

**Governance & Priorities Committee**  
**BYLAW ENFORCEMENT**  
**October 28, 2019**



## Agenda

- **Bylaw Services**
  - Organization
  - Units / Duties
  - Calls for Service
  - Commonly-used Bylaws
  - Bylaw Investigations
  - Enforcement Continuum
  - Enforcement/Litigation Costs
  - Diversity in Enforcement Approaches
  - Homelessness
  - Role of Council
- **Parking Services**
  - Downtown Parkades / Surface Lots
  - On-Street Parking
  - Parking Quick-Facts
- **Animal Control Services**
  - Service Overview
  - 2020 Initiatives

## BYLAW REGULATION AND SECURITY SERVICES & PARKING

2019 Approved Budget

Revenue

Bylaw & Security \$354,275  
 Parking Services \$1,667,749

Expenditures

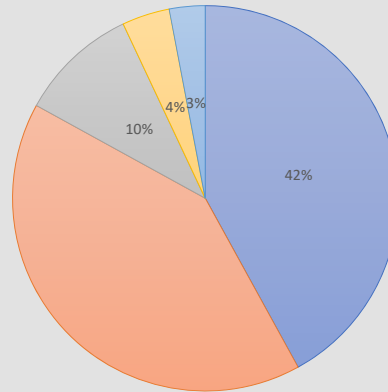
Bylaw & Security \$1,671,711  
 Parking Services \$1,270,282

Net Annual Operating Expenditures

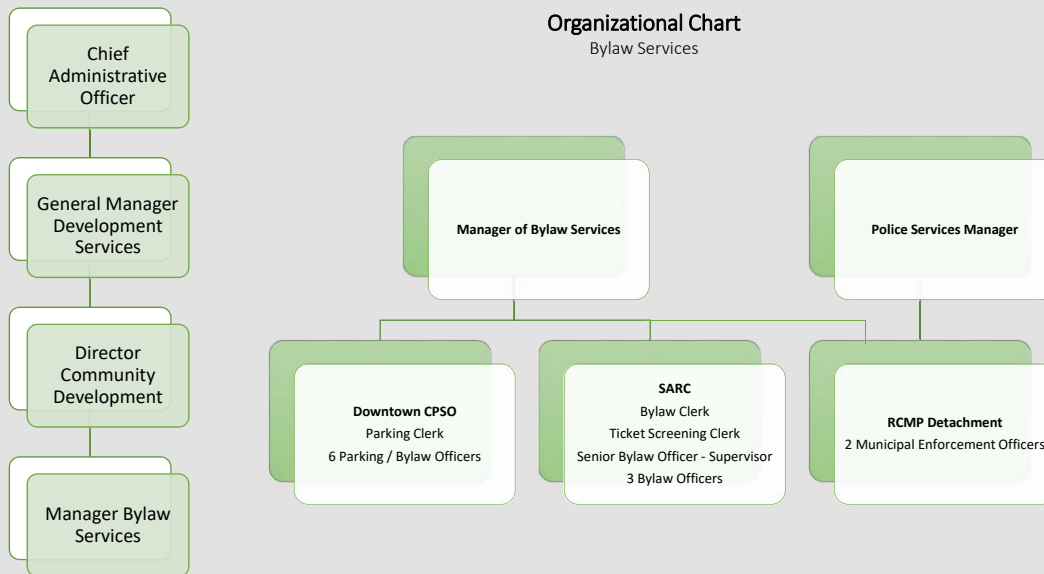
\$919,969

Staffing: 14 FTE's

**Operating Expenditure Budget**  
 \$3,051,758  
 (2% OF City Budget)



### Organizational Chart Bylaw Services



**Bylaw Enforcement Officers (3 & Senior Officer Supervisor)**



<b>Worksite</b>	SARC Building
<b>Reporting Structure</b>	Senior Bylaw Officer
<b>Duties</b>	<p>Enforcement of all bylaws</p> <p>Assistance to all City Departments (bylaw updates, enforcement, security)</p> <p>Nuisance Property Abatement Program</p> <p>Administration of ticketing &amp; adjudication systems</p> <p>Security Matters outside of Downtown area</p>
<b>Call Dispatching</b>	<p>Bylaw Clerks (SARC)</p> <p>Monday – Friday daytime coverage</p>
<b>Current Issues</b>	<p>Homeless/security matters dominate most time</p> <p>Increasing incidents of assaults / injuries</p> <p>Resulting in workplace injuries, sick time, long-term leave</p>

