

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT

REPORT TO: Planning & Building Committee
MEETING DATE: April 4th, 2011
REPORT NO.: B.11.18
SUBJECT: Police Services Board Resolution
 – Municipal By-law Enforcement
 Weekend & After-Hours
PREPARED BY: Sharon Long, Admin. Assistant
 Building & By-law

A. Recommendations

THAT COUNCIL receive Staff Report B.11.18 for information purposes.

B. Background

The Blue Mountains Police Services Board at its meeting of February 23, 2011 adopted a resolution (Addendum A) recommending that the Town review hours of operation and weekend hours of work of By-law Enforcement as it relates to short term accommodation, parking infractions and noise complaints in the Blue Mountain area so as to assist the OPP in education and enforcement. The purpose of this Report is to provide Council with information related to this matter.

Police Services Contract

Policing is provided by the Ontario Provincial Police (OPP) pursuant to a Police Services Contract with it being noted that the current contract is from January 1, 2008 to January 1, 2012.

Section 6 addresses the services to be provided and includes enforcement of mutually agreed upon by-laws. Schedule E to the Police Services Contract identifies these by-laws. Noise and Parking By-laws are included in the list of by-laws to be enforced. (Addendum B)

By-law Enforcement

The Town's By-law Enforcement Group is comprised of two Municipal Law Enforcement Officers with supervision/direction provided by the Manager, Building & By-law Services.

Service levels provided by the By-law Enforcement Unit are reviewed each year through the Town's Budget process and are reflected in the By-law Enforcement Service Level Matrix (Addendum C).

Shift work is a prerequisite of employment for By-law Enforcement and is reflected in the By-law Enforcement Shift Schedule (Addendum D). With respect to shift work hours, limited coverage is currently provided by By-law Enforcement in the evening and

approximately 14 hours of service is provided over the weekends during the winter season and 8 hours during the summer season.

Summary of Other Jurisdictions

By-law Enforcement stays abreast of best practices of other municipalities and frequently conducts surveys to determine how services are being provided including service levels. Recently, By-law Enforcement staff conducted a specific survey as it relates to the matters raised by the Police Services Board however it should be noted that in some instances local policing is not provided wherein some by-law enforcement services may be provided. The results of our recent survey are found below.

South Bruce Peninsula (Sauble Beach)

of full time staff? 2

Do they employ summer staff to assist? Yes (mostly for parking enforcement).
If yes how many? 6 – mostly college students.

Do they work shift work? Yes (during summer months & as needed).
2 people per shift May 15th to September 15th – 7:00 am to 3:00 pm or 3:00 pm to 9:00 pm.

Do they respond to noise related complaints? Yes
If yes, is there a protocol in place? 2 must attend. If there are a lot of vehicles they call OPP to respond. Do not respond after 9:00 pm

Are there Provincial Parks or lands within the municipality? Yes
If yes, are these lands patrolled or is enforcement provided by municipal staff? They have park wardens.

Huntsville

of full time staff? 3

Do they employ summer staff to assist? Yes (mostly for parking enforcement & by-law complaints).
If yes, how many? 1 (mostly college students for 20 weeks – try to get same people back year after year).

Do they work shift work? 1 officer works as an on required shift schedule. He works 10:00 am to 6:00 pm, 1:00 pm to 9:00 pm or 8:30 am to 4:30 pm with a lot of Friday nights, Saturday & Sunday shifts. The remaining 3 work 8:00 am to 4:30 pm Monday to Friday.

Do they respond to noise related complaints? Yes, during shifts only.
If yes, is there a protocol in place? 2 will attend. Do not do call outs in the evening or overnight.

Are there Provincial Parks or lands within the municipality? Yes
If yes, are these lands patrolled or is enforcement provided by municipal staff? By-law enforcement does not patrol them.

Grand Bend

of full time staff? By-law services for Grand Bend are contracted out. He works by himself from mid September to mid May.

Do they employ summer staff to assist? Yes.

If yes how many? 6-8 part time law security or police foundation students are hired.

Do they work shift work? During mid May to September they works shifts of 10:00 am to 4:00 pm or 9:00 pm to 3:00 am – off season just the individual employed to provide services.

Do they respond to noise related complaints? Yes.

If yes, is there a protocol in place? Off season he will attend by himself. During the summer months, he goes along with his staff & calls in OPP to assist.

Are there Provincial Parks or lands within the municipality? Yes.

If yes, are these lands patrolled or is enforcement provided by municipal staff? No.

Wasaga Beach

of full time staff? 3

Do they employ summer staff to assist? Yes.

If yes how many? 10 - 12 university or college students.

Do they work shift work? Yes.

Summer 8:00 am to 4:30 pm or 4:00 pm to 12:00 am, 8:00 to 8:00 (12 hour in 2010 – Friday & Saturday long weekend).

Do they respond to noise related complaints? Yes.

If yes, is there a protocol in place? 2 responding with no response after dark or parties (call in OPP assistance).

