

Title: By-law Enforcement Service Delivery
Report Number: PDS2021-55
Meeting Date: Tuesday, December 07, 2021
Report Prepared: November 1, 2021

RECOMMENDATION(S):

1. That the Planning and Development Services Report PDS2021-55 BE RECEIVED.
2. That Staff BE DIRECTED to develop service delivery standards for Council's future consideration.
3. That Staff BE DIRECTED to assess opportunities for a stepped administrative penalty system associated with applicable municipal by-laws for Council's future consideration.

REPORT:

Strategic Plan

In October 2020 Council completed the City of Thorold's 2020-2023 Strategic Plan. The Strategic Plan identifies four high level goals to guide the City over the lifespan of the plan. Each strategic goal identified prioritized projects aligned with the high level goals. One of the strategic goals set for the City of Thorold is to provide "Vibrant, Inclusive Neighbourhoods by creating safe, attractive and accessible places for people". City Council identified a review of by-law and parking services as a top priority towards achieving a vibrant, inclusive neighbourhood and assess opportunities for enhanced enforcement.

Staff have conducted an internal review of By-law and Parking Enforcement and have identified key strengths and weaknesses within the current service delivery as well as opportunities for "enhanced enforcement".

Current Service Delivery

Services

The By-law Enforcement Division for the City of Thorold does not currently have a minimum service level set by Council. This results in staff setting their own priorities under the direction of the Chief Building and By-law Official. Staff currently work hard to investigate and resolve the many varying concerns of residents and businesses within the municipality. These matters include items such as clean yard violations, noise complaints, residential rental licensing, fence violations, graffiti, swimming pools, delivery of print media, parking, property standards, sidewalk snow removal, crossing guard back-up, etc. These services are provided to the community from 7:00 AM – 7:00 PM Monday thru Friday and parking enforcement from 7:00 AM – 5:00 PM on Saturdays. The By-law Enforcement Division tries to provide proactive enforcement throughout the community but have been finding this more difficult recently due to the consistent increase in reactive complaints being received.

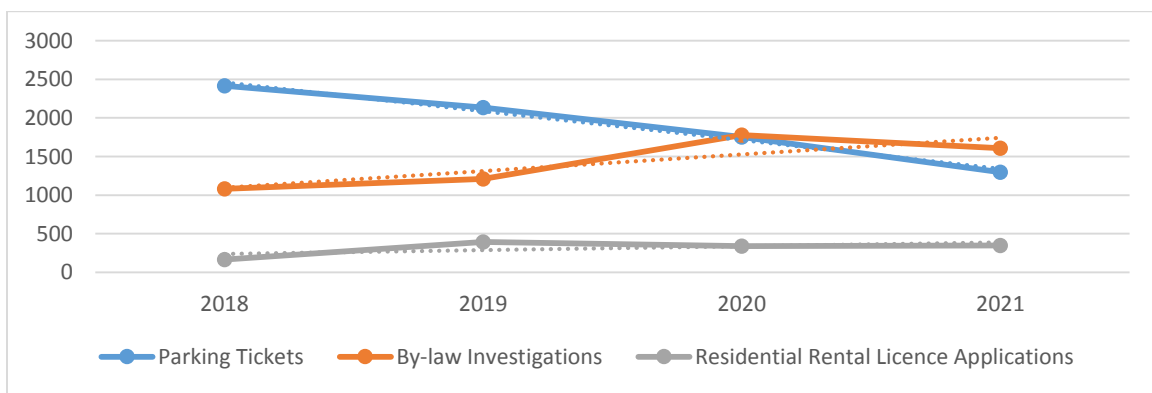
Activity Statistics

Over recent years the City of Thorold has experienced a significant amount of development. The new development has not only increased the population of the municipality but with it has also resulted in a noticeable shift in resident expectations of service levels provided by staff. The following tables represent the number of files investigated by By-law Enforcement Officers over recent years.

	2018	2019	2020	2021*	2021**
Parking Infraction Notices Issued	2417	2133	1751	1299	1789
By-law Investigations Conducted	1082	1210	1779	1607	1891
Residential Rental Licence Applications	168	393	342	348	362

*Numbers shown are year to date up to October 18, 2021

**Numbers are estimated projections to year end



Note: Dotted lines show estimated projection of enforcement types

Staffing Resources

The By-law Enforcement Division is managed by the Chief Building and By-law Official whom also manages the Building Division and the School Crossing Guard program. The By-law Enforcement Division shares one administrative support staff with the Building Division, Planning Division, Committee of Adjustment and the Crossing Guard Program. The following table identifies the current permanent staffing complement for the By-law Enforcement Division.

