

City of Mississauga

Corporate Report



<p>Date: January 6, 2023</p> <p>To: Chair and Members of Budget Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: January 23, 2023</p>

Subject

Options to provide enhanced overnight enforcement of municipal By-laws

Recommendation

1. That the report from the Commissioner of Transportation and Works, dated January 6, 2023 and entitled "Options to provide enhanced overnight enforcement of municipal By-laws", be received.
2. That Budget Committee provide direction to staff on the options as outlined in the report for enhanced overnight enforcement of municipal By-laws.
3. That should Budget Committee approve Option 1: Defer until the Implementation of the Noise By-law Review no additional costs are proposed.
4. That should Budget Committee approve Option 2: Four additional officers in Mobile Licensing
 - That the 2023 complement for Mobile Licensing Enforcement be increased by four permanent Full-Time Equivalent (FTE) Municipal Law Enforcement Officers (MLEO) grade E.
 - That the new cost centre 22656 "Enhanced Overnight Enforcement" be created with a gross and net expenditure budget of \$286,800 in 2023.
5. That should Budget Committee approve Option 3: Increased Staffing Through a Pilot Project
 - That the 2023 complement for Mobile Licensing Enforcement be increased by eight permanent Full-Time Equivalent (FTE) Municipal Law Enforcement Officers (MLEO) grade E, one Supervisor grade F and one Administrative Clerk grade C.
 - That the new cost centre 22656 "Enhanced Overnight Enforcement" be created with a gross and net expenditure budget of \$0 in 2023.
 - That a new capital project PN 23-091 "Enhanced Overnight Enforcement Pilot Project" be established with a gross and net budget of \$1,847,200 and that funding be allocated from Capital Reserve Fund Account #33121.
6. That all necessary by-laws be enacted.

Executive Summary

- Staff were directed to bring back a report on the provision of enhanced overnight By-law Enforcement.
- Currently Enforcement By-law Officers are available until 2am to conduct mobile and fixed business licence inspections and overnight to address Parking Enforcement and Animal Services related issues.
- A jurisdictional scan was conducted which found that Mississauga's coverage is generally similar to comparable municipalities except for the direct enforcement of noise by-law violations.
- Three options were developed and assessed by staff, including a two year Pilot Project to respond to evening and weekend noise by-law issues. This Pilot would require ten FTEs and is estimated to cost \$1,847,200 over two years.

Background

At the November 30, 2022 Budget Committee Meeting, Staff were directed to provide information as to the feasibility and additional costs associated with the provision of enhanced overnight By-law Enforcement in order to address priority issues such as noise and fireworks.

Present Status

By-law Enforcement officers currently conduct a variety of enforcement activities both overnight and in the late evening and early morning hours. Currently late night and overnight enforcement is comprised of:

Section	Number of Officers & Hours Worked	Issues Addressed
Animal Services	1 Officer working 9PM-7AM	Issues related to wildlife and domestic pets
Parking Enforcement	3-4 Officers /1 Supervisor working 8PM- 7 AM	Enforcement of the Traffic By-law and private property parking issues
Mobile Licensing Enforcement	2 Officers working 4PM-2AM	Inspection of TNC Vehicles, mobile licence vehicles and fixed premises licences
Compliance and Licensing Enforcement	4-6 officers, periodic late evening/ early morning inspections	Adult Entertainment establishments

Comments

Jurisdictional Scan

Staff examined by-law enforcement in nine comparable municipalities (Appendix 1). It is important to note that direct comparisons are not always possible due to differences in organization structures between jurisdictions. For instance, some jurisdictions consider Animal Services or Parking Enforcement to be part of By-law Enforcement or have combined duties, such as parking and noise enforcement. Four of the jurisdictions examined have 24/7 by-law coverage, while two have 21 hour coverage and one has 20 hour coverage. Toronto, Ottawa and Hamilton offer different levels of coverage depending on the complaint or day of the week. Hamilton provides weekday coverage until 8pm but has weekend evening coverage while Ottawa has coverage until 6am-2am Sunday to Thursday and 6am-4am Friday and Saturdays. Toronto has coverage for general by-law matters until midnight and noise enforcement coverage until 2am.

