



Staff Report

Report Title: Municipal By-Law Enforcement Service Report

Prepared By: Heather Falconer

Department: Municipal By-Law Enforcement

Date: Apr. 3, 2023

Report Number: BLE-2023-04-10

File Number: C-11 BLE23

Attachments: N/A

Recommendation:

That the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report Number BLE-2023-04-10 prepared by Heather Falconer, By-Law Enforcement Officer;

AND FURTHER directs _____

Background:

On February 17, 2023, at the Budget Meeting, the Council of the Corporation of Huron-Kinloss directed Staff to bring back a report regarding present Municipal By-Law Enforcement levels of service and the way that by-law enforcement services could be delivered and enforced.

Discussion:

Current Services Provided

Municipal by-law enforcement services are available from 8:30 a.m. to 4:30 p.m. Monday through Friday. During this time administrative duties and on-site investigations including inspections are completed.

The municipal by-law enforcement officer enforces the following by-laws and regulations for Township:

- Off Road Vehicle 2015-89
- Special Events By-Law 2016-64
- Animal Control/Kennel
- Lawn Watering By-law 2010-46
- Prohibit Littering By-law 1999-17
- Boats and Trailers on Beach

- | | |
|---|---|
| Licensing By-Law 2017-116 | 2005-07 |
| <ul style="list-style-type: none"> • Open Air Burning By-law 2016-139 • Feeding of Wildlife and Feral Animals By-law 2021-93 • Public Nuisance By-law 2016-33 • Urban Area Weed and Grass Cutting By-law 2023-40 • Noise Control By-Law 2005-101, as amended • Sign By-law 2019-140 • Traffic and Parking By-law 1999-20, as amended • Golf Car By-law 2021-90 • Exotics Pets By-law 2010-49 • Property Standards By-law 2018-100 under BCA • Tree Preservation By-law 2011-85 • Comprehensive Zoning By-law, as amended 2019-98 • Swimming Pool Fences By-Law 2000-55 | <ul style="list-style-type: none"> • Refreshment Vehicle 2006-50, • Sidewalk Display By-law 2006-25 • Prohibited of Snow Piling 2011-136 • Residential Tenancies Act • Police Services Act • Ontario Wildlife Damage Compensation Program (OWDCP) • Public Lands Act-Beach Management Agreement • Dog Owners Liability Act • Planning Act • Provincial Offences Act • Protection of Livestock & Poultry from Dogs Act • Pound Act • Line Fences Act • Ontario Building Code Act |

If the public requires by-law assistance after 4:30 p.m. on weekdays or on the weekends, they may leave a detailed message on the by-law enforcement pager. If the message left constitutes an item that is time sensitive (e.g. dog at large), the caller will be contacted for further information. If the message left is an item that can be addressed the following workday, then the caller will be contacted then.

If a member of the public is dealing with an urgent or critical matter, they may call the by-law enforcement after-hours emergency number. The afterhours emergency number service is a shared service with the municipal public works department. When a call is placed to this number, a live person (no recording) is there to answer the call, detail the situation and assist with the next steps forward. The service has a detailed developed chart regarding frequent situations that may or may not be by-law related. Going through the chart, the members of the public will be provided with contact information to the person or agency who can best assist them. The list of contacts includes: 911, private animal control companies, fire department, Ontario Provincial Police (OPP) non-emergency number, and Ministry of Natural Resources

and Forestry, to name a few. If the situation requires by-law enforcement attendance, the after-hours emergency answering service employee is to call the municipal by-law enforcement direct line and then proceed to the municipal by-law enforcement officer's personal phone number.

Here is the actual call volume during 2022 for the after-hours emergency number. Of which there was 7 filed in a 12-month period:

- Two were regarding dogs running at large, which were attended by the By-law Officer.
- Two were concerning wild animals.
- Two were noise complaints that were directed to the OPP.
 - One was in Ripley regarding music playing loudly at Bruce County Housing, and
 - One was along the lakeshore pertaining to a gathering of people; and
- One was mistakenly made and did not pertain to the Township of Huron-Kinloss.

By-law Enforcement current coverage

When the municipal by-law enforcement officer is on holiday, the service is then covered by the contracted relief municipal by-law enforcement officer.

As part of municipal by-law enforcement duties patrols of the Ripley, Lucknow and the lakeshore area are done in conjunction with area inspections. This is done by vehicle and on foot. A different section of beach is patrolled weekly when the snow has receded, and the residents return. In the past, vehicle patrols were done with a vehicle magnet that clearly stated, "By-law Enforcement". This discontinued when a magnet did not stay on the vehicle. A lost or stolen by-law enforcement logo may prove problematic if used for a purpose it was not intended for. Staff are investigating other branding options.

October - April the weekly average of time spent on in office administrative tasks is 22.75 hours (65%) and field work is 12.25 hours (35%). Call volume is down during this time so extra time is spent on public education campaigns and administration house keeping.

May – September the weekly average of time spent on administrative tasks is 19.25 hours (55%) and field work is 15.75 hours (45%). Call volume increases during this time of year and as a result, so does the number of inspections and investigations.

Approximately 5 hours a week is allocated to providing support to building services which can include either administrative tasks or field work.

The Township does have a complaint procedure to provide guidelines to the public and staff as to the process for resolving concerns. Due to staff turnover, and other operational challenges, the procedure may not be used consistently across departments at this time.

If a violation is deemed to have occurred or is occurring, an educational notice of violation is issued. If after re-inspection or if there is an additional occurrence, a

follow up notice of violation is issued. If violations continue, the violator is issued an Order or a Provincial Offence Act Certificate. These steps are a general guideline as not every situation is the same.

