specific behaviours and avoid the trap of modernizing the whole by-law. If you want to make substantial changes to a by-law, consider creating an entirely new one.
Step 3: Assess readiness for by-law development

Developing a by-law requires a significant investment of time, energy and funding. So, the more ready a community is for a by-law, the more likely it is that your work will be successful. Keep in mind that community stakeholders may be at different stages of readiness.

Community stakeholders include: residents, community organizations, and municipal decision makers (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.

John Kingdon, a well-known policy expert, developed the Multiple Streams Theory. It proposes that policy change occurs when there is a change in any of these three streams: the political stream, problem stream, or policy stream. The change creates opportunities known as policy windows. A policy window presents a unique opportunity for policy change; for example, opportunity due to administrative changes (political stream), a change in decision-maker ideology (political stream), a shift in public opinion (political stream), the emergence of a new problem or the onset of a crisis or focusing event (problem stream). These windows do not stay open for long, so it is important that advocates and policy developers are ready to take appropriate action. The same goes for developing by-laws—unique opportunities arise quickly, so be prepared.

You can find out whether the time is right for developing a by-law by conducting a survey or key informant interviews with community stakeholders.

Force Field Analysis is a useful tool to help you understand the broad range of factors that may influence the success of your by-law. For by-law development, the part of the Force Field Analysis that focusses on the political environment is particularly important. There are two ways to know whether a municipality is ready: 1) the public (e.g. residents) may be more or less ready for a specific by-law, for many reasons (e.g., public opinion and recent events) and 2) municipal decision makers (e.g. elected officials and municipal staff) may also be ready for a policy in general. Ways to gauge readiness could be to review local media coverage and local council and committee minutes (Step 4) for reports on factors that could support or hinder by-law development.
Figure 2: Sample force field analysis

Is our community ready for a smoke-free outdoor spaces by-law?

Factors that support by-law development

Successful municipal by-laws in place that create smoke-free indoor spaces

Several municipal properties already restrict smoking on outdoor portion of property

Factors that will hinder by-law development

Several controversial by-laws are currently being debated by municipal council

Current public opinion is against restricting smoking in outdoor spaces

A tool that can help with gathering information was developed at the University of Alberta. Nykiforuk et al. have developed a Policy Readiness Tool, that can help determine how ready a municipality is for a new by-law. Although the tool is specifically focused on policy, it is also relevant for by-laws.

This tool is based on Rogers’ Diffusion of Innovation Theory that describes how populations react to new ideas or innovations. According to this theory, people can be classified in the following ways depending on how long it takes them to adopt an innovation: Innovators (creators of the innovation—about 2-3% of the population), Early Adopters (first on the block—about 15% of the population), Early Majority (about 30-35% of the population), Late Majority (about 30-35% of the population), and Laggards (10-20% of the population). Late Majority or Laggards need persistent and comprehensive approaches to persuade them to do something new. Innovators are take more risk and require less intensive strategies.

The Policy Readiness Tool combines some of the categories described above. The categories are condensed into three broader categories including the Innovators, the Majority and the Late Adopters.
The questionnaire includes a series of questions for assessing policy readiness. Each question has three possible answers (A, B, or C).

To conduct your assessment, consider your municipality and circle the response that best represents that municipality for each of the questions listed in Table 2.

**Mostly A’s. Municipality is an Innovator.**

Innovator municipalities are more likely to take risks than Majority and Late Adopter municipalities. If your municipality is an Innovator, they are more likely to be ready for by-law development and it will be easier to build support for a specific by-law.

**Mostly B’s. Municipality is in the Majority.**

Majority municipalities may take longer to convince, but may still be amenable to a new by-law.

**Mostly C’s. Municipality is a Late Adopter.**

Late Adopter municipalities are more resistant to change. It may be better to wait for a suitable time or work on other local programs (e.g., educational strategies, coalition development, and provincial-level change).

### Table 2: Assessing policy readiness

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>RESPONSE (A, B OR C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The municipality is comfortable being among the first to try new policies and initiatives.</td>
<td>The municipality usually goes along with other municipalities’ recommendations about trying new policies and initiatives.</td>
<td>The municipality is uncomfortable trying new policies and initiatives.</td>
<td></td>
</tr>
<tr>
<td>The municipality enjoys being the first in the province to try something new.</td>
<td>The municipality prefers to try new things after seeing other municipalities successfully use them.</td>
<td>The municipality prefers to use things it is currently using.</td>
<td></td>
</tr>
<tr>
<td>The municipality likes to try things that are seen on TV or read about.</td>
<td>The municipality prefers to try things that are seen on TV or read about only after seeing other municipalities successfully use them.</td>
<td>The municipality prefers not to try things that are seen on TV or read about until they have been thoroughly tested.</td>
<td></td>
</tr>
<tr>
<td>RESPONSE (A, B OR C)</td>
<td>A</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>The municipality is always looking for something new to benefit its residents.</td>
<td>The municipality sometimes looks for new things to try to benefit its residents.</td>
<td>The municipality likes using more traditional things to benefit its residents.</td>
<td></td>
</tr>
<tr>
<td>If the municipality doesn’t know what to do, it asks other municipalities for advice.</td>
<td>If the municipality doesn’t know what to do, it sometimes asks other municipalities for advice.</td>
<td>If the municipality doesn’t know what to do, it tries to figure it out itself.</td>
<td></td>
</tr>
<tr>
<td>Incentives would motivate my municipality to consider trying something new.</td>
<td>Incentives might motivate my municipality to consider trying something new.</td>
<td>Incentives would not motivate my municipality to consider trying something new.</td>
<td></td>
</tr>
<tr>
<td>It is very important to the municipality’s professional reputation to be the first to try something new.</td>
<td>It is somewhat important to the municipality’s professional reputation to be the first to try something new.</td>
<td>It is not important to the municipality’s professional reputation to be the first to try something new.</td>
<td></td>
</tr>
<tr>
<td>The municipality likes to be the first to try new programs.</td>
<td>The municipality prefers to wait until other municipalities use a program before trying it.</td>
<td>The municipality is uncomfortable trying new materials.</td>
<td></td>
</tr>
</tbody>
</table>

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The Policy Readiness Tool is just one of many inputs into your Force Field Analysis. Consider all factors when drawing conclusions about community readiness for by-law development. If you feel the time is right to work on by-law development and decide to move forward, your Force Field Analysis will support you in this process. For example, it will be useful in Step five, when you focus on building support for the by-law.
Step 4: Identify and understand municipal decision makers and influencers

The success of your by-law depends on your ability to influence the right people. To do this effectively, you must first identify the by-law decision makers as well as the influencers who can persuade them. In communication terms, the decision makers are known as your primary audience and the influencers are known as your secondary audience. Both are extremely important when working toward passing or changing a by-law.

