



TO: GENERAL COMMITTEE

SUBJECT: ENFORCEMENT SERVICES – STAFFING AND GROWTH REVIEW
2020 TO 2041

WARD: ALL

PREPARED BY AND KEY CONTACT: T. BANTING, MANAGER OF ENFORCEMENT SERVICES. EXT. 4336

SUBMITTED BY: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES /
CITY CLERK

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND
CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the intake form for an additional full time Municipal Law Enforcement Officer I position and allocations for the associated vehicle, workstation and uniform, etc., to maintain the current level of service be considered as part of the 2021 Business Plan and Budget.
2. That an intake form be prepared for consideration as part of the 2022 Business Plan and Budget for two additional Municipal Law Enforcement Officer I positions and the allocations for the associated vehicle(s), workstations and uniforms.
3. That staff in the Legislative and Court Services continue to review resourcing demands from growth, call volumes, technology and regulatory changes, and include intake forms in future years to allow for current levels of service to be maintained and proactive enforcement to be enhanced.
4. That the City of Barrie opt out of the application of the *Line Fences Act R.S.O 1990, c. 17* save and except Section 20 of the *Line Fence Act*, through the passage of the draft by-law attached as Appendix "C" to Staff Report LCS004-20 and all staff appointments as Fence Viewers be revoked upon passage of the by-law.

PURPOSE & BACKGROUND

Report Overview

5. The purpose of this Staff Report is to address matters brought forward through motion's 19-G-164 and 19-G-232 and to ensure the necessary measures are in place to address current enforcement demands as well as projected growth demands.

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6. On June 3, 2019 and August 12, 2019, City Council adopted motions 19-G-164 and 19-G-232 regarding a Review of Enforcement Services Staffing Levels and an Investigation for Enforcement Staffing for the Georgian CIP Zone respectively:

“19-G-164 - That staff in the Legislative and Court Services Department undertake a review of the Enforcement Services Branch staffing requirements to provide proactive enforcement of all by-laws addressed by Municipal Law Enforcement Officers and prepare for anticipated growth in the secondary plan lands, as well as current service delivery hours, and report back to General Committee.”

“19-G-232 – That as part of the current staffing review of the Enforcement Services Branch of the Legislative and Court Services Department, staff investigate the feasibility and the financial implications to include a Property Standards Officer position in the 2020 budget to be assigned to the Georgian Community Improvement Plan (CIP) zone and that Georgian College and the Georgian College Students Association be contacted about covering any additional costs with creating the position.”

7. Enforcement Services has not increased its permanent staff complement since 2003. Calls for service and enforcement responsibilities have substantially increased over this time due to an approximate population growth of 40,000 and additional regulations. While efficiencies have been found, it is no longer sustainable with the growth of the municipality and the increase in calls for services and duties.

Line Fences Act

8. Staff within Enforcement Services have been enforcing the *Line Fence Act* since the mid 1990's. Staff are appointed as Fence Viewers under the legislation to settle disputes between property owners related to cost sharing of new or replacement boundary fencing, prior to any installation.
9. The *Line Fence Act R.S.O 1990* was originally designed to settle disputes and require fencing between agricultural lands (farm boundaries) and private lands abutting rail corridors. While those provisions continue to be in place and in some areas of Ontario are required, it can also be used to provide a mechanism for residential property owners to settle fencing disputes between individual properties generally related to cost sharing.
10. As Fence Viewers, staff receive applications to arbitrate and determine the type of fencing awarded, individual costs assessed to both parties for the construction of the fence etc. This process includes mediation meetings, financial evaluations, and issuance of the final award. In some cases, individuals may appeal the decision of staff to the Provincial Referee through the Ministry of Municipal Affairs and Housing in which hearings are held to determine the final outcome or uphold the decision of staff. The overall staff time associated with processing a Fence Viewing is generally 21 hours per application. If an appeal has been submitted that will increase to 30 hours per application.
11. Since its inception Enforcement Services have received an average of three (3) Fence Viewing Applications per year.

ANALYSIS

12. Staff began a comprehensive statistical review of current service demands, staffing levels including the enforcement positions, hours of operation and a general comparator review of various municipalities. In looking at comparators, it is necessary to keep in mind that enforcement approaches, demographics, regulations, and duties vary significantly between municipalities. The following paragraphs describe the general analysis conducted, items considered to move Enforcement Services forward as well overall considerations for a “made in Barrie solution” to enforcement and finally the overall costs associated with the proposed growth of Enforcement Services resources looking forward to 2041. In addition, staff reached out to Georgian College Administration and the Students Association to begin discussions related to motion 19-G-232.
13. When considering a review of Enforcement Services, staff remained focused on the overall goal of enforcement which is to educate the community to achieve compliance, and when necessary issue orders or fines to enforce all municipal regulations that contribute to a safe and enjoyable community. Staff in Enforcement Services are responsible for enforcing over 44 By-laws within the City, several Provincial Statutes and Regulations (including the processing of business licence and lottery licence applications), as well as assisting most departments in developing various regulations, policies and procedures related to many different service areas. Each of these require staff who specialize in certain types of enforcement based on education, certifications, knowledge, and overall experience. Enforcement Services is connected to virtually every department at numerous levels whether that be enforcing regulations on their behalf or simply assisting in developing control measures for various services.

Summary of Services Provided

14. The following is a summary of the services provided by Enforcement Officers and Clerks during 2019:
 - a) General Complaints (city wide / various matters) – 13,014
 - b) Inquiries (Phone Calls) – (average) 25,000
 - c) Issued 51,493 parking infractions (25,118 related to lots and on-street paid parking / 26,513 in residential areas)
 - d) Part 1 & 3 Court charge matters (other than parking) – 101
 - e) Warnings (Verbal or Notice of Violations) Issued city wide – 12,218 (various regulations)
 - f) Property Standards / Yard Maintenance – 1,864 (1,512 Yard Maintenance / 352 Property Standards)
 - g) Confiscated Signs – 1,541
 - h) Admin Documents processed – 3,691 (licences, permits etc.)

