



The Corporation of the Municipality of Arran-Elderslie

Staff Report

Council Meeting Date: November 28, 2022

Subject: SRDPCLK.22.09 By-Law Enforcement and Animal Control Update

Report from: Julie Hamilton, Deputy Clerk

Appendices: Appendix A – Contract with James Special Services

Recommendation

Be It Resolved that Council hereby,

1. Authorizes an additional one-year extension to the existing contract for continued bylaw enforcement services with James Special Services Inc.;
2. Directs Staff to continue to work with JSS to update and enhance municipal bylaw enforcement efforts
3. Direct Staff to issue a Request for Quote for a property maintenance and cleanup services contractor.

Report Summary

The intent of this report is to provide Council with a status update regarding bylaw enforcement and animal control.

Background

The Municipality has partnered with James Special Services (JSS) for bylaw enforcement services. This contract began in September, 2021, and has proven to be beneficial to the municipality's needs. The contract provides for 24 hours per week of enforcement services, which frees up 1,248 hours of Staff time per year. This is the equivalent of 35 weeks per year.

Animal Control Services have been contracted to Cheryl Roberts since 2013. Backup support is provided by JSS where there are safety concerns or Cheryl is unavailable.

Analysis

Bylaw Enforcement

James Special Services (JSS) acts on a complaint-based system. Complaints can be made directly to JSS by telephone, email or through the Municipal Website. The complaint center is open 24 hours a day, 7 days a week. Officers typically respond to complaints within 24 hours of receipt. Complainants are required to provide their details when making their complaint, which remains confidential. The only time that this may be divulged would be when a case reached the court process and it is necessary to the proceedings of that specific matter. Details will never be provided directly to the alleged offender. Officers will investigate all allegations and where a complaint is founded, an ongoing file will be opened until compliance is met.

In many cases, education is provided to the offender regarding the issue and verbal timelines to remediate the situation are set. This is when the file is opened. The file remains opened until the situation has been remediated to the satisfaction of the Municipal Law Enforcement Officer (MLEO). In order to ensure compliance with privacy and protection legislation, no specific details or updates regarding bylaw enforcement matters will be provided to complainants, Members of the Public, Members of Council or other Staff unless specifically related to the needs of the investigation.

Below is an overview of the number of hours per ward and the type and number of complaints between January 1, 2022 and September 30, 2022. As you will see, the majority of complaints are based within the centres of Chesley and Paisley, with Tara following closely behind.

Tidy Yards continue to be the number one offender. These types of complaints typically involve grass cutting and other general yard maintenance. It provides officers with the opportunity of utilizing the Provincial Offences Act for enforcing infractions. This bylaw is enforceable under Section 444 of The Municipal Act, 2001.

Similar in nature to Tidy Yards is Property Standards. This bylaw deals with property maintenance and occupancy standards in accordance with the Building Code Act. The Building Code Act provides measures of enforcement by way of issuing orders against the property.

Parking matters are also handled by JSS. Although written complaints remain low, this is deceiving to the parking issues that are experienced, especially during the winter months. Accordingly, JSS performs regular patrol of parking in the downtown core to ensure the 2 hours limits are adhered to, as this is a common complaint of local businesses.

JSS also issues warnings during the winter months to those violating the winter parking limits of no overnight parking between 2am and 7am. The Municipality has adopted the practice of issuing two warnings to offenders and then ticketing. Usually, the warnings get the point across, but in the event of repeat offenders, Officers will issue tickets in accordance with the Provincial Offences Act and our Traffic & Parking Bylaw.

JSS does field other calls related to municipal bylaws and refers these cases to other agencies as necessary. Common examples include zoning related matters, animal control and building compliance.

As the snow begins to cover the ground, there will be a decrease in Tidy yards and property standards complaints. That does not mean that these cases will fall off the radar. These are still logged and investigated in the same manner as during the "prime" complaint season. As well, any ongoing files will be the first visited when spring awakens. Where compliance has been unattainable prior to the snow fall, quick action will be taken in the spring, when conditions permit.

Currently, the Municipality does not have any secured contractors for the purposes of property cleanup in the event that efforts to gain voluntary compliance are unsuccessful. This would be beneficial to the enforcement program so that officers know who to contact. Costs associated with cleanup are invoiced to the offender and can be transferred to the property roll for collection if necessary.