**IDENTIFY DECISION MAKERS**

Decision makers are individuals who decide on a course of action. Who the final decision maker may be for a particular by-law depends on:

- the by-law being put forward
- who has been chosen to make the decision
- who is officially responsible

There are two types of municipal decision makers: elected officials (i.e., municipal council members) and civil servants (i.e., municipal staff). For municipal by-law development, the primary decision makers are elected officials.\(^40\)

Make sure you understand how your municipality is organized and what issues are in the works:

1. Review your municipality’s website to identify what each department is responsible for. Use this information to learn more about the municipal decision-makers associated with that department.

2. Search municipal council minutes and the municipal website to determine which department, and which position within the department, has responsibilities related to implementing a by-law. For example, if considering implementing a smoke-free outdoor spaces by-law, you may find that there is a Parks and Recreation Committee.

3. Review committee minutes to gain a better understanding of issues they are talking about. A review of the minutes could reveal that the Parks and Recreation Master Plan is being revised and that a sports association recently made a deputation to council to create a smoke-free outdoor spaces by-law. This will help you build support for your chosen by-law option (Step 5) and also help you prioritize efforts to move your by-law process forward. Also consider using the Council Meeting Minute Review templates developed by Niagara Region Public Health.\(^41\)
Templates and tools available at Healthy Living Niagara [http://healthylivingniagara.com/](http://healthylivingniagara.com/)

**Council Meeting Minute Review Template:** To review council meeting minutes to develop a better understanding of local decision makers and their competing interests or priorities.

**Municipal Strategic Plan Matrix:** To develop a better understanding of local priorities outlined in the municipal strategic plans and to identify potential opportunities for alignment and collaboration.

**Media Tracking Template:** To populate information related to the work of public health. For monitoring the local context for emerging or ongoing issues.

**Tracking Policy Progression Template:** To track policy development progress from one year to the next. Policy change often happens over a long period of time.

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**IDENTIFY INFLUENCERS**

An influencer is anyone in the community who could influence your municipal decision makers (e.g., workers in government, non-government, not-for-profit organizations, service organizations, media outlets, faith groups, private businesses, community volunteers, parents, and residents). Your own medical officer of health and board of health members may be important influencers. They may influence whether or not your by-law gets adopted and is properly implemented.²²

1. **Using the information gathered in Step 1,** identify organizations and individuals who could help you better understand your municipal decision makers. Consider generating a list of influencers who could help move your by-law development process forward. You may not be able, or need to focus on all of the influencers you uncover. Choosing the right ones is important.

2. **Find out what makes these influencers “tick.”** In communication terms, this is called audience analysis. It means gathering and sorting through information about their demographic, behavioural and psychographic characteristics. In this way, you can learn about their underlying interests and motivations. This will help later when you craft persuasive messages to build support for your by-law (step five).

---

**IDENTIFY CHAMPIONS**

If you are fortunate, one of the decision makers and/or influencers may champion your cause. A champion believes in what you are trying to achieve and can advance your by-law by:

1. **Identifying possible opposition to the by-law.** This allows you to prepare countervailing evidence and position it in a persuasive way. There is no substitute for an insider who believes in your issue, supports it, and gives you tips and suggestions for getting your proposed by-law pitched, presented and passed through council meetings.
2. Getting the right people involved.

3. Persisting under adversity.\textsuperscript{43}

Choose champions who are already considered influential opinion leaders, rather than known supporters of an issue who may not be opinion leaders.\textsuperscript{44} If you can find a municipal councillor who can represent your group’s interests, this will greatly increase your chances of getting the by-law approved. It also saves precious time and energy for all of your stakeholders. Table 3 provides ways to identify champions.

