Minute No. 156
Report - Executive Policy Committee - January 16, 2008

Item No. 3 Consolidation of Responsibility for By-law Enforcement
File GL-1

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That a one-time expenditure of $375,000.00 be approved in Community Service's 2008 Operating Budget for the implementation of a consolidated by-law enforcement unit (AMANDA development/licensing costs, technology hardware, minor renovations to existing city space, file storage).

2. That the Winnipeg Public Service report back in March 2009 on the status of the consolidated by-law enforcement unit, including the following matters:

   A. The status of the implementation including discussion of efficiencies found during the consolidation, service demands, current service levels, quality assessment measures, challenges and opportunities;

   B. Recommendations with respect to additional community standards and public nuisance conditions that should be added to the unit and/or neighbourhood liveability by-law, if approved;

   C. Recommendations with respect to support programs to encourage compliance with City by-laws; and

   D. Any related financial implications associated with the above.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

Further, on January 16, 2008, the Executive Policy Committee received from Sel Burrows, Chairperson, Point Douglas Residents' Committee, a presentation in support of the Consolidation of Responsibility for By-law Enforcement.

On July 11, 2007, the Executive Policy Committee passed the following resolution, namely:

WHEREAS the responsibility for City of Winnipeg by-law enforcement currently lies with multiple civic departments and Special Operating Agencies, including the Winnipeg Fire Paramedic Service, Winnipeg Police Service, Community Services Department, Planning, Property & Development Department, and Animal Services SOA;

AND WHEREAS unnecessary inefficiencies and red tape result from a fragmented approach to by-law enforcement;

AND WHEREAS these unnecessary inefficiencies and red tape could be eliminated by the creation of an identifiable stand-alone by-law enforcement unit responsible for the enforcement of all City of Winnipeg by-laws including, where practicable, by-laws currently enforced by the Winnipeg Fire Paramedic Service and the Winnipeg Police Service;

AND WHEREAS it is recognized that increased opportunities exist for cross-training by-law enforcement officers on the enforcement of multiple by-laws;

AND WHEREAS the transfer of responsibility for by-law enforcement from the Winnipeg Fire Paramedic Service and the Winnipeg Police Service to a by-law enforcement unit would result in increased capacity for Winnipeg Fire Paramedic Service members and Winnipeg Police Service members to provide front-line services;

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

THEREFORE BE IT RESOLVED THAT the City of Winnipeg Public Service be directed to report back to the Executive Policy Committee in January 2008 with a plan that includes:

1. The consolidation of responsibility for by-law enforcement under one body through the creation of an identifiable stand-alone by-law enforcement unit.

2. The cross-training of by-law enforcement officers in the enforcement of all civic by-laws for which the by-law enforcement unit is responsible and identification of all by-laws for which cross-training cannot be performed.

3. The identification of all by-laws where responsibility for enforcement could be transferred from the Winnipeg Fire Paramedic Service and Winnipeg Police Service to the by-law enforcement unit.

4. A range of options for increasing by-law enforcement capacity as demonstrated by best practices in other jurisdictions, including Canadian and Manitoban municipalities.

5. Recommendations for ways in which the by-law enforcement unit can work proactively with community partners and stakeholders on by-law enforcement and community safety initiatives, as demonstrated by best practices in other jurisdictions, including Canadian and Manitoban municipalities.

6. An analysis of all other relevant considerations.

RE: CONSOLIDATION OF RESPONSIBILITY FOR BY-LAW ENFORCEMENT

FOR SUBMISSION TO: **Executive Policy Committee**

ORIGINAL REPORT SIGNED BY: **Chief Administrative Officer**

REPORT DATE: **December 13, 2007**

RECOMMENDATIONS:

1. That a one-time expenditure of $375,000 be approved in Community Service's 2008 Operating Budget for the implementation of a consolidated by-law enforcement unit (AMANDA development/licensing costs, technology hardware, minor renovations to existing city space, file storage).

2. That the Winnipeg Public Service report back in March, 2009 on the status of the consolidated by-law enforcement unit, including the following matters:
    a. the status of the implementation including discussion of efficiencies found during the consolidation, service demands, current service levels, quality assessment measures, challenges and opportunities;
    b. recommendations with respect to additional community standards and public nuisance conditions that should be added to the unit and/or neighbourhood liveability by-law, if approved;
    c. recommendations with respect to support programs to encourage compliance with City by-laws; and
    d. any related financial implications associated with the above.

Report Summary

Key Issues:

- Various by-law enforcement activities from a number of Departments (Community Services, Public Works, Water and Waste, Fire Paramedic Service, Winnipeg Police Service, Planning, Property and Development) will be consolidated in a new unit – 'Community By-law Enforcement Services'.

- The new unit will reside in the Community Services Department, consistent with the City Organization By-law and the practices of other cities, and report through to the Standing Policy Committee on Protection & Community Services again, consistent with the City Organization By-law.

- The new unit will be comprised of By-Law Constables - generalists and specialists. Specialists may, for example, include public health inspectors. By-law Constables will enforce all or part of 30 by-laws, approximately one-half of which have been

consolidated into the new Neighbourhood Liveability By-law, subject to Council approval. The By-law Enforcement Unit is intended to provide:

- Better utilization of resources that will see a mix of generalists and specialists. Staff will be trained to enforce multiple by-laws thereby eliminating duplication and ensuring a more coordinated approach;
- Greater consistency in enforcement practices by modernizing to meet current community standards;
- Greater accountability for a more timely and effective reporting process; and,
- An increased visual presence in the community.

