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TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON FEBRUARY 17, 2015
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	NOISE BY-LAW COMPLAINTS

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, this report, including noise by-law enforcement options and associated costs, **BE RECEIVED** for information purposes.

BACKGROUND

On January 4, 2016, Municipal Council resolved “that the Civic Administration, in consultation with London Police Services, **BE REQUESTED** to review and report back to the Community and Protective Services Committee meeting in February 2016, with respect to by-law complaints received and investigated in 2014 and 2015, with a specific focus on noise by-law complaints; it being noted that when the comprehensive review of the noise by-law was undertaken in 2008, the Municipal Council directed that a joint agency model of enforcement of the noise by-law be implemented”.

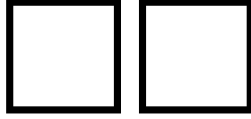
FINDINGS

A summary of by-law complaints received between 2012 and 2015 is in Appendix A (Table 1) of this report. Complaints are generated from sources such as: neighbours; real estate agents; general public; referrals from partner agencies (Police, Fire, Health); and proactive enforcement and neighbourhood blitzes. Annually, approximately 6,000 complaints are investigated. There are 11 Municipal Law Enforcement Officers (MLEOs) responsible for enforcing City by-laws and all complaints are investigated. Processes and protocol are monitored to ensure efficient delivery of service. Annual citizen surveys are also undertaken and process improvements are implemented with a focus on customer service.

The most recent review of the Noise By-law was undertaken approximately ten years ago. In December 2007, Municipal Council resolved that consideration be given to utilizing MLEOs for the purpose of noise by-law enforcement. At that time, London’s Noise By-law was enforced exclusively by London Police Service (LPS). In 2007, 5800 complaints were received by LPS for a variety of noise-related concerns. Noise complaints ranged in nature and severity from a neighbour’s stereo, barking dogs, construction noise, to large organized late-night parties.

A 2008 survey of similarly-sized municipalities indicated that most municipalities had a protocol of joint enforcement by MLEOs and Police. A similar protocol of joint enforcement was implemented in London in 2008. LPS would take the lead on addressing noise complaints where the presence of drugs and weapons are probable, including noise complaints involving large gatherings where numerous persons are under the influence of alcohol. Whereas MLEOs would take the lead in addressing noise complaints involving construction noise, barking dogs and nuisance noise complaints (e.g. auto repair in residential areas) where the anticipated level of danger to officer safety is minimal.

Another protocol adopted in 2008 addressed repetitive noise complaints, specifically barking dogs. Upon receipt of a complaint, the MLEO sends correspondence advising the property owner/occupant a complaint has been registered and they are required to take appropriate action to eliminate the nuisance noise. The complainant receives confirmation that the person



responsible for the noise has been warned. In the event future noise nuisances occur, the complainant is advised to record the dates and times and how they are negatively impacted. When sufficient occurrences are documented, the MLEO then has the discretion to lay charges.

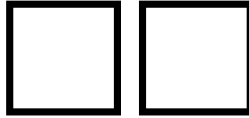
Appendix A (Table 2) - indicates noise complaints received by the City and LPS between 2012 and 2015. For the 464 complaints received by the City in 2015, approximately 70% related to barking dogs. As noted above, the protocol of sending letters for these types of noise nuisances, in place of attending the property of the alleged infraction, has proven to resolve the vast majority of barking dog complaints. The other 30% of calls pertain to construction noise, residential noise such as air conditioners, pool equipment and car repairs in residential areas. A handful of industrial noise complaints are received annually. All MLEOs are trained and certified to use decibel readers to measure industrial-related noise issues.

Appendix A (Table 2) – indicates LPS received 4,529 noise complaints in 2015. For clarity, “received” is not the same as “attended” or “investigated”. There was a time when these complaints were dispatched to street officers as a matter of routine, but this has not been occurring for a number of years, with some exceptions. Noise complaints are transferred to the LPS Telephone Resource Centre. During business hours, LPS Communications refer MLEO related calls to the City. During off hours, LPS officers attempt to resolve issues over the telephone as a first course of action and the majority of complaints are resolved. LPS officers in the field are only dispatched to situations when the complaint cannot be resolved by telephone, the offending party had been previously charged, or there is information that warrants police attendance (e.g. a secondary complaint, disturbance, etc.). After attending those calls, some are coded as a noise complaint or re-coded as an offence type other than noise. All calls received by LPS are prioritized for service. Noise complaints receive the lowest priority. For that reason, there can be lengthy delays in response. Property attendance requests are often cancelled if a number of hours has passed with no repeat calls. Noise occurrence calls are primarily complaint driven however, during initiatives such as Project LEARN and St. Patty’s Day, noise issues are dealt with proactively which may result in an increase in noise-related statistics during those times.

The LPS Call for Service Committee meets regularly to examine calls received by LPS. In 2014, by-law complaints were examined and it was found that the division of responsibilities remains effective and the by-law complaints LPS respond to have little impact on LPS resources as a result of the joint MLEO/LPS response protocol.