\textbf{Table 3: Identifying champions}\textsuperscript{45}

<table>
<thead>
<tr>
<th>METHOD</th>
<th>TECHNIQUE</th>
<th>ADVANTAGES</th>
<th>DISADVANTAGES</th>
<th>INSTRUMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Celebrities</td>
<td>Recruit well-known people who are national, regional or local celebrities.</td>
<td>Easy to implement Many celebrities are pre-existing opinion leaders High visibility in the community</td>
<td>Personal behaviour may contradict health message. Need to be educated about the issue Difficult to recruit and costly Selection bias</td>
<td>Important to select a celebrity that the community identifies with Media or individuals can help to identify</td>
</tr>
<tr>
<td>Self-Selection</td>
<td>Volunteers are recruited through solicitation</td>
<td>Peer relationship to target audience brings credibility Cost-effective</td>
<td>May not be perceived as opinion leaders by the target audience May be motivated to volunteer for reasons other than altruism</td>
<td>Individuals volunteer for leadership roles Recruited through word of mouth, printed material or other forms of media solicitation</td>
</tr>
<tr>
<td>Self-Identification</td>
<td>Surveys use a leadership scale and those scoring above some threshold are considered leaders</td>
<td>Easy to implement Pre-existing opinion leaders</td>
<td>Selection bias Validity of self-reporting</td>
<td>Individuals complete a survey measuring their perception of their own leadership</td>
</tr>
<tr>
<td>Staff Selected</td>
<td>Leaders selected based on community observation</td>
<td>Easy to implement Staff misperceptions Leaders may lack motivation</td>
<td></td>
<td>Staff determines which persons appear to be opinion leaders</td>
</tr>
<tr>
<td>METHOD</td>
<td>TECHNIQUE</td>
<td>ADVANTAGES</td>
<td>DISADVANTAGES</td>
<td>INSTRUMENTS</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Positional Approach</td>
<td>Persons who occupy leadership positions such as clergy, elected officials, media and business others</td>
<td>Easy to implement&lt;br&gt;May be more reliable than staff selection&lt;br&gt;Pre-existing opinion leaders&lt;br&gt;More power in regard to legislation or policy change</td>
<td>May not be leaders for the community&lt;br&gt;Leaders may lack motivation&lt;br&gt;“Formal” leaders may not be perceived as leaders within the “informal” community</td>
<td>Select opinion leaders based on their occupational or organizational role</td>
</tr>
<tr>
<td>Judge’s Ratings</td>
<td>Knowledgeable community members identify leaders</td>
<td>Easy to implement&lt;br&gt;Trusted by community</td>
<td>Dependent on the selection of raters and their ability to rate</td>
<td>Persons who are knowledgeable identify leaders to be selected and rate all community members on leadership ability</td>
</tr>
<tr>
<td>Expert Identification</td>
<td>Trained ethnographers study communities to identify leaders</td>
<td>Implementation can be done in many settings</td>
<td>Dependent on experts’ ability&lt;br&gt;May have limited generalizability given the idiosyncrasies of observations and settings</td>
<td>Participant observers watch interaction with the community and determine who people go to for advice</td>
</tr>
<tr>
<td>Snowball Method</td>
<td>Randomly selected samples provide nominations of leaders who are in turn interviewed until no new leaders are identified</td>
<td>Implementation can be done in many settings&lt;br&gt;Provides some measure of the social network</td>
<td>Validity may depend on index selection&lt;br&gt;It can take considerable time to trace individuals who are nominated</td>
<td>Randomly or conveniently selected index cases are asked who they go to for advice</td>
</tr>
<tr>
<td>METHOD</td>
<td>TECHNIQUE</td>
<td>ADVANTAGES</td>
<td>DISADVANTAGES</td>
<td>INSTRUMENTS</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Sample</td>
<td>Sociometric</td>
<td>Implementation can be done in many settings</td>
<td>Results are dependent on the representativeness</td>
<td>Randomly selected sample or cases are asked</td>
</tr>
<tr>
<td></td>
<td>Randomly selected respondents nominate leaders and those receiving frequent nominations are selected</td>
<td>Provides some measure of the network</td>
<td>of the sample</td>
<td>who they go to for advice</td>
</tr>
</tbody>
</table>


UNDERSTAND THE DECISION MAKERS AND INFLUENCERS

Understanding your decision makers and influencers will help you build support for your by-law (Step 5) and also to prioritize your efforts. Below is a list of questions to guide your analysis. These are adapted from the Ontario Chronic Disease Prevention Alliance, Toolkit to Healthier Communities—Influencing Healthy Public Policies.

Questions to ask about your municipal decision makers:

- What is their specific position?
- What are the best ways to communicate with them?
- What kinds of processes do they go through before making a decision (e.g., research studies, public hearings, consultations with certain individuals)?
- What kind of relationship do they have with the community? What does the community think of them?
- What actions or positions have they taken on similar issues in the past?
- What kinds of decisions do they have the power to make?
- What motivates them in general (e.g., status, personal values, serving their constituents, public recognition for work)?
- Where do they currently stand on the issue? On related issues?
- What are the stated goals of their organization (e.g., in a strategic plan)?

Questions to ask about your influencers:

- What are the best ways to communicate with them?
- What do they stand to gain or lose from the passing of your suggested by-law?
• What actions or positions have they taken on similar issues in the past?
• What kind of persuasion or advocacy processes do they use or participate in typically (e.g., public demonstrations, relationship-building, media advocacy)?
• What kind of relationship do they have with the community? What does the community think of them?
• What kinds of decisions do they influence?
• Where do they currently stand on the issue? On related issues?

By-laws may have long-term implications. Part of the job of municipal councillors is to consider those far-off effects, so it is important to understand how your by-law and other public health work fits within the municipality’s overall strategic plan. This will help with your communication and engagement efforts in Step 5.

Once you have listed your decision makers and influencers, prioritize them based on who has the most power, who is the most accessible, who is the most approachable, and who has the most decision-making power. It makes sense to start with people who are most sympathetic and supportive of your cause—the so-called “low-hanging fruit.” You may find it useful to document the results of the research and prioritization process. Toolkit to Healthier Communities—Influencing Healthy Public Policies. contains two worksheets that serve this purpose (see tables 4 and 5).

Table 4: Identify decision makers

<table>
<thead>
<tr>
<th>Decision-making individuals or departments relevant to the by-law you are pursuing</th>
<th>List key characteristics of this decision maker. What do you know about this person and the department?</th>
</tr>
</thead>
<tbody>
<tr>
<td>For example, John Person, Director of Planning</td>
<td>Where he stands on the issue, actions he has taken on this issue, community’s perception of him.</td>
</tr>
</tbody>
</table>
Table 5: Prioritize decision makers

Use your list from Table 4 to answer the questions below and develop a strategy to engage municipal decision makers.

<table>
<thead>
<tr>
<th>List the top five most important/powerful decision makers</th>
<th>List the five most accessible decision makers</th>
<th>List your top five decision makers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
<td>2.</td>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
<td>3.</td>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
<td>4.</td>
<td>4.</td>
</tr>
<tr>
<td>5.</td>
<td>5.</td>
<td>5.</td>
</tr>
</tbody>
</table>
Step 5: Build support for the by-law

At this point in the process, you should:

- Understand your issue and the evidence that supports developing a by-law (Step 1).
- Be informed about the current state of readiness of community stakeholders to support your by-law (Step 2).
- Know who needs to be influenced and engaged to move the by-law process forward (Step 3).
- Have a short list of priority decision makers and influencers, and be confident that you can tailor persuasive messages to them about your by-law effort (Step 4).