- At the request of Council, the Public Service is currently preparing a number of reports for Council that will have a direct impact on the nature and scope of the By-law enforcement functions of this new unit including:
  - *The Neighbourhood Liveability By-law* – A new Neighbourhood Liveability By-law is being drafted for Council. Subject to Council approval, the By-law which will consolidate multiple City By-laws that address neighbourhood conditions and community protection and safety issues, is being structured in a manner consistent with the enforcement functions assigned to the By-law Enforcement Unit as contained within this report.

  - *The Doing Business in Winnipeg By-law* (Red Tape Commission Recommendation 3) – A Report proposing the elements of a new "Doing Business in Winnipeg By-law" is being drafted for Council consideration in December 2007. The By-law itself would be prepared for Council consideration in April, 2008. Subject to Council approval, the By-law will reduce the number of businesses licenses required by the City of Winnipeg and streamline license requirements for others. The Doing Business in Winnipeg By-law, which is structured to regulate business activities where necessary to protect health, fire prevention, and crime suppression by suppressing conditions that may foster crime, can potentially be enforced via the proposed By-law Enforcement Unit.

  - *Jurisdictional Responsibility for the Delivery of Environmental Health Services within Winnipeg* – As directed by Council on July 18, 2007 the Winnipeg Public Service is currently exploring two options with the Province of Manitoba:
    - Option 1 – Transfer City of Winnipeg Environmental Health Services (public health inspection services) to the Winnipeg Regional Health Authority or the Province of Manitoba.
    - Option 2 – Pursue the amalgamation of all public health inspection services within Winnipeg (City and Provincial) within the Winnipeg structure.

- Community By-law Enforcement Services Unit will be implemented in two phases. In the first Phase, the Community By-law Enforcement Services Unit will become operational by November 1, 2008 and will enforce the new Neighbourhood Liveability By-law, subject to Council approval, in addition to thirteen other existing by-laws (see Appendix 2). A 10-month implementation phase is required to harmonize the staff, review issues

relating to human resources, develop work flow methods, develop new forms, develop policy on enforcement methods, train staff, determine, modify and acquire technology/communication systems.

- Phase 2 will be implemented by March 31, 2009 and involves the integration of resources, development of by-law support programs, cross-training of staff, and development of performance reporting measurements.

- Sound by-law enforcement requires both reactive and proactive practices in order to implement best practices in by-law enforcement. Proactive enforcement involves having a variety of information campaigns aimed at generating visibility and awareness of community standards. Other Canadian municipalities utilize a variety of enforcement initiatives such as Community By-law Investment Funds, school outreach programs and community presentations to encourage citizen compliance.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): This is a significant change initiative that will impact a number of Departments. Implementing a consolidated by-law enforcement unit will have a positive impact on the manner in which the City interacts with its residents.

Policy Implications

(X) No

( ) Yes

Comment(s): The Community By-law Enforcement Services aligns with **Recommendation 2.4 of the Red Tape Commission Report** which emphasizes the importance of making better customer service a feature of enforcement, especially in the consistent application of by-laws. Departments with enforcement roles should also organize regular staff training sessions to promote consistent application of codes, laws and regulations.

Regulatory Implications

(X) None

() Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): Subject to Council approval, Community By-law Enforcement Services will be enforcing numerous by-laws which have been streamlined into new "Neighbourhood Liveability By-Law".

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

( ) No

(X) Yes

Comment(s): Staff will be moved from numerous departments to the central unit in accordance with collective agreements. Discussions have begun with the unions affected.

Financial Implications

() Within approved current and/or capital budget

(X) Current and/or capital budget adjustment required

Comment(s):

- A one-time expenditure of $375,000 is required in the 2008 Community Services Operating Budget for AMANDA Development/Licensing/ costs, technology hardware, minor renovations and a file storage system.

Report

REASON FOR THE REPORT:

At its meeting of July 11, 2007, Executive Policy Committee, the following motion was passed.

"That the City of Winnipeg Public Service to report back to the Executive Policy Committee in January 2008 with a plan that includes:

1. *The consolidation of responsibility for by-law enforcement under one body through the creation of an identifiable stand-alone by-law enforcement unit.*
2. *The cross-training of by-law enforcement officers in the enforcement of all civic by-laws for which the by-law enforcement unit is responsible and identification of all by-laws for which cross training cannot be performed.*
3. *The identification of all by-laws where responsibility for enforcement could be transferred from the Winnipeg Fire Paramedic Service and Winnipeg Police Service to the by-law enforcement unit.*
4. *A range of options for increasing by-law enforcement capacity as demonstrated by best practices in other jurisdictions, including Canadian and Manitoban municipalities.*
5. *Recommendations for ways in which the by-law enforcement unit can work proactively with community partners and stakeholders on by-law enforcement and community safety initiatives, as demonstrated by best practices in other jurisdictions, including Canadian and Manitoban municipalities.*
6. *An analysis of all other relevant considerations."*

HISTORY:

On July 11, 2007, Executive Policy Committee directed the Winnipeg Public Service to prepare a report on by-law enforcement consolidation in January 2008.