All of the jurisdictions examined have additional staff availability for major holidays or events where there are increases in complaint volumes. In all jurisdictions, this included proactively responding to fireworks violations and/or complaints on major holidays when fireworks are common.

What many of these jurisdictions have in common is the direct enforcement of noise by-laws by Municipal Law Enforcement Officers who are available during peak demand periods to attend complaints in order to identify offenders and collect evidence to ensure successful prosecution. By-law enforcement related to noise in Mississauga is not enforced through the direct interaction of officers with those alleged to be in violation of these by-laws. Instead, the responsibility for providing the evidence necessary to institute legal action lies with the person making the complaint. This is done through the completion and submission of a “noise log” which is reviewed to determine whether there is sufficient evidence to proceed with a charge under the by-law.

This process has been identified as overly complex and ineffective in producing results that promote general compliance with the By-laws. Most residents are unwilling to testify which means many offenders are not charged or prosecuted. Few service requests result in actual charges being brought forward despite complaints related to noise representing 12% of Compliance and Licensing Enforcement service requests received.

However, it is estimated that the complaints received are not a true representation of the issue. Many residents have expressed frustration with the lack of timely onsite investigations and consequently may not be submitting complaints. Additionally, Peel Regional Police receives an estimated average of 1,500 calls for service related to noise annually, but only has the capacity to attend half of them. Issues surrounding the noise by-laws are set to be brought back to Council in Q2 of 2023 as part of an ongoing Noise By-law Review.

Options

Option 1: Defer until the Implementation of the Noise By-law Review

Defer the addition of overnight enforcement until such time that the Noise By-law Review is received and approved by Council. It is anticipated that at that time a recommendation to move forward with a multi-year pilot project to significantly change the enforcement model used to address noise issues will be presented.

It is anticipated that this pilot project will incorporate current enforcement staff as well as additional contract officers to address noise complaints as they occur and evaluate whether a proactive model of enforcement is of benefit.

Projected Cost: There is no additional cost represented by this option.

Option 2: Four Additional Officers in Mobile Licensing Enforcement

Add four officers to the existing complement in Mobile Licensing Enforcement to provide permanent overnight coverage. These officers would work nights only and would support the enforcement of by-laws related to:

- Transportation Network Company (TNC) vehicles, taxicabs, tow trucks;
- Restaurants and club licensing and business licensing for other fixed premises;
- Adult Entertainment venues;
- Construction Noise (supporting Compliance and Licensing); and,
- Fireworks enforcement

Utilizing a ten hour schedule similar to that employed by Parking Enforcement would result in two officers scheduled each night from 8:00 p.m. to 6:00 am. Allowing for vacation, short term disability claims and incidental days, there should be a minimum of one officer on duty during each overnight period.

This would provide some additional coverage to respond to urgent noise issues such as construction noise. Remaining noise complaints would be addressed by officers during regular business hours. These new officers would also be available to test a low contact noise enforcement model whereby officers attend at noise complaints only to gather evidence but not interact with the noisemaker at the time of the violation.

Projected Cost: It is estimated that an increase of four (4) permanent full time (FTE) Municipal Law Enforcement Officers (MLEO) at Grade E and other operating expenses would result in an additional expenditure of \$286,800 in 2023 and \$475,000 in 2024 (Table 1 in Financial Impact).

Option 3: Increased Staffing Through a Pilot Project

In anticipation of a move to the direct enforcement of noise by-laws, it may be beneficial to begin developing a structure that will be utilized for these purposes and to support other by-law enforcement. This option would include the implementation of a two year Pilot Project consisting of eight (8) Municipal Law Enforcement Officers Grade E, one Supervisor Grade F and one Administrative position (Grade C).