If you are missing any of these pieces, revisit the earlier steps.

If you feel these areas are well covered, now is the time to build support for your group. Step 5 is about reaching out to community stakeholders to tell them about the problem, present by-law development as a solution, explore where there is alignment between their work/mandate, and invite them to engage in developing the by-law.

One way to build support is by writing a briefing note to share with potential coalition members. A briefing note is a topic-specific short paper (fewer than two pages) meant to quickly and effectively inform a decision maker about an issue. There are a number of resources available on how to write a briefing note (e.g., how to write a briefing note; briefing note for municipal council). Other ways to build support is to form a coalition and through strategic communication.

BOOST SUPPORT THROUGH A COALITION

For by-law development, supportive individuals often organize themselves into a coalition (also known as a partnership, collaborative or working group). A coalition is a group of individuals and organizations who have diverse skills and expertise to address a common issue. Coalitions are designed to reduce public acceptability of harmful behaviours or practices, such as smoking. They can leverage the skills, expertise and resources of the group to achieve what individuals and single organizations may struggle to achieve on their own; however, coalitions cannot be just a collection of like-minded individuals with a shared passion. They need to be supported by a formalized structure with specific rules, expectations, a vision, a mission, a diverse membership, clearly defined roles, strong leadership, and a plan for sustainability. Although some internal working group members may support the work of the coalition, a coalition is different from the internal working group discussed in Step 1.

Coalitions can be particularly important for public health practitioners who are public servants and who may be limited in their ability to engage directly in advocacy efforts. In this situation, the coalition may
do the core advocacy work and be supported by public health in other ways. For example, to support the by-law process, public health staff may:

- Gather and share information about community opinions and needs.
- Facilitate access to public health data.\(^{46}\)
- Provide research evidence about effective health promotion strategies and by-law options.\(^{46}\)
- Give advice about research questions to engage in by-law debates.\(^{46}\)
- Show support during the deputation process\(^{47}\)
- Publicly recognize by-law champions including politicians, coalitions and other partners for their work in support of the by-law.

In these ways, public health can build skills and capacity within the coalition, without doing direct advocacy work.

Coalitions are an important way to build partnerships with communities, but they are not the only way. As you work to build support for your by-law, it is important to provide a variety of opportunities for community members to get involved in the process of generating support for the policy.\(^{27}\) Table 6 provides ways to build an effective coalition.

You can engage community members, who are not directly involved in the coalition, by using these methods: publication, public meeting, open house, advisory committee, task force, workshop, targeted briefing, focus group, bilateral meeting, toll-free phone line, online, and public hearing.

For information: Public Policy and Public Participation: Engaging Citizens and Community in the Development of Public Policy.\(^{48}\)
### Table 6: How to build an effective coalition

<table>
<thead>
<tr>
<th>Planning</th>
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</thead>
<tbody>
<tr>
<td>• Assess problem and determine significance</td>
<td>• Identify methods that are currently in place that address the problem</td>
<td>• Determine who would support a coalition</td>
</tr>
<tr>
<td>• Determine who would support a coalition</td>
<td>• Define the community capacity for a coalition and identify potential barriers</td>
<td>• Ensure that coalition activities ultimately focus on policy or environmental change rather than individual-level change</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Formation</th>
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</thead>
<tbody>
<tr>
<td>• Clarify mission</td>
<td>• Recruit members—include substantive representation from all identified stakeholders; community representation is KEY</td>
<td>• Formalize rules, roles, procedures, and responsibility (e.g., by-laws, standard operating procedures, goals and objectives, and memoranda of understanding)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implementation</th>
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</thead>
<tbody>
<tr>
<td>• Define the community capacity for a coalition and identify potential barriers</td>
<td>• Condoct a needs assessment</td>
<td>• Set priorities based on results of needs assessment and funding</td>
</tr>
<tr>
<td>• Conduct a needs assessment</td>
<td>• Select appropriate strategies to achieve coalition goals</td>
<td>• Select appropriate strategies to achieve coalition goals</td>
</tr>
<tr>
<td>• Raise community awareness of coalition and problem</td>
<td>• Generate additional funds for coalition</td>
<td>• Generate additional funds for coalition</td>
</tr>
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<table>
<thead>
<tr>
<th>Maintenance</th>
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</thead>
<tbody>
<tr>
<td>• Coalitions must provide benefits (e.g., solidarity, appreciation, evidence of impact) that exceed costs (e.g., time, frustration) to sustain membership and momentum</td>
<td>• Assign tasks based on skills and available resources</td>
<td>• Define action steps that are broad enough to address funders’ goals and also the goals of the coalition</td>
</tr>
</tbody>
</table>

DEVELOP A COMMUNICATION AND ENGAGEMENT PLAN TO BUILD BY-LAW SUPPORT

Now it is time to develop a communication and engagement plan to build support for the by-law. Your plan should outline primary and secondary audiences, objectives, channels and vehicles, a timeline or suggested sequence, key messages for specific target audiences and a way of monitoring and evaluating your progress.\(^{49}\)

PRIMARY AND SECONDARY AUDIENCES

In Step 4, you identified priority decision makers and influencers. Some of those were probably key individuals such as specific community leaders or municipal employees. Others may have been larger audiences such as non-governmental organizations, lobby groups or the public. These will continue to be important audiences in your communication campaign.

COMMUNICATION AND ENGAGEMENT OBJECTIVES

In Step 1 you identified who or what will (or should) be changed as a result of the by-law. Those objectives probably mentioned a change in health status or a change in a condition or situation that might eventually affect health in some way. Your communication and engagement objectives must be
strategically aligned with your outcome objectives, but they are usually shorter-term and deal with changing things such as support among municipal employees, attitudes of community members, or knowledge among decision makers that may affect the momentum of your by-law.