DISCUSSION:

What is By-law Enforcement?

By-law enforcement is the process of ensuring compliance with by-law that protect and enhance the health, safety and well being of people and property. The by-laws being considered in this Report relate to property standards, open air fires, noise nuisances, mosquito control and other aspects of neighbourhood liveability. By-law enforcement includes two key aspects: compliance orders, which require people to stop violating a by-law or to take action to remedy non-compliance, and common offence notices, which result in prosecutions for by-law violations.

By-law enforcement generally refers to a host of actions directed at obtaining compliance with local government bylaws. This may include activities such as educating the public about regulatory rules, conducting inspections to ensure that the rules are being followed, mediating between members of the public, leveraging voluntary compliance with the rules where possible, and seeking consequences for contraventions where compliance is not forthcoming or harm has been done to the community.

What are Other Cities Doing?

A survey of Canadian municipalities indicates that almost every Canadian city already has consolidated By-Law Enforcement Units; six Canadian cities are profiled in Appendix 1. Of the cities profiled, all have by-law enforcement units that are part of either the Community Services or Planning Departments and are tax supported. Some cities, like Ottawa and Vancouver, have "super agencies" which enforce property standards, parking, animal control, building construction and licensing. Significant revenues are collected only if the unit incorporates animal licensing, business licensing and parking enforcement.

Most of these by-law enforcement units are far along in their efforts in providing more effective and efficient by-law services by having a mix of generalist by-law enforcement officers, who are cross-trained to enforce multiple by-laws, and specialists, who enforce the more complex aspects of by-laws. Cities who have a consolidated by-law enforcement unit find that their public profile increases which lead to increased demand by citizens, resulting in additional resources being required. These cities site the non-financial benefits as including improved communication between the generalists and specialists, consistency in enforcement practices and a customer service based approach.

Most cities rely on citizen complaints to investigate the majority of investigations. However, cities like Edmonton and Ottawa are re-emphasizing that proactive enforcement is required to improve service delivery. The 2005 Edmonton Auditor's Report identified public education and increased visual presence as key elements in a cost effective proactive approach.

The Current Situation in Winnipeg

The actual number of by-laws enforced by the Winnipeg Public Service largely depends on how "enforcement" is defined. However, it is clear that the City of Winnipeg currently enforces numerous by-laws, with almost every City department involved in enforcing particular by-laws or sections of by-laws (see Appendix 2). In most departments, enforcement is primarily reactive with some coordination between departments if critical issues or special initiatives require immediate attention. Departments are finding it difficult to enforce by-laws with current resources, given high citizen expectations. There is currently no cross training of staff between departments. In most departments, pro-active public education exists in a limited capacity because of a shortage of resources.

With almost 14,000 complaint initiated service requests and 18,500 inspections each year related to community liveability standards, there is an immediate need to use existing enforcement resources as efficiently and effectively as possible in order to meet the needs of citizens in a timely way. BizPal, a new online business permit and license service that saves

time spent on paperwork and helps entrepreneurs start up faster, was launched by the federal, provincial, and the City governments in October 2007. This service will benefit the City as it will allow the public access to all by-laws when setting up a small business.

The split jurisdiction in enforcement of neighbourhood liveability by-laws has resulted in numerous complaints of varying levels of service between the inner City and suburbs. As directed by Council and as part of Red Tape Recommendation 21, the Winnipeg Public Service is in discussions with the Province to resolve these inter-jurisdictional issues.

Why Consolidate By-law Enforcement?

Almost every department in the City currently enforces by-law provisions related to community standards. However, there is some coordination in these enforcement efforts, but more can be done.

Various by-law enforcement activities from a number of Departments (Community Services, Public Works, Water and Waste, Fire Paramedic, Winnipeg Police Service, Planning, Property and Development) will be consolidated in a single, new unit – Community By-law Enforcement Services. The unit will have responsibility for enforcing numerous by-laws which will result in more effective enforcement as a result of more efficient and coordinated use of resources, more flexibility to meet emerging or critical issues, enhanced training opportunities, and improved supervision. There will still need to be direct links to other departments such as Planning, Property & Development, where zoning and building permits are issued and Fire Paramedic Services, which conduct fire code inspections.

With the creation of a stand-alone by-law enforcement unit, there will be a single source of contact for citizens as many of the by-law provisions of the new Neighbourhood Liveability By-law, subject to Council approval, would be seen by residents of Winnipeg as affecting their neighbourhoods and their day-to-day lives. This unit will monitor and report on performance in the future.