A survey of similarly-sized Ontario municipalities was undertaken to assess noise enforcement.

- **Burlington:** Noise enforcement is undertaken jointly by MLEOs and Police. MLEOs address noise complaints only during business hours. Police enforce after hours and on weekends. 215 noise complaints were addressed by MLEOs in 2015.
- **Kitchener:** MLEOs respond to noise complaints dispatched by Police. MLEOs wear protective vests and carry police radios and animal repellent spray. MLEOs do not work in pairs. 3,444 noise complaints were addressed in 2015.
- **Ottawa:** MLEOs address noise complaints 24/7 except between the hours of 4 am and 6 am. MLEOs wear protective vests and carry batons. MLEOs work in pairs after 10 pm. Approximately 18,000 noise complaints were addressed in 2015.
- **Guelph:** MLEOs address 90% of noise complaints. All calls are dispatched by Police who attend only if the property is flagged. MLEOs carry Police radios, wear protective vests and carry animal repellent. In 2016, MLEOs are scheduled to carry handcuffs and batons. MLEOs work in pairs all hours of the day.
- **Hamilton:** There is currently a pilot project underway whereby the City has budgeted for a paid duty police officer and one additional MLEO to address noise issues on Thursday, Friday and Saturday nights. The cost of this pilot project is \$142K. The MLEO partners with a paid duty officer and attends complaint locations in a Police vehicle. This pilot was initiated due to noise complaints which were not previously addressed due to volume and staffing challenges. During the 35 week pilot in 2015, a total of 740 complaints were investigated. Of the occurrences attended, 64% were quiet upon arrival; 32% were issued



warnings, and 4% were issued tickets. Outside of this pilot project timeline, MLEOs address noise complaints. They wear protective vests, carry radios and have onboard computers with access to Police.

- **Waterloo:** MLEOs address all noise complaints. They are in uniform wearing protective vests and receive all complaints from Police dispatch. They address approximately 1,600 complaints annually.
- **Windsor:** MLEOs address complaints. They carry radios, wear protective vests, and work in pairs after hours. Complaints are dispatched by Police communications.

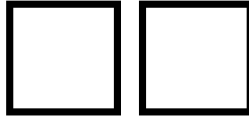
NOISE ENFORCEMENT OPERATIONAL OPTIONS FOR CONSIDERATION

There are five options for Council to consider. One option or a hybrid of components of various options could also be considered. The cost of implementing each is shown in Appendix B.

Option #1 - Current Joint Enforcement LPS/MLEO Model
LPS continue to receive and address the majority of noise complaints. MLEOs continue to address noise complaints dealing mainly with barking dogs, construction noise, and other non-party related residential noise calls.
Impact: None

Option #2 – Full-Time MLEO Enforcement – New MLEOs
MLEOs address all noise complaints. This would result in an increased cost to the municipality for full-time noise by-law coverage. Due to the existing collective agreement, MLEOs do not work between the hours of 3:00 am and 8:30 am. LPS would be responsible for noise issues at that time or the matters could be held over for morning MLEO shifts. All MLEOs are currently trained on the use of decibel readers. In terms of officer safety, MLEOs carry radios and cell phones, have access to protective vests, work in pairs during evening hours, and drive vehicles which have GPS capability and “officer down” technology. MLEOs are trained on dealing with difficult people, dangerous dogs, de-escalation non-confrontational tactics, and have an electronic “red flag” system in place for properties with known dangerous situations or known potentially violent individuals. MLEOs do not have full spectrum use of force training.
Impact: <ul style="list-style-type: none"> • 6 additional MLEOs and 2 additional vehicles • enhanced communications with LPS to receive complaints and for immediate LPS backup • LPS would attend where pre-determined risk is determined and between 3:00 am and 8:30 am

Option #3 - Full-Time MLEO Enforcement – Existing & New MLEOs
This option is similar to Option #2 above except that noise complaints would be addressed by a combination of existing and new MLEOs. Additional full-time MLEOs would be required to staff evening shifts (in pairs) and new weekend shifts. Additional part-time MLEOs would be required for the months of May to October when the propensity of noise complaints is higher. Staffing promotions would be considered to introduce supervisory and training duties.
Impact: <ul style="list-style-type: none"> • 4 additional full-time MLEOs • 2 additional part-time, half-year MLEOs (up to 21 hours per week) • no additional vehicles • enhanced communications with LPS to receive complaints and immediate backup • LPS would attend where pre-determined risk is determined and between 3:00 am and 8:30 am



Option #4 - Peak-Time, Full-Year MLEO Enforcement
MLEOs address all peak-time noise complaints in addition to currently enforced complaints. Many noise complaints related to house parties are received during the evening hours on Thursday, Friday and Saturday nights.
Impact: <ul style="list-style-type: none"> • 3 additional part-time/full-year MLEOs (up to 21 hours per week) • no additional vehicles • enhanced communications with LPS to receive complaints and immediate backup