COMMUNICATION AND ENGAGEMENT STRATEGIES

Think of communication strategies in terms of channels and vehicles. Channels are ways in which a message is sent (e.g., via television, radio, interpersonal communication, newspaper), while vehicles are specific ways to deliver a message (e.g., in a newspaper via advertisements, in-depth articles, political cartoons or supplements).45

Traditionally, engagement was done face to face in meetings and consultations. Today, people take part in two-way conversations online through social media.

The tip sheet, General Strategies for Encouraging Policy Change38 suggests using multiple channels and tools including in-person meetings, phone calls, letters, websites, mass media and social media to engage decision-makers and the public. It highlights the importance of working to get your issue covered by the news media rather than paying for media coverage. This is called earned media which includes writing media releases, articles and letters to the editor, and organizing demonstrations or events.38 It also suggests tailoring the way you communicate to the intended audience. For example, using social media works for connecting with Innovators, but is not an effective approach with the Late Majority.

Media advocacy is a type of health communication that involves the strategic use of media (usually the news media) to shape public opinion, mobilize community activists, and influence decision-makers to create a change in a policy.49

The Program Training and Consultation Centre (PTCC) has a good collection of resources on media relations and media advocacy that contain advice on channels and vehicles.47
TIMELINE/SUGGESTED SEQUENCE

Communication strategies can be carefully scheduled (e.g., mass media campaign), released at a set time (e.g., website or event), or be unexpected (e.g., change in leadership).

It is important to be ready to exploit opportunities as they arise. The tip sheet, General Strategies for Encouraging Policy Change,\textsuperscript{38} suggests:

An election campaign is an ideal time to develop relationships with candidates and generate support for proposed policies. Do your best to connect with every candidate, even those who may not be on the radar for elected office. This can help to build support for your public health issue across political ideologies and allegiances. After the election, keep successful candidates accountable for their pre-election promises.\textsuperscript{38}

Effective communication and engagement demands both time and good timing. When developing your strategy, recognize that activities can take longer than predicted. Be sure to give proper attention to this phase of the process.
KEY MESSAGES

A key message is a strong written or verbal statement that expresses your position. It should be written in plain language (clear, concise, accurate), offer a solution, assign primary responsibility to a party, and be practical. When creating your messages, follow these guidelines:

- Use three to five key messages.
- Tailor messages to fit the different priorities, interests and backgrounds of the groups and individuals that you seek to engage.
- Highlight how the proposed policy will make the community a better place for constituents to live. Involve the community.
- Show public support for the proposed policy or related issue (e.g., opinion polls, surveys, letter and phone campaigns, letters to the editor, media, social media, and writing news articles and blog posts).
- Define your goals and tailor your message to your target audience. For example, if you are trying to pass a smoke-free parks by-law and your municipality is in the process of developing an environmental action plan, highlight how your proposed policy will support the policy directions of the environmental action plan (e.g., decrease in litter from cigarette butts).
- Position the policy based on its future health benefits, but also illustrate to decision makers the immediate payoffs that may result from policy adoption. For example, a smoke-free by-law in city parks not only protects the health of children, but also decreases park maintenance and contributes to urban beautification.
- Demonstrate positive policy outcomes, such as health benefits or economic return on investments that have resulted for other municipalities that have successfully implemented the policy. This shows potential policy adopters what is possible in their own jurisdictions.
Conflict and heated debate often accompany by-law development. This is a normal and necessary part of the process. To counteract the arguments, craft key messages that effectively convey the benefits of the by-law and dispel misgivings. Opponents may think the by-law will limit their individual freedom. They may also assert that there is insufficient scientific evidence or argue that the potential by-law will be “bad for business” and/or difficult to enforce.

You can identify possible objections by considering the results of the Force Field Analysis (Step 3) and the audience analysis (Step 4). To help counteract these arguments, consider these tips:

- Conduct public opinion surveys early in the process, to leverage public opinion and support.
- Involve a scientific authority who is well-respected in the community to act as a champion.
- Involve the media.
- Know your opposition and understand their perspective through stakeholder consultations, interviews.
- Leverage what other jurisdictions are doing to demonstrate that such a by-law has been successfully passed elsewhere without significant negative impacts.
- Choose a designated person (e.g., a communications specialist) to be in charge of developing and delivering messages to counteract any resistance.

An individual or group can ask to present to municipal council (or a municipal committee) on a matter of public interest. This is a deputation. Often only one deputation is allowed for each individual/group on a given topic unless substantial new information is provided, so carefully consider the timing, content, delivery and choice of your messenger.

Use the results of your Policy Readiness Assessment to craft key messages and to build support for your by-law. Follow these strategies from the Policy Readiness Tool.

**STRATEGIES TO USE WITH INNOVATOR MUNICIPALITIES**

- Provide supportive evidence. Emphasize the positive outcomes of by-law adoption and explain how the benefits outweigh the risks. Innovators tend to be more accepting of risk, so you can give them less concrete evidence to make your case.
- Appeal to the innovative spirit of the municipality. Present the information in a way that enhances the municipality’s reputation as an Innovator. For example, Innovators tend to be thoughtful and interested in the big picture, so position the issue within a population health perspective.

**STRATEGIES TO USE WITH MAJORITY MUNICIPALITIES**

- Provide evidence and outline public opinion. Majority municipalities need concrete evidence about the benefits of the proposed by-law and supporting examples. Show evidence of community support through public opinion polls, surveys, writing letters, and attending meetings can help persuade a Majority municipality.

- Frame the issue from the Majority perspective. Show other municipalities that have undergone similar policy change. Emphasize the importance of not being left behind other municipalities. You can also approach multiple municipalities to take action together on an issue.

- Engage and mobilize the community to take action on the issue. Advocate through the media or create community-based coalitions.

**STRATEGIES TO USE WITH LATE ADOPTER MUNICIPALITIES**

- Educate decision makers about the issue. Keep them informed about new evidence and the actions of other jurisdictions so that the issue stays on their agenda.

- Show that the benefits outweigh the costs. Persuade them by using scientific and public support, and highlight the risk of maintaining the status quo.