This team would work exclusively on nights in response to the high number of noise complaints that are received during the evening and early morning hours. Team members would be uniformed and operate in marked City vehicles, utilizing a schedule similar to the one employed by Parking Enforcement. This would result in four officers scheduled throughout the year on weekend nights but would allow for adjustments in scheduling to maximize enforcement resources during periods of peak demand (i.e. dates when fireworks are permitted).

Officers in this group would respond to all noise complaints at the time of receipt to determine whether a violation of the Noise Control By-law was taking place. They would take immediate action to address these complaints.

Residents would continue have the opportunity to address their noise issues through the current process where a violation cannot be confirmed through inspections by the field officers. Investigation of noise issues outside of the overnight hours would be completed by existing staff in Mobile Licensing Enforcement.

During non-peak periods for noise enforcement (early evenings, early days in the week) these officers would support other initiatives in Mobile Licensing Enforcement including enforcement of bylaws related to:

- Business Licensing fixed premises;
- Business Licensing mobile business;
- Adult Entertainment venues; and
- TNC Enforcement

Projected Cost: It is estimated that a Pilot Project of this scope in two years would cost \$1,847,200 (Table 2 in Financial Impact Section).

Financial Impact

Option 1: Defer until the Implementation of the Noise By-law Review

No additional costs are proposed.

Option 2: Four additional officers in Mobile Licensing

The projected operating cost of option 2 for 2023 and 2024 has been presented in table 1. Labour includes 4 MLEO salary and wages plus additional costs for mileage, equipment and maintenance. The 2023 and 2024 operating costs will be funded from Tax.

Table 1: Proposed Operating Budget Impact

	<i>As of June 1st, 2023</i>	
Expense Categories	2023 Operating Budget	2024 Operating Budget
Labour and Benefits	\$252,800	\$441,000
Transportation	\$24,000	\$24,000
Equipment Cost & Maintenance	\$10,000	\$10,000
Other Operating Expenses	\$34,000	\$34,000
Total Gross Expenditure	\$286,800	\$475,000

Option 3: Increased Staffing Through a Pilot Project

In order to implement the proposed pilot project, this report is requesting eight (8) Municipal Law Enforcement Officers (MLEO) Grade E, One Supervisor Grade F and one Administrative position (Grade C), to be filled upon approval. The financial impact resulting from the implementation of capital pilot project (PN 23-091) is projected to have a gross and net budget of \$1,847,200 over the 2 year period (2023-2024). The expenditures are related to 10 permanent full time staff, costs for equipment, IT support and mileage expense.

Table 2: Proposed Capital Budget Impact, Pilot Project

	<i>As of June 1st, 2023</i>		
Expense Categories	2023 Proposed Capital Budget	2024 Proposed Capital Budget	2 year Proposed Capital Budget
Labour and Benefits	\$619,400	\$1,080,500	\$1,699,900
Capital Equipment & Uniform	\$37,000	\$37,000	\$74,000
Vehicle and Maintenance	\$33,300	\$40,000	\$73,300
Other Operating Costs	\$70,300	\$77,000	\$147,300
Total Gross Expenditure	\$689,700	\$1,157,500	\$1,847,200

Conclusion

The model currently in use by Regulatory Services does include 24 hour coverage for by-laws dealing with Parking Enforcement and Animal Services related issues. Mobile Licensing Enforcement provides approximately 20 hours of coverage daily while Compliance and Licensing Enforcement typically provides 11 hours of coverage through flexible scheduling.

This model is consistent with many similar jurisdictions with the exception of enforcement of noise related by-laws. It is anticipated that the Noise By-law Review will be presented to Council in Q2 2023 and will include provisions for a direct response to noise issues through expanded service levels.

Attachments

Appendix 1: Jurisdictional Scan



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

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