A total of 68,013 enforcement matters and 3,691 licence/permit administrative matters were processed in 2019. (Does not including warnings or phone inquiries to ensure there are not duplication in the totals)

15. There was an average increase of 2,400 Enforcement matters and 150 Administrative matters annually between 2015 and 2018. This represents an average increase of 5% each year. Staff resources have not kept pace with the growth in the community, the number of regulations to be enforced or call volumes.
16. The most recent increase to staff complement occurred in the early 2000s when Council authorized additional (seasonal only) complement to address the overnight parking restrictions that had been implemented.
17. While it is understood that Enforcement generates some cost recovery when viewed on the basis of the entire branch's operations, it is not nor can it be full cost recovery for the service provided to the community. Enforcement is designed not only to deter certain activities but to provide a level of community betterment and safety, by setting standards and ensuring both citizens and visitors adhere to those standards, so everyone may enjoy our beautiful community. Therefore, it is expected that some cost is borne by the rate payer.
18. Educating the public about municipal by-laws and provincial regulation as well as issuing verbal or written warnings in the form of notices of violation requires staff time. When compliance is achieved from the educational aspect or warnings, a charge or fee is not levied, and costs associated with the staff time for these activities are not recovered.
19. Most of the offsetting revenue is generated from parking infractions, or licences and permit applications, which are intended to recover the direct costs associated with processing these matters only.
20. The following chart outlines the Cost vs Revenue for the period of 2017 to 2019, and overall percentage cost recovery within the entire Enforcement Services Branch:

Year	Costs	Revenues	Percentage Recovered
2017	\$ 2,838,898	\$ 1,950,842	69 %
2018	\$ 3,141,489	\$ 2,009,579	64 %
2019	\$ 3,194,129	\$ 2,064,943	65 %

** Note: Animal Control costs are not cost recoverable, as the City is required to pay a fee for pound services.

Enforcement Responsibilities

21. The following highlights examples of the various regulations or duties addressed by Enforcement Services:
 - a) Parking Enforcement – over 60 different regulations are enforced under the Traffic By-law in addition to Private Property Parking and seasonal items such as Overnight Parking prohibitions.
 - b) Animal Control – Canines, Felines, Exotic Animals, Livestock and limited Wildlife are regulated or controlled. In addition to municipal regulations, Officers also enforce Provincial Statutes and Regulations related to various types of animals.

- c) Business Licensing – includes the transportation industry (Private Transportation, Taxi's, Tow trucks etc.), general business industries (restaurants, recreational establishments, etc.) and adult entertainment industry (entertainment attendants, escorts and parlours) and cannabis production facilities.
- d) Sign Enforcement – includes such duties as mobile sign permits, poster panel sign permits, review of building permits, site plans, election signs and removal of signs erected on municipal lands.
- e) Property Standards – includes interior or structural items such as mould, handrails, flooring, roofs, facia, stairs, windows, infestations (bed bugs etc.) and general maintenance of interior.
- f) Yard Maintenance – includes long grass and weeds, garbage and debris on the exterior and un-plated or inoperable vehicles etc.
- g) Regulatory Enforcement matters – include parks regulations, smoking/vaping, nuisance regulations, tree cutting and preservation, lawn watering, discharge firearms, fireworks, event exemptions/licensing, right of way activity enforcement, waste management enforcement, etc.
- h) Provincial Regulations Enforced – AGCO/OLG lottery licensing, *Protection of Livestock from Dogs Act*, *Wildlife Damage Compensation*, *Honeybee Protection Act*, *Dog Owners Liability Act* and related Pit Bull Regulations and currently the *Line Fences Act* etc.

22. Current Staffing Levels

Staffing Positions (Full Time / Part Time)	Current Council Approved Complement	Duties Assigned to Sections
Management Staff	3 – FT (1 current long term vacancy)	Manage and lead all aspects of Enforcement Services Branch
Senior Municipal Law Enforcement Officer	1 - FT	Oversee daily duties of Enforcement Officers / Training / Scheduling etc.
Municipal Law Enforcement Officer I	5 – FT and 3 PT	Various assigned duties including Animal Control, Sign Enforcement, Lottery Licensing, Business Licensing, Provincial Statutes and in addition, responsible for ALL general enforcement matters.
Municipal Law Enforcement Officer II	3 – FT and 10 PT	Parking Enforcement in Downtown (foot patrol) Mobile Enforcement for parking and General enforcement matters i.e. Parks, Nuisance, deposit debris / snow, Lawn Watering, ROWA etc.
Property Standards Officer	4 - FT	Enforcement of Property Standards (interior/structural) and Yard Maintenance (exterior property) By-laws
Summer Students (June – August)	6 – FT hours Summer Seasonal	Mobile Enforcement for parking and General enforcement matters i.e. Parks, Nuisance, deposit debris / snow, Lawn Watering, ROWA etc. 2 Officers specifically assigned to address Yard Maintenance Matters
Seasonal Staff (Officers) (December – March)	4 – FT hours 2 – PT hours Winter Seasonal	Dedicated to overnight parking enforcement matters, December to March, Midnight to 7:00 am

Enforcement Services Clerks	6 - FT	Receive, conduct initial review all enforcement documents including licence and permit applications, process documents/ dispatch enforcement staff / respond to enforcement services phone lines and counter enquiries providing extensive customer service to members of the public, internal and external contacts etc.
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Current Hours of Operations

23. The following is a summary of the current hours of operations:

- Full Time staff (22), including Management, Municipal Law Enforcement Officers and Property Standards Officers and Administrative Staff currently work Monday – Friday 8:30 am to 4:30 pm plus on call. (currently have 2 long term vacancies).
- Part Time staff (13) currently work rotational shifts 7 days a week to provide basic level coverage between the hours of 7:30 am and 11:00 pm, 7 days per week. (currently have 2 long term vacancies);
- Seasonal staff (summer-6 / winter-6) work rotational shifts, 7 days a week to assist with increased seasonal demands for service;
- Duties are assigned based on job descriptions which are designed to reflect education, training and skill levels required as well as the extensive knowledge essential for the various matters addressed by Enforcement Services.