- Build strategic relationships with key community members. Show that their community supports the by-law.

There are no clear start and end dates when you are building support for your by-law. You may need to continue gathering support from decision makers while you are writing, revising, and implementing the by-law.
Step 6: Draft the by-law

The writing process includes drafting a new by-law or revising a current by-law. Because a by-law is a legal document, each municipality prescribes how to write it. Review the language of your municipal by-laws and similar by-laws that have been enacted.

Check with your coalition members to see who has writing skill and experience. If no one has this ability, you may need to hire a professional.

Get to know your municipal clerk (secretary of municipal council and municipality). This person keeps the records related to municipal administration (e.g., policy and procedure manuals, statutory documents, local improvement agreements), so has complete understanding of the municipality’s procedural requirements. The duties of the clerk are to:

- Record without note or comment all resolutions, decisions, and other proceedings of council.
- Record the name and vote of every member voting on any matter or question.
- Keep the originals or copies of all by-laws and all minutes of the proceedings of the council.
- Perform other duties required under the Municipal Act, 2001.

BASIC COMPONENTS OF A BY-LAW

Each municipality can prescribe what needs to be included in a by-law. However, all by-laws need the basic components itemized in Table 7.

Table 7: Basic components of a by-law

<table>
<thead>
<tr>
<th>BY-LAW COMPONENT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of the municipality</td>
<td>The complete name of the municipality should appear at the beginning of the document.</td>
</tr>
<tr>
<td>By-Law numbering system and year</td>
<td>Most municipalities identify their by-laws in the sequence they were enacted by council. Letters or numbers are often used as suffixes or prefixes, as well as sequential numbers or letters and the year the by-law was passed. For example, “By-law T-209-02” refers to a traffic by-law, being the 209th by-law passed in 2002.</td>
</tr>
</tbody>
</table>
**BY-LAW COMPONENT** | **DESCRIPTION**
--- | ---
Brief title—subject matter | While this is not required under the *Municipal Act, 2001*, it helps identify the by-law on council agenda or minutes.

Preamble/Recitals | These are not essential, but can help explain the by-law’s purpose and to identify the legal power for the enactment of a by-law (useful if the by-law is revisited due to legislative changes.)

Enactment | An enactment (defined as “coming into force”) usually goes before the operative clauses in a by-law. It can be recognized by the words: “now therefore.”

Definitions | Definitions of terms used in the by-law’s clauses are usually placed at the beginning.

Operative provisions/ Schedules | They refer to sections that set out the actions to be taken by council, usually forbidding or regulating persons from doing things. They can refer to a schedule or appendix attached to the by-law which provides more information (e.g., maps, payment schedules)

Penalty | This is normally included. Most by-law infractions are subject to a $5,000 fine as established by Section 61 of the Provincial Offences Act. Sections 437 and 438 of the Municipal Act, 2001 outline various provisions with respect to municipal fines.

Date/ Signatures/ Seal | The date of enactment for a by-law is the day of the council meeting at which that particular by-law was passed. It is not clear whether the by-law must be signed during or after the meeting.

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**CHARACTERISTICS OF AN ACCEPTABLE BY-LAW**

Your by-law is a legal document, so consult with your municipal clerk and a legal representative. They will make sure the language and structure are appropriate and that the by-law meets these requirements:

- All conditions prior to its enactment should be met.
- It should be communicated and published if required by law.
- It should be couched within the expressed or implied powers of the local authority.
- It should be in the best interests of the inhabitants and not serve a private interest.
- It should be supported in the manner required by law.
- It should not be considered offensive to the law.
- It should not discriminate or create a monopoly and should be reasonable.
- It should be passed by a convened meeting of the council at which the majority of a quorum agree to it.
- The meaning should be certain.
- There should be a valid municipal corporation.
- It has short-form wording for offence notices.

GUIDELINES FOR A CLEARLY WRITTEN BY-LAW

Be sure to pay attention to good writing and communication practices. A vague or poorly written by-law can be open to a legal challenge. This is because it may be difficult to know if an offence has been committed, and if legal action is needed. It can waste time and resources; frustrate the complainant, by-law enforcement officer and legal prosecutor; embarrass the council and senior management; and undermine the perceived value of a by-law. Precious time and resources may also be wasted. Paying attention to good writing and communication practices can help avoid these negative outcomes. Table 8 provides tips for drafting a by-law.

When writing a by-law, use simple, clear, and concise words. Plain language will help you avoid confusion. For example, do not use Latin, Greek, and legal jargon; terms such as “shall,” “will” and “may”; and “means” and “includes” in the same sentence.
Table 8: Summary of drafting do’s and don’ts

<table>
<thead>
<tr>
<th>Do</th>
<th>Don’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use the correct form of each word to fit the intended meaning – improper use can make the meaning of a by-law unclear or uncertain.</td>
<td>Avoid long and/or run-on sentences within a section.</td>
</tr>
<tr>
<td>Use schedules or appendices if technical data or long lists are needed (e.g., for a traffic by-law the appendices would include overnight parking instructions for city streets).</td>
<td>Avoid outmoded words and expressions (e.g., instead of “pursuant,” use “under”).</td>
</tr>
<tr>
<td>Use concise and accurate headings</td>
<td>Avoid imprecise words (e.g., use “the” or “that” instead of “such”).</td>
</tr>
<tr>
<td>Be consistent in the use of sections, sub-sections, clauses and paragraphs:</td>
<td>Avoid inconsistent repetition of the same phrase or expression.</td>
</tr>
<tr>
<td>• Sections</td>
<td></td>
</tr>
<tr>
<td>o Sub-sections</td>
<td></td>
</tr>
<tr>
<td>1. Clauses</td>
<td></td>
</tr>
<tr>
<td>▪ Paragraphs</td>
<td></td>
</tr>
<tr>
<td>Number all parts consistently.</td>
<td>Avoid redundant use of words or phrases.</td>
</tr>
<tr>
<td>Present the content of the by-law in a logical sequence.</td>
<td>Do not change the words within the by-law.</td>
</tr>
<tr>
<td>Use a consistent drafting style (i.e., the by-law should communicate the intention of the council).</td>
<td>Avoid the improper use of “shall” and “will.” “Shall” is more of an order and carries the weight of necessity, whereas “will” implies an action that will be taken at a future time.</td>
</tr>
<tr>
<td>Use gender-neutral language.</td>
<td>Do not use double negatives.</td>
</tr>
<tr>
<td>Use the present tense and active voice.</td>
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</tr>
<tr>
<td>Prepare the by-law in a clearly readable format.</td>
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</tr>
</tbody>
</table>

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Your working group will present the written by-law to the municipal council. Council can pass the by-law, send it back to you for revisions, or defeat it.