Key Components of the New Consolidated Model

1. A Clear Mandate and Set of Goals

a) Mandate

To support compliance with municipal bylaws to ensure that the health, safety and well being of people and property are protected by focusing on community education, enforcement through compliance orders, mediation, and prosecutions leading to fines by having a team of well trained, qualified and professional by-law enforcement officers.

b) Goals

- To protect the welfare of citizens by promoting and enforcing compliance to neighbourhood liveability standards.
- To ensure a cost effective proactive enforcement unit by utilizing existing resources better.
- To provide responsive, fair and consistent enforcement.
- To deliver prompt response, better follow up with complainants, and consistency with repeat offenders.
- To reduce complaint volumes, increased customer satisfaction and reduce any unsafe and detrimental situations and conditions
- To provide consistencies in intent, wording, definitions and enforcement practices by modernizing to align the unit to reflect the new Neighbourhood Liveability By-law, subject to approval by Council
- To develop initiatives to deal with specific incidents and recurring events where community standards are weakening.
- To achieve a high degree of voluntary compliance by building on existing community standards.
- To conduct proactive inspections with the ability to pick-up problems before they become safety concerns or detriment to people or property.
- To ensure that the City's expectations related to by-law adherence are promoted.
- To improve community support programs that encourage by-law adherence by formalizing community support programs.
- To work collaboratively with Community Resource Coordinators, Police and Fire Inspectors who are active in the community.

2. Clear Accountability

A consolidated unit will strengthen accountability by having one point of contact for the enforcement of numerous neighbourhood liveability by-laws.

The unit will reside in the Community Services Department. Under the current Organizational By-law, the Community Services Department has the responsibility to safeguard and promote the health and safety of urban populations. Community Services currently enforces a majority of the by-laws that will be enforced under the new Neighbourhood Liveability By-law, subject to Council Approval.

The unit will be accountable through to the Standing Policy Committee on Protection & Community Services, which has jurisdiction over By-law enforcement related to neighbourhood liveability matters under the City Organization by-law.

3. A Staff Mix of Generalists and Specialists

There are efficiencies associated with the cross-training of enforcement and administrative staff. While it has its own benefits, specialization can result in the inefficient deployment of personnel. Currently, staff from two different departments must make the trip to a particular location to deal with, for example, a property standards complaint and an encroachment complaint. In the new configuration, a single cross-trained By-law Constable would be able to deal with both situations.

At the same time, it is unreasonable to expect that all officers will be trained in all areas of all the by-laws being enforced. Specialists will still be required to ensure compliance of some by-law provisions, especially those that are highly technical in nature.

Therefore, the enforcement unit will be comprised of:

a) By-law Constables:

By having an enforcement unit with Generalists (By-law Constables) who are cross-trained to enforce multiple by-laws, they will be able to attend to a multitude of enforcement issues. By-law Constables will be expected to proactively address compliance with the new Neighbourhood Liveability By-law, subject to Council approval.

b) Specialists:

Along with By-law Constables, the unit will be comprised of staff with expertise in one or more specific field of municipal enforcement. Specialists will be involved in cross training with the understanding within the unit that certain individuals in specific enforcement positions within the new complement of staff have a higher degree of formal training and extensive experience in the field of municipal law enforcement in a number of capacities. These specialists are tasked with more complicated issues that require knowledge of both municipal regulations and the intangible skills that can defuse potentially volatile, and sometimes hostile, issues between affected parties.

c) Targeted Response:

Dedicated enforcement units are required to initiate investigations which are of particular importance to area residents, businesses, police, other agencies and interests (including councilors) that may pose immediate concerns regarding public health and safety. The unit will have the flexibility to dedicate its resources as the need arises.

With sufficient resources, it is expected that the proposed deployment model will permit enforcement staff to investigate requests for service more quickly and improve the quality of service. During discussion with the departments, it was noted that less urgent complaints take as many as three to four days for action or never get initiated due to staffing shortages. This time discrepancy not only introduces investigative difficulties for enforcement staff but also is widely viewed as inadequate by the general public.

Location for the new By-law Enforcement Services Unit will be determined as part of the consolidation phase, utilizing existing civic accommodations.

4. Numerous By-laws Enforced by One Unit

The City currently regulates and enforces numerous community standard by-laws which are administered by numerous departments (see Appendix 2). The following by-laws would be enforced by the new unit.

Neighbourhood Liveability By-law (subject to Council approval)

A new Neighbourhood Liveability By-law has been drafted for consideration by Council. This modern and functional by-law would consolidate the following by-laws into a single by-law. The new By-law has been aligned to be enforced by this new unit that would be seen by residents as affecting their neighbourhoods and their day-to-day lives. Also, particular by-laws have often been the enforcement of a specific unit within the Public Service with only ad hoc coordination with other enforcement units. The result is that all or sections of the following 17 by-laws have been incorporated into the new By-law dealing with various aspects of neighbourhood liveability:

- the Anti-Litter By-law No. 1075/75;
- the Boulevard Maintenance By-law No. 125/2007;
- the Building Names and Numbers By-law No. 1416/76;
- the Derelict Vehicles By-law No. 41/2005;
- the Handbill and Poster By-law No. 1076/75;
- the Maintenance and Occupancy By-law 4903/88;
- the Minimum Standards of Housing Repair By-law No. 19165/65;
- the Mosquito Control By-law No. 101/2003;
- the Noise Control By-law No. 2480/79;
- the Pigeon Control By-law No. 978/75;
- the Refrigerators and Freezers By-law No. 17267/54;
- the Temporary Streets Signs By-law 64/2003
- the Termite Control By-law No. 4891/88;
- the Tree Trimming By-law No. 8155/2002;
- the Unsightly Premises By-law No. 8151/2003;
- the Winnipeg Heating By-law No. 19791/70;
- the Fire Prevention By-law No. 150/2004, Part 4 (residential recreational fire pits and barbeques);

