

STAFF REPORT: Planning & Building Services Department



REPORT TO: Planning & Building Committee
MEETING DATE: February 6, 2012
REPORT NO.: B.12.03
SUBJECT: By-law Enforcement Hours of Service
PREPARED BY: D. Finbow, Director, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report B.12.03 respecting By-law Enforcement Hours of Service for information purposes.

B. Background

Council has indicated a desire to review the hours of service associated with By-law Enforcement. Specifically, Council has indicated a desire to explore the provision of evening and weekend hours.

2011 SERVICE DELIVERY REVIEW

As part of the 2011 Service Delivery Review, By-law Enforcement Service Levels were reviewed with the Planning & Building Committee. In addition, the Committee were apprised of the current By-law Enforcement Shift Schedule.

The Committee's recommendation to Council was that the current By-law Enforcement Service Levels continue with an understanding that the matter of Short Term Accommodation Enforcement would be reviewed in greater detail through the 2012 Budget Process. Attached for Council's information is a copy of the By-law Enforcement Service Level Matrix (Appendix "A").

Subsequent to Council's adoption of the Committee's Report related to By-law Enforcement Service Levels, Council determined that it desired to review the hours of service associated with By-law Enforcement.

BY-LAW ENFORCEMENT SERVICES

By-law Enforcement Services are currently provided by two Municipal Law Enforcement Officers (MLEO) with administrative support provided by the Town's Security Alarm Coordinator and the Planning & Building Services Administrative Assistant (Parking Control and Livestock Evaluator Claims). The Officers are supervised by the Manager, Building & By-law Services.

It is noted that through the 2012 Budget process that Council is considering an additional MLEO so as to provide the necessary resources to implement Short Term

Accommodation (STA) Enforcement and potentially the implementation of a STA Registry or Licencing System.

The MLEO's Job Description indicates that "Shift work is required (including evenings, Saturdays and Sundays), 35 hours per week."

Unlike the Town's Water and Wasterwater Operators and Roads Division Personnel, MLEO's are not on-call. It is noted that the Town's policy is to provide a \$150.00 per week premium, an overtime premium along with a minimum call out of three hours for on-call services.

With two MLEO's, the Town is able to provide a maximum of 70 hours of By-law Enforcement Service representing 41.67% of a 168 hour week.

In addition to the above, By-law Enforcement Services are provided by contract by the Ontario Provincial Police (Parking and Noise) and by security firms (in response to concerns from certain Condominium Corporations, the Town enacted a by-law so as to regulate parking on privately owned land in 2007 and subsequently appointed additional MLEO's in 2008 to enforce this by-law).

2011 – 2012 HOURS OF SERVICE

The current Municipal Law Enforcement Officers Shift Schedule is as follows:

DAY	MLEO "A"	HOURS	MLEO "B"	HOURS
MONDAY	8:30 to 4:30	7	Off	0
TUESDAY	8:30 to 4:30	7	7:00 to 3:00	7.5
WEDNESDAY	8:30 to 4:30	7	7:00 to 3:00	7.5
THURSDAY	8:30 to 4:30	7	7:00 to 3:00	7.5
FRIDAY	8:30 to 4:30	7	7:00 to 3:00	7.5
SATURDAY	Off	N/A	10:00 to 3:00	5
SUNDAY	Off	N/A	Off	N/A
TOTAL HOURS		35		35

As Council will note, By-law Enforcement Services are currently available 51 hours per week (30.4% of the week) or, 72.9% of the available hours.

With respect to canine control, an informal after-hours service has been provided when possible. The ability to provide this informal service has been achieved by a mutual understanding between the employee and employer as it relates to flexibility in terms of work and work schedules and both parties respecting the importance of a life/work balance. This after-hours service has not been advertised as it is dependent upon the availability of the MLEO. In many instances, after-hours canine control service is provided when the Ontario Provincial Police requests assistance and in some instances, when the MLEO, Division Manager or Department Director are contacted directly for service. If available, the MLEO has been responding to these requests.

2006 – 2011 HOURS OF SERVICE

**Winter
 December 1st to March 31st**

DAY	MLEO "A"	HOURS	MLEO "B"	HOURS
MONDAY	8:30 to 4:30	7	Off	0
TUESDAY	8:30 to 4:30	7	7:00 to 3:00	7
WEDNESDAY	8:30 to 4:30	7	7:00 to 3:00	7
THURSDAY	8:30 to 4:30	7	7:00 to 3:00	7
FRIDAY	Off	N/A	12:00 to 7:30	7
SATURDAY	Off	N/A	12:00 to 7:30	7
SUNDAY	10:00 to 2:00	4	Off	N/A
MONITOR BL LINE	Occasional - Friday, Saturday & Sunday Evenings	3	N/A	N/A
TOTAL HOURS		35		35

**Regular
 April 1st to November 30th**

DAY	MLEO "A"	HOURS	MLEO "B"	HOURS
MONDAY	8:30 to 4:30	7	Off	0
TUESDAY	8:30 to 4:30	7	7:00 to 3:30	7
WEDNESDAY	8:30 to 4:30	7	7:00 to 3:30	7
THURSDAY	8:30 to 4:30	7	7:00 to 3:30	7
FRIDAY	2:00 to 6:00	4	7:00 to 3:30	7
SATURDAY	Off	N/A	10:00 to 3:00 or,	4
SUNDAY	Off	N/A	10:00 to 3:00	
MONITOR BL LINE	Occasional - Friday, Saturday & Sunday Evenings	3	N/A	N/A
TOTAL HOURS		35		35

As Council will note, By-law Enforcement Services were available 53.5 and 50.5 hours per week for the Winter and Regular Periods respectively plus after hours monitoring of the By-law Enforcement Line (76.4% and 72.1% of time available).