Manager/Supervisor	Support Staff	Officers
0.4	0.2	4

By-law Enforcement Officers work four, ten hour shifts per week in accordance with the current Collective Agreement. These shifts are staggered throughout the week to accommodate service delivery from 7:00 AM – 7:00 PM Monday through Friday. In 2019 the By-law Enforcement Division also began offering limited parking enforcement on Saturdays at varying times between 7:00am and 7:00pm. This is accommodated by removing one officer from the weekday rotation one day per week and scheduling them to work on Saturday. The staggered shifts plus Saturday parking enforcement provides for two to three By-law Enforcement Officers on duty on a typical weekday and one By-law Enforcement Officer on duty on Saturdays. Of the two to three officers scheduled on duty, one officer is dedicated to full-time administrative work daily from Monday to Friday and a second officer is dedicated to administrative work associated with Residential Rental Licensing for approximately half of each work day. The need for By-law Enforcement Officers to provide the majority of their own administrative support results in the number of By-law Enforcement Officers on the road at any one time being reduced to two for the majority of the day. One of these By-law Enforcement Officers is dedicated to performing Residential Rental Licensing inspections each day which leaves one officer performing all by-law investigations and parking enforcement. Officers whom are dedicated to administrative functions will assist with by-law investigations and parking enforcement when possible. The increase in by-law complaints plus the increased need to perform administrative functions has resulted in a decrease of parking enforcement as identified in the table above.