In addition to the Neighbourhood Liveability By-law, all or parts of other By-laws to be enforced by the new unit would include:

- the Encroachment By-law No. 692/74 (permit section)
- the Graffiti Control By-law No. 204/2007(sale of spray paint to minors)
- the Solid Waste By-law 1340/76
- the Vacant and Derelict Buildings By-law (Portions of Schedule A- garbage, refuse, junk, wrecked vehicles, trailers and machinery parts, holes and excavations, vegetation, ponding of water and fences)
- the Doing Business in Winnipeg By-law (subject to Council approval)
- the Winnipeg Building By-law No. 4555/87 (enforcement of permit section)
- the Zoning By-law No. 200/2006 (complaint initiated)
- Sections of the Manitoba Public Health Act and the Non-smokers Health Protection Act
- the Food Services Establishment By-law No. 5160/89
- the Body Modification Bylaw No. 40/2005

- the Civic Charities Applications and Permits By-law No. 6916
- the Raffle Lottery By-Law No. 7470/99
- the Taxi Cab By-law No. 6123/93

5. Technological Improvements

In addition to efficiencies gained through having a mix of generalist and specialist staffing, there are a number of work process improvements that the new unit will focus on, facilitated by technological improvements. Community Services and Property, Planning & Development inspection staff presently utilize an integrated property based information system (AMANDA) that allows inspectors to access and input inspection and property information. The consolidated bylaw inspection unit will use handheld computerized technology that would allow staff to use this system for inspection and information purposes. This element is a critical for the success of this unit because it achieves standardization of processes and workflows and facilitates information sharing. It will also reduce the time spent by officers maintaining records on case resolution and subsequently re-entering that same information to system when they get access to a computer back at the office.

6. A Visible Presence

The unit will have a visible presence in the community as the staff will have identifiable clothing and vehicles will have crests to identify the new unit. Currently, only some of the By-law Constables in various departments have identifiable clothing but this is not universal. The remaining staff would need to have identifiable clothing and will require a small adjustment to the operating budget once the resource requirements are determined. Currently, all departments that have staff who conduct by-law enforcement either have fleet vehicles or are put on car allowance. The new unit would have a decal on the vehicle (permanent or magnetic), so that there is a consistent and identifiable visual presence in the community.

7. An Improved Appeal Process

A uniform appeal process to the Standing Policy Committee on Protection and Community Services is being proposed which will replace appeals to the Standing Policy Committees on Property and Development, Infrastructure Renewal and Public Works and Protection and Community Services as well as appeals to community committees. The only exception to this appeal process involves appeals of relatively minor but urgent matters (mosquito breeding sites, cutting grass and weeds on yards and boulevards), which will be heard by a body made up representatives of the Public Service.

8. By-law Enforcement Support Programs

By-law Constables and Specialists will use proactive enforcement methods in addition to investigating alleged neighbourhood liveability standards violations. Support programs work to persuade people, community and business to adhere to by-law standards in order to make communities a healthy and safe place to live. Once new enforcement work processes are in place, the new unit will be able to turn its attention to researching and recommending

a community support program that encourages by-law compliance by improved public education.

Community support programs have been implemented by many municipal organizations across Canada. In Calgary, Animal & By-Law Services have a Community Standards Fund which receives $500,000 annually from the City, and is available to citizens, community groups and businesses that promote initiatives on by-law adherence for the community as a whole. In Ottawa, the unit often partners up with police and fire services and has proactive sweeps in problem areas. Most cities have a public education officer who visits schools and community groups. This position is often partnered with businesses to promote responsible citizenship on neighbourhood liveability issues. Edmonton is currently preparing community support program options for Council approval as part of its Phase 2 By-law Consolidation Process.

The following are some by-law enforcement support programs that exist in other cities that will be researched by the new unit to determine the feasibility and applicability for Winnipeg.

a) By-law Education and Communication Fund

- A fund that enables the unit to advertise emerging by-law issues related to environmental, seasonal, cyclical, social and legislation changes that require enforcement action
- eg. Excessive snow falls, weed infestations, emergency conditions

b) By-law Community Standards Fund

- A yearly grant fund that approves money for small-scale projects by community groups or business associations that will promote safety, cleanliness and liveability at a neighbourhood level.
- eg. Garbage storage, graffiti reduction

c) School Outreach Program

- Outreach classroom presentations that teach grade six students about responsible citizenship. The program includes lectures, activities and an interactive website that teach students about personal safety, active citizenship, pet responsibilities and municipal enforcement systems.

d) Community Outreach Program

- By-law Constables work with the community groups to help them recognize and document nuisance conditions, educate their community members and to achieve higher community standard compliance rates.
- eg. Volunteers trained to record and report nuisance conditions, target repeat offenders and trouble spots, neighbourhood blitz during clean up events, community partners provide materials.

e) By-law Consultation Services

- Businesses, organizers, citizens and associations are invited to work with the Constables to develop tailored strategies for by-law enforcement, community standards identification and community action plans for area issues.

Phased Implementation

The new, Community By-law Services Unit will be operational November 1, 2008 and will enforce the Neighbourhood Liveability By-law, subject to Council approval, in addition to thirteen other existing By-laws (see Appendix 2). This will include the transfer of approximately 17 FTE By-law Constables and Specialists in addition to Clerical and Administrative staff from multiple Departments to the Unit. The Environmental Health Services Branch, which has 16 field staff who conduct public health inspections, will be part of this unit until the negotiations on the split jurisdictional responsibility are finalized between the City and Province (Red Tape Recommendation 21).