Allocation of Current Resources by Zone

24. Within the current resources and to ensure efficiencies, Enforcement Services has, in most cases, divided the City into four (4) enforcement zones. These zones allow for uniformed Officer's to be scheduled in a manner that will allow an efficient use of time and resources. An example of the allocation of resources by Zones are as follows:

- a) Zone 1 for example is bound by Bayfield St on the West, Penetanguishene Rd on the East, City limits on the North and Kempenfelt Bay to the South.
 - i) Within this Zone, one Municipal Law Enforcement Officer II (general enforcement) is on duty, 7 days a week between 7:30 am and 11:00 pm. This is also true for the remaining three (3) Zones

25. The Municipal Law Enforcement Officer Is must divide the City into north and south with the dividing line being Tiffin Street given their smaller numbers and the specific duties they are responsible for. Animal Control, Business Licensing, Sign Permits / Enforcement etc. are more knowledge intensive and time consuming. Their role also involves significant time spent reviewing applications for conformity with various by-laws. The Municipal Law Enforcement Officers Is are also called into court to defend any charges more frequently, and the charges can require more detailed documentation, reporting and court preparation time.

26. Property Standards staff have large coverage areas due to the current resource levels. For example, one Property Standards Officer is assigned to respond within Wards 1 and 2. The other 8 Wards are divided up between the remaining three Property Standards Officers. The division of labour is based on the call volumes found in various sections of the City. For example, Wards 8, 9 and 10 have a lower volume of Property Standards complaints therefore one officer can respond to those complaints in a reasonable timeframe. Wards 1 and 2 have slightly higher Yard Maintenance complaints therefore, the coverage area is smaller, to ensure the officer can respond in a reasonable timeframe.
27. The above division of labour has worked well based on the volume of calls throughout the City. While some areas of the City have specific needs or have a perception of being busier than others, management has allocated staffing to ensure that those areas are addressed by staff 7 days a week for most general enforcement matters. An example is the Georgian Community Improvement Plan Zone. This area does have a high volume of calls for service in all types of by-laws/regulations. This may be attributed to its overall density and diverse demographics.
28. Currently, the City of Barrie utilizes a relatively high number of part time general enforcement staff when compared to full time enforcement staff. This is an effective approach that provides broader coverage of the community than would be available at the same cost with fewer full time officers. However, it can lead to greater turn over in staff as they seek full time opportunities elsewhere. Given the breadth of their experience and the comprehensive training received, Barrie's Enforcement Staff are often recruited by smaller municipalities in a more senior role. This can result in a significant amount of time spent recruiting for replacements.

Comparator Municipalities

29. Staff contacted other municipalities to obtain comparator information. Barrie has relatively few single tier, urban and similar sized comparators and staff were only able to obtain a response from one. A number of larger communities were included to identify resource levels that could be used for growth forecasting. In total, five of the municipalities responded to requests for information.
30. Based on discussions with staff in the other municipalities, it was very challenging to compare service levels and staff resources. Call volumes, hours of operation, scope of by-laws, enforcement approaches and community expectations varied widely. Even the definition of what was reactive, routine patrol or proactive enforcement was varied. A summary of the information received is included as Appendix "B" to Staff Report LCS004-20.
31. Guelph, a single tier, urban community with a comparative population has a significantly larger number of full time enforcement officers (20 versus Barrie's 8) operating on a generally reactive basis, similar to Barrie. In 2019, Guelph enforcement services addressed approximately 30% less general enforcement (and waste) complaints than Barrie and 45% less property standards matters. However, it does provide some of its general enforcement services on a 24/7 basis, enforces both quantitative and qualitative aspects of its noise by-law and has fewer part time officers (7 versus Barrie's 13).

Line Fences Act

32. The *Line Fences Act* is one of Ontario's oldest pieces of legislation and was originally put in place in 1834 for residents to deal with disputes about boundary fence maintenance on rural or agricultural lands. Typically, these residents would have a significant amount of land and many kilometres of fencing that protected livestock. The *Line Fences Act* was not intended for urban municipalities where most fences are short and do not manage livestock

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33. Section 98 (1) (2) of the *Municipal Act*, permits the City to opt out of the *Line Fences Act*, with the exception of section 20, for all or parts of Barrie. Section 20 of the *Line Fences Act* sets out the fencing and responsibilities of property owners adjacent to a former rail line (e.g., CN Rail) in locations where farming business is carried out on the adjoining land.
 34. Boundary fence disputes can and should be resolved civilly between the two affected landowners, rather than through the use of City resources. The *Line Fences Act* is quite complex, as demonstrated by a 65-page guide developed maintained by the provincial government. The vast majority of people who call the City to enquire about the legislation find that their dispute is regarding the location of the property line not cost apportionment or the Act does not apply as construction has already taken place.
 35. Most of Barrie's comparator and larger municipalities have "opted out" of administering and enforcing the *Line Fences Act*. Any disputes about the division of costs would be between property owners, and they would need to pursue the matter through a civil process.
 36. Opting out of administering the *Line Fences Act* (save an except for Section 20) is recommended as the time spent by Enforcement Officers can be re-allocated to the community as a whole rather than addressing cost sharing disputes between neighbours. A draft by-law is attached as Appendix "C" to Staff Report LCS004-20 to accomplish this change. The City's Zoning By-law would continue to regulate setbacks and heights.