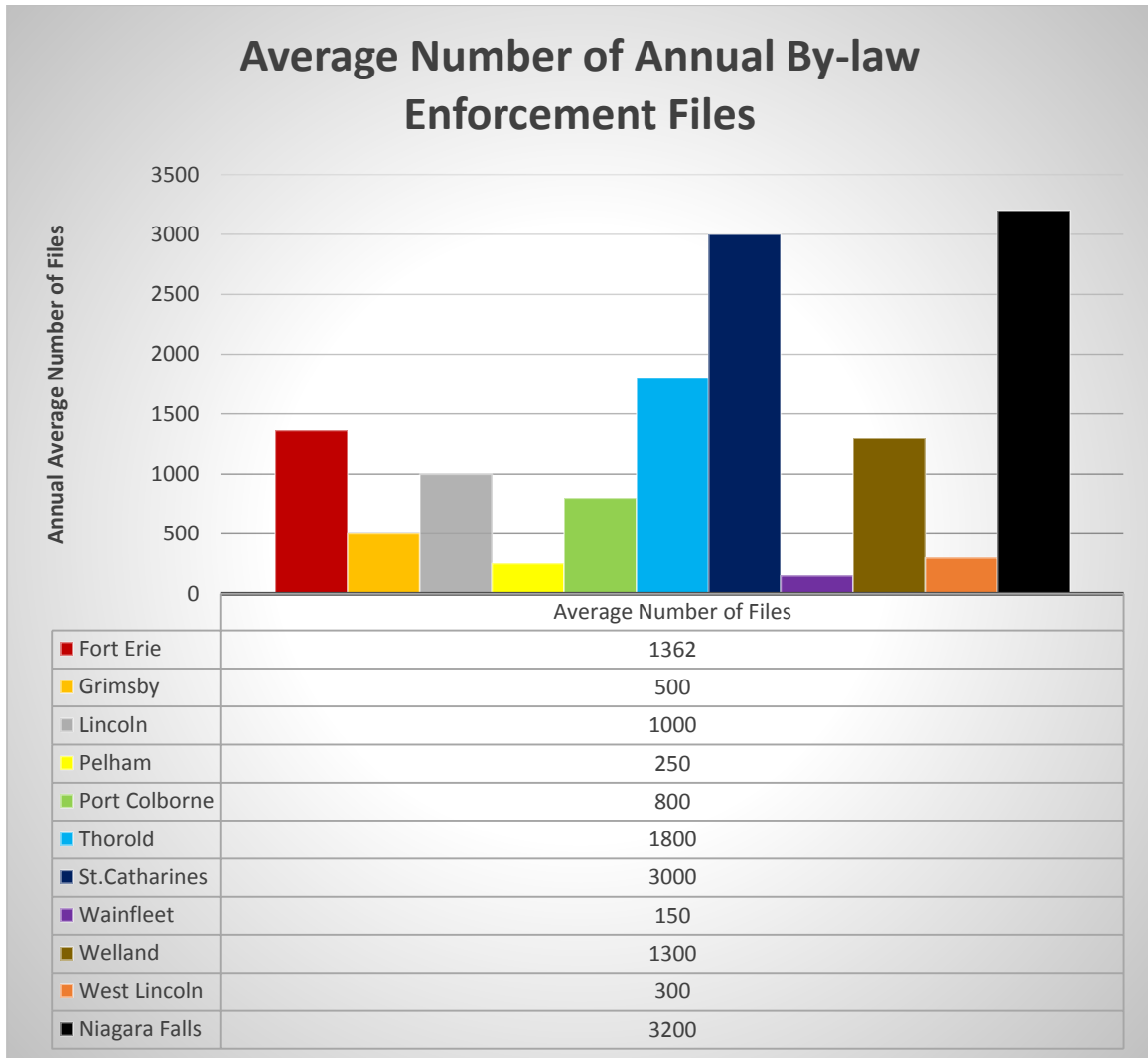
Capital Resources

The Division currently owns 3 vehicles shared amongst the officers to conduct their duties within the community. Various technological tools have also been implemented such as an electronic database of most files and most recently, laptops to allow officers more flexibility and ease of access to information on the road. The Division is currently implementing software to allow for Parking Infraction Notices to be issued and managed electronically. The integration of these tools have helped improve efficiencies within the Division.