In discussions with other Canadian cities, implementation of a new unit requires a minimum of 9 -12 months for an orderly transition. The unit will be operational November 1. A 10 month transition phase (Phase 1) is required to get IT hardware/software in place, develop work processes and forms, develop work space and bring staff together from various Departments. During this phase, existing by-law enforcement functions will be maintained.

Phase 2 will be implemented between November, 2008 and March, 2009 and will provide for cross training and the full integration of business rules/processes and IT systems.

In the implementation of a consolidated service delivery model, some efficiencies are anticipated. However, consistent with the experience of other jurisdictions, an increase in the demand for the service is also anticipated as the unit comes together and their activities gain profile. It is also important to note that currently all Departmental enforcement efforts focus first and foremost on health and safety concerns. Under existing resource levels, Departments cannot currently respond to all concerns. The new consolidated unit will also have to prioritize calls based on health and safety concerns.

The Winnipeg Public Service will report to Council with respect to the status of the implementation including:

- discussion of efficiencies found during the consolidation, service demands, current service levels, quality assessment measures, challenges and opportunities;
- recommendations with respect to additional community standards and public nuisance conditions that should be added to the unit and/or neighbourhood liveability by-law, if approved;
- recommendations with respect to support programs to encourage compliance with City by-laws; and

- any related financial implications associated with the above.

During Phase 1, the Community Services Department will be in discussions with affected Departments with respect to the transferring of FTEs and associated budgets. Once budgets have been consolidated and needs assessed, efficiencies or ongoing operating budget issues will come forward through the 2009 operating budget process.

The new Unit and the new consolidated Neighbourhood Liveability By-law, subject to Council approval, is not expected to impact current Provincial responsibilities with respect to the enforcement of City by-laws. The Winnipeg Public Service is currently in discussions with the Province of Manitoba with respect to jurisdictional responsibility for the delivery of environmental health services in Winnipeg (as directed by Council on July 18, 2007).

Next Steps

- Community Services will take the lead in implementing the consolidated model, working closely with other Departments. The Department will be responsible for the implementation and will consider, among other things, human resource issues, communication and change management, standard work processes, including technology and training.

- A comprehensive communication strategy will be developed in concurrence with the launch of the new unit.

- Some of the by-laws which have been consolidated into the Neighbourhood Liveability By-law, subject to Council approval, are currently being enforced by Provincial Health Inspectors in the suburbs, which is not expected to change. The Provincial Health Inspectors will require an orientation on the new By-law and this split jurisdictional responsibility will be part of the on-going negotiations between the City and Province (Red Tape Recommendation 21).

Impact on other City Services:

a) **Winnipeg Police Service/911**

A review of the by-laws currently enforced by Winnipeg Police Services determined only two by-laws that could possibly be transferred to the new unit – Noise Control and Derelict Vehicle By-law.

911 received 6,647 noise complaints in 18 months (January 1, 2006 to June 30, 2007). Over 75% of these calls are classified as “people noises”, with nearly 90% of them occurring between 10:00 p.m. and 6:00 a.m. The remaining 25% of calls were related to equipment noise and most occurred during the day. Currently, Winnipeg Police Services do not attend most of these calls because of other higher priority dispatch calls. Calls received during regular business hours that are equipment noise related complaints will be transferred to

this new unit. The new unit will access resources as required and will indicate in the status report of any problems associated with this transfer.

The Derelict Vehicle By-law has a minimal impact (0.04 FTE) on Winnipeg Police Services which involves the removal of a vehicle after all the notice provisions have been provided by other departments. It is recommended that this function remain with Winnipeg Police Services.

b) Fire Paramedic Service

In 2006, the Fire Prevention Branch dealt with approximately 1600 complaints relating to garbage, rubbish, junk, wrecked vehicles, trailers and machinery parts, holes and excavations, vegetation, ponding of water and fences, etc on Vacant & Derelict Property. These activities will be transferred to the Community By-law Enforcement Services to allow the Fire Prevention Branch to focus on Vacant & Derelict By-law Schedule "A" inspections. Also, sections of the Fire Prevention By-law relating to the enforcement of outdoor residential recreational barbequing and the use of barbeques will be transferred to this unit.

c) 311 Service

Coordination will be required with the 311 Service to support the dispatch and tracking of all service response activity. Complaints will be electronically captured and routed to the new unit.

Financial Impact Statement

Date: December 7, 2007

Project Name:

First Year of Program

	2008	2009	2010	2011	2012
Capital					
Capital Expenditures Required		$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 375,000				
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 375,000	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ 375,000	$ -	$ -	$ -	$ -

Additional Comments: A one-time expenditure of $375,000 is required in the 2008 Operating Budget for AMANDA Development/Licensing costs, technology hardware, minor renovations and a file storage system. Note: 6.5 FTE (~$250,000) of clerical support associated with by-law enforcement is planned to be transferred to the 311 centre.

original signed by Radhika Abeysekera
manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

Community Services
Planning, Property & Development
Water & Waste
Public Works
Winnipeg Police Services
Fire Paramedic
Internal Services
Legal Services

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department CAO Secretariat
Division Strategic Management
Prepared by: Ken Nawolsky
File No.