**Downtown Parking Patrol / Bylaw Enforcement Officers (6)**

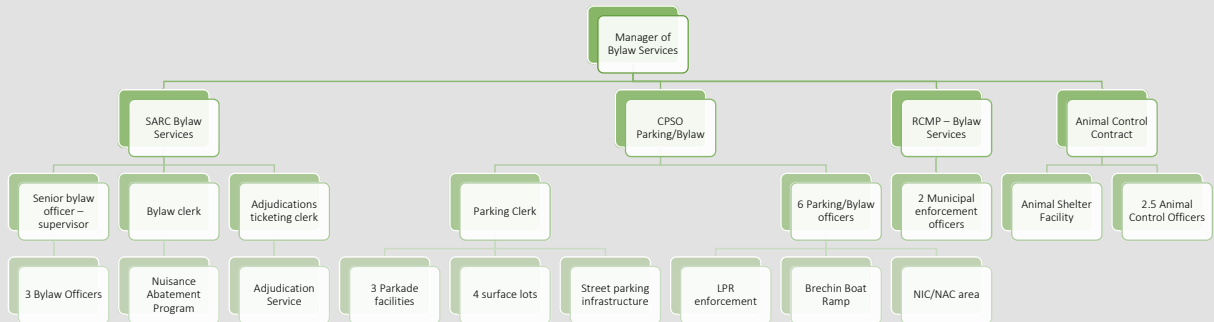


<b>Worksite</b>	Community Policing & Services Office 18 Victoria Crescent
<b>Reporting Structure</b>	Manager of Bylaw Services
<b>Duties</b>	<p>Any Bylaw/Security matters Downtown &amp; Protection Island</p> <p>Parking Permitting</p> <p>Parking &amp; Traffic Enforcement</p> <p>Downtown parkades, streets, surface lots</p> <p>Brechin Boat Ramp</p> <p>City facilities near VIU (NIC, NAC, Stadium)</p> <p>Hospital Area (2020)</p>
<b>Call Dispatching</b>	<p>SARC Bylaw Clerks and Parking Clerk</p> <p><b>7 Day a week coverage</b></p>
<b>Current Issues</b>	<p><b>2</b> new officers summer 2019 – out of SARC</p> <p>New license plate recognition vehicle 2019</p> <p>Security / Homeless Encampments</p>

### Municipal Enforcement Officers (2)



<b>Worksite</b>	RCMP Detachment
<b>Reporting Structure</b>	Administration – Police Services Manager Operational – Bylaw Services Manager
<b>Duties</b>	Commercial vehicles, truck routes, dangerous goods Traffic & parking all areas not covered by downtown bylaw unit Support services to RCMP
<b>Call Dispatching</b>	Weekdays – SARC bylaw clerks Weekends – Public Works
<b>Current Issues</b>	2019 access to police radios & record systems terminated



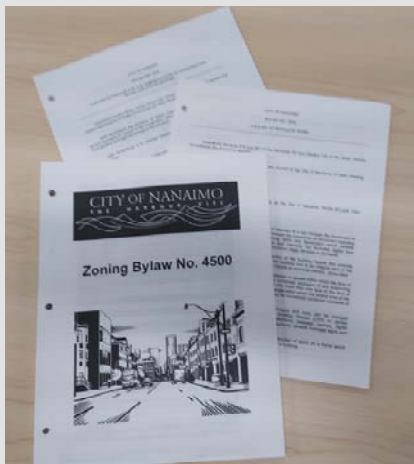
**BYLAW CALLS & HOMELESSNESS / SECURITY**

Bylaw Calls for Service Calls to Homeless Encampments Homelessness – Point in Time Counts			
Year	Total Bylaw Calls	Homeless Encampments	PiT Counts
2015	2,141	100	
2016	1,894	161	175
2017	2,292	281	
2018	2,432	377	335
2019	2,246 (to Sept 6)	287 (YTD)	

2018 Bylaw Calls by Description	
Security encampments	377
Security general	135
Security sleeper	108
Security drug related	55
Security parkades	50
Panhandling	20
<b>Total</b>	<b>746</b>



**COMMONLY USED BYLAWS**



- Traffic & Highways
- Zoning
- Maintenance of Property
- Business
- Building
- Nuisance Property Abatement
- Animal Control
- Parks
- Signs
- Soil Removal
- Noise Control
- Dust Control