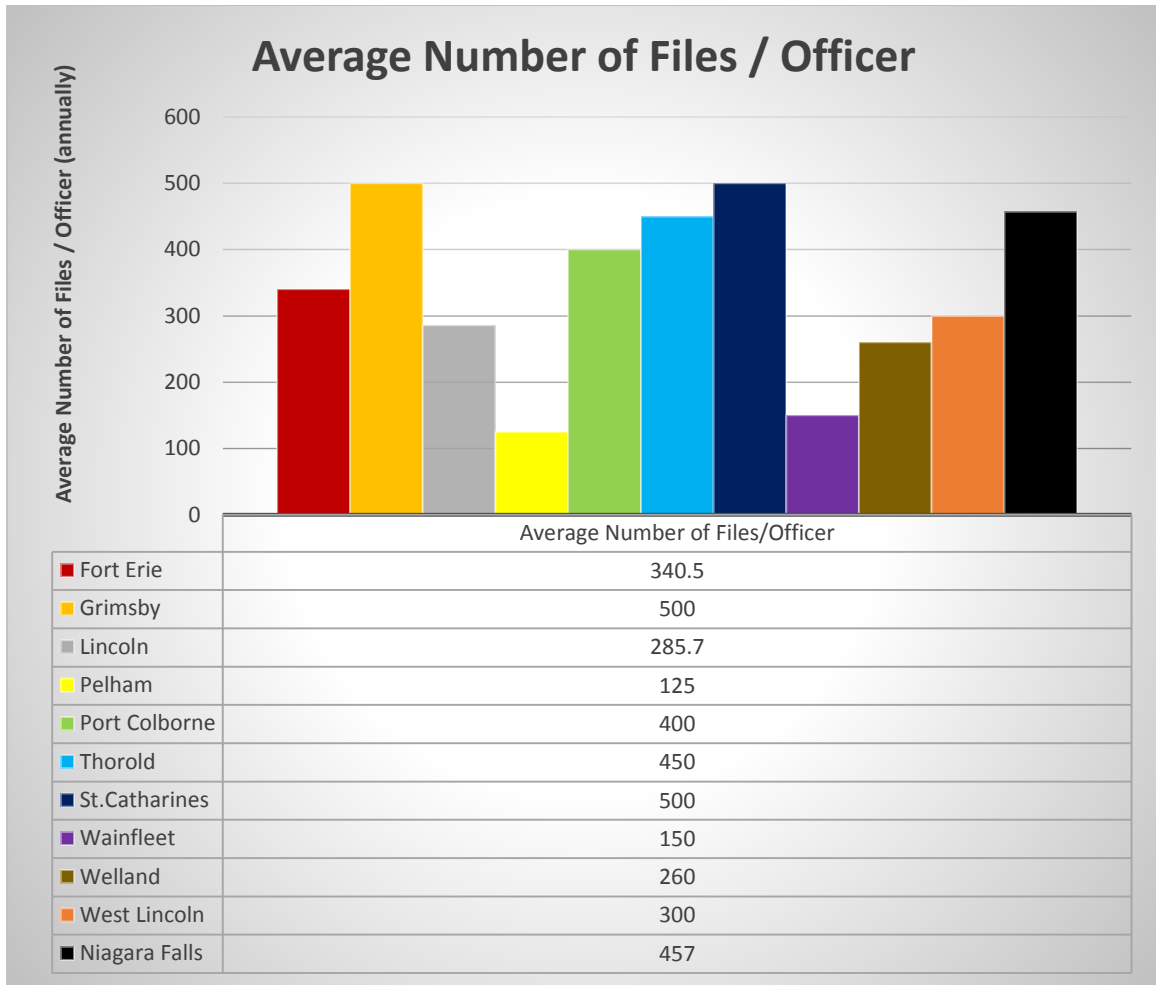
Comparators

Staff conducted a survey of all local area municipalities within the Niagara Region to identify the service level and resources provided to each. Results were received from ten of the other eleven local municipalities. A summary of the survey results are shown below.