Comparison of By-law Enforcement Units Across Canada **APPENDIX 1**

Comparison Criteria	Vancouver	Edmonton	Calgary	Regina	Halifax	Ottawa
Reporting Department	Property Use Inspection Division and Coordinated Enforcement	Property, Planning and Development Department	Community Services & Protective Services Department	Building and Bylaw Enforcement Department	Planning & Economic Development Department	Community Services Department
Unit Name	Community Services Department	Complaints and Investigations Sections	Animal & By-law Services	By-law Enforcement Division Property	Animal Control & Municipal Law Enforcement	By-law Services Branch
Structure & Staffing Complement (not including management staff or supervisors)	5 Divisions: ▪ Property Use Inspectors – 23 FTE ▪ Animal Control Inspectors– 6 FTE ▪ Building Inspectors – 23 FTE ▪ Plumbing/Gas Inspectors- 23 FTE ▪ Electrical Inspectors – 20 FTE	3 Divisions: ▪ General Enforcement -23.5 FTE Municipal Enforcement non-uniformed Officers; ▪ Animal Control – 15 FTE Municipal uniformed officers; ▪ Parking Enforcement – 30 FTE (contracted)	2 Divisions: ▪ By-law Services - 54 FTE Municipal Enforcement uniformed Officers; ▪ Animal Services – 22 FTE Municipal Enforcement uniformed officers;	1 Division: ▪ By-law Enforcement Officers (5 FTE) ▪ Property Standards Officer (7 FTE) ▪ Residential Rehabilitation Inspector (1 FTE)	3 Divisions: ▪ Municipal Enforcement Officers (10 FTE) non-uniformed Officers; ▪ Animal Control Officers ▪ Standards & Licensing Officers	▪ 1 Division: General Enforcement - ▪ 119 FTE Municipal Enforcement uniformed Officers; ▪ 4 levels of enforcement officers who are considered generalists ▪ Level 1 – parking ▪ Level 2 – parking and animal control ▪ Level 3 – Licensing, Smoking, noise, signs, etc ▪ Level 4 – Property standards and zoning ▪
By-laws Enforced	**Coordinated Enforcement Division** ▪ Standards of Maintenance ▪ Untidy Premises ▪ Graffiti ▪ License ▪ Animal Control ▪ Zoning and Development ▪ Building (life safety issues) ▪ Electrical (life safety issues) ▪ Private Property Tree ▪ Sign ▪ Noise ▪ Nuisance Provisions (Vancouver Charter) ▪ Business License	**General By-law Enforcement Community Standards By-law includes:** ▪ Dutch Elm Disease ▪ Fire blight ▪ Minimum Maintenance Standards of Buildings ▪ Nuisance ▪ Noise ▪ Open Air Fire (pits) ▪ Public Health ▪ Weed Control ▪ Waste Management ▪ Traffic obstructions ▪ Sidewalk snow removal **Public Places By-law includes:** ▪ Handbill	**General By-law Enforcement Community Standards By-law includes:** ▪ Fire Pits ▪ Appliances ▪ Streets ▪ Signs ▪ Waste ▪ Water Utility ▪ Drainage ▪ Noise ▪ Land Use ▪ Storage ▪ Lawn maintenance ▪ Weeds ▪ Graffiti ▪ Nuisances **Other By-laws** ▪ Panhandling ▪ Parks & Pathways	**By-law Enforcement Officers enforce:** ▪ Zoning/Clean ▪ Safe Public Access ▪ Traffic (specific sections) ▪ Noise Abatement (specific sections) ▪ Building (specific sections) ▪ Parks (specific sections) ▪ Domestic Pigeon Control ▪ Forestry (specific sections) ▪ Noxious Weed Act ▪ Weeds **Property Standards Inspectors enforce:** ▪ Maintenance/Repair of	**Municipal Law Officers enforce:** ▪ Animal Waste ▪ Alleyways ▪ City Property ▪ Dogs (noise) ▪ Pesticides ▪ Fences, Hedges and Driveways ▪ Municipal Parks ▪ Pigeons ▪ Snow (removal of snow and ice from roofs and sidewalks) ▪ Solid Waste Collection & Disposal ▪ Water ▪ Noise (during business hours) ▪ Curbside Unsightly grass	**General Enforcement includes:** ▪ Animal care and control ▪ Business Licensing ▪ Demolition Control ▪ Encroachment ▪ Fence ▪ Fireworks ▪ Noise ▪ Municipal Addressing ▪ Open Air Fire ▪ Signs ▪ Property Maintenance ▪ Property Standards ▪ Road Activity ▪ Sewer Use ▪ Smoke-free ▪ Solid Waste ▪ Special Events ▪ Traffic & Parking