A revised version of the by-law may be resubmitted at a later date, but it will need to go through the same approval process again. Amendments to a by-law may also be added after the initial passage.

An approved by-law must be signed by the head of council or presiding officer of the meeting at which the by-law was passed, and by the clerk, under the seal of the corporation.

Review all your by-law drafts to ensure they meet the goals and objectives that you outlined in Step 1.
Step 7: Facilitate adoption and implementation of the by-law

This step will help you to encourage municipal council to enact the by-law. You need to consider implementation early. It should be part of the discussion when your group is building support among decision makers.

A good implementation plan clearly states your strategies for enforcement and communication. Before your by-law is passed, share your enforcement and communication plans with those who will be responsible for implementation. When developing a municipal by-law, it is best when you or your group live within the municipality. This is because local residents can vote in municipal elections, so municipal council members want to address their concerns.

DEVELOP AN ENFORCEMENT PLAN

In your enforcement plan, state the consequences for non-compliance, address implementation barriers, and assign responsibilities and resources.

CLEAR CONSEQUENCES

Make sure the by-law has “teeth.” This means there are consequences for non-compliance. The intent is not to be punitive, but to achieve the overarching by-law goal: to protect the health of the public.

STAGED APPROACHES TO ADDRESS IMPLEMENTATION CHALLENGES

Use a phased-in approach for non-compliance. Your plan could begin with education, move to investigation and inspection plus warning (issue is documented), and end with fully enforced consequences. Another approach could be to increase the stringency of requirements over time, starting with reducing a behaviour or substance then moving to a full ban. A phased-in approach increases the chance of achieving strong voluntary compliance, ultimately saving time and enforcement costs.
CLEAR ALLOCATION OF RESPONSIBILITY AND RESOURCES

Estimate time and resources for all aspects of inspection, investigation of complaints and enforcement. You should do this in consultation with the individuals who will be involved and responsible, and others with experience in the area. In addition, name specific people or positions responsible for the time and resources you require (e.g., police, municipal enforcement personnel, citizens) and allocate time and dollars for training and support. A timeline for various implementation phases is also important. This should include a regular review of warnings issued, charges laid and time to reflect on how well the enforcement approaches are working.

DEVELOP A COMMUNICATION PLAN

There are two reasons for developing a communication plan during the by-law implementation phase. One is to educate people about the new by-law; that is, what it is about, how to comply and consequences for non-compliance. The second is to maintain support for the by-law. Although your by-law may have been passed, unpopular by-laws can be repealed or watered down. Continued support from decision-makers and the community-at-large is important. These two objectives are related. In general, greater support will result in greater compliance. 31

Time invested in building support for your by-law in step five should limit further opposition; however objections often still arise after a by-law has been adopted. In fact, in the early phases of implementation, opponents will be carefully watching for ways in which the by-law is not working according to plan, or is causing unexpected problems. It is important to be prepared to swiftly respond to opposition with strategic key messages.

Implementation Plan Checklist

- Clear consequences for non-compliance
- Identified barriers to implementation
- Plan for dealing with barriers
- Accurate estimate of the resources (time, money, person power and expertise) needed to enforce and educate people about by-law
- Specified responsibilities for enforcement, including inspection, investigation into complaints/compliance, and communication/education
- Reasonable and practical timeline for implementation
- Timing considered
These six strategies are most effective for ensuring policy adoption according to a study on smoke-free policies in outdoor recreational facilities:48

- Collecting and using local data to persuade decision-makers
- Educating the community in smoke-free policy efforts
- Framing the policy appropriately (e.g., through demonstrating constituent support for the policy, demonstrating how the policy protects children)
- Having a “champion” to carry an objective forward
- Leveraging enthusiasm and commitment of youth volunteers
- Recognizing and respecting the political climate, and tailoring by-law adoption accordingly

Your communication plan should meet two objectives: 1) to outline a strategy for implementing the by-law to; and 2) educate the public and build support for the new by-law. Consider:

- Identifying and analyzing key audiences. Add people who are affected by the new legislation (e.g., business owners) along with decision makers and influencers.
- Adding objectives related to educating community members about compliance and consequences for non-compliance.
- Recycling some of your key messages and add new ones that deal with the impact related to implementation.52 For example, you may want to maintain support for your by-law by framing it as a way to protect vulnerable populations such as children, as well as add new messages that address concerns about its impact on business or profit. For example, the restaurant industry predicted a significant decline in business after indoor smoke-free policies were adopted. Many proponents for indoor smoke-free by-laws crafted messages for the business community that summarized evidence from other communities showing that the actual impact on business was minimal and profits even increased after a short time. Sharing this sort of experience can help to reduce fear and opposition and bring people on-side.
- Writing new key messages about compliance to help people understand how to follow the new by-law. Distribute signs and other support materials. Tailor the messages and vary the style, length and details to different settings and audiences.

For successful implementation of your by-law, approach enforcement in stages and support it with communication that addresses the concerns of the affected groups

Allow a period of time between when the by-law is promoted and when it is enforced. This gives the community time to become familiar with and accept the by-law.
Step 8: Monitor and evaluate the by-law

Although this is listed as the last step, you should monitor and evaluate your activities throughout the process.