Are there Provincial Parks or lands within the municipality? Yes.

If yes, are these lands patrolled or is enforcement provided by municipal staff – Assist in lost person search only.

Summary

The Town's By-law Enforcement Services Unit currently provides approximately 14 hours of the allocated 70 hours of available time to weekend and evening services during the winter season.

From a personal safety perspective, By-law Enforcement responding to noise complaints to educate or enforce after dusk, either individually or in tandem, is not recommended.

By-law Enforcement shift hours could be adjusted to provide broader coverage on weekends and evenings to dusk to assist in education and enforcement as it relates to short term accommodation however, from an operational perspective, it is recommended that this only be done with the Officers working in tandem. Given that the majority of noise complaints occur in the evening, Town staff question if this would be an effective use of resources.

Utilizing students to assist in By-law Enforcement during the winter has previously been explored however sourcing resources has been found to be problematic. With regard to the summer, this has not been previously explored as the demand for By-law Enforcement services related to short term accommodation and noise has not been extreme.

Town staff expect a decision from the Ontario Municipal Board with respect to short term accommodation in the near future. Upon the release of this decision By-law Enforcement will report back to Council with options as they relate to enforcement services including the matters raised in the resolution of the Police Services Board..

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Financial Impact

N/A

E. Addendums

- A. Resolution & Letter from The Blue Mountains Police Services Board
- B. Extract from the Police Services Contract
- C. By-law Enforcement Service Level Matrix dated January 27, 2011
- D. By-law Enforcement Shift Schedule

Prepared by:

Respectfully submitted by:

Sharon Long
Administrative Assistant,
Planning & Building Services

David Finbow
Director, Planning & Building
Services

The Blue Mountains Police Services Board

March 1, 2011

Mayor Ellen Anderson and Council
Town of The Blue Mountains
26 Bridge Street East
Thornbury, ON N0H 2P0

Dear Ellen and Members of Council:

Re: Municipal By-law and Ontario Provincial Police Enforcement Integration

I am writing following The Blue Mountains Police Services Board meeting of February 23, 2011. At that meeting, Larry Hall of the Community Policing Committee presented the annual Report of the Committee.

During his presentation, Mr. Hall proposed an integrated education and enforcement approach to addressing issues of concern, including the matters of short term accommodation and noise complaints in the resort area of The Blue Mountains. This integrated approach would include residents, Community Watch volunteers, Municipal Law Enforcement Officers and the Ontario Provincial Police.

Following Mr. Hall's presentation, The Blue Mountains Police Services Board passed the attached Resolution. As you will note, the Board has recommended a review of Town By-law Enforcement hours of operation and weekend hours of work in relation to short term accommodation, parking infractions and noise complaints. It is the Board's belief that such a review may result in a more integrated approach to education and enforcement regarding the identified issues.

Should you have any questions please feel free to contact me at your convenience.

Yours truly



Cliff Carr, Chair, The Blue Mountains Police Services Board

cc Reg Russwurm, Acting Chief Administrative Officer
David Finbow, Director of Planning and Building
John Trude, Inspector, Collingwood and The Blue Mountains OPP

The Blue Mountains Police Services Board

February 23, 2011

Moved by: Rod Knott

Seconded by: Cliff Carr

WHEREAS weekend and after-hours by-law infractions continue to rise in the Town and the Town Ontario Provincial Police Detachment continue to be extremely busy;

BE IT RESOLVED THAT The Blue Mountains Police Services Board recommends to The Blue Mountains Council that the By-law Enforcement Department review hours of operation and weekend hours of work in relation to short term accommodation, parking infractions and noise complaints in the Blue Mountain area during evenings and on weekends to assist the OPP in education and enforcement, Carried.

CERTIFIED TO BE A TRUE COPY



Stephen Keast, Secretary

regarding the provision of police services in and for the Municipality. The Board, in consultation with the Detachment Commander, and in accordance with the *Police Services Act*, will determine the information to be contained in the reports and the format in which they will be provided.

B.



6. (a) For the purposes of s. 10(6) of the *Police Services Act*, the O.P.P. shall provide police services to the Municipality, including the enforcement of mutually agreed upon by-laws attached in Schedule E. The parties shall annually review this part of the Agreement with a view to revising or updating the list of by-laws requiring O.P.P. enforcement.
- (b) Municipal Building Code violations overseen by the Municipality's Building Code inspector and those by-laws related to animal control will not form part of this Agreement.

Service Levels

7. (a) Ontario shall cause the Commissioner to assign police officers and other persons to duties relating to the police services in and for the Municipality so as to meet the minimum service level requirements set out in Schedule "C" attached to and forming part of this Agreement. The parties shall review the service levels as are found in Schedule "C" annually and shall make the appropriate adjustments to the Annual Budget. No adjustment to the service levels as set out in Schedule "C" shall be made without the consent of the Municipality.
- (b) In the event that the Municipality requests an increase in excess of the minimum service level requirement as set out in Schedule "C", it shall be responsible for all costs associated with such increase. In the event that the Municipality decides to revert to the minimum service level, it shall be responsible for all costs associated with such reduction.
- (c) In the event that the Municipality decides to reduce the number of employees employed by the Municipality in connection with this agreement, the Municipality shall bear all costs and expenses incurred as a result of any such reduction.