The Annual Statistics for 2019-2022 By-law Enforcement complaints are as follows:

Violations	2019	2020	2021	2022
By-Law	64	82	77	76
Animal Control	73	62	73	42
Property Standards	43	59	68	64
Parking Violations	7	23	44	22
Beach Complaints	15	8	16	13
Lawn Watering	2	3	5	2
Feeding Wildlife and Feral Animal	N/A	N/A	15	1
Other	35	34	62	57
Total	239	271	360	277

As the above chart shows, the pre-pandemic received complaints were significantly lower compared to the height of the pandemic. The trend shows that complaint volume is heading back to what they were in the year 2019.

Council further requested that set fines be investigated. When a set fine (Provincial Offences Certificate) is issued the person receiving the fine has the option of paying the ticket or requesting a Provincial Offence Court Trial. The pandemic halted in-person court proceedings for months and created more delays exacerbating existing backlogs. Measures such as virtual hearings and proceeding with cases by priority of severity have been implemented to minimize the impact of backlogs. Unfortunately, municipal by-law infractions are not seen as high priority, therefore could have substantial delays or are dismissed. Administration Monetary Penalties are being investigated by staff as an alternative option to set fines. More information can be found in staff report BLE-2023-04-12, as submitted.

Options for Levels of Service

If the Council is interested in any type of service enhancement to the current By-law Enforcement program, below is a list of options for consideration (with estimated costs), further reporting may be required.

Status Quo

This is the current process. During the pandemic there had been a noticeable increase in property standards complaints. These were from yard appearances and from the trees affected by the ash borer disease. The Township is still working on getting back to a new normal now that most of these complaints have been rectified.

Flexible By-law Enforcement Officer Schedule

The current schedule is from Mon-Fri 8:30-4:30 and attending after hour calls as required. The schedule could be modified to allow for flexibility to work weekends when available.

The relief municipal by-law enforcement officer is available to work various weekends (Saturday and Sunday). This service would be at the cost of \$550 per weekend.

Hire seasonal employee to work weekends during summer period

This option covers weekends from Victoria Day weekend to Labour Day weekend. The seasonal employee can perform patrols and educate the public on by-laws matters and regulations and provide warnings when applicable.

Total cost of services= \$10,070

Note: The Township is having difficulty recruiting students for our current positions.

Contract a company to work weekends during summer period

This option covers weekends from Victoria Day weekend to Labour Day weekend. The Township would enter into a service agreement with a chosen company that offers municipal law enforcement services. This agreement could include uniformed personnel to perform patrols, vehicle, and to educate the public on by-laws matters and regulations. The company would be trained to provide violation warnings and to issue Provincial Offence Certificates when required.

Total cost of services= \$12,915

Weekdays including evening shifts can be booked with a 4-hour shift minimum at the service rate of \$35/hr.

Contract a company for requested durations of time

This service option permits more flexibility by allowing the Township to enter into a service agreement with its chosen company. This agreement could include uniformed personnel to do patrols, vehicle, and to educate the public on by-laws and regulations. They have the formal training to provide warnings and to issue Provincial Offence Certificates. The difference is that they work when the Township foresees the need. Shifts are a minimum of 4 hours per shift at the service rate of \$35/hr. through the week and \$45/hr. on weekends.

Review and update as required the Townships Complaint Policy

Complaint policies are a standard practice when dealing with by-law complaints that may lead to an infraction. A complaint policy restricting anonymous complaints can help to alleviate frivolous, and vexatious complaints and can be used to address neighbor versus neighbor type complaints. Additionally, contact information is sometimes necessary for follow-up and investigative purposes, to identify any risks or safety hazards to staff while investigating, and may be necessary should the offence proceed to prosecution.

As part of the Township's efforts to continually improve, this is one of a number of policies and procedures currently under review. Township Staff will be providing proposed updates to this policy, that update based on new technologies, communication medium, reflect best practices, and provide clarity to Staff and the public how complaints and concerns will be addressed.

High Profile Branding and Community Patrols

The existing by-law enforcement model used by the Township has been in place for many years. It was a standard practice using a "complaint-based approach". Enforcement activities are typically activated based on a concern or complaint received (verbally or written form) by Staff, or Council, or when the issue has become problematic for the community.

As more by-laws are passed or modified and the community continues to grow and develop, enforcement needs change. A more active community approach could be undertaken to meet what appears to be the rising expectations of the public and council regarding levels of service.

An effective program with high profile branded community patrols may provide a level of service not seen currently in the Township. This branding would include increased patrols on foot and in a vehicle clearly branded as a "by-law enforcement" vehicle. Being more visible to the community could be a deterrent for by-law violators and will offer the residents more of an opportunity to communicate with an officer in the community setting.

A community-based enforcement service model is, in essence, a collaboration between the Township and the community. It is intended to identify and potentially solve community problems before they require a reactive response.

To enhance the service level we are already delivering, we could allocate more time each month to conducting dedicated patrols and more community-based by-law enforcement activities.

If the desire exists to look at an enhancement to by-law enforcement services, this model could be an option for Council to take into consideration.

The expenses associated to this enhanced level of service would be an increase in annual fuel costs which we estimate to be around \$3000, and the one time cost of branding the vehicle which could be approximately \$1000.

Financial Impacts:

There could be associated financial costs depending on the direction of Council.

Strategic Alignment / Link:

We are an accessible community that offers opportunities for everyone by being open and transparent.

Respectfully Submitted By:

Heather Falconer, Municipal By-Law Enforcement Officer

Report Approved By:

Mary Rose Walden, Chief Administrative Officer