Bylaw Calls – by description				Bylaw Calls – by description				Bylaw Calls – by description			
Description	2018	2017	2016	Description	2018	2017	2016	Description	2018	2017	2016
Parking	460	469	280	Signs	45	58	37	Abandoned Autos	10	13	19
Security – encampments	377	n/a	n/a	Graffiti	40	53	68	Assist Business Licensing	9	8	20
Unsightly properties	278	307	266	Assist Building Dept	37	27	28	Street Entertainers	9	1	8
Assist public	197	278	248	Assist Public Works	34	17	24	Assist Fire Dept	7	10	6
Noise – dogs	159	146	126	Assist RCMP	27	42	73	Impound Vehicle	7	15	9
Security	135	223	108	Traffic	26	45	24	Security Miscellaneous	4	223*	108
Noise	135	90	72	Environment	23	20	53	Illegal Suites	3	9	42
Security – Sleeper	108	n/a	n/a	Assist Parks Dept	22	35	56	Unsafe Structure	3	7	10
Dumping	100	56	24	Nuisances	20	14	18	Assist Animal Control	2	3	12
Security – Drug related	55	n/a	n/a	Panhandlers	20	16	13	Dust	2	7	0
Security – Parkade	50	n/a	n/a	Assist Planning Dept	19	18	18	Suspicious Persons	2	25	6



\* New security categories created in 2018

## INVESTIGATION OF BYLAW COMPLAINTS

1. Bylaw Complaints are accepted at City Hall in person, in writing, by phone, or online. All matters are evaluated on their own merits.
2. Priority will be given to more urgent matters;
  1. Health & Safety
  2. City Liability
  3. Nuisances
  4. Nominal Infractions
3. A documented history of repeat & persistent offenders will be taken into account when response options are considered.
4. Investigation may result in;
  1. A warning notice or letter of direction to remedy the problem within a specified time frame
  2. Issuance of a ticket / fine
  3. An order, which allows the City to remedy the contravention & bill the property owner for the cost.
5. Property owners will be encouraged to voluntarily rectify the situation. If it is determined there is no contravention, the complainant may be advised that no action is being taken.
6. The decision not to enforce a bylaw is an option, if it is determined that it isn't in the public interest, or if the complaint is frivolous or made in bad faith.



## Importance of Fairness & Impartiality



Bylaws can place government & the public into situations of high conflict

Decisions affect people's properties, homes, finances & overall well-being

Conflict is reduced when decisions are reasoned & appropriate

Bylaw complaints may be about long-standing neighbor disputes, unsightly premises, noise, dogs, safety hazards, parking or traffic.

Many complaints are about a perceived failure of the City to enforce a bylaw in response to a complaint

Local governments must focus on fairly balancing the interests of the individual making the complaint, the respondent, & the broader community

## Frivolous, Repeat & Multiple Complaints



### The More is not the Merrier

It is not in the public interest for cities to intervene in acrimonious disputes between individuals

Local government must balance the rights of all residents, including the right of being free from excessive visits or intrusion by enforcement officers

Enforcement resources are focuses on violations which raise demonstrable harms, risks to human health & safety, & harm to the environment