Georgian Community Improvement Plan (CIP) Zone Property Standards Officer

37. As part of this review, staff were directed to investigate the feasibility of including a Property Standards Officer position in the 2020 budget to be assigned to the Georgian Community Improvement Plan (CIP) zone. Georgian College and the Georgian College Students Association were contacted about covering any additional costs associated with creating the position.
38. Due to the timing of the recommendation and the extent of this review, inclusion in the 2020 Business Plan was not feasible. Staff contacted both the College and the Student's Association to begin preliminary discussions however due to the COVID-19 pandemic discussions were halted. Staff will be approaching this matter again in late 2021/early 2022.
39. In the meantime, staff are intending to provide additional training to existing Municipal Law Enforcement Officers to allow them to address most aspects of the Yard Maintenance By-law.

Other Enforcement Items Considered

40. Staff also considered items brought to the surface over the years such as Noise By-law Enforcement as well as some general Traffic concerns and questions related to why the Municipal Law Enforcement Officers are not tasked with enforcing those measures.
41. Currently, Municipal Law Enforcement Officers address quantitative aspects under the Noise By-law related to measurable noise emitted from an air conditioner, as an example. Past Councils provided direction that Barrie Police Service would maintain responsibility for the enforcement of qualitative noise aspects of the by-law such as noisy parties.

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42. While on the surface transferring all Noise By-law enforcement to Municipal Law Enforcement Officers appears to be simple and only requires Enforcement Services to become versed in the qualitative aspects of noise enforcement provisions, that is not the case. To be effective, it would require an extension of hours to 24/7, with associated additional officers, clerks and supervisory staff. Certain sections of the Noise By-law are somewhat simple and can be addressed by a single staff member with less risk to staff. However, the majority of the complaints associated with the Noise By-law are in fact of greater risk to staff and require the need for, at minimum, two officers to attend those matters as is the current practice adopted by Barrie Police Service.
 43. The most obvious of those complaints relates to late night parties or noise from the “bar” closings. While the authority may be in place for Municipal Law Enforcement Officers to simply enforce the Noise By-law, one must consider the background behind the complaint and officer safety related to the attendance.
 44. As previously addressed in the “zone” enforcement section of this report, Enforcement Services staff work alone in various sections of the City. It may be feasible for staff to team up when certain calls are received during daytime hours. At night, when many noise complaints are received, Municipal Law Enforcement resource levels would not allow for a team of even 2 Officers to attend. For the period of April to December 1, there are no staff on duty after 11 pm. They are only on call for emergencies generally related to dog bites/attacks. Underage intoxication, illegal drug use, aggressive behaviours, damage to public or private property, driving under the influence are just a sample of what is or can be found when attending many noise complaints. Those are Police matters and must remain with the Service to ensure they are addressed appropriately.
 45. The other matter that surfaces regularly related to noise regulations are “noisy mufflers” whether that be a muffler that is not maintained or in most cases aftermarket products that consumers have chosen to install. While those noise violations are set out in the Noise By-law, most noise from mufflers involve a “moving vehicle” and Municipal Law Enforcement Officers have no authority to stop a moving vehicle. The regulations in place under the Province’s *Highway Traffic Act* that address muffler systems on vehicles, do not provide Municipal Law Enforcement Officers authority to address such items. A Memorandum dated March 9, 2020 described this in further detail.

A Look Forward for Enforcement Services (2021-2041)

46. With call volumes increasing by approximately 5% per year and staff levels remaining static, response times are decreasing.
47. The last time a new full time or part time enforcement officer resource increase was authorized by Council was 17 years ago. The most recent addition to the seasonal only complement was 14 years ago (specifically to address overnight parking restrictions). Any hiring since that time has been to replace those staff who have left the City for various reasons and not an increase to complement.
48. This information identified two very important aspects. Firstly, Enforcement Services has operated quite efficiently over the years to address and adapt to many changes that have been brought forward. However, and more importantly the second point also provides conclusive information that the City is at a point in time where the existing enforcement resources can no longer keep up with the current demands or future needs of the community.

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49. Generally speaking, the following response times are achieved with the current resources:
- Downtown Parking – walking patrols in the downtown between 9 a.m. - and 5 p.m.;
 - Other Parking (too close to a driveway, in a no parking zone, blocking hydrants) and general enforcement matters i.e. parks, nuisance, deposit debris/snow, lawn watering, ROWA etc concerns in neighbourhoods – approximately 2-hour response time; and
 - Interior and exterior property standards matters – calls received by enforcement clerks between 8:30 a.m. and 4:30 p.m. are assigned to the Property Standards Officers, with a turnaround of 3 days for initial contact with the homeowner/resident given resource levels. Should a warning/notice of violation be issued, a number of days may be provided for compliance for interior repairs such as plumbing. Emergency matters such as heat in winter require the property owner to address in 24 hours and staff will respond immediately due to the emergent nature.
50. Staff heard from Council the desire for more proactive measures to be put in place related to various enforcement duties, particularly those that directly affect neighbourhoods such as yard maintenance, property standards or general conditions of our City. Staff are undertaking a realignment of some duties to assist in addressing these matters. However, staff recognize that with current enforcement demands and Collective Agreement obligations, additional resources will be required to address current demands and the projected needs of the future within enforcement.
51. Appendices “A” & “B” to Staff Report LCS004-20 provides a complete plan showing staffing requirement, fleet vehicle needs as well as general operational impacts projected between 2021 and 2041. Within the plans, there are four different options:
- a) No change in resources or “status quo” resources which will result in the continued decrease in response times over the years;
 - b) Maintaining current service levels through the addition of 1 Municipal Law Enforcement Officer I in 2021 and 2 additional Officers in 2022, with some of those additional resources targeted to assist with yard maintenance matters primarily. This is anticipated to provide a slight increase of 5-10% proactive enforcement initially with an increase in proactive enforcement to 25% once all staff are in place mid 2022;
 - c) A 25% increase in proactive enforcement with the addition of 4 Officers immediately; and
 - d) A 50% increase in proactive enforcement in all areas with the addition of 5 Officers immediately.

These options were developed so that Committee has the option of determining what it believes is best suited within our community as it relates to enforcement.