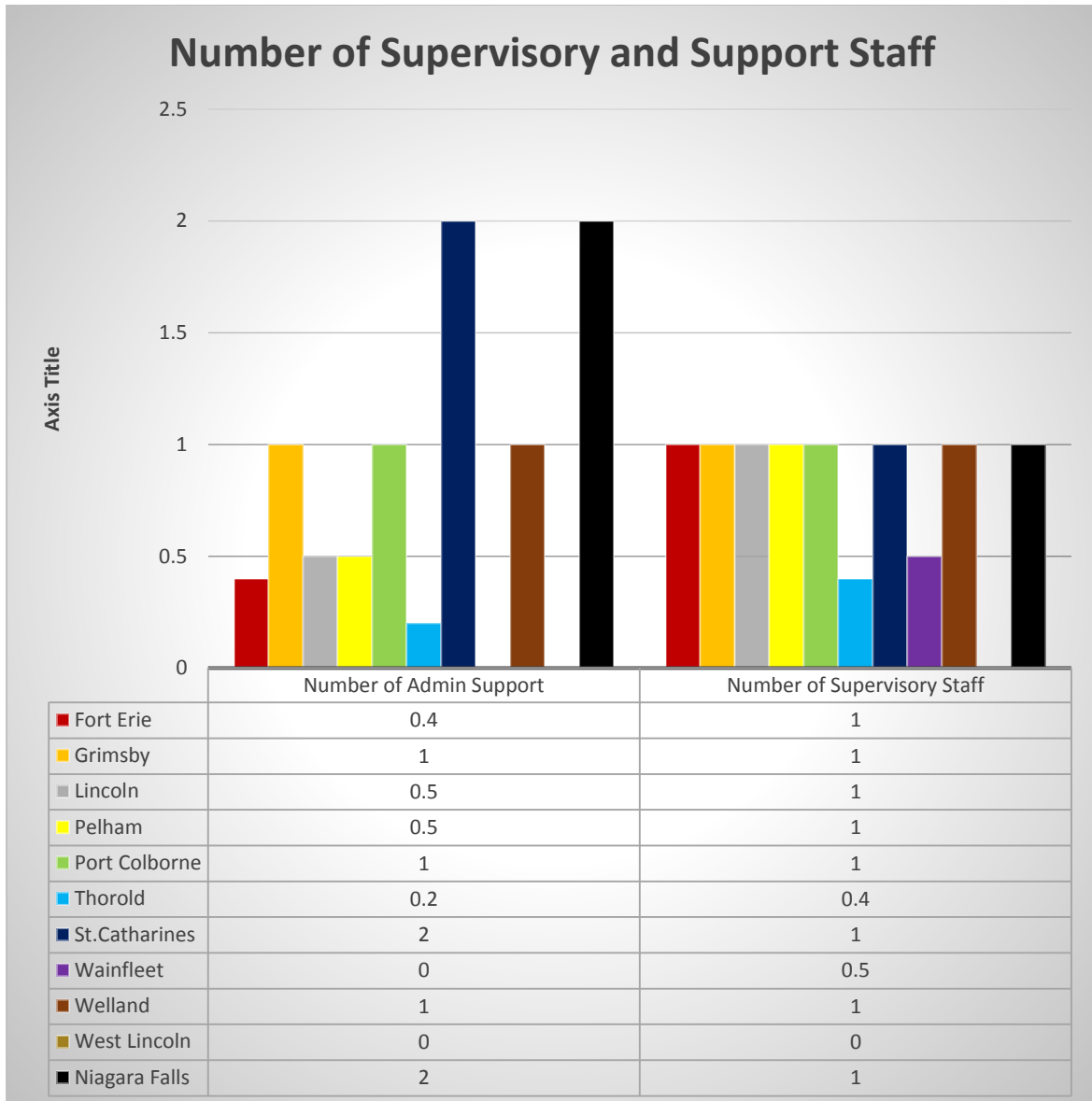
Survey Summary



The average number of by-law enforcement files across the eleven identified LAM's is 1,242. The City of Thorold currently receives approximately 1800 by-law enforcement files annually.



The average number of files per officer across the eleven identified LAM's is 342.5 files per officer. The approximate number of annual files per officer for the City of Thorold is currently 450 files per officer. These numbers do not include residential rental licensing inspections or parking enforcement.



Five of the ten other represented LAM's have full-time administrative staff available to support by-law enforcement, three LAM's have part-time or shared administrative support and two do not have any administrative support available to by-law enforcement. The City of Thorold currently shares one administrative support position with the remainder of the Planning & Development Services Division. Approximately 20% of the administrative staff time is used to support by-law enforcement.

Eight of the other ten LAM's represented currently have a dedicated Manager or Supervisor to oversee by-law enforcement. The City of Thorold, the Township of West Lincoln and the Township of Wainfleet have been identified as the only represented LAM's in the Niagara Region that do not have a supervisory position dedicated to by-law enforcement.

Enforcement hours and type of enforcement vary between all 11 local municipalities as identified below.

- Fort Erie
08:30h – 20:00h, 7 days/week
95% of work is reactive enforcement
- Grimsby
08:30h – 16:30h, Monday thru Friday
Reactive and proactive enforcement provided
- Lincoln
08:00h – 20:00h, Monday thru Friday
08:00h – 18:00h, Saturday
Reactive and proactive enforcement provided
- Niagara Falls
08:30h – 21:00h, 7 days/week
Reactive enforcement only
- Pelham
08:30h – 16:30h, Monday thru Friday
Reactive and proactive enforcement provided
- Port Colborne
Specific times are unknown. 7-8 hour shifts, 7 days/week
Reactive and proactive enforcement provided
- St. Catharines
07:30h – 15:30h, Monday thru Friday
Reactive enforcement only other than for safety issues
- Wainfleet
08:30h – 16:30h, Monday thru Friday
Reactive enforcement only
- Welland
08:30h – 01:00h, Monday, Tuesday and Friday
08:30h – 16:30h, Wednesday and Thursday
09:00h – 01:00h, Saturday and Sunday
Reactive enforcement only other than long grass complaints
- West Lincoln
09:00h – 16:30h, Monday thru Friday
Reactive enforcement only

The City of Thorold currently provides by-law enforcement services from 07:00h – 19:00h Monday thru Friday and parking enforcement services until 19:00h on Saturdays.

Strengths

The By-law Enforcement Division is currently staffed by individuals dedicated to their work, work co-operatively and efficiently with little supervision and want to promote a healthy, safe and desirable environment for residents and businesses to thrive within. The team works collaboratively with other departments and/or agencies for the betterment of the community.

A fifth By-law Enforcement Officer was retained in June 2021 on a temporary basis until December 2021 to assist with the increased workload associated with Covid-19 and an additional vehicle has been temporarily borrowed from the Public Works and Community Services Department to accommodate the additional staff member. The addition of the 5th By-law Enforcement Officer resulted in a 16% increase of resolved files in Q3 over Q2. This contract position ends on December 31, 2021.

Weaknesses

A significant amount of administrative functions are required to be completed to support the duties of by-law enforcement. The By-law Enforcement Division current lacks any dedicated administrative support which requires the majority of these functions to be performed by the officers. Performing the administrative support functions prevents officers from spending time within the community. As the number of citizen concerns increase, the lack of needed administrative support has become much more prevalent as officers no longer have the time to perform proactive enforcement or any education within the community.