Comparison Criteria	Vancouver	Edmonton	Calgary	Regina	Halifax	Ottawa
	Vancouver Coastal Health ▪ Smoking **Engineering Services** ▪ Fighting ▪ Obstructive Solicitation ▪ Solid Waste	▪ Public Places (littering, over hanging trees, interference of utilities, public place obstructions, firearm use and fighting) ▪ Smoking **Other By-laws/Acts:** ▪ Zoning ▪ Business licensing ▪ Massage practitioners ▪ Exotic entertainment ▪ Date & Escorts ▪ Environmental & Protection Act ▪ Agricultural Pest Act	▪ Public Behaviour ▪ Smoking ▪ Tree Protection ▪ Responsible Pet Ownership ▪ Temporary Signs on Highways	Buildings ▪ Depilated Structures ▪ Dangerous Unoccupied unsecured buildings ▪ Junked Vehicles ▪ Untidy/Unsafe Property ▪ Waste Management (specific sections)	▪ Dangerous or unsightly premises ▪ Taxis & Limousines Licensing ▪ Commercial Vending ▪ Respecting Automatic Machines **Animal Control Officers** ▪ Dogs ▪ Animal Control **Standard & Licensing Officers** ▪ Respecting Standards for Residential Occupancies ▪ Derelict Buildings ▪ Zoning ▪ Respecting Swing Pools ▪ Blasting ▪ Plumbing ▪ Heat ▪ Smoke Free Places ▪ Trades Licenses ▪ Mobile Licenses ▪ Excessive Noise (except dogs)	▪ Tree Protection ▪ Zoning ▪ Approximately 40 other by-laws which vary in nature from bilingualism to exotic animals
Number of Complaints/Inspections	62,000	22,000	72,000	7,077	5,000	58,000
Enforcement Mechanisms	▪ Education ▪ Inspection ▪ Warning ▪ Enforcement	Three Strike Policy (except for parking and certain by-laws) ▪ Education ▪ Inspection ▪ Warning ▪ Enforcement	Three Strike Policy (except for parking and certain by-laws) ▪ Education ▪ Inspection ▪ Warning ▪ Enforcement	▪ Education ▪ Warning ▪ Enforcement	Three Strike Policy (except for parking and certain by-laws) ▪ Education ▪ Inspection ▪ Warning ▪ Enforcement	▪ Education ▪ Advisory Warnings ▪ Inspections ▪ Enforcement
Expenditures	$15.15M	$6.7M	$9M	$1.264M	$1.2M	$14M
Revenues	$13.8 M (license) $6 M (shared with another department)	$5.5M (mostly parking)	$4.5M (mostly animal control)	$128K	not available	$20M

By-laws to be enforced by the Community By-law Enforcement Services Unit

By-law	Department Currently Enforcing By-law	Comments
Neighbourhood Liveability By-law , subject to Council approval, which repeals the following by-laws into the new by-law:		
the Anti-Litter By-law No. 1075/75	Community Services/ Water & Waste/Public Works	
the Boulevard Maintenance By-law No. 125/2007	Public Works	
the Building Names and Numbers By-law No. 1416/76	Property, Planning & Development	
the Derelict Vehicles By-law No. 41/2005	Community Services / Property, Planning & Development/ Winnipeg Police Services	
the Handbill and Poster By-law No. 1076/75	Public Works/Community Services	
the Maintenance and Occupancy By-law 4903/88	Property, Planning & Development/Community Services	
the Minimum Standards of Housing Repair By-law No. 19165/65	Community Services	
the Mosquito Control By-law No. 101/2003	Community Services	
the Noise Control By-law No. 2480/79	Winnipeg Police Services/Community Services	Equipment related; however Police Services have proposed to transfer more calls/requests to this stand-alone unit
the Pigeon Control By-law No. 978/75	Community Services	
the Refrigerators and Freezers By-law No. 17267/54	Community Services	
The Temporary Streets Signs By-law No. 64/2003	Public Works	
the Termite Control By-law No. 4891/88	Property, Planning & Development/Community Services	
the Tree Trimming By-law No. 8155/2002	Public Works	
the Unsightly Premises By-law No. 8151/2003	Property, Planning & Development/Community Services	
the Winnipeg Heating By-law No. 19791/70	Community Services	
The Fire Prevention By-law No. 150/'2004	Fire Paramedic Services	To address complaints relating to residential recreational burning and barbecuing
Other By-laws (entire or sections) to be enforced by the new unit:		
the Encroachment By-law No. 692/74	Property, Planning & Development	
The Graffiti Control By-law No. 204/2007	Public Works	
the Solid Waste By-law No. 1340/76	Water & Waste	
the Vacant and Derelict Buildings By-law No. 35/2004	Community Services/ Property, Planning & Development/Fire Prevention Branch	Portions of Schedule A (where complaints pertain to graffiti, garbage, refuse, junk, wrecked vehicles, trailers and machinery parts, holes and excavations, vegetation, ponding of water and fences)
the Doing Business in Winnipeg By-law (subject to Council approval)	Community Services	
the Winnipeg Building By-law No. 4555/87	Property, Planning & Development	Enforcement of permit requirements
the Zoning By-law No. 200/2006	Property, Planning & Development	Complaint initiated
Sections of the Manitoba Public Health Act and the Non-smokers Health Protection Act	Community Services	
the Food Services Establishment By-law No. 5160/89	Community Services	
the Body Modification Bylaw No. 40/2005	Community Services	
the Civic Charities Applications and Permits By-law No. 6916	Community Services	
the Raffle Lottery By-Law No. 7470/99	Community Services	
The Taxi Cab By-law No. 6123/93	Community Services	