**MONITORING SYSTEMS**

By monitoring your activities, you will uncover information that can improve decision making, be used in an evaluation, highlight when an evaluation should occur, and provide accountability to stakeholders.\(^{53}\)

For example, you can find out if your communication activities are successful by monitoring the number of media stories about your health issue or the number of elected officials sent briefing notes following the commencement of your plan. Once a by-law is adopted, you can use community groups to monitor whether or not specific procedures of the by-law disproportionately affect certain individuals.\(^{54}\)

**EVALUATING BY-LAWS**

While evaluations are often conducted for accountability purposes, they also highlight successes, identify possible challenges and ensure ongoing public and political support.

The Centers for Disease Control and Prevention (CDC) identifies three main phases of policy evaluation,\(^{53}\) which can apply to by-laws:

- content
- implementation
- impact

**Content phase.** Evaluate your content in steps 1, 2, 6. Evaluate to highlight components and procedural requirements of a by-law, compare by-laws across municipalities and describe the process for by-law development.\(^{55}\)

**Implementation phase.** Evaluate to identify any differences in the planned implementation activities and what was actually carried out, improve the implementation process and inform future policy development.\(^{56}\)

**Impact phase.** Plan the impact evaluation before the by-law is adopted, but do not begin evaluating the by-law for at least six months after it is adopted. Use the goals and objectives determined in Step 1 to look at short-term, intermediate and long-term outcomes and impacts.\(^{57}\)
Table 9: Evaluation Questions to Consider for the Three Phases of By-Law Evaluation

<table>
<thead>
<tr>
<th>Content</th>
<th>Implementation</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Does the policy clearly state the goals or objectives?</td>
<td>• Has the by-law been consistently implemented and enforced as intended?</td>
<td>• How many enforcement actions have been taken (e.g., compliance checks, warnings, penalties)?</td>
</tr>
<tr>
<td>• Are the components of the policy consistent with those of model policies?</td>
<td>• What kind of feedback has been received about the by-law?</td>
<td>• What are the rates of compliance in various settings, among different audiences?</td>
</tr>
<tr>
<td>• Are the requirements feasible given available resources?</td>
<td>• Have costs and staff time been in-line with estimates?</td>
<td>• What has been the change in attitude towards the health issue?</td>
</tr>
<tr>
<td>• Which major stakeholders played a role in the policy’s development?</td>
<td></td>
<td>• What have been the health outcomes and are those outcomes equitably distributed among the population?</td>
</tr>
<tr>
<td>• How is the content of the policy similar to or different from that of other policies?</td>
<td></td>
<td>• Have there been unforeseen consequences of the by-law?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Is the situation better than it was before the by-law was implemented?</td>
</tr>
</tbody>
</table>
IDENTIFY INDICATORS

Indicators are specific measurements of success. They help you answer your evaluation questions and assess the degree to which your objectives have been achieved.

Examples of process indicators are:

- number of staff hours expended
- number of complaints received
- number of educational materials developed and disseminated
- degree of consistency of implementation and enforcement
- participant satisfaction with training about by-law implementation

Examples of outcome indicators are:

- compliance rates
- public attitude changes toward the health issue
- number or percentage of people who changed their behaviour
- number or percentage change in health outcomes

A more detailed discussion of policy questions and indicators related to the entire policy development and implementation process can be found in Performance Measurement for Public Health Policy. 53

Tips for choosing indicators

- Select measures appropriate for your reporting cycle.
- Keep in mind that measurements can be collected regularly, occasionally, or once. Account for this variation in your evaluation plan.
- Align your evaluation plan with the organizational goals and objectives.
- Align your choice of indicators with organizational and program goals and objectives, specifically those you set in the early stages of the by-law development process. Be sure they are directly linked to the desired outcomes.
- Prioritize.
COMMUNICATE AND ACT ON YOUR RESULTS

Use your evaluation results. Communicate them to stakeholders, and use them to strengthen implementation and improve future by-law development efforts.

A more detailed discussion of the evaluation process can be found in the Evaluating Health Promotion Programs Workbook.
Conclusion

By-law development is an important health promotion strategy. Although it is presented here in steps, the eight stages of by-law development are usually an iterative process rather than a linear one. As stakeholders and the political environment shifts, you may need to move backwards and forwards through the process in reaction to shifts in the political environment.

A well-organized, evidence-informed process can make by-law development easier. Still, it is usually a time-intensive undertaking that requires the support of many people and the ability to gauge whether the by-law is the right thing to do at the right time.

By-laws can have a greater impact on improving population health than any other approach to health promotion. They create an environment that supports health and helps make the healthy choice the easy choice. Keep in mind that once by-laws are in place, they will likely endure.

“Policy work is a long road, which requires a sustained effort. It’s often about small, incremental changes and successes. But when it all comes together, the positive impact for the population as a whole is well worth the effort.”

27
References


41. Ontario Agency for Health Protection and Promotion (Public Health Ontario). Understanding Municipal Decision-makers Webinar Q & A’s [Internet]. Toronto, ON: Queen’s Printer for Ontario; 2014 [cited 2014 Dec 2]. Available from:


## Appendix A

### At a glance: The eight steps for developing a municipal by-law

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identify, Describe and Analyze the Problem</td>
</tr>
<tr>
<td>2</td>
<td>Develop and Assess By-law Options</td>
</tr>
<tr>
<td>3</td>
<td>Assess Readiness for By-law Development</td>
</tr>
<tr>
<td>4</td>
<td>Identify and Understand Municipal Decision-makers and Influencers</td>
</tr>
</tbody>
</table>

#### 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 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 or factors are driving (i.e., support) or hindering 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 (i.e., municipal council members) and civil servants (i.e., 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 department is responsible for.

**Influencers:** Anyone else in the community who 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 and propose by-law development as a solution.
- Summarize your findings, share them with community stakeholders, and invite them into a further dialogue.
- Request 15 minutes with an existing committee/partnership to discuss the problem, and by-law development as a potential 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 to council.

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; 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 impact 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.