The By-law Enforcement Division is managed by the Chief Building & By-law Official. The Chief Building & By-law Official is also responsible for oversight of the Building Division and Crossing Guards. As a result, by-law enforcement staff do not receive dedicated supervision or leadership which often leads to a lag in addressing unorthodox situations, legal matters, staff concerns and process improvements. The City of Thorold is currently one of only three identified municipalities within the Region that do not have a dedicated Manager or Supervisor to By-law Enforcement.

The By-law Enforcement Division currently lacks direction from Council on the preferred level of service to provide the community. In addition, the Division lacks operational policies and procedures to assist staff with consistent enforcement processes. This often leads to staff questioning how to proceed with unusual situations and inconsistency in the service provided to the community. Although the need to develop policies and procedures has been identified, the Division lacks the necessary management resources to focus on these needs at this time.

Opportunities

The By-law Enforcement Division would realize significant improvements in customer response time, process improvements and file resolution through support from administrative support staff and a dedicated Manager/Supervisor of By-law Enforcement.

The By-law Enforcement Division could benefit from being guided by a set of service delivery standards along with operational policies and procedures to assist staff in making decisions during the course of their duties. Council approved service delivery standards will provide consistency in enforcement practices and identifiable metrics that can be measured and reported on.

Enforcement professions have also been experiencing an increased amount of public attention and scrutiny recently. This added level of public interest can be beneficial by holding enforcement agencies accountable but it has also led to an increase in allegations towards enforcement personnel that are at times difficult to investigate. A growing number of enforcement agencies are turning to body worn cameras for enforcement personnel. The introduction of body worn cameras are a cost effective option to be added to By-law Enforcement Officer PPE. Body worn cameras can assist in the investigation of allegations towards officers and the corporation, deter unfavourable behaviour towards By-law Enforcement Officers during the performance of their duties and increase accountability of officer actions.

A review of the current penalty structure could also be considered as a part of enhanced enforcement within the municipality. A stepped penalty system has been identified as a potential opportunity to be reviewed to increase penalties for repeat offenders as further encouragement to comply with legislation. A review of the current penalty structure and the potential for a stepped penalty system may be brought before Council for consideration in the future.

Threats

Providing enhanced by-law enforcement services within the community will result in the need for additional resources. This will lead to an increase in budgetary costs that would need to be considered during the corporate budget deliberations. Although the By-law Enforcement Division can and does recuperate a percentage of operating costs through penalties and user fees, the goal should be to encourage compliance of legislation through these tools. Increased compliance would effectively lead to a decrease in revenue for the Division and therefore revenue from penalties should not be relied upon solely for funding enforcement services.

The current contract for the fifth By-law Enforcement Officer ends on December 31, 2021. The Division will then be reduced back to four permanent officers which will further impact current service delivery.

Over the past couple of years there has been a noticeable shift in expectations from the community as it relates to by-law enforcement services. The expectations for enhanced by-law enforcement services needs to be appropriately managed by Council and staff as enhanced enforcement puts strain on financial, capital and operational resources. It is also very important that officer safety be at the forefront of all decisions and therefore by-law enforcement services should not be confused with or considered an alternative to the services provided by the Niagara Regional Police Service.

Conclusion

Although there is a desire to provide grander enforcement services throughout the community, this desire needs to be balanced with the associated costs for such services and how these costs would impact the taxpayer and other municipal department needs. Staff have reviewed the current service delivery, optional tools, comparisons to local area municipalities and opportunities for enhanced service delivery with associated costs and will identify during upcoming budget submissions any needed resources to maintain and/or enhance enforcement services.

BUDGETARY STATUS:

There are no budgetary impacts at this time. Budgetary impacts are recommended to be identified and included within the Divisions proposed 2022 budget for consideration during 2022 budget deliberations based on Councils desired level of service delivery.

STRATEGIC PLAN:

Vibrant, Inclusive Neighbourhoods

CANADIAN CONTENT:

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ATTACHMENTS:

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PREPARED BY: “original signed” Jason Simpson, Chief Building Official

SUBMITTED BY: “original signed” Paul Moore, Director of Planning & Development Services

APPROVED BY: “original signed” Manoj Dilwaria, Chief Administrative Officer

Report Approval Details

Document Title:	PDS2021-55 By-law Enforcement Service Delivery.docx
Attachments:	
Final Approval Date:	Dec 2, 2021

This report and all of its attachments were approved and signed as outlined below:

Paul Moore - Nov 8, 2021 - 2:53 PM

Joanne Hyde - Nov 11, 2021 - 4:14 AM

Manoj Dilwaria - Dec 2, 2021 - 10:14 AM