Bylaw Enforcement Statistics from January 1, 2022 -September 30, 2022

Breakdown of Hours and Complaint Type by Area

| Arran | Hours | Complaints |
|----------------------------|--------------|-------------------|
| Parking Issues | | 0 |
| Noise | | 2 |
| Fire | | 0 |
| Property Standards | | 4 |
| Tidy Yards | | 10 |
| Other | | 1 |
| Year to Date Totals | 35 | 17 |
| Chesley | Hours | Complaints |
| Parking Issues | | 5 |
| Noise | | 0 |
| Fire | | 3 |
| Property Standards | | 9 |
| Tidy Yards | | 35 |
| Other | | 11 |
| Year to Date Totals | 461 | 63 |
| | | |

| Elderslie | Hours | Complaints |
|---|--------------|-------------------|
| Parking Issues | | 1 |
| Noise | | 0 |
| Fire | | 0 |
| Property Standards | | 3 |
| Tidy Yards | | 2 |
| Other | | 2 |
| Year to Date Totals | 46 | 0 |
| Paisley | Hours | Complaints |
| Parking Issues | | 2 |
| Noise | | 1 |
| Fire | | 0 |
| Property Standards | | 5 |
| Tidy Yards | | 16 |
| Other | | 16 |
| Year to Date Totals | 296 | 40 |
| Tara | Hours | Complaints |
| Parking Issues | | 2 |
| Noise | | 1 |
| Fire | | 0 |
| Property Standards | | 8 |
| Tidy Yards | | 10 |
| Other | | 6 |
| Year to Date Totals | 127 | 27 |
| Year to Date Overall Total - All Areas | 965 | 147 |

JSS has identified a number of areas where the Municipality's enforceable bylaws could be improved to address various complaints received.

Staff are working on a By-Law Enforcement enhancement package as many of the current bylaws have been enacted for quite some time and many changes have occurred that should be captured within the bylaws. Included in this will be a refresh of the current Municipal Bylaws, proposed new bylaws and a review of the fees and fines associated with the enforceable bylaws. Also, included in the package will be a Municipal Bylaw Enforcement Customer Service Policy with a service level matrix that will provide a clear and consistent path forward for bylaw enforcement actions. This will assist to ensure a fair and equitable process is applied to all complaints and that all parties involved, staff, contractors, Council and the public have a clear tool as a guide to remediation.

The original contract initiated with JSS was for a one year term expiring September 14, 2022. The contract does allow for a one year extension by written confirmation.

For reference, the existing contact is attached as Appendix A. Staff have recognized several benefits from entering into this partnership and wish to continue the servicing agreement, especially heading into the winter months where parking offences are on the rise. In the spring, Staff will be working with JSS to prioritize files to obtain maximum compliance.

Animal Control

Animal Control measures are handled by contractor, Cheryl Roberts. These services are also on a complaint-based service model. Most calls are in relation to dog matters. These range from running at large to complaints such as excessive barking. Calls are also received relating to cats, other farm animals such as ducks and chickens and wild animals, and raccoons.

Below are the hours and call outs related to animal control from January 1, 2022 to September 30, 2022. The callout column speaks to the number of calls received that involve picking up an animal (s) that are running at large. The hours column represents the time spent on patrol, receiving complaints and investigation time. Other fees included in the contract include mileage, on call during statutory holidays and a cellphone allowance.

| Animal Control | | |
|--|-------|----------|
| January 1 to September 30, 2022 | | |
| | Hour | Call Out |
| January | 5.5 | 1 |
| February | 1.25 | 3 |
| March | 11.5 | 3 |
| April | 10.5 | 1 |
| May | 11 | 3 |
| June | 23.75 | 1 |
| July | 18.5 | 1 |
| August | 15.5 | 0 |
| September | 15.5 | 0 |
| Totals | 113 | 13 |

Link to Strategic/Master Plan

6.4 Leading Financial Management

6.6 Modernizing Services

Financial Impacts/Source of Funding

Bylaw Enforcement contracted services have been budgeted for 2022 in the amount of \$46,954. Services to September 30th are \$34,547 which are in line with this forecasted amount.

Animal Control contracted services have been budgeted in 2022 at \$11,200. Services to September 30th are \$8,843.

Approved by: Sylvia Kirkwood, Chief Administrative Officer