



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

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	December 4, 2017
<b>SUBJECT/REPORT NO:</b>	Proactive Enforcement at Albion Falls (PED17207) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That the hiring of four Municipal Law Enforcement (MLE) Officers (Students) equivalent to 1.32 FTE to proactively enforce the City of Hamilton Parks By-law No. 01-219 at targeted City-owned waterfalls and parks in the amount of \$80,080 be referred to the 2018 budget process;
- (b) That the one-time capital cost for the purchase of two vehicles to proactively enforce the City of Hamilton Parks By-law No. 01-219 at targeted City-owned waterfalls and parks in the amount of \$52,802 be referred to the 2018 budget process;
- (c) That the item respecting the results of the enforcement at Albion Falls be identified as complete and removed from the Public Works Outstanding Business List.

**EXECUTIVE SUMMARY**

City Council at its meeting held on July 14, 2017, approved Item 9 of the Public Works Committee Report 17-009, respecting Signage and Enforcement Concerns at Albion Falls. The decision comes after an increase in incidents at local waterfalls. Staff was further directed by Council to report back to the Public Works Committee the overall results at the conclusion of the enforcement action.

Public education, improved signage and the enforcement protocol at Albion Falls contributed to improve public safety at the waterfall. The fines collected at Albion Falls did not offset the financial impact for the additional Municipal Law Enforcement

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(MLE)staff required on weekends (described in the “Analysis and Rationale for Recommendation” section of this Report).

To sustain this additional response of proactive enforcement to City waterfalls, staff is recommending the hiring of four MLE Officers (Summer Students) in the ambassador program to monitor problem waterfall areas during the busy summer season.

***Alternatives for Consideration –Page 4***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The estimated total cost for four temporary MLE Officers (Students), equivalent to 1.32 FTE, and related operating costs on a four-month term is \$80,080. The one-time Capital cost for two vehicles is \$52,802.

**Staffing:** The recommendation of hiring four MLE Officers (Summer Students) to target problem waterfall areas during the busy summer season is a more moderate approach to reduce the overall financial impact and sustain MLE services levels.

**Legal:** N/A

**HISTORICAL BACKGROUND**

Councillor Jackson and Councillor Merulla expressed concern about an increase in accidents and recurrent episodes of rope rescues by emergency services at waterfalls in the City of Hamilton.

City Council, at its meeting held on July 14, 2017, approved Item 9 of the Public Works Committee Report 17-009, respecting Signage and Enforcement Concerns at Albion Falls:

- (a) That, subsequent to new signage being installed at Albion Falls, staff be directed to proactively, and aggressively, enforce municipal by-laws currently in place, as per the Parks By-Law 01-219, to prevent trespassing at Albion Falls;
- (b) That the Hamilton Police Services be respectfully asked to consider increasing enforcement at Albion Falls to ensure compliance with the *Trespass to Property Act*; and,
- (c) That staff and the Hamilton Police Services report back to the Public Works Committee on how many charges resulted from the enforcement and what the results of enforcement were overall.

City staff from Planning and Economic Development (Licensing and By-law Services), Public Works (Parks), Hamilton Police Services, Emergency Services (Fire), Legal Services, and Communications met to:

- review and upgrade signage to prohibited areas;
- install fencing at key locations;
- increase public education and information to safe access routes; and,
- develop and implement an Enforcement Protocol to monitor and proactively enforce the City Parks By-law at Albion Falls.

On July 19, 2017 staff circulated an Information Update to the Mayor and Members of Council advising of the planned enforcement protocol which commenced July 17, 2017 to proactively enforce the “prohibited areas” of Albion Falls. Collective changes were made to improve signage, intensify enforcement activities and provide a more effective communications strategy to inform visitors attending Albion Falls. Regular staff Information Updates apprised the Mayor and Members of Council of weekly enforcement activities up to October 9, 2017.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

City of Hamilton Parks By-law No. 01-219, regarding the trespassing in prohibited/unauthorized areas; the climbing of natural forms; and being in a Park after hours (11:00 pm).

*Trespass to Property Act, R.S.O.1990, c. T.21, for refusal to leave a Park.*

## **RELEVANT CONSULTATION**

Public Works (Parks), Fire Department, Hamilton Police Services, Legal Services and Communications were consulted in the development and implementation of the Enforcement Protocols.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The City of Hamilton has been recognized as home to more than 100 waterfalls most of which are on or near the Bruce Trail as it winds through the Niagara Escarpment. In 2016, City emergency crews performed 29 rope rescues at various waterfalls; six of those were at Albion Falls. The unauthorized entry or trespassing in prohibited areas at the waterfall attributed to the increase in emergency responses in 2017.

Council directed the aggressive proactive enforcement of the Parks By-law at Albion Falls. The enforcement protocol included the installation of approximately 215 metres of fencing and more than 30 warning signs at Albion Falls in an ongoing effort to ensure public safety in the area. To assist the public, new “map signs” were installed clearly identifying the locations of parking lots, main trails, viewing platforms, and other safe

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places to see the falls. Additional resources and safety tips were also posted on the City's Website.

Municipal Law Enforcement Officers attended the "prohibited areas" of Albion Falls daily during peak daylight hours from July 17, 2017 to October 9, 2017 to monitor and proactively enforce the Parks By-law. MLE staff received the continued support of Hamilton Police Services, as needed, and City Parking Services to proactively enforce parking infractions. Visitors to the falls were urged to exercise caution, stay on the marked trails, and respect the posted signage. Three water/rope rescues occurred at Albion Falls during the pro-active enforcement initiative. One rescue for a group of people who became stranded near the base of Albion Falls by a flash flood; two other rescues for medical emergency issues where the visitor was incapable of making their own way back out.

Once the appropriate signs were erected at key locations along the trails, MLE staff initiated zero tolerance enforcement of the Parks By-law to visitors ignoring posted warning signs and attempting to gain access beyond the fences. Results of overall enforcement actions are noted below:

**Totals: July 17 to October 9, 2017**

MLE Staff		Visitors		Charges/Fines
Coverage (total hours)	Financial Impact (additional costs)	Weekdays (total)	Weekends (total)	Parks By-law 01-219
*687	\$82,833	6,555	42,550	162 - \$22,273

\* MLE exposure at the site representing a total of 1,254 staffing hours (2 - 4 Officers at key times)

In addition to the fines generated by MLE staff enforcing the Parks By-law, City Parking Officers levied \$19,898 in parking fines.

Public education and staffing the City waterfall parklands is directly related to public safety and, therefore, considered a priority. Information to safe access routes and trails assisted the public at large to safely view the many falls within the City of Hamilton. City staff continues to identify and upgrade signs and fencing for unauthorized access to prohibited parklands. The presence of Enforcement staff at strategic locations at Albion Falls provided the strongest deterrent to visitors who intended or knowingly chose to trespass despite the signage/fencing and apparent dangers.

**ALTERNATIVES FOR CONSIDERATION**

Council may decide to continue to rely on existing Officers and overtime for staff coverage on weekends. The overall cost to provide this additional level of service in 2017 is approximately \$150,000 (\$12,508 per week for 12 weeks' coverage). The

projected 2018 cost with the current complement of staff is estimated at \$200,128 (16 weeks' coverage).

Staff is not recommending this alternative. Monitoring waterfall sites and proactively enforcing the Parks By-law has significant financial and operational impact for the Licensing and By-law Services Division.

Although the redeployment of Officers during regular hours reduced the aggregate cost for this level of service, the operational impact to remove Officers from their regular assigned duties resulted in reduced MLE service levels throughout the summer.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

## **APPENDICES AND SCHEDULES ATTACHED**

N/A

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