52. Given the many competing priorities for taxpayer funds, staff are recommending that b) Maintaining current service levels, be approved. An intake form has been prepared to increase the Enforcement Services complement by 1 Municipal Law Enforcement Officer in 2021. Should the recommended motion be approved, a further intake form would be presented to add 2 Municipal Law Enforcement Officers in 2022 for consideration as part of the 2021 Business Plan.



53. To supplement these resources immediately, a vacant existing position in Legislative Services is being transferred to Enforcement Services. Although the Municipal Law Enforcement Officer position is a higher pay level, the overall cost recovery associated Enforcement Services is anticipated to offset the differential. This change does not require Council approval, as it is being addressed through existing complement and total budget management.
54. Staff will also be reviewing the opportunity to convert another position within the Department or Division to allow for the addition of a Senior Enforcement Services Clerk to address the initial responses to emails and calls and processing of licences and permits.
55. At the end of 2022 when all of the positions are in place, it is anticipated that the resource levels will allow for a modest increase in proactive enforcement for all matters based on the following operational changes:
- a) Hiring Municipal Law Enforcement Officer Is as is proposed will allow more coverage and response as their positions are well rounded and qualified to respond to any matter brought forward to our office with the exception of Property Standards (Interior or structural matters).
 - b) Municipal Law Enforcement Officer Is will be trained to assist with Yard Maintenance matters (exterior property only) to assist with the influx of calls for service so that they can be addressed in a timely manner. Previously only addressed by our Property Standards staff.
 - c) Proposed transition all enforcement staff to rotational shifts so that there is complete coverage of all regulatory matters 7 days a week within the confines of the current union contract.
 - d) The proposed growth plan is anticipated to address the future enforcement needs of the community based on current regulations in place and will allow for a portion (approximately 5-10% initially in 2021) of staff's time to be spent conducting proactive enforcement on all regulatory matters and by mid 2022, approximately 25% proactive will be realized when all staff are on board provided that no further regulatory changes are made..
56. Below is a summary example based on the recommended motion as further detailed in Appendix "A" of Staff Report LCS004-20. This will provide a glimpse of current response times, proposed increase in complement and expected results of the increase, information on the remaining years can be found in Appendix "A" to Staff Report LCS004-20:

Duty	Current Response Time	Proposed Staffing Increase by 2022	Expected Results
General Enforcement Matters – Parking, Nuisance, Debris, Snow Removal etc. complaints	2 hours / 7 days a week	4	<ul style="list-style-type: none"> • Allow for all aspects of Enforcement Services to maintain current service levels and once all staff are in place in mid 2022, allocate approximately 25% of their time to proactive enforcement
Business Licensing, Sign Enforcement, Animal Control complaints	2 hrs / Mon-Friday days a week	FT – Officer Positions (including the 1 Officer	<ul style="list-style-type: none"> • Provides for stability in unit with FT staffing



Property Standards – Interior only complaints	3 days (initial contact only)/ Monday-Friday	position transferred from Legislative Services)	<ul style="list-style-type: none"> • Allow for response times for Yard Maintenance complaints to be reduced with Municipal Law Enforcement Officer Is to assist Property Standards Officers – response times estimated to be 1 day instead of 3 days once all staff are in place in 2022 • Creation of full rotational shifts to provide 7 day a week response to most matters
Property Standards – Exterior only complaints	3 days (initial inspection)/Monday-Friday		

57. As part of the recommendation, the current operating hours of enforcement staff are not proposed to change. Staff would continue to be on duty from approximately 7:30 a.m. until 11:00 p.m. The only overnight staff would be those hired seasonally to conduct Overnight Parking Enforcement between December 1st and March 31st. Weekend enforcement of additional matters (property standards, and complaints related to business licensing, signs, etc.) would be added with this change.
58. The recommendation would result in an estimated \$98K in additional costs in 2021 including salary, benefits, on boarding materials such as uniforms, workstations, computers, phones etc. An additional vehicle would be required as well. In 2022, an additional \$220K would be incurred and an another vehicle would be required. A shift premium is not included as rotations are not known at this time, but some minimal costs may be required.
59. In order to maintain this improvement, additional resources are expected to be required in the years after 2022 to keep up with growth in call volumes. Staff have included assumptions for future years out to 2041 in Appendix "A" to Staff Report LCS004-20.
60. Should there be changes to downtown parking regulations to include evening parking enforcement, it is anticipated to have an impact on future resource requirements. As the decision by Council was deferred on this matter, and there are potential future opportunities associated with licence plate recognition technology, staff have not included further years in the recommended motion.
61. The recommended motion does not address implementation of new services or the transfer or downloading of an existing service from other agencies or levels of government. Should future expansions, recommendations or downloading be brought forward, an impact or feasibility review would be required at that time.

Overnight Hours of Operation

62. In addition to enhancing response times, staff considered extending those hours to allow to address those violations taking place, year-round, in the overnight hours.
63. In 2018, Enforcement Services participated in a 3 month pilot with Barrie Police Service in the Georgian College area involving joint response to noise, parking and other enforcement matters involving an extension of hours for a Municipal Law Enforcement Officer until 3 am.

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64. The pilot was a valuable opportunity to share information and insights related to each agency's enforcement activities and regulatory requirements. However, it was found that while there are many enforcement matters that can be addressed during the overnight hours, it is not safe or appropriate to have a single Municipal Law Enforcement Officer attend to a residence at 2:00 am for "debris" that was noted on private or City property. Often it was challenging, if not impossible to see these types of infractions in the dark. Having an Officer simply note the violation in overnight hours, only to have another Officer attend during regular hours the next day to speak with the resident was deemed not to be an efficient use of resources.
 65. Should Committee wish to have Enforcement Officers on duty 24/7 (or even past 11 p.m.) year round, additional costing would be applicable based on the current shift premiums set out in the union contract. As well, additional management and administrative resources would be required to address the second or third shift required.
 66. The other aspect that would be very important for this change is officer safety. Currently, staff conducting overnight parking enforcement (seasonally) are not generally interacting with individuals during those hours and if that is necessary, they are to team up to ensure their safety. To fully expand our enforcement measures to 24/7 for all regulatory matters would require additional resources to provide for a team approach to ensure officer safety.