With respect to monitoring the By-law Enforcement Line after-hours, same was provided when possible. The ability to provide this service was once again achieved by a mutual understanding between the employee and employer as it relates to flexibility in terms of work and work schedules and both parties respecting the importance of a life/work balance.

SHIFT SCHEDULE MIGRATION

The migration from the previous shift schedule to the current occurred in response to the increase in telephone inquiries from the public related to STA's (i.e. need for greater office time); a lack of need for enforcement services on Friday and Saturday afternoons during the winter months; the negligible need for monitoring the By-law Enforcement Line after-hours (few, if any calls) and the associated related cost; and, the lack of need for enforcement services on Sunday mornings during the winter months.

INPUT FROM MLEOS

The Town's MLEOs recognize that their Job Descriptions include a requirement for shift work and that there is a need for weekend, in particular Saturdays, statutory holiday, Reading Week and Christmas Coverage. However, based on past experience, they are of the opinion that the demand for evening service outside of public disturbance related complaints, which are addressed by the OPP, is extremely limited.

WORKING ALONE HEALTH & SAFETY POLICY

As Council is aware, the Town as an employer has many obligations under the *Health & Safety Act* including, but not limited to, instructing, informing and supervising workers to protect their health and safety; informing workers of hazards in the work and train that worker; and, to take every precaution reasonable in the circumstances for the protection of the worker. In this regard, the Town has adopted various Health & Safety Policies and Procedures with some of these being task or work specific.

The Building & By-law Division has developed a specific policy and related procedures related to Working Alone. This policy and the related procedures are required to be adhered to so as to manage worker risk.

OPTIONS

There are many options that Council could consider with respect to By-law Enforcement hours of service. These include:

Amended Shift Schedules

Based on discussions with Council, it would appear that some members of Council are desirous of By-law Enforcement coverage being provided on Saturdays, Sundays and those evenings that have proven to be problematic from a public disturbance perspective (primarily Friday and Saturday evenings). With respect to Friday and Saturday evenings, it must be understood that these shifts would be focussed on providing a presence and/or visibility in areas of concern in concert with OPP patrols. In the event of a public disturbance, the MLEO would contact the OPP for action. A sample shift schedule focussing on Saturday, Sunday and evening coverage is provided for Council's consideration.

Sample Shift Schedule

DAY	MLEO "A"	HOURS	MLEO "B"	HOURS
MONDAY	8:30 to 4:30	7	Off	7
TUESDAY	8:30 to 4:30	7	7:00 to 3:00	7
WEDNESDAY	8:30 to 4:30	7	7:00 to 3:00	7
THURSDAY	8:30 to 4:30	7	7:00 to 3:00	7
FRIDAY	Off	N/A	1:00 to 9:00	7
SATURDAY	Off	N/A	1:00 to 9:00	7
SUNDAY	8:30 to 4:30	7	Off	N/A
TOTAL HOURS		35		35

By-law Enforcement Services would be available 56.5 hours per week (33.6% of the week and 80.7% of available hours).

It is noted that an amended shift schedule would not address concerns expressed by Council with respect to broader availability of canine control services as same would be outside of the shift schedule.

Concerns associated with the value of this amended shift schedule are identified under the heading of "Migration from Previous to Current Shift Schedule" and "input from MLEOs".

Monitoring of By-law Enforcement Line

The monitoring of the By-law Enforcement Line outside of regular shift hours could be re-established however given current Town policy related to on-call service, it would come at a minimum cost of \$7,800.00 (52 weeks x \$150.00 per week) and an approximate maximum cost of \$20,000.00.

After-Hours Canine Control

With respect to canine control, an informal after-hours service has been provided when possible. The ability to provide this informal service has been achieved by a mutual understanding between the employee and employer as it relates to flexibility in terms of work and work schedules and both parties respecting the importance of a life/work balance. This after-hours service has not been advertised as it is dependent upon the availability of the MLEO.

In many instances, after-hours service is provided when the Ontario Provincial Police requests assistance and in some instances, when the MLEO, Division Manager or Department Director are contacted directly for service. If available, the MLEO will respond.

To formalize an after-hours canine control program, the Town's on call policy would have to be adhered to. The minimum cost of this would be \$7,800.00. This could be done in conjunction with monitoring the By-law Enforcement Line.

As noted during the 2011 Service Delivery Review, should Council desire a broader canine control service, Town staff could also explore contracting this service out.

SUMMARY

This report has been prepared for Council's information. Should Council desire to implement any of the options presented or wish to provide specific direction on shift schedules, it is requested that same be done by way of Resolution so that direction is clear.

C. The Blue Mountains' Strategic Plan

Providing a strong, well-managed municipal government.

D. Environmental Impacts

N/A

E. Financial Impact

To be determined

F. In Consultation With

N/A

G. Attached

"A" By-law Enforcement Service Level Matrix

Respectfully submitted,

David Finbow
Director, Planning & Building Services



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

SERVICE LEVEL MATRIX
(January 27, 2011)

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			●