Option #5 – Peak-Time, Half-Year MLEO Enforcement
MLEOs address all noise complaints (this is similar to option #4 above) except the peak-time enforcement would only be undertaken by MLEOs between May and October when the propensity of evening parties is higher.
Impact: <ul style="list-style-type: none"> • 3 additional part-time/half-year MLEOs (up to 21 hours per week) • no additional vehicles • enhanced communications with LPS to receive complaints and immediate backup

The other by-law related LPS calls for service are animal complaints. This includes complaints about rabid skunks, raccoons, injured deer and dog bites. LPS are often the first point of contact because of the limited hours of other agencies. During business hours, these calls generally go directly to Animal Care and Control. The vast majority of animal related calls to LPS are forwarded to the Middlesex-London Health Unit and/or Animal Care and Control for follow up. Occasionally, LPS officers must euthanize an animal (i.e. deer) if it is causing property or public safety issues. The total number of animal related calls per year is minimal as is the impact to the workload of LPS officers. No change in distribution of calls is recommended.

CONCLUSION

From an efficiency and officer safety perspective, the current joint enforcement model implemented in 2008, as a result of the noise by-law review, is working well. Partnerships during projects such as LEARN and St. Patty’s Day address noise issues adequately as the number of LPS/MLEO staffing resources are increased at this time and noise issues are addressed as a higher priority.

The benefit of LPS officers attending noise occurrences (when the noise complaint cannot be resolved by telephone) is the jurisdictional authority of the LPS officer to address any other matters which may be present during the occurrence (domestic issue, drugs, alcohol) and the authority to arrest or use of force options. The LPS officer also has the ability to request immediate, multiple officer backup if required. If an MLEO is on the scene at a noise occurrence and observes other alleged violations or perceives a health and safety risk, the MLEO must call for LPS assistance (as the MLEO does not have the jurisdiction to address alleged criminal matters or full spectrum use of force training).

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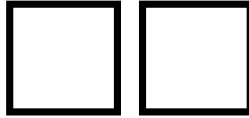
Should Council wish to proceed with shifting all noise complaints to MLEOs, Option #3 (Full-time MLEO Enforcement – Existing and New MLEOs) could be implemented. This would involve an enhanced budget of \$389,000 based on staffing (full time and part time), communications and training.

ACKNOWLEDGEMENTS

This report was prepared in consultation with Deputy Chief Steve Williams, London Police Service.

PREPARED BY:	RECOMMENDED BY:
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Attach: Appendix A & Appendix B



APPENDIX A



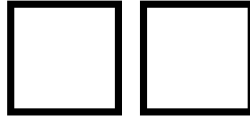

Table 1 City of London - Municipal Law Enforcement Services Complaints					
Type/Complaint		2012	2013	2014	2015
1	Property Standards	733	516	741	744
2	Fence By-law	131	130	77	75
3	Graffiti	N/A	15	90	70
4	Licencing	N/A	796	920	728
5	Noise	389	400	484	464
6	Pool Fence	125	95	109	100
7	Sign	617	488	433	417
8	Street Numbering	62	25	320	28
9	Trees	N/A	102	130	173
10	Yard/Lot	2732	2266	2501	2491
11	Vacant Buildings	N/A	N/A	106	109
12	Vital Services	N/A	80	151	99
13	Zoning	636	525	449	439

Table 2 City of London - Municipal Law Enforcement Services Noise By-Law Complaints					
Enforcement		2012	2013	2014	2015
Municipal Law Enforcement		389	400	484	464
London Police Services		4824	4687	4158	4529



APPENDIX B

City of London - Municipal Law Enforcement Services Noise Enforcement Option Costs				
Enforcement Option		# New Officers	Operating \$	Capital \$
1	Current LPS/MLEO Model	0	\$00	\$00
2	Full-Time New MLEO Noise Enforcement*	6 FTE	\$502,600	\$60,000
3	Full-Time New & Existing MLEO Noise Enforcement*	4 FTE 2 PTE (May–Oct)	\$389,000	\$00
4	Peak-Time Full-Year Enforcement**	3 PTE	\$150,300	\$00
5	Peak-Time Half-Year Enforcement**	3 PTE (May – Oct)	\$84,000	\$00

Notes:

- Full-Time MLEO – Level 11 (mid range) plus fringe @ 29.14% = \$73,500
- Full-Year/Part-Time MLEO – Level 11 (mid range) plus fringe @ 29.14% = \$44,100
- Half-Year/Part-Time MLEO – Level 11 (mid range) plus fringe @ 29.14% = \$22,000
- Office/communications/uniform/protective vest = \$6,000
- Four office work spaces = \$15,000
- Vehicle Capital Cost = \$30,000
- Vehicle maintenance/fuel costs = \$5,300

* Full time refers to 24/7 enforcement by MLEOs except for the hours of 3:00 am to 8:30 am and where LPS has pre-determined risk to officer safety due to previous occurrences.

** Peak time refers to Thursday, Friday and Saturday evenings between the hours of 7:00 pm and 3:00 am.