Liability of Ontario

8. The O.P.P. shall be liable for any damages that may arise as a result of any negligent acts or omissions of its members in the performance of this Agreement.

Provincial Services Usage

9. The O.P.P., as legislated by the *Police Services Act*, must be capable of providing provincial level response that can be mobilized for emergencies, disaster or specialized needs. The O.P.P. may meet this requirement by deploying resources that normally would be assigned to the Municipality. The Detachment Commander shall ensure that in the event resources are deployed to a situation requiring a provincial level response, appropriate resources remain



**BUILDING BY-LAW SERVICES
BY-LAW DIVISION**

SERVICE LEVEL MATRIX
(January 27, 2011)

C.

BY-LAW	BY-LAW NO.	PROACTIVE	PATROL	COMPLAINT
Alteration of Grade/Fill By-law	2002-78		●	●
Agreements	Municipal Act			●
Abandoned Orchards	2003-38			●
Building Code Act	BCA	●	●	●
Civic Addressing	95-35			●
Dog-at Large/DOLA/Stoop & Scoop	2006-32			●
Fence By-law	2003-14			●
Fire Arm Discharge	2005-55			●
Fire Routes*	2001-88	●	●	●
Georgian Trail				●
Fortification	2009-17			●
Littering	99-10			●
Livestock, Poultry & Honey Bee Protection Act	LPHPA			●
Long Grass/Noxious Weeds	2003-25			●
Noise	2002-09			●
Nuisance	2004-23			●
OPP Liaison	Policy	●		
Parking - Disabled Person Parking	2004-116	●	●	●
Parking - Privately Owned Land	2007-12			●
Parking - Town Owned	2007-12		●	●
Regulate Uses on Town Land - No Camping	2003-39			●
Property Standards	2002-18			●
Roads - Deposit of Ice & Snow	2004-125			●
Roads - Driveways and Parking Access	2002-47			●
Roads - Entrances and Mailboxes	95-29			●
Roads - Events and Temporary Closing	2005-34			●
Roads - Landscaping in Town ROW	99-53 (Policy)			●
Roads - Load Restrictions	2006-16			●
Roads - Obstructing & Damaging	95-29			●
Roads - Objects In or On Town Owned	99-53			●
Security Alarm By-law	PSB 2007-01	●		
Short Term Accommodation	2008-12			●
Sidewalk Use	2004-34			●
Sign By-law (Permanent Signs)	2001-57			●
Sign By-law (Temporary Signs)	2001-57			●
Snowmobile (12th)	99-67			●
Swimming Pool Fence	2002-8		●	●
Tree Preservation	2010-68			●
Solid Waste Collection	16/03			●
Watering Restrictions	2008-02			●
Weed Control Act	WCA (Policy)			●
Zoning By-law	83-40, 10-77			●

BY-LAW ENFORCEMENT WORK HOURS

December 1st to March 31st

	"A"	HOURS	"B"	HOURS
Monday	8:30 – 4:30	7 1 hour lunch	Off	N/A
Tuesday	8:30 – 4:30	7 1 hour lunch	7:00 – 3:00	7 1 hour lunch
Wednesday	8:30 – 4:30	7 1 hour lunch	7:00 – 3:00	7 1 hour lunch
Thursday	8:30 – 4:30	7 1 hour lunch	7:00 – 3:00	7 1 hour lunch
Friday	Off	0	12:00 – 7:30	7 ½ hour lunch
Saturday	Off	0	8:00 – 3:30	7 ½ hour lunch
Sunday	10:00 – 2:00	4	Off	N/A
Monitor (On Call)	As req'd	3 (Additional hours as per OT Policy)	N/A	N/A
TOTAL HOURS		35		35

April 1st to November 30th

	"A"	HOURS	"B"	HOURS
Monday	Off	0	8:30 – 4:30	7 1 hour lunch
Tuesday	7:00 – 3:30	7.5 1 hour lunch	8:30 – 4:30	7 1 hour lunch
Wednesday	7:00 – 3:30	7.5 1 hour lunch	8:30 – 4:30	7 1 hour lunch
Thursday	7:00 – 3:30	7.5 1 hour lunch	8:30 – 4:30	7 1 hour lunch
Friday	7:00 – 3:30	7.5 1 hour lunch	2:00 – 6:00	4
Saturday	10:00 – 3:00 OR	5	Off	0
Sunday	10:00 – 3:00		Off	0
Monitor (On Call)	N/A	N/A	As Req'd	3 (Additional hours as per OT Policy)
TOTAL HOURS		35		35

NOTE: After hours Dog Call Out per OT Policy.