High Levels of Proactive Enforcement

67. Staff also considered what 75-100% proactive enforcement could be within the community and while some believe this may be necessary and would make the City a better place, that is not generally the actual outcome. In communities where an attempt is made to move to 75-100% proactive enforcement two things are generally found. One, that the expectation cannot be sustained throughout time and two, more importantly both residents' and visitors' enjoyment of the community is actually lessened as it is perceived as being too regimented or "heavy handed".
68. While it is reasonable and expected for each municipality to have minimum standards in place for hundreds of different matters, it is also reasonable and expected that both residents and visitors to the community have some freedoms to design their homes and lifestyles to suit their family and cultural needs and attend municipal greenspace and parks to enjoy what the community has to offer without the fear of reprisal when they may not be aware of certain regulations.

Changing Part Time Staff to Full Time

69. Another option explored was changing the existing all or even some of the part time Municipal Law Enforcement Officer positions to full time positions. If the approach was to utilize 2 part time positions to create 1 full time position, coverage of the community would be reduced (1 person can't be in two locations). Another approach would be to convert the part time positions to full time. While some additional hours of staff time would become available, staff did not believe that this would be sufficient to address the concerns from the community about response times. Part time staff also provide greater flexibility related to scheduling shifts outside of standard hours of operation. Should there ever be situation where there is a need to reduce hours, part time positions can be adjusted more easily than full time positions.

2020 COVID-19 Response

70. Under Provincial Legislation/Orders and the Mayor's Emergency Order, Enforcement Services has undertaken a lead role to address complaints and to educate residents and businesses on the following matters, including but not limited to:
 - Compliance with provincial regulations both private persons and at businesses;

- 2 metre social distancing and gatherings;
 - Use of parks, sports fields and parks equipment during earlier stages; and
 - Waterfront issues, including parking, tents and cooking appliances.
71. As a result of the new service level expectations, an 8:00 a.m. to 8:00 p.m. seven day a week tip line was initiated, with clerical staff placed on a 7-day a week rotation for the spring/summer. Staff from the Legislative Services Branch were also redeployed to Enforcement Services to assist with additional hours and phone coverage. The Manager, Supervisor and Senior Officer adjusted their hours to ensure coverage during this time and to monitor emails over the weekends. Part-time staff were temporarily converted to full-time hours. 2 of the 6 typical summer staff were hired as Enforcement Services faced challenges attracting previously trained staff in a COVID environment.
72. This 7-day week rotation for clerical and managerial staff ended on September 8, 2020 with the additional waterfront coverage ending on September 13, 2020. Office staff were able to address the additional calls as the building was closed to the public and business licensing deadlines were temporarily suspended.
73. Since the beginning of April, staff in Enforcement Services have addressed over 11,000 additional COVID-related complaints/calls. To address changing priorities and the entering into the new stages as directed by the Province, staff had been redeployed from other areas of enforcement to address specific areas of concerns including COVID-19 calls and waterfront issues. In order to address the area specific concerns, there were delays in responding to other enforcement matters, especially on the weekends. Even though the Enforcement Services Branch was able to manage and address a lot of the issues, the expectations from the public definitely exceeded all of the resourcing that was available.

Summary

74. Staff's proposal to increase resources over 2021 and 2022 would address maintaining current service levels and result in faster response times in key areas of enforcement once all of the proposed staff are hired in 2022. Staff believe this responds to the wishes of the community related to enforcement moving forward, while keeping in mind members of the community want to feel the freedom of enjoying their City. It acknowledges that it is reasonable to have standards and regulations in place and enforced so that everyone is protected.
75. Depending on the status of the COVID-19 pandemic leading into next spring/summer and the expectations related to area specific enforcement, may require additional resources on top of what is being suggested in Appendices "A and B" to Staff Report LCS004-20.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

76. There are no environmental and/or climate change impact matters directly related to the recommendation.

ALTERNATIVES

77. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could alter the proposed recommendation and fully implement a 25% or 50% proactive enforcement model immediately.

Although this alternative is available and will provide a substantial increase in proactive enforcement activity, given the City's overall budget pressures and competing resource needs, staff have not presented this as a recommended option.

Alternative #2

General Committee could alter the proposed recommendation by changing the existing part-time staff complement in Enforcement Services to permanent full time staff utilizing the normal recruiting process.

This alternative is available, and some minimal improvements may be recognized. However, it will not address the desire to increase pro-active enforcement, would reduce flexibility in scheduling and would result in similar service level for the community as is the case today. As a result, it is not recommended.

Alternative #3

General Committee could maintain the existing staff complement within Enforcement Services with no additional resources. (i.e. Status Quo)

This alternative is not recommended. As growth and call volumes have continued to increase, the static enforcement resource numbers have resulted in decreases in service levels. Without an increase to the staff complement, this will degrade even further.

Alternative #4

General Committee could recommend an extension of the hours of operation beyond 11:00 p.m. year-round for all enforcement matters and/or the transfer of the responsibility from Barrie Police Service to Municipal Law Enforcement for all aspects of Noise By-law.

This alternative is not recommended. Significant additional resources would be required to take on this responsibility. The safety of the Municipal Law Enforcement Officers would need to be addressed given the current deployment of a single officer in most cases.

FINANCIAL

78. Should the recommendation be approved, an intake form will be included for consideration in the 2021 Business Plan and Budget. At that time, General Committee and Council could consider the financial impact of the additional resources in the context of all City's services and projects, allowing for a holistic view.