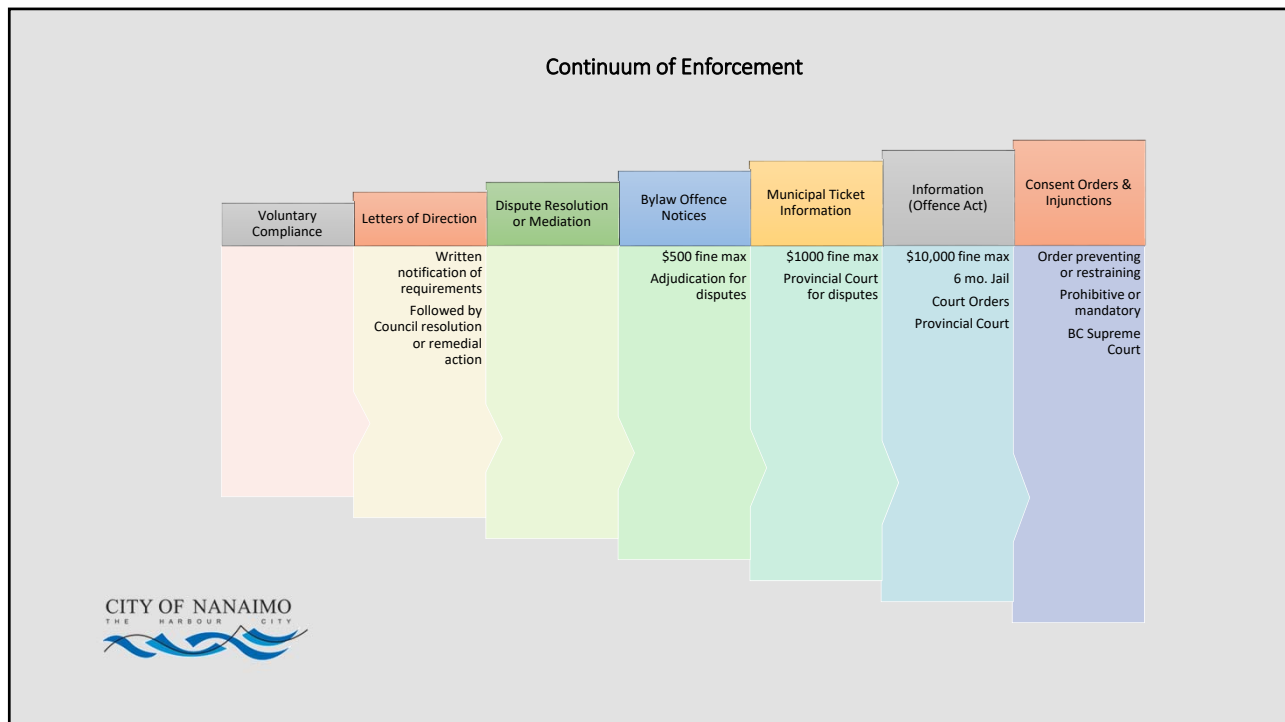
### Deciding Whether to Investigate

Nature of complaint & alleged violation

Impact on the community

Impact on the complainant or any other person

Any general directives from Council



### Court & Litigation Costs

- Legal Injunction \$100,000.00+
- Dangerous Dog Trial Underway \$30,000.00 +
- Barking Dog Ticket Dispute Legal Cost \$18,000.00
- City prosecution – zoning matter Set for trial – November \$13,000.00

**CITY OF NANAIMO**  
THE HARBOUR CITY





*City of Penticton v. Paul Braun 2018 / 19*

- 8 Counts of Obstructive Panhandling
- City legal costs \$30,000.00 before trial
- Plea deal prior to trial
  - \$145 fine
  - 60 hours community service
  - Required to comply with the bylaw
- Did not pay fine or complete service hours
- Set for trial November 2019
- City legal costs ongoing
- Described by lawyer as “a political move that amounts to bullying
- Drawn attention of BC Civil Liberties Association

*What are acceptable levels of “Nuisance”*

- Industrial Activities
- Aerodromes
- Entertainment: Park Concerts, Clubs, Buskers
- Vehicle Noise & Traffic
- Animals



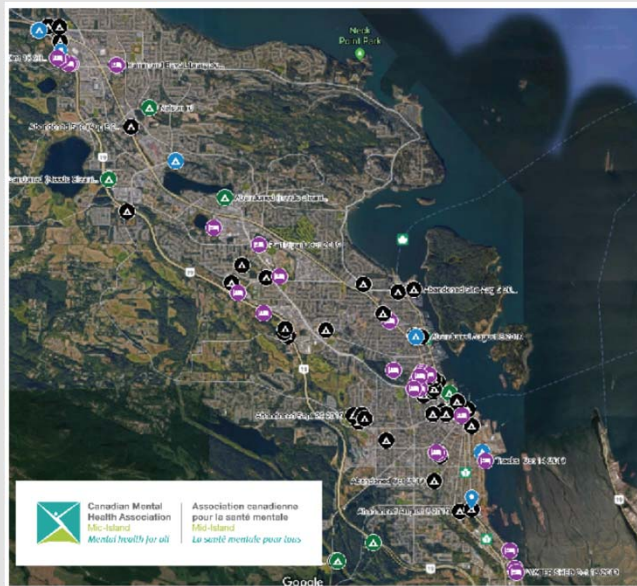
### DIVERSITY OF LOCAL GOVERNMENT APPROACHES TO BYLAW ENFORCEMENT

- Financial Resources / Staff capacity
- Larger cities have more issues to address
- Large geographic areas / smaller populations create enforcement challenges
- Community values/standards are not uniform across the province
- Bylaws must conform & evolve with court decisions & case law
- Nuances of history, location, size & past political direction create inconsistencies / confusion
- Values are not static – will evolve over time
- Large government have specialized teams to enforce matters of environment, buildings, parks, etc
- Many regulatory functions overlap with business licensing, engineering, building & fire inspectors



### HOMELESSNESS

Impacts on City Services





### The Role of Council

- Developing bylaws which reflect & maintain community standards
- Determine priorities & approaches, including the choice not to regulate at all
- Create bylaws which can be fairly & reasonable enforced

#### Considerations

- Vague or overly broad laws are unenforceable
- Does staff, equipment, enforcement capacity & resources exist to meet public expectation
- Insufficient capacity may defeat the purpose of enacting a bylaw





**Bylaw Enforcement**

Questions / Discussion?

