



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Parking and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 3, 2016
<b>SUBJECT/REPORT NO:</b>	Specialized By-law Enforcement Unit (PED14254(a)) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Kim Coombs (905) 546-2424 Ext. 1318 Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Council-approved Specialized By-law Enforcement Unit Pilot Program consisting of a Special Duty Police Officer and a Municipal Law Enforcement Officer that addresses noise complaints between 9:00 p.m. and 5:00 a.m. Thursdays, Fridays and Saturdays across the City, currently set to expire in May 2016, be extended to the end of the 2017 Budget process, and continue to be funded through the Tax Stabilization Reserve;
- (b) That funding for a permanent Specialized By-law Enforcement Unit Program be referred to the 2017 Budget process;
- (c) That the item respecting "Enforcement Service for Noise Complaints at Night, Thursdays, Fridays and to Saturdays" be removed from the Outstanding Business List of the Planning Committee.

**EXECUTIVE SUMMARY**

As part of the 2015 Budget process, Council approved a pilot project for a more effective response to noise complaints on Thursday, Friday and Saturday nights, and directed staff to report back with the results of that pilot project.

The pilot project is set to expire in May 2016. Staff conclude that this enforcement initiative is having a positive effect to the backlogged and unanswered noise complaints in the City, and that a continued effort is required to sustain the current level of service. The recommendation is to continue funding the program through the Tax Stabilization Reserve to the end of the 2017 Budget process in order to allow Council to decide, as part of the 2017 Budget process, if the program should become permanent.

***Alternatives for Consideration – N/A***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing: The cost of extending the pilot project with one full-time Municipal Law Enforcement Officer (1 FTE) and one Special Duty Police Officer costs approximately \$11,700 per month, and will continue to be funded from the Tax Stabilization Reserve until the end of the 2017 Budget process.

Legal: N/A

**HISTORICAL BACKGROUND**

On November 14, 2012, City Council approved Item 14 of General Issues Committee Report 12-032 which directed staff to investigate best practices in other jurisdictions and consult with the Hamilton Police Service on the feasibility of establishing a specialized enforcement unit to provide an appropriate level of service to overnight noise complaints.

Staff reported to the Planning Committee on June 18, 2013 (Report PED13108 – Information Item (e)(i) of Planning Committee Report 13-010) regarding the Establishment of a Specialized By-law Enforcement Unit. Committee directed staff to meet with Police to discuss Municipal Law Enforcement safety after 1:00 a.m. and report back to the Planning Committee.

On December 17, 2014, City Council approved Item 19 of Planning Committee Report 14-016, regarding the Establishment of a Specialized By-Law Enforcement Unit, which reads as follows:

“That consideration be given during the 2015 budget process to piloting, for one year, a Specialized By-Law Enforcement Unit consisting of a Special Duty Police Officer and a Municipal Law Enforcement Officer which would respond to noise complaints between 9:00 p.m. and 5:00 a.m. Thursdays, Fridays and Saturdays.”

During the 2015 Operating Budget process, City Council approved the provision of the new enforcement service, and provided the following direction:

“That staff be directed to continue with the pilot project, respecting new enforcement services for noise complaints on Thursday, Friday and Saturday nights, to be funded through the Tax Stabilization Reserve, and report back with the results of that pilot project; including measurable and tangible results, to the General Issues Committee in December 2015.”

The pilot project which commenced in May, 2015 is approaching its one year completion date.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

### **RELEVANT CONSULTATION**

Hamilton Police Service

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In 2012, the Hamilton Police Service reported that a lack of available police resources resulted in 1,000 noise complaints being unanswered. That trend continued in 2013-14 as Police Officers were engaged in higher priority calls. In 2015, City Council approved funding for a one-year specialized enforcement pilot project to target noise complaints on Thursday, Friday and Saturday evenings.

The pilot project partners a Municipal Law Enforcement Officer (MLEO) with a Police Officer in a marked police cruiser who are dispatched to noise complaints City wide from 9:00 p.m. to 5:00 a.m. on Thursday, Friday and Saturday evenings. The partnership assigns the MLEO as the initial investigator for the By-law contravention, with the Police Officer taking the lead role where circumstances required police presence.

The pilot project commenced in May, 2015 and is achieving the goal of significantly reducing the backlog of unanswered noise complaints. Police statistics from the May 14, 2015 start date of the project to March 31, 2016 show:

- 937 calls for service answered
- 311 warnings issued
- 41 charges processed
- 556 no violation (determined quiet)
- 29 calls inaccessible

A pro-active component was also introduced for noise complaints outside the framework of the pilot project where there were:

- 346 proactive visits
- 7 warnings issued
- 5 charges processed

In the last 11 months, the joint enforcement team actioned a total of 1,283 noise calls for service. A significant number of these calls would likely have not been attended to had the pilot not been in effect.

In addition to responding to complaints that otherwise would not have been addressed, the pilot project is also having other positive effects such as:

- being a factor in deterring repeat noise contraventions;
- allowing the Hamilton Police Service to optimize their resources and ensure Police Officers are available for higher priority calls; and,
- generating partial cost recovery through inspection fees and fines levied.

In summary, the Council-approved Specialized By-law Enforcement Unit Pilot Project, in the opinion of staff, is providing an effective response to noise complaints between 9:00 p.m. and 5:00 a.m. on Thursdays, Fridays and Saturdays, and staff is recommending that the program become permanent, subject to approval of funding as part of the 2017 Budget process.

## **ALTERNATIVES FOR CONSIDERATION**

N/A

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

- Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

## **APPENDICES AND SCHEDULES ATTACHED**

N/A

RU:KC:st