LINKAGE TO 2018–2022 STRATEGIC PLAN

79. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
- Fostering a Safe and Healthy City
 - Building Strong Neighbourhoods

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80. The proposed implementation plan for Enforcement Services continues to assist the City to grow strong and pleasant neighbourhoods as well as to continue to shape a safe and welcoming community by ensuring minimum standards are adhered to by both residents and visitors.

APPENDIX "A"

Enforcement Growth Projections (Staffing)

(2021 / 2021-2031 and 2031-2041)

Phase 1 (2021 – 2022 additional resources required)			
Service Level Options	Additional Resource Requirements	Additional resource costs	Realigned or Enhanced Duties
Gradual decrease in service levels continues	None/status quo	No change	<ul style="list-style-type: none"> Staff will continue to realign duties as feasible however, the limited resources will result in a continued reduction in service levels
Maintain current response levels (Recommended)	<p>1 Municipal Law Enforcement Officer – FT in 2021 and 2 additional Officers in 2022 (3 total)</p> <p>1 – Senior Enforcement Services Clerk – FT (2022 potentially through a position conversion)</p> <p>1 vehicle in 2021 and 1 in 2022</p>	<p>\$98K in additional operating costs in 2021 and a further \$220K in 2022</p>	<ul style="list-style-type: none"> Provides ability to meet current service levels with growth that has already occurred, with faster response times once all Officers are in place Provides for stability in unit with additional FT staffing. Does not allow for any significant change to proactive enforcement initially in 2021 however it should be a gain of approximately 25% - once all Officers are in place in 2022. Municipal Law Enforcement Officer Is to assist Property Standards Officers with exterior yard maintenance complaints Creation of full rotational shifts to provide 7 day a week response to most matters once all staff in place in 2022
Additional proactive enforcement immediately	<p>4 - Municipal Law Enforcement Officers – FT (2021)</p> <p>1 – Senior Enforcement Services Clerk – FT (2021)</p> <p>3 Vehicles</p>	\$ 566,264	<ul style="list-style-type: none"> Allow for all aspects of Enforcement Services to have some (25%) proactive enforcement immediately Provides for stability in unit with FT staffing Allow for enhancement to response for Yard Maintenance complaints, Municipal Law Enforcement Officer Is to assist Property Standards Officers – response times estimated to decrease by 1-1.5 days. Creation of full rotational shifts to provide 7 day a week response to some additional matters



Additional 50% proactive Enforcement	5 - Municipal Law Enforcement Officers – FT (recruit 2021) 1 – Senior Enforcement Services Clerk – FT (recruit 2021) 3 Vehicles	\$ 665,042	<ul style="list-style-type: none">• Allow for all aspects of Enforcement Services to have (50%) proactive enforcement• Provides for stability in unit with FT staffing• Allow for enhancement of Yard Maintenance complaints to Municipal Law Enforcement Officer Is to assist Property Standards Officers – response times within 24 hrs for initial inspections• Creation of full rotational shifts to provide 7 day a week response to some matters
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Phase 2 (2023-2031 – additional resources required)				
Service Options	Level	Resource Requirements	Additional Cost	Realigned or Enhanced Duties
Gradual decrease in service levels continues		None/status quo	No change	<ul style="list-style-type: none"> As growth and call volumes increase, service levels will decrease with longer response times to resident/business concerns
Maintain current Service Levels		6 - Municipal Law Enforcement Officers – FT (recruit over 2023 to 2031 years as demand changes) 1 – Enforcement Services Clerk – FT (2026 recruit) 1 – Supervisor of Enforcement Services – FT (2026 recruit) 3 vehicles	\$ 918,077	<ul style="list-style-type: none"> Allows for population / development growth and minimal proactive enforcement Addresses some administrative and the supervisory needs related to growth Maintains current services levels Limited capacity for any realignment of complaints
Additional proactive Enforcement	25%	7 - Municipal Law Enforcement Officers – FT (recruit 4 over 2023 to 2026 and an additional 3 from 2026 to 2031) 1 – Enforcement Services Clerk – FT (2026 recruit) 1 – Supervisor of Enforcement Services – FT (2026 recruit) 3 vehicles	\$ 1,022,781 **	<ul style="list-style-type: none"> Allow for all aspects of Enforcement Services to receive 25% proactive enforcement Addresses administrative and supervisory needs related to growth Allow for realignment of some Yard Maintenance complaints to Municipal Law Enforcement Officer Is to assist Property Standards Officers – response times estimated to be within 48hrs
Additional proactive Enforcement	50%	8 - Municipal Law Enforcement Officers – FT (recruit over 10 years or as demand changes) 1 – Enforcement Services Clerk – FT (2026 recruit) 1 – Supervisor of Enforcement Services – FT (2026 recruit) 4 vehicles	\$ 1,138,085	<ul style="list-style-type: none"> Allow for all aspects of Enforcement Services to continue with proactive enforcement at 50% Addresses administrative and supervisory needs related to growth Allow for realignment of most Yard Maintenance complaints to Municipal Law Enforcement Officer Is to assist Property Standards Officers – response times estimated to be within 24 hrs Creation of full rotational shifts to provide 7 day a week response to most matters

Note: estimated costs include salary, benefits, fleet vehicles, on boarding materials such as uniforms, workstations, computers, phones etc. Shift Premium not included as rotations are not known at this time but anticipated to be some minimal costs required.

** Over all costs can be spread out over the 10 year period based on actual growth and demand

*** 2023-2031 increase also included an estimate of 6% increase in overall costing over 10 years.

Phase 3 (2031 – 2041)

While Phase 3 was reviewed and considerations were brought forward based on the growth projections discussed in this report, staff are not presenting all options at this time. Staff would continue to recommend maintaining current service levels with some improvement in response times and proactive enforcement. This allows for the growth and the continuation of providing a 10% increase in proactive enforcement throughout the City in all enforcement matters.