Next: *Parking*

	Harbourfront		VICC		Bastion		Wentworth		Cavan		Selby		
	301 stalls		308 stalls		277 stalls		59 stalls		82 stalls		24 stalls		
	Full		Full		208 Full		49 Full		70 Full		18 Full		
	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	Monthly Passes	Pass/Permit Revenue	
2014	182	511,430	123	185,696	195	244,260	44	48,492	61	71,071	7	3,840	
2015	201	544,099	118	186,929	195	255,831	44	46,221	69	78,773	3	3,060	
2016	301	568,037	124	187,650	199	266,151	44	43,790	69	71,912	4	3,360	
2017	297	600,488	134	211,351	188	257,203	49	44,795	69	74,918	6	6,649	
2018	301	764,367	146	224,166	191	252,526	49	46,756	70	80,541	11	31,358	
2019 YTD	301	516,437	234	183,025	207	207,879	49	34,016	70	58,505	8	9,863	
Projected		700,000		228,000		243,000		44,222		72,190		12,000	
	Coast Hotel Permit Revenue Included		Casino Reserve Parking Revenue Included		Free Evening & Weekend Parking								

\*\*Pass numbers are year end numbers not an average

**DOWNTOWN PARKADES & SURFACE LOTS**  
Inventory / Revenue

- 2014 Bastion Parkade adopts free weekends and evening parking
- 2015 Wallace Wentworth inventory increased
- 2016 Selby added a day permit dispenser
- 2017 Coast Hotel parking rates increased
- 2018 Modo Car Share added to Selby
- 2019 Modo Car Share added to Bastion

ON-STREET PAY PARKING Overall Revenue	
2014	189,520
2015	243,123
2016	235,643
2017	329,607
2018	306,725
2019 – Sept 30	164,427
Projected	192,500

\* Single-head meters vandalized in 2018, removed in 2019

- **Harbour Front Parkade** – 150 spaces set aside for public day use & Coast Hotel
- **VICC/PONC** – 75 spaces set aside for public day use & VICC events. Casino reserve will move to future hotel parking
- **Bastion Street Parkade** – 75% pass threshold, 25% public day parking. Full capacity annually between June & September
- **Wentworth & Cavan Lots** – 85% pass threshold, 15% public day parking. (Waitlists for both locations)
- **Selby Lot** – 75% pass threshold, 25% public day parking



- 2019 Parking Services Budget - \$1,270,282
- 2019 Revenue - \$1,667,749
- Downtown Parking Infrastructure
  - Three Parkades - 901 spaces
  - Four Surface pay lots – 165 spaces
  - Two free lots – Nicol Street, Prideaux Street
- 100+ single head parking meters removed in 2018 – loss of revenue \$120,000 annually
- Two new parking / bylaw enforcement officers in 2019
- New license plate recognition (LPR) vehicle in 2019
- Downtown Mobility Study underway – assessing parking conditions & rates
- Implementation of Hospital Area Parking Plan – January 2020
- Update to Traffic & Highways Bylaw – 2020 initiative

### PARKING SERVICES

#### Quick Facts



## Parking

Questions / Discussion?

Next – Animal Control



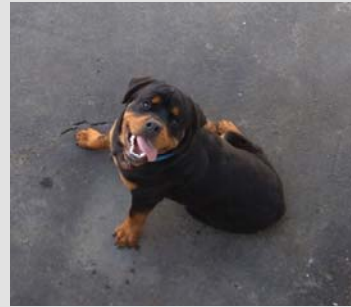
- Animal Control Services and operation of the City's animal shelter facility is contracted to a third-party operator
- The current contract is in a final year of extension and will be posted for competition in 2020.
- Current contract details:
  - \$436,039 per annum
  - \$21,000 for one seasonal employee May – September
  - Overtime, callouts & veterinary costs are additional
- Animal Control – quick facts
  - 2018 - 2,799 files
  - 210 dogs impounded / in care
  - 83% of dogs reunited with owners
  - 29 cats in care
  - 6 cats reclaimed by owners, 19 adopted to new homes

## ANIMAL CONTROL SERVICES



## ANIMAL CONTROL 2020 Key Initiatives

- Update Animal Control Bylaw
- Renewal of the Animal Control Contract
- Service Review
  - Existing shelter facility is requires extensive updating to meet current standards of animal care
  - Service levels have not increased since mid 1980's



## Governance & Priorities Committee BYLAW ENFORCEMENT October 28, 2019

CONCLUSION

QUESTIONS