Over the ten (10) year period (2031-2041) staff are anticipating the need for seven (7) Municipal Law Enforcement Officers, one (1) Senior Municipal Law Enforcement Officer and one (1) Enforcement Services Clerk, all to be recruited over that ten year period as dictated by the demands for services as well as growth. By looking at this as a ten (10) year period it allows for flexibility in the recruiting process should changes occur that may inhibit the projected growth or the communities desire or need for service.

Special Note / Considerations:

Resource requirements were determined based on the following information:

- Staff reviewed “Long-Term Growth Review” report dated October 26, 2018 completed by Watson & Associates and considered the “Made in Barrie Growth Plan” set out in that report which outlined the population growth between 2021 and 2041
 - 2021 – population est. 167,600 = 21,800 increase
 - 2031 – population est. 210,000 = 42,400 increase
 - 2041 – population est. 253,000 = 43,000 increase
- Staff also considered the average increase in requests for service (complaints/parking infractions etc.) within Enforcement Services of 2,400 requests year over year since 2015.
- Staff also weighed out the average response times and the time to complete various investigations.

Examples are broken down below:

Property Standards

- Step 1 – Enforcement Staff attend and inspect property generally within 3 days or when inspection of interior can be arranged – if violation found contact made to tenant / owner – time to comply is given (24hrs – 7 days)
- Step 2 – Staff will then re-inspect the property to ensure compliance. Failure causes further attendance
- Step 3 - compliance file closed / failure – Second re-inspection – follow-up notice or order average of 30 days
- Step 4 – Ability for Property owner to Appeal order within 15 days of issuance.



Yard Maintenance

- Step 1 – Enforcement staff attend and inspect property generally within 3 days – 24hrs given to comply with occupant.
- Step 2 – Re-inspect for compliance – failure causes Notice to owner/occupant allowing 7 additional days (12 days including mailing)
- Step 3 – Re-inspection conducted – compliance file closed / failure – extension or City will hire a contractor to complete required work.
- Step 4 – No appeal process

Other Matters

- Dog Bite/attacks – initial attendance within 2 hrs (classed as an emergency call out)
- Tree Cutting – initial attendance within 24 hrs unless active cutting involved then immediate
- Business Licensing – initial attendance within 24-48 hrs
- General Enforcement items response is 2 hrs to begin process. (Only applicable when staff are on duty).
- Parking is generally the fastest enforcement matter to be addressed due to the availability of part time staff to respond afterhours

APPENDIX “B”

Comparator Municipality Information

Municipality	Hours of Operation	Number of Staff	Number of Complaints Annually	Enforcement Duties
Guelph	Uniform Staff – 24/7 Property Standards – 7:00 am to 3:30 pm (Mon-Fri) Waste – 7:00 am to 3:30 pm (Mon-Fri)	20 – FT 7 – PT (admin not reported) (mainly reactive, some staff assigned to specific duties i.e. Property matters)	8,500 – general complaints 1,000 – property standards 500 - waste	Parking, General Enforcement, Business Licensing, Property Standards, Animal Control, Sign Permits, Noise Enforcement, Water Usage, Waste, Holistic Practitioners
Kitchener	Various shifts based on work unit. Some staff 24/7, others work 8:00 am – 1:00 am rotating shifts 7 days a week Admin 8:30 am – 5:00 pm (call centre is 24/7 for afterhours services)	30 – FT 10 – PT (all staff divided into work units based on nature of enforcement, mainly reactive, Some proactive as needed for snow events, winter parking & parks)	13,665 – general complaints 8,035 property standards / lot maintenance	Parking, Trail/Bike patrols, Property Standards, Lot Maintenance, Noise & Sign Enforcement, Zoning.
Oshawa	No response provided when the report was finalized.			



Municipality	Hours of Operation	Number of Staff	Number of Complaints Annually	Enforcement Duties
Hamilton	Rotating shifts – days / afternoons. Weekends overnight shifts	33 – FT 15 – PT (mainly reactive – staff assigned to specific duties)	28,000 – all enforcement	General Enforcement, Property Standards, Vital Services, Illegal Disposal, Noise, Zoning, Yard Maintenance, Streets By-law
London	Rotating shifts between 8:30 am – 4:00 pm. Flexible hours evenings and weekends on rotation between 7:00 am and 3:00 am	21 – FT 1 – PT 4 – Students (divided into 2 specialized units to cover all matters, mainly reactive, some proactive)	8,300 – general complaints 8,700 - licenses	General Enforcement, Property Standards, Sign Permits, Zoning, Noise, Residential Rental Licensing, Fences, Vital Services, Vacant Buildings *parking & animal control separate.
Vaughan	Rotating shifts, generally 24 hours a day depending on activity.	75 – FT (staff assigned to specific duties, both proactive and reactive)	28,000 – general enforcement, animal control, licensing. Parking unknown	Parking, General Enforcement, Property Standards, Business Licensing, Noise, Zoning, Animal Control, Lottery Licensing

APPENDIX "C"

Draft By-law to Opt Out of *Line Fence Act* Enforcement

BY- LAW NUMBER 2020-

A By-law of The Corporation of the City of Barrie to remove the application of the *Line Fences Act* R.S.O 1990., c. 17 save and except Section 20 of the Act.

WHEREAS subsections 98 (1) and 98 (2) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, provides that the By-law may be passed by a municipality providing that the *Line Fences Act R.S.O. 1990, c. 17*, as amended does not apply to all or any part of the Municipality, subject to the continuing application of Section 20 of the *Line Fences Act*;

NOW THEREFORE, the Council of The Corporation of the City of Barrie hereby enacts as follows:

1. THAT the provisions of the *Line Fences Act R.S.O. 1990, c. 17*, as amended do not apply to all or any part of the City of Barrie, save an except for Section 20 of the *Line Fences Act*;
2. THAT the By-law come into force and effect immediately upon passing.

READ a first and second time this ** day of **** , 2020.

READ a third time and finally passed this ** day of **** , 2020.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. LEHMAN

CITY CLERK – WENDY. COOKE